

1                                   A bill to be entitled  
2       An act relating to campaign financing; amending s.  
3       103.081, F.S.; permitting the use of a political party's  
4       name, abbreviation, or symbol by an affiliated party  
5       committee under certain circumstances; creating s.  
6       103.092, F.S.; providing for the establishment of  
7       affiliated party committees; providing a definition;  
8       delineating duties and responsibilities of such  
9       committees; amending s. 103.121, F.S.; requiring certain  
10      assessments to be paid to an affiliated party committee;  
11      amending s. 106.011, F.S.; revising the definition of the  
12      term "political committee" to remove certain reporting  
13      requirements included in the exclusion of electioneering  
14      communications organizations from the definition and to  
15      allow contributions to an affiliated party committee;  
16      adding an affiliated party committee to the list of  
17      entities not considered a political committee under  
18      chapter 106, F.S.; revising the definition of the term  
19      "independent expenditure" to specify that certain  
20      expenditures are not considered an independent  
21      expenditure; revising the definition of the term "person"  
22      to include an affiliated party committee; revising the  
23      definition of the term "filing officer" to expand  
24      applicability to electioneering communications  
25      organizations; revising the definition of the term  
26      "electioneering communication" to conform to certain  
27      federal requirements and to delineate what constitutes  
28      such a communication; revising the definition of the term

29 | "electioneering communications organization"; amending s.  
 30 | 106.021, F.S.; providing that certain expenditures by an  
 31 | affiliated party committee are not considered a  
 32 | contribution or expenditure to or for a candidate;  
 33 | amending s. 106.025, F.S.; exempting an affiliated party  
 34 | committee from certain campaign fund raising requirements;  
 35 | amending s. 106.03, F.S.; revising the registration  
 36 | requirements for electioneering communications  
 37 | organizations; revising the statement of organization  
 38 | requirements; revising rule adoption requirements relating  
 39 | to dissolution of political committees and electioneering  
 40 | communications organizations; amending s. 106.04, F.S.;  
 41 | requiring that a committee of continuous existence report  
 42 | receipts from and transfers to an affiliated party  
 43 | committee; amending s. 106.0701, F.S.; exempting an  
 44 | affiliated party committee from certain filing  
 45 | requirements; amending s. 106.0703, F.S.; consolidating  
 46 | reporting requirements in ch. 106, F.S., applicable to  
 47 | electioneering communications organizations; providing  
 48 | penalties; conforming provisions; amending s. 106.0705,  
 49 | F.S., relating to electronic filing of campaign  
 50 | treasurer's reports; conforming provisions; requiring an  
 51 | affiliated party committee to file certain reports with  
 52 | the Division of Elections; providing that a report filed  
 53 | by the leader and treasurer of an affiliated party  
 54 | committee is considered to be under oath; amending s.  
 55 | 106.071, F.S.; increasing the aggregate amount of  
 56 | expenditures required for filing certain reports related

57 | to independent expenditures or electioneering  
58 | communications; amending s. 106.08, F.S.; removing certain  
59 | limitations on contributions received by an electioneering  
60 | communications organization; providing that an affiliated  
61 | party committee is treated like a political party  
62 | regarding limitations on contributions; deleting the 28-  
63 | day restriction on acceptance of certain funds preceding a  
64 | general election; placing certain restrictions on  
65 | solicitation for and making of contributions; providing  
66 | guidelines for acceptance of in-kind contributions; adding  
67 | an affiliated party committee to entities subject to  
68 | penalties; creating s. 106.088, F.S.; requiring the  
69 | subscribing to an oath or affirmation prior to receipt of  
70 | certain funds; providing the form of the oath; providing  
71 | penalties; providing that undistributed funds shall be  
72 | deposited into the General Revenue Fund; amending s.  
73 | 106.113, F.S., relating to expenditures by local  
74 | governments; revising definitions; prohibiting a local  
75 | government, or a person acting on behalf of a local  
76 | government, from making a specific appropriation or  
77 | designated expenditure of moneys under the jurisdiction or  
78 | control of the local government; prohibiting certain  
79 | persons or groups from accepting such moneys for the  
80 | purpose of certain political advertisements; deleting an  
81 | exception for certain electioneering communications;  
82 | clarifying that certain provisions of state law do not  
83 | preclude certain officials from expressing an opinion on  
84 | an issue at any time; amending s. 106.1439, F.S.;

85 providing identification requirements for certain  
86 electioneering communications; providing an exception for  
87 telephone calls; amending s. 106.147, F.S., relating to  
88 telephone solicitation disclosure requirements; removing  
89 requirements relating to electioneering communication, to  
90 conform; revising the definition of the term "person" to  
91 include an affiliated party committee; providing  
92 penalties; amending s. 106.165, F.S.; adding affiliated  
93 party committees to the entities that must use closed  
94 captioning and descriptive narrative in all television  
95 broadcasts; amending s. 106.17, F.S.; adding affiliated  
96 party committees to those entities authorized to conduct  
97 polls and surveys relating to candidacies; amending s.  
98 106.23, F.S.; providing that an affiliated party committee  
99 shall be provided an advisory opinion by the Division of  
100 Elections when requested; amending s. 106.265, F.S.;  
101 authorizing the imposition of civil penalties by the  
102 Florida Elections Commission for certain violations by an  
103 affiliated party committee; amending s. 106.27, F.S.;  
104 adding affiliated party committees to those entities  
105 subject to certain determinations and legal disposition by  
106 the Florida Elections Commission; amending s. 106.29,  
107 F.S.; requiring filing of certain reports by an affiliated  
108 party committee; providing restrictions on certain  
109 expenditures and contributions; providing penalties;  
110 amending s. 11.045, F.S., relating to lobbying before the  
111 Legislature; excluding contributions and expenditures by  
112 an affiliated party committee from the definition of the

113 term "expenditure"; amending s. 112.312, F.S.; providing  
 114 that certain activities pertaining to an affiliated party  
 115 committee are excluded from the definition of the term  
 116 "gift"; amending s. 112.3215, F.S., relating to lobbying  
 117 before the executive branch or the Constitution Revision  
 118 Commission; excluding contributions and expenditures by an  
 119 affiliated party committee from the definition of the term  
 120 "expenditure"; reenacting ss. 106.011(1)(b), (3), (4),  
 121 (18), and (19), 106.022(1), 106.03(1)(b), 106.04(5),  
 122 106.0703, 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437,  
 123 106.1439, and 106.17, F.S., relating to definitions,  
 124 registered office and agent requirements, registration  
 125 requirements, prohibited activities for committees of  
 126 continuous existence, additional reporting requirements,  
 127 electronic filing requirements, expenditure reports,  
 128 penalties for violations pertaining to limitations on  
 129 contributions, miscellaneous advertisements,  
 130 electioneering communications disclaimers and penalties  
 131 for failure to include disclaimers, and polls and surveys  
 132 pertaining to candidacies, to cure and conform; providing  
 133 an effective date.

134  
 135 Be It Enacted by the Legislature of the State of Florida:

136  
 137 Section 1. Subsection (4) is added to section 103.081,  
 138 Florida Statutes, to read:

139 103.081 Use of party name; political advertising.—  
 140 (4) Notwithstanding any other provision of law to the

HB 1207

2010

141 contrary, an affiliated party committee shall be entitled to use  
142 the name, abbreviation, or symbol of the political party of its  
143 leader as defined in s. 103.092.

144 Section 2. Section 103.092, Florida Statutes, is created  
145 to read:

146 103.092 Affiliated party committees.-

147 (1) For purposes of this section, the term "leader" means  
148 the President of the Senate, the Speaker of the House of  
149 Representatives, or the minority leader of either house of the  
150 Legislature, until a person is designated by a political party  
151 conference of members of either house to succeed to any such  
152 position, at which time the designee becomes the leader for  
153 purposes of this section.

154 (2) The leader of each political party conference of the  
155 House of Representatives and the Senate may establish a  
156 separate, affiliated party committee to support the election of  
157 candidates of the leader's political party. The affiliated party  
158 committee is subject to the same provisions of chapter 106 as a  
159 political party.

160 (3) Each affiliated party committee shall:

161 (a) Adopt bylaws to include, at a minimum, the designation  
162 of a treasurer.

163 (b) Conduct campaigns for candidates who are members of  
164 the leader's political party.

165 (c) Establish an account.

166 (d) Raise and expend funds. Such funds may not be expended  
167 or committed to be expended except when authorized by the leader  
168 of the affiliated party committee.

