

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Saunders offered the following:

2

3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5

6 Section 1. Paragraph (b) of subsection (1) of section
7 106.011, Florida Statutes, is reenacted and amended, subsections
8 (3) and (4) of that section are reenacted, subsection (14) of
9 that section is amended, and subsections (18) and (19) of that
10 section are reenacted and amended, to read:

11 106.011 Definitions.—As used in this chapter, the
12 following terms have the following meanings unless the context
13 clearly indicates otherwise:

14 (1)

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15 (b) Notwithstanding paragraph (a), the following entities
16 are not considered political committees for purposes of this
17 chapter:

18 1. Organizations which are certified by the Department of
19 State as committees of continuous existence pursuant to s.
20 106.04, national political parties, and the state and county
21 executive committees of political parties regulated by chapter
22 103.

23 2. Corporations regulated by chapter 607 or chapter 617 or
24 other business entities formed for purposes other than to
25 support or oppose issues or candidates, if their political
26 activities are limited to contributions to candidates, political
27 parties, or political committees or expenditures in support of
28 or opposition to an issue from corporate or business funds and
29 if no contributions are received by such corporations or
30 business entities.

31 3. ~~Electioneering communications organizations as defined~~
32 ~~in subsection (19); however, such organizations shall be~~
33 ~~required to register with and report expenditures and~~
34 ~~contributions, including contributions received from committees~~
35 ~~of continuous existence, to the Division of Elections in the~~
36 ~~same manner, at the same time, and subject to the same penalties~~
37 ~~as a political committee supporting or opposing an issue or a~~
38 ~~legislative candidate, except as otherwise specifically provided~~
39 ~~in this chapter.~~

40 (3) "Contribution" means:

41 (a) A gift, subscription, conveyance, deposit, loan,
42 payment, or distribution of money or anything of value,
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43 including contributions in kind having an attributable monetary
44 value in any form, made for the purpose of influencing the
45 results of an election or making an electioneering
46 communication.

47 (b) A transfer of funds between political committees,
48 between committees of continuous existence, between
49 electioneering communications organizations, or between any
50 combination of these groups.

51 (c) The payment, by any person other than a candidate or
52 political committee, of compensation for the personal services
53 of another person which are rendered to a candidate or political
54 committee without charge to the candidate or committee for such
55 services.

56 (d) The transfer of funds by a campaign treasurer or
57 deputy campaign treasurer between a primary depository and a
58 separate interest-bearing account or certificate of deposit, and
59 the term includes any interest earned on such account or
60 certificate.

61
62 Notwithstanding the foregoing meanings of "contribution," the
63 word shall not be construed to include services, including, but
64 not limited to, legal and accounting services, provided without
65 compensation by individuals volunteering a portion or all of
66 their time on behalf of a candidate or political committee. This
67 definition shall not be construed to include editorial
68 endorsements.

69 (4) (a) "Expenditure" means a purchase, payment,
70 distribution, loan, advance, transfer of funds by a campaign
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71 treasurer or deputy campaign treasurer between a primary
72 depository and a separate interest-bearing account or
73 certificate of deposit, or gift of money or anything of value
74 made for the purpose of influencing the results of an election
75 or making an electioneering communication. However,
76 "expenditure" does not include a purchase, payment,
77 distribution, loan, advance, or gift of money or anything of
78 value made for the purpose of influencing the results of an
79 election when made by an organization, in existence prior to the
80 time during which a candidate qualifies or an issue is placed on
81 the ballot for that election, for the purpose of printing or
82 distributing such organization's newsletter, containing a
83 statement by such organization in support of or opposition to a
84 candidate or issue, which newsletter is distributed only to
85 members of such organization.

86 (b) As used in this chapter, an "expenditure" for an
87 electioneering communication is made when the earliest of the
88 following occurs:

89 1. A person enters into a contract for applicable goods or
90 services;

91 2. A person makes payment, in whole or in part, for the
92 production or public dissemination of applicable goods or
93 services; or

94 3. The electioneering communication is publicly
95 disseminated.

96 (14) "Filing officer" means the person before whom a
97 candidate qualifies, the agency or officer with whom a political
98 committee or an electioneering communications organization

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99 registers, or the agency by whom a committee of continuous
100 existence is certified.

101 (18) (a) "Electioneering communication" means any
102 communication publicly distributed by a television station,
103 radio station, cable television system, or satellite system a
104 ~~paid expression in any communications media prescribed in~~
105 ~~subsection (13) by means other than the spoken word in direct~~
106 ~~conversation~~ that:

107 1. Refers to or depicts a clearly identified candidate for
108 office ~~or contains a clear reference indicating that an issue is~~
109 ~~to be voted on at an election,~~ without expressly advocating the
110 election or defeat of a candidate but that represents the
111 functional equivalent of express advocacy. The functional
112 equivalent of express advocacy consists of communication that is
113 susceptible of no reasonable interpretation other than an appeal
114 to vote for or against a specific candidate, including, but not
115 limited to, taking a position on any candidate's character,
116 qualifications, or fitness for office; ~~or the passage or defeat~~
117 ~~of an issue.~~

