

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; amending s.
 9 106.34, F.S.; providing expenditure limits for certain
 10 candidates for statewide office; providing effective
 11 dates, one of which is contingent.

12
 13 Be It Enacted by the Legislature of the State of Florida:

14
 15 Section 1. Sections 106.30, 106.31, 106.32, 106.33,
 16 106.34, 106.35, 106.353, 106.355, and 106.36, Florida Statutes,
 17 are repealed.

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

20 106.07 Reports; certification and filing.--

21 (1) Each campaign treasurer designated by a candidate or
 22 political committee pursuant to s. 106.021 shall file regular
 23 reports of all contributions received, and all expenditures
 24 made, by or on behalf of such candidate or political committee.
 25 Reports shall be filed on the 10th day following the end of each
 26 calendar quarter from the time the campaign treasurer is
 27 appointed, except that, if the 10th day following the end of a
 28 calendar quarter occurs on a Saturday, Sunday, or legal holiday,

29 | the report shall be filed on the next following day which is not
 30 | a Saturday, Sunday, or legal holiday. Quarterly reports shall
 31 | include all contributions received and expenditures made during
 32 | the calendar quarter which have not otherwise been reported
 33 | pursuant to this section.

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

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

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

55 | (c) ~~(d)~~1. When a special election is called to fill a
 56 | vacancy in office, all political committees and committees of

CS/CS/HB 83

2009

57 | continuous existence making contributions or expenditures to
58 | influence the results of such special election shall file
59 | campaign treasurers' reports with the filing officer on the
60 | dates set by the Department of State pursuant to s. 100.111.

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

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

69 | Section 3. Subsection (4) of section 106.141, Florida
70 | Statutes, is amended to read:

71 | 106.141 Disposition of surplus funds by candidates.--

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

76 | (a)~~1.~~ Return pro rata to each contributor the funds that
77 | have not been spent or obligated.

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

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

85 Senate may give not more than \$30,000 of such funds to the
 86 political party of which the candidate is a member.

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

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

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

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

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

102 106.22 Duties of the Division of Elections.--It is the
 103 duty of the Division of Elections to:

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

CS/CS/HB 83

2009

112 Section 5. Subsections (3), (4), and (5) of section
113 106.265, Florida Statutes, are amended to read:

114 106.265 Civil penalties.--

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

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

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

CS/CS/HB 83

2009

139 | action in a court of competent jurisdiction to recover the
 140 | amount of such costs and fees awarded by the commission.

141 | Section 6. Subsection (11) of section 328.72, Florida
 142 | Statutes, is amended to read:

143 | 328.72 Classification; registration; fees and charges;
 144 | surcharge; disposition of fees; fines; marine turtle stickers.--

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

163 | Section 7. Subsection (1) of section 607.1622, Florida
 164 | Statutes, is amended to read:

165 | 607.1622 Annual report for Department of State.--

CS/CS/HB 83

2009

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

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

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

175 (c) The address of its principal office and the mailing
176 address of the corporation.†

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

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

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

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

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

191 Section 8. Section 106.34, Florida Statutes, is amended to
192 read:

193 (Substantial rewording of section. See

194 s. 106.34, F.S., for present text.)
 195 106.34 Expenditure limits.--
 196 (1) Any candidate for Governor, Lieutenant Governor, or
 197 Cabinet officer who requests contributions from the Election
 198 Campaign Financing Trust Fund shall limit his or her total
 199 expenditures as follows:
 200 (a) Governor or Lieutenant Governor: \$7 million.
 201 (b) Cabinet officer: \$3 million.
 202 (2) The expenditure limit for any candidate who has
 203 primary election opposition only is 60 percent of the limit
 204 provided in subsection (1).
 205 (3) The expenditure limit shall be adjusted quadrennially
 206 by the Secretary of State to reflect the rate of inflation or
 207 deflation as indicated in the Consumer Price Index for All Urban
 208 Consumers, U.S. City Average, All Items, 1967=100, or successor
 209 reports as reported by the Bureau of Labor Statistics of the
 210 United States Department of Labor.
 211 (4) As used in this section, the term "expenditure" does
 212 not include the payment of compensation for legal and accounting
 213 services rendered on behalf of a candidate.
 214 Section 9. Sections 1 through 7 of this act shall take
 215 effect on the effective date of House Joint Resolution 81, or a
 216 similar joint resolution having substantially the same specific
 217 intent and purpose, if that joint resolution is approved by the
 218 electors at the general election to be held in November 2010,
 219 and section 8 of this act shall take effect January 1, 2010.