HB 1207

2010

169 Section 3. Paragraph (b) of subsection (1) of section  
170 103.121, Florida Statutes, is amended to read:

171 103.121 Powers and duties of executive committees.—

172 (1)

173 (b) The county executive committee shall receive payment  
174 of assessments upon candidates to be voted for in a single  
175 county except state senators, state ~~and members of the House of~~  
176 ~~representatives,~~ and representatives to the Congress of the  
177 United States; an affiliated party committee controlled by a  
178 leader of the Senate as defined in s. 103.092 shall receive  
179 payment of assessments upon candidates for the office of state  
180 senator and an affiliated party committee controlled by a leader  
181 of the House of Representatives as defined in s. 103.092 shall  
182 receive payment of assessments upon candidates for the office of  
183 state representative; and the state executive committees shall  
184 receive all other assessments authorized. All party assessments  
185 shall be 2 percent of the annual salary of the office sought by  
186 the respective candidate. All such committee assessments shall  
187 be remitted to the state executive committee of the appropriate  
188 party and distributed in accordance with subsection (5), except  
189 that assessments for candidates for the office of state senator  
190 or state representative shall be remitted to the appropriate  
191 affiliated party committee.

192 Section 4. Paragraph (a) of subsection (1) of section of  
193 section 106.011, Florida Statutes, is amended, paragraph (b) of  
194 subsection (1) of that section is reenacted and amended,  
195 subsections (3) and (4) of that section are reenacted,  
196 subsections (5), (8), and (14) of that section are amended, and

197 subsections (18) and (19) of that section are reenacted and  
 198 amended, to read:

199 106.011 Definitions.—As used in this chapter, the  
 200 following terms have the following meanings unless the context  
 201 clearly indicates otherwise:

202 (1) (a) "Political committee" means:

203 1. A combination of two or more individuals, or a person  
 204 other than an individual, that, in an aggregate amount in excess  
 205 of \$500 during a single calendar year:

206 a. Accepts contributions for the purpose of making  
 207 contributions to any candidate, political committee, committee  
 208 of continuous existence, affiliated party committee, or  
 209 political party;

210 b. Accepts contributions for the purpose of expressly  
 211 advocating the election or defeat of a candidate or the passage  
 212 or defeat of an issue;

213 c. Makes expenditures that expressly advocate the election  
 214 or defeat of a candidate or the passage or defeat of an issue;  
 215 or

216 d. Makes contributions to a common fund, other than a  
 217 joint checking account between spouses, from which contributions  
 218 are made to any candidate, political committee, committee of  
 219 continuous existence, affiliated party committee, or political  
 220 party;

221 2. The sponsor of a proposed constitutional amendment by  
 222 initiative who intends to seek the signatures of registered  
 223 electors.



HB 1207

2010

224 (b) Notwithstanding paragraph (a), the following entities  
 225 are not considered political committees for purposes of this  
 226 chapter:

227 1. Organizations which are certified by the Department of  
 228 State as committees of continuous existence pursuant to s.  
 229 106.04, national political parties, ~~and~~ the state and county  
 230 executive committees of political parties, and affiliated party  
 231 committees regulated by chapter 103.

232 2. Corporations regulated by chapter 607 or chapter 617 or  
 233 other business entities formed for purposes other than to  
 234 support or oppose issues or candidates, if their political  
 235 activities are limited to contributions to candidates, political  
 236 parties, or political committees or expenditures in support of  
 237 or opposition to an issue from corporate or business funds and  
 238 if no contributions are received by such corporations or  
 239 business entities.

240 3. Electioneering communications organizations as defined  
 241 in subsection (19); ~~however, such organizations shall be~~  
 242 ~~required to register with and report expenditures and~~  
 243 ~~contributions, including contributions received from committees~~  
 244 ~~of continuous existence, to the Division of Elections in the~~  
 245 ~~same manner, at the same time, and subject to the same penalties~~  
 246 ~~as a political committee supporting or opposing an issue or a~~  
 247 ~~legislative candidate, except as otherwise specifically provided~~  
 248 ~~in this chapter.~~

249 (3) "Contribution" means:

250 (a) A gift, subscription, conveyance, deposit, loan,  
 251 payment, or distribution of money or anything of value,

252 including contributions in kind having an attributable monetary  
 253 value in any form, made for the purpose of influencing the  
 254 results of an election or making an electioneering  
 255 communication.

256 (b) A transfer of funds between political committees,  
 257 between committees of continuous existence, between  
 258 electioneering communications organizations, or between any  
 259 combination of these groups.

260 (c) The payment, by any person other than a candidate or  
 261 political committee, of compensation for the personal services  
 262 of another person which are rendered to a candidate or political  
 263 committee without charge to the candidate or committee for such  
 264 services.

265 (d) The transfer of funds by a campaign treasurer or  
 266 deputy campaign treasurer between a primary depository and a  
 267 separate interest-bearing account or certificate of deposit, and  
 268 the term includes any interest earned on such account or  
 269 certificate.

270  
 271 Notwithstanding the foregoing meanings of "contribution," the  
 272 word shall not be construed to include services, including, but  
 273 not limited to, legal and accounting services, provided without  
 274 compensation by individuals volunteering a portion or all of  
 275 their time on behalf of a candidate or political committee. This  
 276 definition shall not be construed to include editorial  
 277 endorsements.

278 (4) (a) "Expenditure" means a purchase, payment,  
 279 distribution, loan, advance, transfer of funds by a campaign

HB 1207

2010

280 treasurer or deputy campaign treasurer between a primary  
281 depository and a separate interest-bearing account or  
282 certificate of deposit, or gift of money or anything of value  
283 made for the purpose of influencing the results of an election  
284 or making an electioneering communication. However,  
285 "expenditure" does not include a purchase, payment,  
286 distribution, loan, advance, or gift of money or anything of  
287 value made for the purpose of influencing the results of an  
288 election when made by an organization, in existence prior to the  
289 time during which a candidate qualifies or an issue is placed on  
290 the ballot for that election, for the purpose of printing or  
291 distributing such organization's newsletter, containing a  
292 statement by such organization in support of or opposition to a  
293 candidate or issue, which newsletter is distributed only to  
294 members of such organization.

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

298 1. A person enters into a contract for applicable goods or  
299 services;

300 2. A person makes payment, in whole or in part, for the  
301 production or public dissemination of applicable goods or  
302 services; or

303 3. The electioneering communication is publicly  
304 disseminated.

305 (5) (a) "Independent expenditure" means an expenditure by a  
306 person for the purpose of expressly advocating the election or  
307 defeat of a candidate or the approval or rejection of an issue,

308 | which expenditure is not controlled by, coordinated with, or  
 309 | made upon consultation with, any candidate, political committee,  
 310 | or agent of such candidate or committee. An expenditure for such  
 311 | purpose by a person having a contract with the candidate,  
 312 | political committee, or agent of such candidate or committee in  
 313 | a given election period shall not be deemed an independent  
 314 | expenditure.

315 |         (b) An expenditure for the purpose of expressly advocating  
 316 | the election or defeat of a candidate which is made by the  
 317 | national, state, or county executive committee of a political  
 318 | party, including any subordinate committee of the ~~a national,~~  
 319 | ~~state, or county committee of a political party,~~ an affiliated  
 320 | party committee, ~~a or by any~~ political committee, a ~~or~~ committee  
 321 | of continuous existence, or any other person, shall not be  
 322 | considered an independent expenditure if the committee or  
 323 | person:

324 |         1. Communicates with the candidate, the candidate's  
 325 | campaign, or an agent of the candidate acting on behalf of the  
 326 | candidate, including any pollster, media consultant, advertising  
 327 | agency, vendor, advisor, or staff member, concerning the  
 328 | preparation of, use of, or payment for, the specific expenditure  
 329 | or advertising campaign at issue; or

330 |         2. Makes a payment in cooperation, consultation, or  
 331 | concert with, at the request or suggestion of, or pursuant to  
 332 | any general or particular understanding with the candidate, the  
 333 | candidate's campaign, a political committee supporting the  
 334 | candidate, or an agent of the candidate relating to the specific  
 335 | expenditure or advertising campaign at issue; or

HB 1207

2010

336           3. Makes a payment for the dissemination, distribution, or  
337 republication, in whole or in part, of any broadcast or any  
338 written, graphic, or other form of campaign material prepared by  
339 the candidate, the candidate's campaign, or an agent of the  
340 candidate, including any pollster, media consultant, advertising  
341 agency, vendor, advisor, or staff member; or

342           4. Makes a payment based on information about the  
343 candidate's plans, projects, or needs communicated to a member  
344 of the committee or person by the candidate or an agent of the  
345 candidate, provided the committee or person uses the information  
346 in any way, in whole or in part, either directly or indirectly,  
347 to design, prepare, or pay for the specific expenditure or  
348 advertising campaign at issue; or

349           5. After the last day of qualifying for statewide or  
350 legislative office, consults about the candidate's plans,  
351 projects, or needs in connection with the candidate's pursuit of  
352 election to office and the information is used in any way to  
353 plan, create, design, or prepare an independent expenditure or  
354 advertising campaign, with:

355           a. Any officer, director, employee, or agent of a  
356 national, state, or county executive committee of a political  
357 party or an affiliated party committee that has made or intends  
358 to make expenditures in connection with or contributions to the  
359 candidate; or

360           b. Any person whose professional services have been  
361 retained by a national, state, or county executive committee of  
362 a political party or an affiliated party committee that has made  
363 or intends to make expenditures in connection with or

364 contributions to the candidate; or

365 6. After the last day of qualifying for statewide or  
 366 legislative office, retains the professional services of any  
 367 person also providing those services to the candidate in  
 368 connection with the candidate's pursuit of election to office;  
 369 or

370 7. Arranges, coordinates, or directs the expenditure, in  
 371 any way, with the candidate or an agent of the candidate.