118 2. Is made within 30 days before a primary or special
119 primary election or 60 days before any other election for the
120 office sought by the candidate; and

121 3. ~~Is For communications referring to or depicting a~~
122 ~~clearly identified candidate for office, is targeted to the~~
123 ~~relevant electorate. A communication is considered targeted if~~
124 ~~1,000 or more persons in the geographic area the candidate would~~
125 ~~represent if elected will receive the communication.~~

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126 ~~3. For communications containing a clear reference~~
127 ~~indicating that an issue is to be voted on at an election, is~~
128 ~~published after the issue is designated a ballot position or 120~~
129 ~~days before the date of the election on the issue, whichever~~
130 ~~occurs first.~~

131 (b) The term "electioneering communication" does not
132 include:

133 1. A communication disseminated through a means of
134 communication other than a television station, radio station,
135 cable television system, or satellite system ~~statement or~~
136 ~~depiction by an organization, in existence prior to the time~~
137 ~~during which a candidate named or depicted qualifies or an issue~~
138 ~~identified is placed on the ballot for that election, made in~~
139 ~~that organization's newsletter, which newsletter is distributed~~
140 ~~only to members of that organization.~~

141 2. A communication in a news story, commentary, or
142 editorial distributed through the facilities of any radio
143 station, television station, cable television system, or
144 satellite system, unless the facilities are owned or controlled
145 by any political party, political committee, or candidate. A
146 news story distributed through the facilities owned or
147 controlled by any political party, political committee, or
148 candidate may nevertheless be exempt if it represents a bona
149 fide news account communicated through a licensed broadcasting
150 facility and the communication is part of a general pattern of
151 campaign-related news accounts that give reasonably equal
152 coverage to all opposing candidates in the area ~~An editorial~~
153 ~~endorsement, news story, commentary, or editorial by any~~

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154 ~~newspaper, radio, television station, or other recognized news~~
155 ~~medium.~~

156 3. A communication that constitutes a public debate or
157 forum that includes at least two opposing candidates for an
158 office or one advocate and one opponent of an issue, or that
159 solely promotes such a debate or forum and is made by or on
160 behalf of the person sponsoring the debate or forum, provided
161 that:

162 a. The staging organization is either:

163 (I) A charitable organization that does not make other
164 electioneering communications and does not otherwise support or
165 oppose any political candidate or political party; or

166 (II) A newspaper, radio station, television station, or
167 other recognized news medium; and

168 b. The staging organization does not structure the debate
169 to promote or advance one candidate or issue position over
170 another.

171 (c) For purposes of this chapter, an expenditure made for,
172 or in furtherance of, an electioneering communication shall not
173 be considered a contribution to or on behalf of any candidate.

174 (d) For purposes of this chapter, an electioneering
175 communication shall not constitute an independent expenditure
176 nor be subject to the limitations applicable to independent
177 expenditures.

178 (19) "Electioneering communications organization" means
179 any group, other than a political party, political committee, or
180 committee of continuous existence, whose election-related
181 activities are limited to making expenditures for electioneering

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182 communications or accepting contributions for the purpose of
183 making electioneering communications and whose activities would
184 not otherwise require the group to register as a political
185 party, political committee, or committee of continuous existence
186 under this chapter.

187 Section 2. Subsection (1) of section 106.022, Florida
188 Statutes, is reenacted to read:

189 106.022 Appointment of a registered agent; duties.—

190 (1) Each political committee, committee of continuous
191 existence, or electioneering communications organization shall
192 have and continuously maintain in this state a registered office
193 and a registered agent and must file with the division a
194 statement of appointment for the registered office and
195 registered agent. The statement of appointment must:

196 (a) Provide the name of the registered agent and the
197 street address and phone number for the registered office;

198 (b) Identify the entity for whom the registered agent
199 serves;

200 (c) Designate the address the registered agent wishes to
201 use to receive mail;

202 (d) Include the entity's undertaking to inform the
203 division of any change in such designated address;

204 (e) Provide for the registered agent's acceptance of the
205 appointment, which must confirm that the registered agent is
206 familiar with and accepts the obligations of the position as set
207 forth in this section; and

208 (f) Contain the signature of the registered agent and the
209 entity engaging the registered agent.

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210 Section 3. Paragraph (b) of subsection (1) of section
211 106.03, Florida Statutes, is reenacted and amended, and
212 subsections (2), (4), and (7) of that section are amended, to
213 read:

214 106.03 Registration of political committees and
215 electioneering communications organizations.-

216 (1)

217 (b)1. Each electioneering communications organization that
218 receives ~~anticipates receiving~~ contributions or makes ~~making~~
219 expenditures during a calendar year in an aggregate amount
220 exceeding \$5,000 shall file a statement of organization as
221 provided in subparagraph 2. ~~subsection (3)~~ by expedited delivery
222 within 24 hours after its organization or, if later, within 24
223 hours after the date on which it receives ~~has information that~~
224 ~~causes the organization to anticipate that it will receive~~
225 contributions or makes ~~make~~ expenditures for an electioneering
226 communication in excess of \$5,000.

