

1 A bill to be entitled
 2 An act relating to public campaign financing; repealing
 3 ss. 106.30-106.36, F.S., the "Florida Election Campaign
 4 Financing Act"; amending ss. 106.07, 106.141, 106.22,
 5 106.265, 328.72, and 607.1622, F.S.; deleting references
 6 to the Election Campaign Financing Trust Fund, which
 7 expired, effective November 4, 1996, by operation of s.
 8 19(f), Art. III of the State Constitution; providing a
 9 contingent effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Sections 106.30, 106.31, 106.32, 106.33,
 14 106.34, 106.35, 106.353, 106.355, and 106.36, Florida Statutes,
 15 are repealed.

16 Section 2. Subsection (1) of section 106.07, Florida
 17 Statutes, is amended to read:

18 106.07 Reports; certification and filing.--

19 (1) Each campaign treasurer designated by a candidate or
 20 political committee pursuant to s. 106.021 shall file regular
 21 reports of all contributions received, and all expenditures
 22 made, by or on behalf of such candidate or political committee.
 23 Reports shall be filed on the 10th day following the end of each
 24 calendar quarter from the time the campaign treasurer is
 25 appointed, except that, if the 10th day following the end of a
 26 calendar quarter occurs on a Saturday, Sunday, or legal holiday,
 27 the report shall be filed on the next following day which is not
 28 a Saturday, Sunday, or legal holiday. Quarterly reports shall

29 | include all contributions received and expenditures made during
 30 | the calendar quarter which have not otherwise been reported
 31 | pursuant to this section.

32 | (a) ~~Except as provided in paragraph (b),~~ Following the
 33 | last day of qualifying for office, the reports shall be filed on
 34 | the 32nd, 18th, and 4th days immediately preceding the primary
 35 | and on the 46th, 32nd, 18th, and 4th days immediately preceding
 36 | the election, for a candidate who is opposed in seeking
 37 | nomination or election to any office, for a political committee,
 38 | or for a committee of continuous existence.

39 | ~~(b) Following the last day of qualifying for office, any~~
 40 | ~~statewide candidate who has requested to receive contributions~~
 41 | ~~from the Election Campaign Financing Trust Fund or any statewide~~
 42 | ~~candidate in a race with a candidate who has requested to~~
 43 | ~~receive contributions from the trust fund shall file reports on~~
 44 | ~~the 4th, 11th, 18th, 25th, and 32nd days prior to the primary~~
 45 | ~~election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th,~~
 46 | ~~and 53rd days prior to the general election.~~

47 | (b)(e) Following the last day of qualifying for office,
 48 | any unopposed candidate need only file a report within 90 days
 49 | after the date such candidate became unopposed. Such report
 50 | shall contain all previously unreported contributions and
 51 | expenditures as required by this section and shall reflect
 52 | disposition of funds as required by s. 106.141.

53 | (c)(d)1. When a special election is called to fill a
 54 | vacancy in office, all political committees and committees of
 55 | continuous existence making contributions or expenditures to
 56 | influence the results of such special election shall file

57 campaign treasurers' reports with the filing officer on the
 58 dates set by the Department of State pursuant to s. 100.111.

59 2. When an election is called for an issue to appear on
 60 the ballot at a time when no candidates are scheduled to appear
 61 on the ballot, all political committees making contributions or
 62 expenditures in support of or in opposition to such issue shall
 63 file reports on the 18th and 4th days prior to such election.

64 (d)~~(e)~~ The filing officer shall provide each candidate
 65 with a schedule designating the beginning and end of reporting
 66 periods as well as the corresponding designated due dates.

67 Section 3. Subsection (4) of section 106.141, Florida
 68 Statutes, is amended to read:

69 106.141 Disposition of surplus funds by candidates.--

70 ~~(4) (a) Except as provided in paragraph (b),~~ Any candidate
 71 required to dispose of funds pursuant to this section shall, at
 72 the option of the candidate, dispose of such funds by any of the
 73 following means, or any combination thereof:

74 (a)1. Return pro rata to each contributor the funds that
 75 have not been spent or obligated.

76 (b)2. Donate the funds that have not been spent or
 77 obligated to a charitable organization or organizations that
 78 meet the qualifications of s. 501(c)(3) of the Internal Revenue
 79 Code.

80 (c)3. Give not more than \$10,000 of the funds that have
 81 not been spent or obligated to the political party of which such
 82 candidate is a member, except that a candidate for the Florida
 83 Senate may give not more than \$30,000 of such funds to the
 84 political party of which the candidate is a member.

85 (d)4. Give the funds that have not been spent or
 86 obligated:

87 1.a. In the case of a candidate for state office, to the
 88 state, to be deposited in ~~either the Election Campaign Financing~~
 89 ~~Trust Fund or the General Revenue Fund, as designated by the~~
 90 ~~candidate; or~~

91 2.b. In the case of a candidate for an office of a
 92 political subdivision, to such political subdivision, to be
 93 deposited in the general fund thereof.