372 (8) "Person" means an individual or a corporation,  
 373 association, firm, partnership, joint venture, joint stock  
 374 company, club, organization, estate, trust, business trust,  
 375 syndicate, or other combination of individuals having collective  
 376 capacity. The term includes a political party, affiliated party  
 377 committee, political committee, or committee of continuous  
 378 existence.

379 (14) "Filing officer" means the person before whom a  
 380 candidate qualifies, the agency or officer with whom a political  
 381 committee or an electioneering communications organization  
 382 registers, or the agency by whom a committee of continuous  
 383 existence is certified.

384 (18) (a) "Electioneering communication" means any  
 385 communication publicly distributed by a television station,  
 386 radio station, cable television system, satellite system,  
 387 newspaper, magazine, direct mail, or telephone ~~a paid expression~~  
 388 ~~in any communications media prescribed in subsection (13) by~~  
 389 ~~means other than the spoken word in direct conversation that:~~

390 1. Refers to or depicts a clearly identified candidate for  
 391 office ~~or contains a clear reference indicating that an issue is~~

392 ~~to be voted on at an election,~~ without expressly advocating the  
 393 election or defeat of a candidate but that is susceptible of no  
 394 reasonable interpretation other than an appeal to vote for or  
 395 against a specific candidate; ~~or the passage or defeat of an~~  
 396 ~~issue.~~

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

400 3. ~~Is For communications referring to or depicting a~~  
 401 ~~clearly identified candidate for office, is targeted to the~~  
 402 ~~relevant electorate. A communication is considered targeted if~~  
 403 ~~1,000 or more persons in the geographic area the candidate would~~  
 404 ~~represent if elected will receive the communication.~~

405 3. ~~For communications containing a clear reference~~  
 406 ~~indicating that an issue is to be voted on at an election, is~~  
 407 ~~published after the issue is designated a ballot position or 120~~  
 408 ~~days before the date of the election on the issue, whichever~~  
 409 ~~occurs first.~~

410 (b) The term "electioneering communication" does not  
 411 include:

412 1. A communication disseminated through a means of  
 413 communication other than a television station, radio station,  
 414 cable television system, satellite system, newspaper, magazine,  
 415 direct mail, telephone, or statement or depiction by an  
 416 organization, in existence prior to the time during which a  
 417 candidate named or depicted qualifies ~~or an issue identified is~~  
 418 ~~placed on the ballot~~ for that election, made in that

HB 1207

2010

419 organization's newsletter, which newsletter is distributed only  
420 to members of that organization.

421 2. A communication in a news story, commentary, or  
422 editorial distributed through the facilities of any radio  
423 station, television station, cable television system, or  
424 satellite system, unless the facilities are owned or controlled  
425 by any political party, political committee, or candidate. A  
426 news story distributed through the facilities owned or  
427 controlled by any political party, political committee, or  
428 candidate may nevertheless be exempt if it represents a bona  
429 fide news account communicated through a licensed broadcasting  
430 facility and the communication is part of a general pattern of  
431 campaign-related news accounts that give reasonably equal  
432 coverage to all opposing candidates in the area ~~An editorial~~  
433 ~~endorsement, news story, commentary, or editorial by any~~  
434 ~~newspaper, radio, television station, or other recognized news~~  
435 ~~medium.~~

436 3. A communication that constitutes a public debate or  
437 forum that includes at least two opposing candidates for an  
438 office or one advocate and one opponent of an issue, or that  
439 solely promotes such a debate or forum and is made by or on  
440 behalf of the person sponsoring the debate or forum, provided  
441 that:

442 a. The staging organization is either:

443 (I) A charitable organization that does not make other  
444 electioneering communications and does not otherwise support or  
445 oppose any political candidate or political party; or



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

448 b. The staging organization does not structure the debate  
 449 to promote or advance one candidate or issue position over  
 450 another.

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

454 (d) For purposes of this chapter, an electioneering  
 455 communication shall not constitute an independent expenditure  
 456 nor be subject to the limitations applicable to independent  
 457 expenditures.

458 (19) "Electioneering communications organization" means  
 459 any group, other than a political party, affiliated party  
 460 committee, political committee, or committee of continuous  
 461 existence, whose election-related activities are limited to  
 462 making expenditures for electioneering communications or  
 463 accepting contributions for the purpose of making electioneering  
 464 communications and whose activities would not otherwise require  
 465 the group to register as a political party, political committee,  
 466 or committee of continuous existence under this chapter.

467 Section 5. Subsection (3) of section 106.021, Florida  
 468 Statutes, is amended to read:

469 106.021 Campaign treasurers; deputies; primary and  
 470 secondary depositories.—

471 (3) No contribution or expenditure, including  
 472 contributions or expenditures of a candidate or of the  
 473 candidate's family, shall be directly or indirectly made or

474 received in furtherance of the candidacy of any person for  
 475 nomination or election to political office in the state or on  
 476 behalf of any political committee except through the duly  
 477 appointed campaign treasurer of the candidate or political  
 478 committee, subject to the following exceptions:

479 (a) Independent expenditures;

480 (b) Reimbursements to a candidate or any other individual  
 481 for expenses incurred in connection with the campaign or  
 482 activities of the political committee by a check drawn upon the  
 483 campaign account and reported pursuant to s. 106.07(4). After  
 484 July 1, 2004, the full name and address of each person to whom  
 485 the candidate or other individual made payment for which  
 486 reimbursement was made by check drawn upon the campaign account  
 487 shall be reported pursuant to s. 106.07(4), together with the  
 488 purpose of such payment;

489 (c) Expenditures made indirectly through a treasurer for  
 490 goods or services, such as communications media placement or  
 491 procurement services, campaign signs, insurance, or other  
 492 expenditures that include multiple integral components as part  
 493 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;  
 494 or

495 (d) Expenditures made directly by any political committee,  
 496 affiliated party committee, or political party regulated by  
 497 chapter 103 for obtaining time, space, or services in or by any  
 498 communications medium for the purpose of jointly endorsing three  
 499 or more candidates, and any such expenditure shall not be  
 500 considered a contribution or expenditure to or on behalf of any  
 501 such candidates for the purposes of this chapter.

502 Section 6. Subsection (1) of section 106.022, Florida  
 503 Statutes, is reenacted to read:

504 106.022 Appointment of a registered agent; duties.—

505 (1) Each political committee, committee of continuous  
 506 existence, or electioneering communications organization shall  
 507 have and continuously maintain in this state a registered office  
 508 and a registered agent and must file with the division a  
 509 statement of appointment for the registered office and  
 510 registered agent. The statement of appointment must:

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

513 (b) Identify the entity for whom the registered agent  
 514 serves;

515 (c) Designate the address the registered agent wishes to  
 516 use to receive mail;

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

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

523 (f) Contain the signature of the registered agent and the  
 524 entity engaging the registered agent.

525 Section 7. Subsection (2) of section 106.025, Florida  
 526 Statutes, is amended to read:

527 106.025 Campaign fund raisers.—

528 (2) This section shall not apply to any campaign fund  
 529 raiser held on behalf of a political party by the state or

530 county executive committee or an affiliated party committee of  
 531 such party, provided that the proceeds of such campaign fund  
 532 raiser are reported pursuant to s. 106.29.

533 Section 8. Paragraph (b) of subsection (1) of section  
 534 106.03, Florida Statutes, is reenacted and amended, and  
 535 subsections (2), (4), and (7) of that section are amended, to  
 536 read:

537 106.03 Registration of political committees and  
 538 electioneering communications organizations.—

539 (1)

540 (b) 1. Each electioneering communications organization that  
 541 receives ~~anticipates receiving~~ contributions or makes ~~making~~  
 542 expenditures during a calendar year in an aggregate amount  
 543 exceeding \$5,000 shall file a statement of organization as  
 544 provided in subparagraph 2. ~~subsection (3)~~ by expedited delivery  
 545 within 24 hours after its organization or, if later, within 24  
 546 hours after the date on which it receives ~~has information that~~  
 547 ~~causes the organization to anticipate that it will receive~~  
 548 contributions or makes ~~make~~ expenditures for an electioneering  
 549 communication in excess of \$5,000.

550 2.a. In a statewide, legislative, or multicounty election,  
 551 an electioneering communications organization shall file a  
 552 statement of organization with the Division of Elections.

553 b. In a countywide election or any election held on less  
 554 than a countywide basis, except as described in sub-subparagraph  
 555 c., an electioneering communications organization shall file a  
 556 statement of organization with the supervisor of elections of  
 557 the county in which the election is being held.

558 c. In a municipal election, an electioneering  
 559 communications organization shall file a statement of  
 560 organization with the officer before whom municipal candidates  
 561 qualify.