227 2.a. In a statewide, legislative, or multicounty election,
228 an electioneering communications organization shall file a
229 statement of organization with the Division of Elections.

230 b. In a countywide election or any election held on less
231 than a countywide basis, except as described in sub-subparagraph
232 c., an electioneering communications organization shall file a
233 statement of organization with the supervisor of elections of
234 the county in which the election is being held.

235 c. In a municipal election, an electioneering
236 communications organization shall file a statement of

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237 organization with the officer before whom municipal candidates
238 qualify.

239 d. Any electioneering communications organization that
240 would be required to file a statement of organization in two or
241 more locations by reason of the organization's intention to
242 support or oppose candidates at state or multicounty and local
243 levels of government need only file a statement of organization
244 with the Division of Elections.

245 (2) The statement of organization shall include:

246 (a) The name, mailing address, and street address of the
247 committee or electioneering communications organization;

248 (b) The names, street addresses, and relationships of
249 affiliated or connected organizations;

250 (c) The area, scope, or jurisdiction of the committee or
251 electioneering communications organization;

252 (d) The name, mailing address, street address, and
253 position of the custodian of books and accounts;

254 (e) The name, mailing address, street address, and
255 position of other principal officers, including the treasurer
256 and deputy treasurer ~~including officers and members of the~~
257 ~~finance committee,~~ if any;

258 (f) The name, address, office sought, and party
259 affiliation of:

260 1. Each candidate whom the committee is supporting;

261 2. Any other individual, if any, whom the committee is
262 supporting for nomination for election, or election, to any
263 public office whatever;

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264 (g) Any issue or issues the committee ~~such organization~~ is
265 supporting or opposing;

266 (h) If the committee is supporting the entire ticket of
267 any party, a statement to that effect and the name of the party;

268 (i) A statement of whether the committee is a continuing
269 one;

270 (j) Plans for the disposition of residual funds which will
271 be made in the event of dissolution;

272 (k) A listing of all banks, safe-deposit boxes, or other
273 depositories used for committee or electioneering communications
274 organization funds; ~~and~~

275 (l) A statement of the reports required to be filed by the
276 committee or the electioneering communications organization with
277 federal officials, if any, and the names, addresses, and
278 positions of such officials; and

279 (m) A statement of whether the electioneering
280 communications organization was formed as a newly created
281 organization during the current calendar quarter or was formed
282 from an organization existing prior to the current calendar
283 quarter. For purposes of this subsection, calendar quarters end
284 the last day of March, June, September, and December.

285 (4) Any change in information previously submitted in a
286 statement of organization shall be reported to the agency or
287 officer with whom such committee or electioneering
288 communications organization is required to register ~~pursuant to~~
289 ~~subsection (3),~~ within 10 days following the change.

290 (7) The Division of Elections shall adopt ~~promulgate~~ rules
291 to prescribe the manner in which ~~inactive~~ committees and

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292 electioneering communications organizations may be dissolved and
293 have their registration canceled. Such rules shall, at a
294 minimum, provide for:

295 (a) Notice which shall contain the facts and conduct which
296 warrant the intended action, including but not limited to
297 failure to file reports and limited activity.

298 (b) Adequate opportunity to respond.

299 (c) Appeal of the decision to the Florida Elections
300 Commission. Such appeals shall be exempt from the
301 confidentiality provisions of s. 106.25.

302 Section 4. Subsection (5) of section 106.04, Florida
303 Statutes, is reenacted to read:

304 106.04 Committees of continuous existence.—

305 (5) No committee of continuous existence shall make an
306 electioneering communication, contribute to any candidate or
307 political committee an amount in excess of the limits contained
308 in s. 106.08(1), or participate in any activity which is
309 prohibited by this chapter. If any violation occurs, it shall be
310 punishable as provided in this chapter for the given offense. No
311 funds of a committee of continuous existence shall be expended
312 on behalf of a candidate, except by means of a contribution made
313 through the duly appointed campaign treasurer of a candidate. No
314 such committee shall make expenditures in support of, or in
315 opposition to, an issue unless such committee first registers as
316 a political committee pursuant to this chapter and undertakes
317 all the practices and procedures required thereof; provided such
318 committee may make contributions in a total amount not to exceed
319 25 percent of its aggregate income, as reflected in the annual
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320 report filed for the previous year, to one or more political
321 committees registered pursuant to s. 106.03 and formed to
322 support or oppose issues.

323 Section 5. Section 106.0703, Florida Statutes, is
324 reenacted and amended to read:

325 106.0703 Electioneering communications organizations;
326 ~~additional reporting requirements; certification and filing;~~
327 penalties.—

328 (1) (a) Each electioneering communications organization
329 shall file regular reports of all contributions received and all
330 expenditures made by or on behalf of the organization. Reports
331 shall be filed on the 10th day following the end of each
332 calendar quarter from the time the organization is registered.
333 However, if the 10th day following the end of a calendar quarter
334 occurs on a Saturday, Sunday, or legal holiday, the report shall
335 be filed on the next following day that is not a Saturday,
336 Sunday, or legal holiday. Quarterly reports shall include all
337 contributions received and expenditures made during the calendar
338 quarter that have not otherwise been reported pursuant to this
339 section.