94 ~~(b) Any candidate required to dispose of funds pursuant to~~
 95 ~~this section who has received contributions from the Election~~
 96 ~~Campaign Financing Trust Fund shall return all surplus campaign~~
 97 ~~funds to the Election Campaign Financing Trust Fund.~~

98 Section 4. Subsection (6) of section 106.22, Florida
 99 Statutes, is amended to read:

100 106.22 Duties of the Division of Elections.--It is the
 101 duty of the Division of Elections to:

102 (6) Make, from time to time, audits and field
 103 investigations with respect to reports and statements filed
 104 under the provisions of this chapter and with respect to alleged
 105 failures to file any report or statement required under the
 106 provisions of this chapter. ~~The division shall conduct a~~
 107 ~~postelection audit of the campaign accounts of all candidates~~
 108 ~~receiving contributions from the Election Campaign Financing~~
 109 ~~Trust Fund.~~

110 Section 5. Subsections (3), (4), and (5) of section
 111 106.265, Florida Statutes, are amended to read:

112 106.265 Civil penalties.--

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113 (3) Any civil penalty collected pursuant to the provisions
114 of this section shall be deposited into the General Revenue
115 ~~Election Campaign Financing Trust~~ Fund.

116 ~~(4) Notwithstanding any other provisions of this chapter,~~
117 ~~any fine assessed pursuant to the provisions of this chapter,~~
118 ~~which fine is designated to be deposited or which would~~
119 ~~otherwise be deposited into the General Revenue Fund of the~~
120 ~~state, shall be deposited into the Election Campaign Financing~~
121 ~~Trust Fund.~~

122 (4)~~(5)~~ In any case in which the commission determines that
123 a person has filed a complaint against another person with a
124 malicious intent to injure the reputation of the person
125 complained against by filing the complaint with knowledge that
126 the complaint contains one or more false allegations or with
127 reckless disregard for whether the complaint contains false
128 allegations of fact material to a violation of this chapter or
129 chapter 104, the complainant shall be liable for costs and
130 reasonable attorney's fees incurred in the defense of the person
131 complained against, including the costs and reasonable
132 attorney's fees incurred in proving entitlement to and the
133 amount of costs and fees. If the complainant fails to pay such
134 costs and fees voluntarily within 30 days following such finding
135 by the commission, the commission shall forward such information
136 to the Department of Legal Affairs, which shall bring a civil
137 action in a court of competent jurisdiction to recover the
138 amount of such costs and fees awarded by the commission.

139 Section 6. Subsection (11) of section 328.72, Florida
140 Statutes, is amended to read:

141 328.72 Classification; registration; fees and charges;
 142 surcharge; disposition of fees; fines; marine turtle stickers.--

143 (11) VOLUNTARY CONTRIBUTIONS.--The application form for
 144 boat registration shall include a provision to allow each
 145 applicant to indicate a desire to pay an additional voluntary
 146 contribution to the Save the Manatee Trust Fund to be used for
 147 the purposes specified in s.379.2431(4). This contribution shall
 148 be in addition to all other fees and charges. The amount of the
 149 request for a voluntary contribution solicited shall be \$2 or \$5
 150 per registrant. A registrant who provides a voluntary
 151 contribution of \$5 or more shall be given a sticker or emblem by
 152 the tax collector to display, which signifies support for the
 153 Save the Manatee Trust Fund. All voluntary contributions shall
 154 be deposited in the Save the Manatee Trust Fund and shall be
 155 used for the purposes specified in s. 379.2431(4). ~~The form~~
 156 ~~shall also include language permitting a voluntary contribution~~
 157 ~~of \$5 per applicant, which contribution shall be transferred~~
 158 ~~into the Election Campaign Financing Trust Fund. A statement~~
 159 ~~providing an explanation of the purpose of the trust fund shall~~
 160 ~~also be included.~~

161 Section 7. Subsection (1) of section 607.1622, Florida
 162 Statutes, is amended to read:

163 607.1622 Annual report for Department of State.--

164 (1) Each domestic corporation and each foreign corporation
 165 authorized to transact business in this state shall deliver to
 166 the Department of State for filing a sworn annual report on such
 167 forms as the Department of State prescribes that sets forth:

168 (a) The name of the corporation and the state or country
 169 under the law of which it is incorporated.†

170 (b) The date of incorporation or, if a foreign
 171 corporation, the date on which it was admitted to do business in
 172 this state.†

173 (c) The address of its principal office and the mailing
 174 address of the corporation.†

175 (d) The corporation's federal employer identification
 176 number, if any, or, if none, whether one has been applied for.†

177 (e) The names and business street addresses of its
 178 directors and principal officers.†

179 (f) The street address of its registered office and the
 180 name of its registered agent at that office in this state.†

181 ~~(g) Language permitting a voluntary contribution of \$5 per
 182 taxpayer, which contribution shall be transferred into the
 183 Election Campaign Financing Trust Fund. A statement providing an
 184 explanation of the purpose of the trust fund shall also be
 185 included; and~~

186 (g) ~~(h)~~ Such additional information as may be necessary or
 187 appropriate to enable the Department of State to carry out the
 188 provisions of this act.

189 Section 8. This act shall take effect on the effective
 190 date of an amendment to the State Constitution approved by the
 191 electors at the general election to be held in November 2010
 192 which authorizes, or removes impediment to, enactment by the
 193 Legislature of the provisions of this act.