562 d. If an electioneering communications organization is  
 563 required to file a statement of organization with two or more  
 564 locations in order to comply with the requirements of this  
 565 subparagraph, the electioneering communications organization  
 566 shall file a statement of organization only with the Division of  
 567 Elections.

568 (2) The statement of organization shall include:

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

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

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

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

577 (e) The name, mailing address, street address, and  
 578 position of other principal officers, including the treasurer  
 579 and deputy treasurer ~~including officers and members of the~~  
 580 ~~finance committee,~~ if any;

581 (f) The name, address, office sought, and party  
 582 affiliation of:

583 1. Each candidate whom the committee is supporting;

HB 1207

2010

584 2. Any other individual, if any, whom the committee is  
585 supporting for nomination for election, or election, to any  
586 public office whatever;

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

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

591 (i) A statement of whether the committee is a continuing  
592 one;

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

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

598 (l) A statement of the reports required to be filed by the  
599 committee or the electioneering communications organization with  
600 federal officials, if any, and the names, addresses, and  
601 positions of such officials; and

602 (m) A statement of whether the electioneering  
603 communications organization was formed as a newly created  
604 organization during the current calendar quarter or was formed  
605 from an organization existing prior to the current calendar  
606 quarter. For purposes of this subsection, calendar quarters end  
607 the last day of March, June, September, and December.

608 (4) Any change in information previously submitted in a  
609 statement of organization shall be reported to the agency or  
610 officer with whom such committee or electioneering

611 communications organization is required to register ~~pursuant to~~  
 612 ~~subsection (3)~~, within 10 days following the change.

613 (7) The Division of Elections shall adopt ~~promulgate~~ rules  
 614 to prescribe the manner in which ~~inactive~~ committees and  
 615 electioneering communications organizations may be dissolved and  
 616 have their registration canceled. Such rules shall, at a  
 617 minimum, provide for:

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

621 (b) Adequate opportunity to respond.

622 (c) Appeal of the decision to the Florida Elections  
 623 Commission. Such appeals shall be exempt from the  
 624 confidentiality provisions of s. 106.25.

625 Section 9. Paragraph (c) of subsection (4) of section  
 626 106.04, Florida Statutes, is amended, and subsection (5) of that  
 627 section is reenacted, to read:

628 106.04 Committees of continuous existence.—

629 (4)

630 (c) All committees of continuous existence shall file  
 631 their reports with the Division of Elections. Reports shall be  
 632 filed in accordance with s. 106.0705 and shall contain the  
 633 following information:

634 1. The full name, address, and occupation of each person  
 635 who has made one or more contributions, including contributions  
 636 that represent the payment of membership dues, to the committee  
 637 during the reporting period, together with the amounts and dates  
 638 of such contributions. For corporations, the report must provide

639 as clear a description as practicable of the principal type of  
640 business conducted by the corporation. However, if the  
641 contribution is \$100 or less, the occupation of the contributor  
642 or principal type of business need not be listed. However, for  
643 any contributions that represent the payment of dues by members  
644 in a fixed amount aggregating no more than \$250 per calendar  
645 year, pursuant to the schedule on file with the Division of  
646 Elections, only the aggregate amount of such contributions need  
647 be listed, together with the number of members paying such dues  
648 and the amount of the membership dues.

649 2. The name and address of each political committee or  
650 committee of continuous existence from which the reporting  
651 committee received, or the name and address of each political  
652 committee, committee of continuous existence, affiliated party  
653 committee, or political party to which it made, any transfer of  
654 funds, together with the amounts and dates of all transfers.

655 3. Any other receipt of funds not listed pursuant to  
656 subparagraph 1. or subparagraph 2., including the sources and  
657 amounts of all such funds.

658 4. The name and address of, and office sought by, each  
659 candidate to whom the committee has made a contribution during  
660 the reporting period, together with the amount and date of each  
661 contribution.

662 5. The full name and address of each person to whom  
663 expenditures have been made by or on behalf of the committee  
664 within the reporting period; the amount, date, and purpose of  
665 each such expenditure; and the name and address, and office  
666 sought by, each candidate on whose behalf such expenditure was



HB 1207

2010

667 made.

668         6. The full name and address of each person to whom an  
669 expenditure for personal services, salary, or reimbursement for  
670 authorized expenses has been made, including the full name and  
671 address of each entity to whom the person made payment for which  
672 reimbursement was made by check drawn upon the committee  
673 account, together with the amount and purpose of such payment.

674         7. Transaction information from each credit card statement  
675 that will be included in the next report following receipt  
676 thereof by the committee. Receipts for each credit card purchase  
677 shall be retained by the treasurer with the records for the  
678 committee account.

679         8. The total sum of expenditures made by the committee  
680 during the reporting period.

681         (5) No committee of continuous existence shall make an  
682 electioneering communication, contribute to any candidate or  
683 political committee an amount in excess of the limits contained  
684 in s. 106.08(1), or participate in any activity which is  
685 prohibited by this chapter. If any violation occurs, it shall be  
686 punishable as provided in this chapter for the given offense. No  
687 funds of a committee of continuous existence shall be expended  
688 on behalf of a candidate, except by means of a contribution made  
689 through the duly appointed campaign treasurer of a candidate. No  
690 such committee shall make expenditures in support of, or in  
691 opposition to, an issue unless such committee first registers as  
692 a political committee pursuant to this chapter and undertakes  
693 all the practices and procedures required thereof; provided such  
694 committee may make contributions in a total amount not to exceed

HB 1207

2010

695 25 percent of its aggregate income, as reflected in the annual  
 696 report filed for the previous year, to one or more political  
 697 committees registered pursuant to s. 106.03 and formed to  
 698 support or oppose issues.

699 Section 10. Subsection (5) of section 106.0701, Florida  
 700 Statutes, is amended to read:

701 106.0701 Solicitation of contributions on behalf of s. 527  
 702 or s. 501(c)(4) organizations; reporting requirements; civil  
 703 penalty; exemption.—

704 (5) The filing requirements of subsection (1) do not apply  
 705 to an individual acting on behalf of his or her own campaign, ~~or~~  
 706 a political party, or an affiliated party committee of which the  
 707 individual is a member.

708 Section 11. Section 106.0703, Florida Statutes, is  
 709 reenacted and amended to read:

710 106.0703 Electioneering communications organizations;  
 711 ~~additional~~ reporting requirements; certification and filing;  
 712 penalties.—

713 (1) (a) Each electioneering communications organization  
 714 shall file regular reports of all contributions received and all  
 715 expenditures made by or on behalf of the organization. Reports  
 716 shall be filed on the 10th day following the end of each  
 717 calendar quarter from the time the organization is registered.  
 718 However, if the 10th day following the end of a calendar quarter  
 719 occurs on a Saturday, Sunday, or legal holiday, the report shall  
 720 be filed on the next following day that is not a Saturday,  
 721 Sunday, or legal holiday. Quarterly reports shall include all  
 722 contributions received and expenditures made during the calendar

HB 1207

2010

723 quarter that have not otherwise been reported pursuant to this  
724 section.

725 (b) Following the last day of candidates qualifying for  
726 office, the reports shall be filed on the 32nd, 18th, and 4th  
727 days immediately preceding the primary election and on the 46th,  
728 32nd, 18th, and 4th days immediately preceding the general  
729 election.

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

735 (d) The filing officer shall provide each electioneering  
736 communications organization with a schedule designating the  
737 beginning and end of reporting periods as well as the  
738 corresponding designated due dates.

739 (2) (a) Except as provided in s. 106.0705, the reports  
740 required of an electioneering communications organization shall  
741 be filed with the filing officer not later than 5 p.m. of the  
742 day designated. However, any report postmarked by the United  
743 States Postal Service no later than midnight of the day  
744 designated shall be deemed to have been filed in a timely  
745 manner. Any report received by the filing officer within 5 days  
746 after the designated due date that was delivered by the United  
747 States Postal Service shall be deemed timely filed unless it has  
748 a postmark that indicates that the report was mailed after the  
749 designated due date. A certificate of mailing obtained from and  
750 dated by the United States Postal Service at the time of

HB 1207

2010

751 mailing, or a receipt from an established courier company, which  
752 bears a date on or before the date on which the report is due,  
753 shall be proof of mailing in a timely manner. Reports shall  
754 contain information of all previously unreported contributions  
755 received and expenditures made as of the preceding Friday,  
756 except that the report filed on the Friday immediately preceding  
757 the election shall contain information of all previously  
758 unreported contributions received and expenditures made as of  
759 the day preceding the designated due date. All such reports  
760 shall be open to public inspection.

761 (b)1. Any report that is deemed to be incomplete by the  
762 officer with whom the electioneering communications organization  
763 files shall be accepted on a conditional basis. The treasurer of  
764 the electioneering communications organization shall be  
765 notified, by certified mail or other common carrier that can  
766 establish proof of delivery for the notice, as to why the report  
767 is incomplete. Within 7 days after receipt of such notice, the  
768 treasurer must file an addendum to the report providing all  
769 information necessary to complete the report in compliance with  
770 this section. Failure to file a complete report after such  
771 notice constitutes a violation of this chapter.