340 (b) Following the last day of candidates qualifying for
341 office, the reports shall be filed on the 32nd, 18th, and 4th
342 days immediately preceding the primary election and on the 46th,
343 32nd, 18th, and 4th days immediately preceding the general
344 election.

345 (c) When a special election is called to fill a vacancy in
346 office, all electioneering communications organizations making
347 contributions or expenditures to influence the results of the
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348 special election shall file reports with the filing officer on
349 the dates set by the Department of State pursuant to s. 100.111.

350 (d) In addition to the reports required by paragraph (a),
351 an electioneering communications organization that is registered
352 with the Department of State and that makes a contribution or
353 expenditure to influence the results of a county or municipal
354 election that is not being held at the same time as a state or
355 federal election must file reports with the county or municipal
356 filing officer on the same dates as county or municipal
357 candidates or committees for that election. The electioneering
358 communications organization must also include the expenditure in
359 the next report filed with the Division of Elections pursuant to
360 this section following the county or municipal election.

361 (e) The filing officer shall make available to each
362 electioneering communications organization a schedule
363 designating the beginning and end of reporting periods as well
364 as the corresponding designated due dates.

365 (2) (a) Except as provided in s. 106.0705, the reports
366 required of an electioneering communications organization shall
367 be filed with the filing officer not later than 5 p.m. of the
368 day designated. However, any report postmarked by the United
369 States Postal Service no later than midnight of the day
370 designated shall be deemed to have been filed in a timely
371 manner. Any report received by the filing officer within 5 days
372 after the designated due date that was delivered by the United
373 States Postal Service shall be deemed timely filed unless it has
374 a postmark that indicates that the report was mailed after the
375 designated due date. A certificate of mailing obtained from and
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376 dated by the United States Postal Service at the time of
377 mailing, or a receipt from an established courier company, which
378 bears a date on or before the date on which the report is due,
379 shall be proof of mailing in a timely manner. Reports shall
380 contain information of all previously unreported contributions
381 received and expenditures made as of the preceding Friday,
382 except that the report filed on the Friday immediately preceding
383 the election shall contain information of all previously
384 unreported contributions received and expenditures made as of
385 the day preceding the designated due date. All such reports
386 shall be open to public inspection.

387 (b)1. Any report that is deemed to be incomplete by the
388 officer with whom the electioneering communications organization
389 files shall be accepted on a conditional basis, and the
390 treasurer of the electioneering communications organization
391 shall be notified by registered mail as to why the report is
392 incomplete and be given 3 days after receipt of such notice to
393 file an addendum to the report providing all information
394 necessary to complete the report in compliance with this
395 section. Failure to file a complete report after such notice
396 constitutes a violation of this chapter.

397 2. Notice is deemed sufficient upon proof of delivery of
398 written notice to the mailing or street address of the treasurer
399 or registered agent of the electioneering communication
400 organization on record with the filing officer.

401 (3) (a) Each report required by this section shall contain:

402 1. The full name, address, and occupation, if any, of each
403 person who has made one or more contributions to or for such

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404 electioneering communications organization within the reporting
405 period, together with the amount and date of such contributions.
406 For corporations, the report must provide as clear a description
407 as practicable of the principal type of business conducted by
408 the corporation. However, if the contribution is \$100 or less,
409 the occupation of the contributor or the principal type of
410 business need not be listed.

411 2. The name and address of each political committee from
412 which or to which the reporting electioneering communications
413 organization made any transfer of funds, together with the
414 amounts and dates of all transfers.

415 3. Each loan for electioneering communication purposes to
416 or from any person or political committee within the reporting
417 period, together with the full names, addresses, and occupations
418 and principal places of business, if any, of the lender and
419 endorsers, if any, and the date and amount of such loans.

420 4. A statement of each contribution, rebate, refund, or
421 other receipt not otherwise listed under subparagraphs 1.-3.

422 5. The total sums of all loans, in-kind contributions, and
423 other receipts by or for such electioneering communications
424 organization during the reporting period. The reporting forms
425 shall be designed to elicit separate totals for in-kind
426 contributions, loans, and other receipts.

427 6. The full name and address of each person to whom
428 expenditures have been made by or on behalf of the
429 electioneering communications organization within the reporting
430 period and the amount, date, and purpose of each expenditure.

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431 7. The full name and address of each person to whom an
432 expenditure for personal services, salary, or reimbursement for
433 expenses has been made and that is not otherwise reported,
434 including the amount, date, and purpose of the expenditure.

435 8. The total sum of expenditures made by the
436 electioneering communications organization during the reporting
437 period.

438 9. The amount and nature of debts and obligations owed by
439 or to the electioneering communications organization that relate
440 to the conduct of any electioneering communication.

441 10. A copy of each credit card statement which shall be
442 included in the next report following receipt thereof by the
443 electioneering communications organization. Receipts for each
444 credit card purchase shall be retained by the electioneering
445 communications organization.

446 11. The amount and nature of any separate interest-bearing
447 accounts or certificates of deposit and identification of the
448 financial institution in which such accounts or certificates of
449 deposit are located.

450 12. The primary purposes of an expenditure made indirectly
451 through an electioneering communications organization for goods
452 and services, such as communications media placement or
453 procurement services and other expenditures that include
454 multiple components as part of the expenditure. The primary
455 purpose of an expenditure shall be that purpose, including
456 integral and directly related components, that comprises 80
457 percent of such expenditure.

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458 (b) The filing officer shall make available to any
459 electioneering communications organization a reporting form
460 which the electioneering communications organization may use to
461 indicate contributions received by the electioneering
462 communications organization but returned to the contributor
463 before deposit.

464 (4) The treasurer of the electioneering communications
465 organization shall certify as to the correctness of each report,
466 and each person so certifying shall bear the responsibility for
467 the accuracy and veracity of each report. Any treasurer who
468 willfully certifies the correctness of any report while knowing
469 that such report is incorrect, false, or incomplete commits a
470 misdemeanor of the first degree, punishable as provided in s.
471 775.082 or s. 775.083.

472 (5) The electioneering communications organization
473 depository shall return all checks drawn on the account to the
474 treasurer, who shall retain the records pursuant to s. 106.06.
475 The records maintained by the depository with respect to the
476 account shall be subject to inspection by an agent of the
477 Division of Elections or the Florida Elections Commission at any
478 time during normal banking hours, and such depository shall
479 furnish certified copies of any such records to the Division of
480 Elections or the Florida Elections Commission upon request.

481 (6) Notwithstanding any other provisions of this chapter,
482 in any reporting period during which an electioneering
483 communications organization has not received funds, made any
484 contributions, or expended any reportable funds, the filing of
485 the required report for that period is waived. However, the next

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486 report filed must specify that the report covers the entire
487 period between the last submitted report and the report being
488 filed, and any electioneering communications organization not
489 reporting by virtue of this subsection on dates prescribed
490 elsewhere in this chapter shall notify the filing officer in
491 writing on the prescribed reporting date that no report is being
492 filed on that date.

493 (7) (a) Any electioneering communications organization
494 failing to file a report on the designated due date shall be
495 subject to a fine as provided in paragraph (b) for each late
496 day. The fine shall be assessed by the filing officer and the
497 moneys collected shall be deposited:

498 1. In the General Revenue Fund, in the case of an
499 electioneering communications organization that registers with
500 the Division of Elections; or

501 2. In the general revenue fund of the political
502 subdivision, in the case of an electioneering communications
503 organization that registers with an officer of a political
504 subdivision.

505
506 No separate fine shall be assessed for failure to file a copy of
507 any report required by this section.

508 (b) Upon determining that a report is late, the filing
509 officer shall immediately notify the electioneering
510 communications organization as to the failure to file a report
511 by the designated due date and that a fine is being assessed for
512 each late day. The fine shall be \$50 per day for the first 3
513 days late and, thereafter, \$500 per day for each late day, not

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514 to exceed 25 percent of the total receipts or expenditures,
515 whichever is greater, for the period covered by the late report.
516 However, for the reports immediately preceding each primary and
517 general election, the fine shall be \$500 per day for each late
518 day, not to exceed 25 percent of the total receipts or
519 expenditures, whichever is greater, for the period covered by
520 the late report. Upon receipt of the report, the filing officer
521 shall determine the amount of the fine which is due and shall
522 notify the electioneering communications organization. The
523 filing officer shall determine the amount of the fine due based
524 upon the earliest of the following:

- 525 1. When the report is actually received by such officer.
- 526 2. When the report is postmarked.
- 527 3. When the certificate of mailing is dated.
- 528 4. When the receipt from an established courier company is
529 dated.
- 530 5. When the electronic receipt issued pursuant to s.
531 106.0705 or other electronic filing system authorized in this
532 section is dated.

533

534 Such fine shall be paid to the filing officer within 20 days
535 after receipt of the notice of payment due, unless appeal is
536 made to the Florida Elections Commission pursuant to paragraph
537 (c). An officer or member of an electioneering communications
538 organization shall not be personally liable for such fine.

539 (c) The treasurer of an electioneering communications
540 organization may appeal or dispute the fine, based upon, but not
541 limited to, unusual circumstances surrounding the failure to

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542 file on the designated due date, and may request and shall be
543 entitled to a hearing before the Florida Elections Commission,
544 which shall have the authority to waive the fine in whole or in
545 part. The Florida Elections Commission must consider the
546 mitigating and aggravating circumstances contained in s.
547 106.265(1) when determining the amount of a fine, if any, to be
548 waived. Any such request shall be made within 20 days after
549 receipt of the notice of payment due. In such case, the
550 treasurer of the electioneering communications organization
551 shall, within the 20-day period, notify the filing officer in
552 writing of his or her intention to bring the matter before the
553 commission.