772 2. Notice is deemed sufficient upon proof of delivery of  
773 written notice to the mailing or street address of the treasurer  
774 of the electioneering communication organization on record with  
775 the filing officer.

776 (3) (a) Each report required by this section must contain:  
777 1. The full name, address, and occupation, if any, of each  
778 person who has made one or more contributions to or for such

HB 1207

2010

779 electioneering communications organization within the reporting  
780 period, together with the amount and date of such contributions.  
781 For corporations, the report must provide as clear a description  
782 as practicable of the principal type of business conducted by  
783 the corporation. However, if the contribution is \$100 or less,  
784 the occupation of the contributor or the principal type of  
785 business need not be listed.

786 2. The name and address of each political committee from  
787 which or to which the reporting electioneering communications  
788 organization made any transfer of funds, together with the  
789 amounts and dates of all transfers.

790 3. Each loan for electioneering communication purposes to  
791 or from any person or political committee within the reporting  
792 period, together with the full names, addresses, and occupations  
793 and principal places of business, if any, of the lender and  
794 endorsers, if any, and the date and amount of such loans.

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

797 5. The total sums of all loans, in-kind contributions, and  
798 other receipts by or for such electioneering communications  
799 organization during the reporting period. The reporting forms  
800 shall be designed to elicit separate totals for in-kind  
801 contributions, loans, and other receipts.

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

HB 1207

2010

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

810 8. The total sum of expenditures made by the  
811 electioneering communications organization during the reporting  
812 period.

813 9. The amount and nature of debts and obligations owed by  
814 or to the electioneering communications organization that relate  
815 to the conduct of any electioneering communication.

816 10. Transaction information for each credit card purchase.  
817 Receipts for each credit card purchase shall be retained by the  
818 electioneering communications organization.

819 11. The amount and nature of any separate interest-bearing  
820 accounts or certificates of deposit and identification of the  
821 financial institution in which such accounts or certificates of  
822 deposit are located.

823 12. The primary purposes of an expenditure made indirectly  
824 through an electioneering communications organization for goods  
825 and services, such as communications media placement or  
826 procurement services and other expenditures that include  
827 multiple components as part of the expenditure. The primary  
828 purpose of an expenditure shall be that purpose, including  
829 integral and directly related components, that comprises 80  
830 percent of such expenditure.

831 (b) The filing officer shall make available to any  
832 electioneering communications organization a reporting form  
833 which the electioneering communications organization may use to

834 indicate contributions received by the electioneering  
835 communications organization but returned to the contributor  
836 before deposit.

837 (4) The treasurer of the electioneering communications  
838 organization shall certify as to the correctness of each report,  
839 and each person so certifying shall bear the responsibility for  
840 the accuracy and veracity of each report. Any treasurer who  
841 willfully certifies the correctness of any report while knowing  
842 that such report is incorrect, false, or incomplete commits a  
843 misdemeanor of the first degree, punishable as provided in s.  
844 775.082 or s. 775.083.

845 (5) The electioneering communications organization  
846 depository shall return all checks drawn on the account to the  
847 treasurer, who shall retain the records pursuant to s. 106.06.  
848 The records maintained by the depository with respect to the  
849 account shall be subject to inspection by an agent of the  
850 Division of Elections or the Florida Elections Commission at any  
851 time during normal banking hours, and such depository shall  
852 furnish certified copies of any such records to the Division of  
853 Elections or the Florida Elections Commission upon request.

854 (6) Notwithstanding any other provisions of this chapter,  
855 in any reporting period during which an electioneering  
856 communications organization has not received funds, made any  
857 contributions, or expended any reportable funds, the filing of  
858 the required report for that period is waived. However, the next  
859 report filed must specify that the report covers the entire  
860 period between the last submitted report and the report being  
861 filed, and any electioneering communications organization not

HB 1207

2010

862 reporting by virtue of this subsection on dates prescribed  
863 elsewhere in this chapter shall notify the filing officer in  
864 writing on the prescribed reporting date that no report is being  
865 filed on that date.

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

871 1. In the General Revenue Fund, in the case of an  
872 electioneering communications organization that registers with  
873 the Division of Elections; or

874 2. In the general revenue fund of the political  
875 subdivision, in the case of an electioneering communications  
876 organization that registers with an officer of a political  
877 subdivision.

878  
879 No separate fine shall be assessed for failure to file a copy of  
880 any report required by this section.

881 (b) Upon determining that a report is late, the filing  
882 officer shall immediately notify the electioneering  
883 communications organization as to the failure to file a report  
884 by the designated due date and that a fine is being assessed for  
885 each late day. The fine shall be \$50 per day for the first 3  
886 days late and, thereafter, \$500 per day for each late day, not  
887 to exceed 25 percent of the total receipts or expenditures,  
888 whichever is greater, for the period covered by the late report.  
889 However, for the reports immediately preceding each primary and



890 general election, the fine shall be \$500 per day for each late  
 891 day, not to exceed 25 percent of the total receipts or  
 892 expenditures, whichever is greater, for the period covered by  
 893 the late report. Upon receipt of the report, the filing officer  
 894 shall determine the amount of the fine which is due and shall  
 895 notify the electioneering communications organization. The  
 896 filing officer shall determine the amount of the fine due based  
 897 upon the earliest of the following:

- 898 1. When the report is actually received by such officer.
- 899 2. When the report is postmarked.
- 900 3. When the certificate of mailing is dated.
- 901 4. When the receipt from an established courier company is  
 902 dated.
- 903 5. When the electronic receipt issued pursuant to s.  
 904 106.0705 or other electronic filing system authorized in this  
 905 section is dated.

906  
 907 Such fine shall be paid to the filing officer within 20 days  
 908 after receipt of the notice of payment due, unless appeal is  
 909 made to the Florida Elections Commission pursuant to paragraph  
 910 (c). Notice is deemed sufficient upon proof of delivery of  
 911 written notice to the mailing or street address on record with  
 912 the filing officer. An officer or member of an electioneering  
 913 communications organization shall not be personally liable for  
 914 such fine.

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

918 file on the designated due date, and may request and shall be  
 919 entitled to a hearing before the Florida Elections Commission,  
 920 which shall have the authority to waive the fine in whole or in  
 921 part. The Florida Elections Commission must consider the  
 922 mitigating and aggravating circumstances contained in s.  
 923 106.265(1) when determining the amount of a fine, if any, to be  
 924 waived. Any such request shall be made within 20 days after  
 925 receipt of the notice of payment due. In such case, the  
 926 treasurer of the electioneering communications organization  
 927 shall, within the 20-day period, notify the filing officer in  
 928 writing of his or her intention to bring the matter before the  
 929 commission.

930 (d) The appropriate filing officer shall notify the  
 931 Florida Elections Commission of the repeated late filing by an  
 932 electioneering communications organization, the failure of an  
 933 electioneering communications organization to file a report  
 934 after notice, or the failure to pay the fine imposed. The  
 935 commission shall investigate only those alleged late filing  
 936 violations specifically identified by the filing officer and as  
 937 set forth in the notification. Any other alleged violations must  
 938 be stated separately and reported by the division to the  
 939 commission under s. 106.25(2).

940 (8) ~~In addition to the reporting requirements in s.~~  
 941 ~~106.07,~~ An electioneering communications organization shall,  
 942 within 2 days after receiving its initial password or secure  
 943 sign-on from the Department of State allowing confidential  
 944 access to the department's electronic campaign finance filing  
 945 system, electronically file the periodic ~~campaign finance~~

HB 1207

2010

946 reports that would have been required pursuant to this section  
947 ~~s. 106.07~~ for reportable activities that occurred since the date  
948 of the last general election.

949 Section 12. Paragraph (b) of subsection (2) of section  
950 106.0705, Florida Statutes, is reenacted and amended, and  
951 subsections (3) and (4) of that section are amended, to read:

952 106.0705 Electronic filing of campaign treasurer's  
953 reports.—

954 (2)

955 (b) Each political committee, committee of continuous  
956 existence, electioneering communications organization,  
957 affiliated party committee, or state executive committee that is  
958 required to file reports with the division under s. 106.04, s.  
959 106.07, s. 106.0703, or s. 106.29, as applicable, must file such  
960 reports with the division by means of the division's electronic  
961 filing system.

962 (3) Reports filed pursuant to this section shall be  
963 completed and filed through the electronic filing system not  
964 later than midnight of the day designated. Reports not filed by  
965 midnight of the day designated are late filed and are subject to  
966 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),  
967 or s. 106.29(3), as applicable.

968 (4) Each report filed pursuant to this section is  
969 considered to be under oath by the candidate and treasurer, ~~or~~  
970 the chair and treasurer, or the leader and treasurer under s.  
971 103.092, whichever is applicable, and such persons are subject  
972 to the provisions of s. 106.04(4)(d), s. 106.07(5), s.  
973 106.0703(4), or s. 106.29(2), as applicable. Persons given a

974 secure sign-on to the electronic filing system are responsible  
 975 for protecting such from disclosure and are responsible for all  
 976 filings using such credentials, unless they have notified the  
 977 division that their credentials have been compromised.