554 (d) The appropriate filing officer shall notify the
555 Florida Elections Commission of the repeated late filing by an
556 electioneering communications organization, the failure of an
557 electioneering communications organization to file a report
558 after notice, or the failure to pay the fine imposed. The
559 commission shall investigate only those alleged late filing
560 violations specifically identified by the filing officer and as
561 set forth in the notification. Any other alleged violations must
562 be stated separately and reported by the division to the
563 commission under s. 106.25(2).

564 ~~(8) In addition to the reporting requirements in s.~~
565 ~~106.07,~~ An electioneering communications organization shall,
566 within 2 days after receiving its initial password or secure
567 sign-on from the Department of State allowing confidential
568 access to the department's electronic campaign finance filing
569 system, electronically file the periodic ~~campaign finance~~
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570 reports that would have been required pursuant to this section
571 ~~s. 106.07~~ for reportable activities that occurred since the date
572 of the last general election.

573 Section 6. Paragraph (b) of subsection (2) of section
574 106.0705, Florida Statutes, is reenacted, and subsections (3)
575 and (4) of that section are amended, to read:

576 106.0705 Electronic filing of campaign treasurer's
577 reports.—

578 (2)

579 (b) Each political committee, committee of continuous
580 existence, electioneering communications organization, or state
581 executive committee that is required to file reports with the
582 division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29,
583 as applicable, must file such reports with the division by means
584 of the division's electronic filing system.

585 (3) Reports filed pursuant to this section shall be
586 completed and filed through the electronic filing system not
587 later than midnight of the day designated. Reports not filed by
588 midnight of the day designated are late filed and are subject to
589 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),
590 or s. 106.29(3), as applicable.

591 (4) Each report filed pursuant to this section is
592 considered to be under oath by the candidate and treasurer or
593 the chair and treasurer, whichever is applicable, and such
594 persons are subject to the provisions of s. 106.04(4)(d), s.
595 106.07(5), s. 106.0703(4), or s. 106.29(2), as applicable.
596 Persons given a secure sign-on to the electronic filing system
597 are responsible for protecting such from disclosure and are

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598 responsible for all filings using such credentials, unless they
599 have notified the division that their credentials have been
600 compromised.

601 Section 7. Subsection (1) of section 106.071, Florida
602 Statutes, is reenacted and amended to read:

603 106.071 Independent expenditures; electioneering
604 communications; reports; disclaimers.—

605 (1) Each person who makes an independent expenditure with
606 respect to any candidate or issue, and each individual who makes
607 an expenditure for an electioneering communication which is not
608 otherwise reported pursuant to this chapter, which expenditure,
609 in the aggregate, is in the amount of \$5,000 ~~\$100~~ or more, shall
610 file periodic reports of such expenditures in the same manner,
611 at the same time, subject to the same penalties, and with the
612 same officer as a political committee supporting or opposing
613 such candidate or issue. The report shall contain the full name
614 and address of the person making the expenditure; the full name
615 and address of each person to whom and for whom each such
616 expenditure has been made; the amount, date, and purpose of each
617 such expenditure; a description of the services or goods
618 obtained by each such expenditure; the issue to which the
619 expenditure relates; and the name and address of, and office
620 sought by, each candidate on whose behalf such expenditure was
621 made.

622 Section 8. Subsections (4) and (5) of section 106.08,
623 Florida Statutes, are amended, and subsection (7) of that
624 section is reenacted, to read:

625 106.08 Contributions; limitations on.—

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626 (4) ~~(a)~~ Any contribution received by the chair, campaign
627 treasurer, or deputy campaign treasurer of a political committee
628 supporting or opposing a candidate with opposition in an
629 election or supporting or opposing an issue on the ballot in an
630 election on the day of that election or less than 5 days prior
631 to the day of that election may not be obligated or expended by
632 the committee until after the date of the election.

633 ~~(b) Any contribution received by an electioneering~~
634 ~~communications organization on the day of an election or less~~
635 ~~than 5 days prior to the day of that election may not be~~
636 ~~obligated or expended by the organization until after the date~~
637 ~~of the election and may not be expended to pay for any~~
638 ~~obligation arising prior to the election.~~

639 (5) (a) A person may not make any contribution through or
640 in the name of another, directly or indirectly, in any election.

641 (b) Candidates, political committees, and political
642 parties may not solicit contributions from any religious,
643 charitable, civic, or other causes or organizations established
644 primarily for the public good.

645 (c) Candidates, political committees, and political
646 parties may not make contributions, in exchange for political
647 support, to any religious, charitable, civic, or other cause or
648 organization established primarily for the public good. It is
649 not a violation of this paragraph for:

650 1. A candidate, political committee, or political party
651 executive committee to make gifts of money in lieu of flowers in
652 memory of a deceased person;

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653 2. A candidate to continue membership in, or make regular
654 donations from personal or business funds to, religious,
655 political party, civic, or charitable groups of which the
656 candidate is a member or to which the candidate has been a
657 regular donor for more than 6 months; or

658 3. A candidate to purchase, with campaign funds, tickets,
659 admission to events, or advertisements from religious, civic,
660 political party, or charitable groups.

661 ~~(d) An electioneering communications organization may not~~
662 ~~accept a contribution from an organization exempt from taxation~~
663 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~
664 ~~than a political committee, committee of continuous existence,~~
665 ~~or political party, unless the contributing organization has~~
666 ~~registered as if the organization were an electioneering~~
667 ~~communications organization pursuant to s. 106.03 and has filed~~
668 ~~all campaign finance reports required of electioneering~~
669 ~~communications organizations pursuant to ss. 106.07 and~~
670 ~~106.0703.~~

671 (7) (a) Any person who knowingly and willfully makes or
672 accepts no more than one contribution in violation of subsection
673 (1) or subsection (5), or any person who knowingly and willfully
674 fails or refuses to return any contribution as required in
675 subsection (3), commits a misdemeanor of the first degree,
676 punishable as provided in s. 775.082 or s. 775.083. If any
677 corporation, partnership, or other business entity or any
678 political party, political committee, committee of continuous
679 existence, or electioneering communications organization is
680 convicted of knowingly and willfully violating any provision
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681 punishable under this paragraph, it shall be fined not less than
682 \$1,000 and not more than \$10,000. If it is a domestic entity, it
683 may be ordered dissolved by a court of competent jurisdiction;
684 if it is a foreign or nonresident business entity, its right to
685 do business in this state may be forfeited. Any officer,
686 partner, agent, attorney, or other representative of a
687 corporation, partnership, or other business entity, or of a
688 political party, political committee, committee of continuous
689 existence, electioneering communications organization, or
690 organization exempt from taxation under s. 527 or s. 501(c)(4)
691 of the Internal Revenue Code, who aids, abets, advises, or
692 participates in a violation of any provision punishable under
693 this paragraph commits a misdemeanor of the first degree,
694 punishable as provided in s. 775.082 or s. 775.083.

695 (b) Any person who knowingly and willfully makes or
696 accepts two or more contributions in violation of subsection (1)
697 or subsection (5) commits a felony of the third degree,
698 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
699 If any corporation, partnership, or other business entity or any
700 political party, political committee, committee of continuous
701 existence, or electioneering communications organization is
702 convicted of knowingly and willfully violating any provision
703 punishable under this paragraph, it shall be fined not less than
704 \$10,000 and not more than \$50,000. If it is a domestic entity,
705 it may be ordered dissolved by a court of competent
706 jurisdiction; if it is a foreign or nonresident business entity,
707 its right to do business in this state may be forfeited. Any
708 officer, partner, agent, attorney, or other representative of a

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709 corporation, partnership, or other business entity, or of a
710 political committee, committee of continuous existence,
711 political party, or electioneering communications organization,
712 or organization exempt from taxation under s. 527 or s.
713 501(c)(4) of the Internal Revenue Code, who aids, abets,
714 advises, or participates in a violation of any provision
715 punishable under this paragraph commits a felony of the third
716 degree, punishable as provided in s. 775.082, s. 775.083, or s.
717 775.084.

718 Section 9. Section 106.113, Florida Statutes, is amended
719 to read:

720 106.113 Expenditures by local governments.-

721 (1) As used in this section, the term:

722 ~~(a)~~ "local government" means:

723 (a)1. A county, municipality, school district, or other
724 political subdivision in this state; and

725 (b)2. Any department, agency, board, bureau, district,
726 commission, authority, or similar body of a county,
727 municipality, school district, or other political subdivision of
728 this state.

729 ~~(b) "Public funds" means all moneys under the jurisdiction~~
730 ~~or control of the local government.~~

731 (2) A local government or a person acting on behalf of
732 local government may not make a specific appropriation or
733 designated expenditure of moneys under the jurisdiction or
734 control of the local government ~~expend or authorize the~~
735 ~~expenditure of~~, and a person or group may not accept such
736 moneys, public funds for the purpose of a political

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737 advertisement ~~or electioneering communication~~ concerning an
738 issue, referendum, or amendment, including any state question,
739 that is subject to a vote of the electors. ~~This subsection does~~
740 ~~not apply to an electioneering communication from a local~~
741 ~~government or a person acting on behalf of a local government~~
742 ~~which is limited to factual information.~~

743 (3) With the exception of the prohibitions specified in
744 subsection (2), this section does not preclude an ~~elected~~
745 official of the local government from expressing an opinion on
746 any issue at any time.

747 Section 10. Section 106.1437, Florida Statutes, is
748 reenacted to read:

749 106.1437 Miscellaneous advertisements.—Any advertisement,
750 other than a political advertisement, independent expenditure,
751 or electioneering communication, on billboards, bumper stickers,
752 radio, or television, or in a newspaper, a magazine, or a
753 periodical, intended to influence public policy or the vote of a
754 public official, shall clearly designate the sponsor of such
755 advertisement by including a clearly readable statement of
756 sponsorship. If the advertisement is broadcast on television,
757 the advertisement shall also contain a verbal statement of
758 sponsorship. This section shall not apply to an editorial
759 endorsement.