978 Section 13. Subsection (1) of section 106.071, Florida  
 979 Statutes, is reenacted and amended to read:

980 106.071 Independent expenditures; electioneering  
 981 communications; reports; disclaimers.-

982 (1) Each person who makes an independent expenditure with  
 983 respect to any candidate or issue, and each individual who makes  
 984 an expenditure for an electioneering communication which is not  
 985 otherwise reported pursuant to this chapter, which expenditure,  
 986 in the aggregate, is in the amount of \$5,000 ~~\$100~~ or more, shall  
 987 file periodic reports of such expenditures in the same manner,  
 988 at the same time, subject to the same penalties, and with the  
 989 same officer as a political committee supporting or opposing  
 990 such candidate or issue. The report shall contain the full name  
 991 and address of the person making the expenditure; the full name  
 992 and address of each person to whom and for whom each such  
 993 expenditure has been made; the amount, date, and purpose of each  
 994 such expenditure; a description of the services or goods  
 995 obtained by each such expenditure; the issue to which the  
 996 expenditure relates; and the name and address of, and office  
 997 sought by, each candidate on whose behalf such expenditure was  
 998 made.

999 Section 14. Subsections (1) , (2), (4), (5), and (6) of  
 1000 section 106.08, Florida Statutes, are amended, and subsection  
 1001 (7) of that section is reenacted and amended, to read:

HB 1207

2010

1002 106.08 Contributions; limitations on.—  
 1003 (1) (a) Except for political parties or affiliated party  
 1004 committees, no person, political committee, or committee of  
 1005 continuous existence may, in any election, make contributions in  
 1006 excess of \$500 to any candidate for election to or retention in  
 1007 office or to any political committee supporting or opposing one  
 1008 or more candidates. Candidates for the offices of Governor and  
 1009 Lieutenant Governor on the same ticket are considered a single  
 1010 candidate for the purpose of this section.

1011 (b)1. The contribution limits provided in this subsection  
 1012 do not apply to contributions made by a state or county  
 1013 executive committee of a political party or affiliated party  
 1014 committee regulated by chapter 103 or to amounts contributed by  
 1015 a candidate to his or her own campaign.

1016 2. Notwithstanding the limits provided in this subsection,  
 1017 an unemancipated child under the age of 18 years of age may not  
 1018 make a contribution in excess of \$100 to any candidate or to any  
 1019 political committee supporting one or more candidates.

1020 (c) The contribution limits of this subsection apply to  
 1021 each election. For purposes of this subsection, the primary  
 1022 election and general election are separate elections so long as  
 1023 the candidate is not an unopposed candidate as defined in s.  
 1024 106.011(15). However, for the purpose of contribution limits  
 1025 with respect to candidates for retention as a justice or judge,  
 1026 there is only one election, which is the general election.

1027 (2) (a) A candidate may not accept contributions from  
 1028 national, state, or ~~including any subordinate committee of a~~  
 1029 ~~national, state, or county committee of a political party, and~~

HB 1207

2010

1030 county executive committees of a political party, including any  
 1031 subordinate committee of such political party or affiliated  
 1032 party committees, which contributions in the aggregate exceed  
 1033 \$50,000, ~~no more than \$25,000 of which may be accepted prior to~~  
 1034 ~~the 28-day period immediately preceding the date of the general~~  
 1035 ~~election.~~

1036 (b) A candidate for statewide office may not accept  
 1037 contributions from national, state, or county executive  
 1038 committees of a political party, including any subordinate  
 1039 committee of the ~~a national, state, or county committee of a~~  
 1040 ~~political party,~~ or affiliated party committees, which  
 1041 contributions in the aggregate exceed \$250,000, ~~no more than~~  
 1042 ~~\$125,000 of which may be accepted prior to the 28-day period~~  
 1043 ~~immediately preceding the date of the general election.~~ Polling  
 1044 services, research services, costs for campaign staff,  
 1045 professional consulting services, and telephone calls are not  
 1046 contributions to be counted toward the contribution limits of  
 1047 paragraph (a) or this paragraph. Any item not expressly  
 1048 identified in this paragraph as nonallocable is a contribution  
 1049 in an amount equal to the fair market value of the item and must  
 1050 be counted as allocable toward the contribution limits of  
 1051 paragraph (a) or this paragraph. Nonallocable, in-kind  
 1052 contributions must be reported by the candidate under s. 106.07  
 1053 and by the political party or affiliated party committee under  
 1054 s. 106.29.

1055 (4) ~~(a)~~ Any contribution received by the chair, campaign  
 1056 treasurer, or deputy campaign treasurer of a political committee  
 1057 supporting or opposing a candidate with opposition in an

1058 election or supporting or opposing an issue on the ballot in an  
 1059 election on the day of that election or less than 5 days prior  
 1060 to the day of that election may not be obligated or expended by  
 1061 the committee until after the date of the election.

1062 ~~(b) Any contribution received by an electioneering~~  
 1063 ~~communications organization on the day of an election or less~~  
 1064 ~~than 5 days prior to the day of that election may not be~~  
 1065 ~~obligated or expended by the organization until after the date~~  
 1066 ~~of the election and may not be expended to pay for any~~  
 1067 ~~obligation arising prior to the election.~~

1068 (5) (a) A person may not make any contribution through or  
 1069 in the name of another, directly or indirectly, in any election.

1070 (b) Candidates, political committees, affiliated party  
 1071 committees, and political parties may not solicit contributions  
 1072 from any religious, charitable, civic, or other causes or  
 1073 organizations established primarily for the public good.

1074 (c) Candidates, political committees, affiliated party  
 1075 committees, and political parties may not make contributions, in  
 1076 exchange for political support, to any religious, charitable,  
 1077 civic, or other cause or organization established primarily for  
 1078 the public good. It is not a violation of this paragraph for:

1079 1. A candidate, political committee, affiliated party  
 1080 committee, or political party executive committee to make gifts  
 1081 of money in lieu of flowers in memory of a deceased person;

1082 2. A candidate to continue membership in, or make regular  
 1083 donations from personal or business funds to, religious,  
 1084 political party, affiliated party committee, civic, or  
 1085 charitable groups of which the candidate is a member or to which

1086 the candidate has been a regular donor for more than 6 months;  
 1087 or

1088 3. A candidate to purchase, with campaign funds, tickets,  
 1089 admission to events, or advertisements from religious, civic,  
 1090 political party, affiliated party committee, or charitable  
 1091 groups.

1092 ~~(d) An electioneering communications organization may not~~  
 1093 ~~accept a contribution from an organization exempt from taxation~~  
 1094 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~  
 1095 ~~than a political committee, committee of continuous existence,~~  
 1096 ~~or political party, unless the contributing organization has~~  
 1097 ~~registered as if the organization were an electioneering~~  
 1098 ~~communications organization pursuant to s. 106.03 and has filed~~  
 1099 ~~all campaign finance reports required of electioneering~~  
 1100 ~~communications organizations pursuant to ss. 106.07 and~~  
 1101 ~~106.0703.~~

1102 (6) (a) A political party or affiliated party committee may  
 1103 not accept any contribution that has been specifically  
 1104 designated for the partial or exclusive use of a particular  
 1105 candidate. Any contribution so designated must be returned to  
 1106 the contributor and may not be used or expended by or on behalf  
 1107 of the candidate. Funds contributed to an affiliated party  
 1108 committee shall not be deemed as designated for the partial or  
 1109 exclusive use of a leader as defined in s. 103.092.

1110 (b)1. A political party or affiliated party committee may  
 1111 not accept any in-kind contribution that fails to provide a  
 1112 direct benefit to the political party or affiliated party  
 1113 committee. A "direct benefit" includes, but is not limited to,



HB 1207

2010

1114 fundraising or furthering the objectives of the political party  
 1115 or affiliated party committee.

1116 2.a. An in-kind contribution to a state political party  
 1117 may be accepted only by the chairperson of the state political  
 1118 party or by the chairperson's designee or designees whose names  
 1119 are on file with the division in a form acceptable to the  
 1120 division prior to the date of the written notice required in  
 1121 sub-subparagraph b. An in-kind contribution to a county  
 1122 political party may be accepted only by the chairperson of the  
 1123 county political party or by the county chairperson's designee  
 1124 or designees whose names are on file with the supervisor of  
 1125 elections of the respective county prior to the date of the  
 1126 written notice required in sub-subparagraph b. An in-kind  
 1127 contribution to an affiliated party committee may be accepted  
 1128 only by the leader of the affiliated party committee as defined  
 1129 in s. 103.092 or by the leader's designee or designees whose  
 1130 names are on file with the division in a form acceptable to the  
 1131 division prior to the date of the written notice required in  
 1132 sub-subparagraph b.