760 Section 11. Section 106.1439, Florida Statutes, is
761 reenacted to read:

762 106.1439 Electioneering communications; disclaimers.—

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763 (1) Any electioneering communication shall prominently
764 state: "Paid electioneering communication paid for by ... (Name
765 and address of person paying for the communication)...."

766 (2) Any person who fails to include the disclaimer
767 prescribed in this section in any electioneering communication
768 that is required to contain such disclaimer commits a
769 misdemeanor of the first degree, punishable as provided in s.
770 775.082 or s. 775.083.

771 Section 12. Paragraphs (a) and (e) of subsection (1) of
772 section 106.147, Florida Statutes, are amended to read:

773 106.147 Telephone solicitation; disclosure requirements;
774 prohibitions; exemptions; penalties.-

775 (1) (a) ~~Any electioneering communication telephone call or~~
776 ~~any~~ telephone call supporting or opposing a candidate, elected
777 public official, or ballot proposal must identify the persons or
778 organizations sponsoring the call by stating either: "paid for
779 by ____" (insert name of persons or organizations sponsoring
780 the call) or "paid for on behalf of ____" (insert name of
781 persons or organizations authorizing call). This paragraph does
782 not apply to any telephone call in which both the individual
783 making the call is not being paid and the individuals
784 participating in the call know each other prior to the call.

785 ~~(e) Any electioneering communication paid for with public~~
786 ~~funds must include a disclaimer containing the words "paid for~~
787 ~~by ... (Name of the government entity paying for the~~
788 ~~communication)...."~~

789 Section 13. Section 106.17, Florida Statutes, is reenacted
790 to read:

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791 106.17 Polls and surveys relating to candidacies.—Any
 792 candidate, political committee, committee of continuous
 793 existence, electioneering communication organization, or state
 794 or county executive committee of a political party may authorize
 795 or conduct a political poll, survey, index, or measurement of
 796 any kind relating to candidacy for public office so long as the
 797 candidate, political committee, committee of continuous
 798 existence, electioneering communication organization, or
 799 political party maintains complete jurisdiction over the poll in
 800 all its aspects.

801 Section 14. This act shall take effect July 1, 2010.

802
 803 -----

T I T L E A M E N D M E N T

804 Remove the entire title and insert:

805 A bill to be entitled

806 An act relating to campaign financing; amending s.
 807 106.011, F.S.; revising the definition of the term
 808 "political committee" to remove certain reporting
 809 requirements included in the exclusion of electioneering
 810 communications organizations from the definition; revising
 811 the definition of the term "filing officer" to expand
 812 applicability to electioneering communications
 813 organizations; revising the definition of the term
 814 "electioneering communication" to conform to certain
 815 federal requirements; revising the definition of the term
 816 "electioneering communications organization"; amending s.
 817 106.03, F.S.; revising the registration requirements for
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819 electioneering communications organizations; revising the
820 statement of organization requirements; revising rule
821 adoption requirements relating to dissolution of political
822 committees and electioneering communications
823 organizations; amending s. 106.0703, F.S.; consolidating
824 reporting requirements in ch. 106, F.S., applicable to
825 electioneering communications organizations; providing
826 penalties; conforming provisions; amending s. 106.0705,
827 F.S., relating to electronic filing of campaign
828 treasurer's reports; conforming provisions; amending s.
829 106.071, F.S.; increasing the aggregate amount of
830 expenditures required for filing certain reports related
831 to independent expenditures or electioneering
832 communications; amending s. 106.08, F.S.; removing certain
833 limitations on contributions received by an electioneering
834 communications organization; amending s. 106.113, F.S.,
835 relating to expenditures by local governments; revising
836 definitions; prohibiting a local government or a person
837 acting on behalf of a local government from making a
838 specific appropriation or designated expenditure of moneys
839 under the jurisdiction or control of the local government;
840 prohibiting certain persons or groups from accepting such
841 moneys for the purpose of certain political
842 advertisements; deleting an exception for certain
843 electioneering communications; clarifying that certain
844 provisions of state law do not preclude certain officials
845 from expressing an opinion on an issue at any time;
846 amending s. 106.147, F.S., relating to telephone

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847 solicitation disclosure requirements; removing
848 requirements relating to electioneering communication, to
849 conform; reenacting ss. 106.011(1)(b), (3), (4), (18), and
850 (19), 106.022(1), 106.03(1)(b), 106.04(5), 106.0703,
851 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437, 106.1439,
852 and 106.17, F.S., relating to definitions, registered
853 office and agent requirements, registration requirements,
854 prohibited activities for committees of continuous
855 existence, additional reporting requirements, electronic
856 filing requirements, expenditure reports, penalties for
857 violations pertaining to limitations on contributions,
858 miscellaneous advertisements, electioneering
859 communications disclaimers and penalties for failure to
860 include disclaimers, and polls and surveys pertaining to
861 candidacies, to cure and conform; providing an effective
862 date.

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