1133 b. A person making an in-kind contribution to a state  
 1134 ~~political party~~ or county political party or affiliated party  
 1135 committee must provide prior written notice of the contribution  
 1136 to a person described in sub-subparagraph a. The prior written  
 1137 notice must be signed and dated and may be provided by an  
 1138 electronic or facsimile message. However, prior written notice  
 1139 is not required for an in-kind contribution that consists of  
 1140 food and beverage in an aggregate amount not exceeding \$1,500  
 1141 which is consumed at a single sitting or event if such in-kind

1142 contribution is accepted in advance by a person specified in  
 1143 sub-subparagraph a.

1144 c. A person described in sub-subparagraph a. may accept an  
 1145 in-kind contribution requiring prior written notice only in a  
 1146 writing that is signed and dated before the in-kind contribution  
 1147 is made. Failure to obtain the required written acceptance of an  
 1148 in-kind contribution to a state or county political party or  
 1149 affiliated party committee constitutes a refusal of the  
 1150 contribution.

1151 d. A copy of each prior written acceptance required under  
 1152 sub-subparagraph c. must be filed with the division at the time  
 1153 the regular reports of contributions and expenditures required  
 1154 under s. 106.29 are filed by the state executive committee, ~~and~~  
 1155 county executive committee, and affiliated party committee.

1156 e. An in-kind contribution may not be given to a state or  
 1157 county political party or affiliated party committee unless the  
 1158 in-kind contribution is made as provided in this subparagraph.

1159 (7) (a) Any person who knowingly and willfully makes or  
 1160 accepts no more than one contribution in violation of subsection  
 1161 (1) or subsection (5), or any person who knowingly and willfully  
 1162 fails or refuses to return any contribution as required in  
 1163 subsection (3), commits a misdemeanor of the first degree,  
 1164 punishable as provided in s. 775.082 or s. 775.083. If any  
 1165 corporation, partnership, or other business entity or any  
 1166 political party, affiliated party committee, political  
 1167 committee, committee of continuous existence, or electioneering  
 1168 communications organization is convicted of knowingly and  
 1169 willfully violating any provision punishable under this

1170 paragraph, it shall be fined not less than \$1,000 and not more  
 1171 than \$10,000. If it is a domestic entity, it may be ordered  
 1172 dissolved by a court of competent jurisdiction; if it is a  
 1173 foreign or nonresident business entity, its right to do business  
 1174 in this state may be forfeited. Any officer, partner, agent,  
 1175 attorney, or other representative of a corporation, partnership,  
 1176 or other business entity, or of a political party, affiliated  
 1177 party committee, political committee, committee of continuous  
 1178 existence, electioneering communications organization, or  
 1179 organization exempt from taxation under s. 527 or s. 501(c)(4)  
 1180 of the Internal Revenue Code, who aids, abets, advises, or  
 1181 participates in a violation of any provision punishable under  
 1182 this paragraph commits a misdemeanor of the first degree,  
 1183 punishable as provided in s. 775.082 or s. 775.083.

1184 (b) Any person who knowingly and willfully makes or  
 1185 accepts two or more contributions in violation of subsection (1)  
 1186 or subsection (5) commits a felony of the third degree,  
 1187 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 1188 If any corporation, partnership, or other business entity or any  
 1189 political party, affiliated party committee, political  
 1190 committee, committee of continuous existence, or electioneering  
 1191 communications organization is convicted of knowingly and  
 1192 willfully violating any provision punishable under this  
 1193 paragraph, it shall be fined not less than \$10,000 and not more  
 1194 than \$50,000. If it is a domestic entity, it may be ordered  
 1195 dissolved by a court of competent jurisdiction; if it is a  
 1196 foreign or nonresident business entity, its right to do business  
 1197 in this state may be forfeited. Any officer, partner, agent,

HB 1207

2010

1198 attorney, or other representative of a corporation, partnership,  
 1199 or other business entity, or of a political committee, committee  
 1200 of continuous existence, political party, affiliated party  
 1201 committee, or electioneering communications organization, or  
 1202 organization exempt from taxation under s. 527 or s. 501(c)(4)  
 1203 of the Internal Revenue Code, who aids, abets, advises, or  
 1204 participates in a violation of any provision punishable under  
 1205 this paragraph commits a felony of the third degree, punishable  
 1206 as provided in s. 775.082, s. 775.083, or s. 775.084.

1207 Section 15. Section 106.088, Florida Statutes, is created  
 1208 to read:

1209 106.088 Independent expenditures; contribution limits;  
 1210 restrictions on affiliated party committees.—

1211 (1) As a condition of receiving a rebate of party  
 1212 assessments under s. 103.121(1)(b), the leader or treasurer of  
 1213 an affiliated party committee as defined in s. 103.092 shall  
 1214 take and subscribe to an oath or affirmation in writing. During  
 1215 the qualifying period for state candidates and prior to  
 1216 distribution of such funds, a printed copy of the oath or  
 1217 affirmation shall be filed with the Secretary of State and shall  
 1218 be substantially in the following form:

1219  
 1220 State of Florida

1221 County of \_\_\_\_\_

1222  
 1223 Before me, an officer authorized to administer oaths, personally  
 1224 appeared ...(name)..., to me well known, who, being sworn, says  
 1225 that he or she is the ...(title)... of the ...(name of

HB 1207

2010

1226 party).....(name of chamber)... affiliated party committee;  
 1227 that the affiliated party committee has not made, either  
 1228 directly or indirectly, an independent expenditure in support of  
 1229 or opposition to a candidate or elected public official in the  
 1230 prior 6 months; that the affiliated party committee will not  
 1231 make, either directly or indirectly, an independent expenditure  
 1232 in support of or opposition to a candidate or elected public  
 1233 official, through and including the upcoming general election;  
 1234 and that the affiliated party committee will not violate the  
 1235 contribution limits applicable to candidates under s. 106.08(2),  
 1236 Florida Statutes.

1237 ...(Signature of committee officer)...

1238 ...(Address)...

1239 Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_,  
 1240 ...(year)..., at \_\_\_\_\_ County, Florida.

1241 ...(Signature and title of officer administering oath)...

1242 (2) (a) Any affiliated party committee found to have  
 1243 violated the provisions of the oath or affirmation prior to  
 1244 receiving funds shall be ineligible to receive the rebate for  
 1245 that general election year.

1246 (b) Any affiliated party committee found to have violated  
 1247 the provisions of the oath or affirmation after receiving funds  
 1248 shall be ineligible to receive the rebate from candidates  
 1249 qualifying for the following general election cycle.

1250 (3) Any funds not distributed to the affiliated party  
 1251 committee pursuant to this section shall be deposited into the  
 1252 General Revenue Fund of the state.

1253 Section 16. Section 106.113, Florida Statutes, is amended  
 1254 to read:

1255 106.113 Expenditures by local governments.—

1256 (1) As used in this section, the term:

1257 ~~(a)~~ "local government" means:

1258 (a)1. A county, municipality, school district, or other  
 1259 political subdivision in this state; and

1260 (b)2. Any department, agency, board, bureau, district,  
 1261 commission, authority, or similar body of a county,  
 1262 municipality, school district, or other political subdivision of  
 1263 this state.

1264 ~~(b) "Public funds" means all moneys under the jurisdiction~~  
 1265 ~~or control of the local government.~~

1266 (2) A local government or a person acting on behalf of  
 1267 local government may not make a specific appropriation or  
 1268 designated expenditure of moneys under the jurisdiction or  
 1269 control of the local government ~~expend or authorize the~~  
 1270 ~~expenditure of~~, and a person or group may not accept such  
 1271 moneys, public funds for the purpose of a political  
 1272 advertisement ~~or electioneering communication~~ concerning an  
 1273 issue, referendum, or amendment, including any state question,  
 1274 that is subject to a vote of the electors. ~~This subsection does~~  
 1275 ~~not apply to an electioneering communication from a local~~  
 1276 ~~government or a person acting on behalf of a local government~~  
 1277 ~~which is limited to factual information.~~

1278 (3) With the exception of the prohibitions specified in  
 1279 subsection (2), this section does not preclude an elected

HB 1207

2010

1280 official of the local government from expressing an opinion on  
 1281 any issue at any time.

1282 Section 17. Section 106.1437, Florida Statutes, is  
 1283 reenacted to read:

1284 106.1437 Miscellaneous advertisements.—Any advertisement,  
 1285 other than a political advertisement, independent expenditure,  
 1286 or electioneering communication, on billboards, bumper stickers,  
 1287 radio, or television, or in a newspaper, a magazine, or a  
 1288 periodical, intended to influence public policy or the vote of a  
 1289 public official, shall clearly designate the sponsor of such  
 1290 advertisement by including a clearly readable statement of  
 1291 sponsorship. If the advertisement is broadcast on television,  
 1292 the advertisement shall also contain a verbal statement of  
 1293 sponsorship. This section shall not apply to an editorial  
 1294 endorsement.

1295 Section 18. Section 106.1439, Florida Statutes, is  
 1296 reenacted and amended to read:

1297 106.1439 Electioneering communications; disclaimers.—

1298 (1) Any electioneering communication, other than a  
 1299 telephone call, shall prominently state: "Paid electioneering  
 1300 communication paid for by ... (Name and address of person paying  
 1301 for the communication)...."

1302 (2) Any electioneering communication telephone call shall  
 1303 identify the persons or organizations sponsoring the call by  
 1304 stating either: "Paid for by ... (insert name of persons or  
 1305 organizations sponsoring the call)...." or "Paid for on behalf  
 1306 of ... (insert name of persons or organizations authorizing  
 1307 call)...." This subsection does not apply to any telephone call

HB 1207

2010

1308 in which the individual making the call is not being paid and  
 1309 the individuals participating in the call know each other prior  
 1310 to the call.

1311 ~~(3)~~<sup>(2)</sup> Any person who fails to include the disclaimer  
 1312 prescribed in this section in any electioneering communication  
 1313 that is required to contain such disclaimer commits a  
 1314 misdemeanor of the first degree, punishable as provided in s.  
 1315 775.082 or s. 775.083.

1316 Section 19. Paragraphs (a) and (e) of subsection (1) and  
 1317 subsection (3) of section 106.147, Florida Statutes, are amended  
 1318 to read:

1319 106.147 Telephone solicitation; disclosure requirements;  
 1320 prohibitions; exemptions; penalties.—

1321 (1) (a) Any ~~electioneering communication telephone call or~~  
 1322 ~~any~~ telephone call supporting or opposing a candidate, elected  
 1323 public official, or ballot proposal must identify the persons or  
 1324 organizations sponsoring the call by stating either: "paid for  
 1325 by \_\_\_\_" (insert name of persons or organizations sponsoring  
 1326 the call) or "paid for on behalf of \_\_\_\_" (insert name of  
 1327 persons or organizations authorizing call). This paragraph does  
 1328 not apply to any telephone call in which both the individual  
 1329 making the call is not being paid and the individuals  
 1330 participating in the call know each other prior to the call.

1331 ~~(c) Any electioneering communication paid for with public~~  
 1332 ~~funds must include a disclaimer containing the words "paid for~~  
 1333 ~~by ... (Name of the government entity paying for the~~  
 1334 ~~communication)...."~~

1335 (3) (a) Any person who willfully violates any provision of



1336 | this section commits a misdemeanor of the first degree,  
 1337 | punishable as provided in s. 775.082 or s. 775.083.

1338 |       (b) For purposes of paragraph (a), the term "person"  
 1339 | includes any candidate; any officer of any political committee,  
 1340 | committee of continuous existence, affiliated party committee,  
 1341 | or political party executive committee; any officer, partner,  
 1342 | attorney, or other representative of a corporation, partnership,  
 1343 | or other business entity; and any agent or other person acting  
 1344 | on behalf of any candidate, political committee, committee of  
 1345 | continuous existence, affiliated party committee, political  
 1346 | party executive committee, or corporation, partnership, or other  
 1347 | business entity.

1348 |       Section 20. Section 106.165, Florida Statutes, is amended  
 1349 | to read:

1350 |       106.165 Use of closed captioning and descriptive narrative  
 1351 | in all television broadcasts.—Each candidate, political party,  
 1352 | affiliated party committee, and political committee must use  
 1353 | closed captioning and descriptive narrative in all television  
 1354 | broadcasts regulated by the Federal Communications Commission  
 1355 | that are on behalf of, or sponsored by, a candidate, political  
 1356 | party, affiliated party committee, or political committee or  
 1357 | must file a written statement with the qualifying officer  
 1358 | setting forth the reasons for not doing so. Failure to file this  
 1359 | statement with the appropriate qualifying officer constitutes a  
 1360 | violation of the Florida Election Code and is under the  
 1361 | jurisdiction of the Florida Elections Commission. The Department  
 1362 | of State may adopt rules in accordance with s. 120.54 which are  
 1363 | necessary to administer this section.

1364 Section 21. Section 106.17, Florida Statutes, is reenacted  
 1365 and amended to read:

1366 106.17 Polls and surveys relating to candidacies.—Any  
 1367 candidate, political committee, committee of continuous  
 1368 existence, electioneering communication organization, affiliated  
 1369 party committee, or state or county executive committee of a  
 1370 political party may authorize or conduct a political poll,  
 1371 survey, index, or measurement of any kind relating to candidacy  
 1372 for public office so long as the candidate, political committee,  
 1373 committee of continuous existence, electioneering communication  
 1374 organization, affiliated party committee, or political party  
 1375 maintains complete jurisdiction over the poll in all its  
 1376 aspects.

1377 Section 22. Subsection (2) of section 106.23, Florida  
 1378 Statutes, is amended to read:

1379 106.23 Powers of the Division of Elections.—

1380 (2) The Division of Elections shall provide advisory  
 1381 opinions when requested by any supervisor of elections,  
 1382 candidate, local officer having election-related duties,  
 1383 political party, affiliated party committee, political  
 1384 committee, committee of continuous existence, or other person or  
 1385 organization engaged in political activity, relating to any  
 1386 provisions or possible violations of Florida election laws with  
 1387 respect to actions such supervisor, candidate, local officer  
 1388 having election-related duties, political party, affiliated  
 1389 party committee, committee, person, or organization has taken or  
 1390 proposes to take. Requests for advisory opinions must be  
 1391 submitted in accordance with rules adopted by the Department of

1392 State. A written record of all such opinions issued by the  
 1393 division, sequentially numbered, dated, and indexed by subject  
 1394 matter, shall be retained. A copy shall be sent to said person  
 1395 or organization upon request. Any such person or organization,  
 1396 acting in good faith upon such an advisory opinion, shall not be  
 1397 subject to any criminal penalty provided for in this chapter.  
 1398 The opinion, until amended or revoked, shall be binding on any  
 1399 person or organization who sought the opinion or with reference  
 1400 to whom the opinion was sought, unless material facts were  
 1401 omitted or misstated in the request for the advisory opinion.

1402 Section 23. Subsections (1) and (2) of section 106.265,  
 1403 Florida Statutes, are amended to read:

1404 106.265 Civil penalties.—

1405 (1) The commission is authorized upon the finding of a  
 1406 violation of this chapter or chapter 104 to impose civil  
 1407 penalties in the form of fines not to exceed \$1,000 per count.  
 1408 In determining the amount of such civil penalties, the  
 1409 commission shall consider, among other mitigating and  
 1410 aggravating circumstances:

1411 (a) The gravity of the act or omission;

1412 (b) Any previous history of similar acts or omissions;

1413 (c) The appropriateness of such penalty to the financial  
 1414 resources of the person, political committee, committee of  
 1415 continuous existence, affiliated party committee, or political  
 1416 party; and

1417 (d) Whether the person, political committee, committee of  
 1418 continuous existence, affiliated party committee, or political  
 1419 party has shown good faith in attempting to comply with the

HB 1207

2010

1420 provisions of this chapter or chapter 104.

1421 (2) If any person, political committee, committee of  
 1422 continuous existence, affiliated party committee, or political  
 1423 party fails or refuses to pay to the commission any civil  
 1424 penalties assessed pursuant to the provisions of this section,  
 1425 the commission shall be responsible for collecting the civil  
 1426 penalties resulting from such action.

1427 Section 24. Subsection (2) of section 106.27, Florida  
 1428 Statutes, is amended to read:

1429 106.27 Determinations by commission; legal disposition.—

1430 (2) Civil actions may be brought by the commission for  
 1431 relief, including permanent or temporary injunctions,  
 1432 restraining orders, or any other appropriate order for the  
 1433 imposition of civil penalties provided by this chapter. Such  
 1434 civil actions shall be brought by the commission in the  
 1435 appropriate court of competent jurisdiction, and the venue shall  
 1436 be in the county in which the alleged violation occurred or in  
 1437 which the alleged violator or violators are found, reside, or  
 1438 transact business. Upon a proper showing that such person,  
 1439 political committee, committee of continuous existence,  
 1440 affiliated party committee, or political party has engaged, or  
 1441 is about to engage, in prohibited acts or practices, a permanent  
 1442 or temporary injunction, restraining order, or other order shall  
 1443 be granted without bond by such court, and the civil fines  
 1444 provided by this chapter may be imposed.

1445 Section 25. Section 106.29, Florida Statutes, is amended  
 1446 to read:

1447 106.29 Reports by political parties and affiliated party

HB 1207

2010

1448 committees; restrictions on contributions and expenditures;  
1449 penalties.—

1450 (1) The state executive committee and each county  
1451 executive committee of each political party and any affiliated  
1452 party committee regulated by chapter 103 shall file regular  
1453 reports of all contributions received and all expenditures made  
1454 by such committee. Such reports shall contain the same  
1455 information as do reports required of candidates by s. 106.07  
1456 and shall be filed on the 10th day following the end of each  
1457 calendar quarter, except that, during the period from the last  
1458 day for candidate qualifying until the general election, such  
1459 reports shall be filed on the Friday immediately preceding both  
1460 the primary election and the general election. In addition to  
1461 the reports filed under this section, the state executive  
1462 committee, ~~and~~ each county executive committee, and each  
1463 affiliated party committee shall file a copy of each prior  
1464 written acceptance of an in-kind contribution given by the  
1465 committee during the preceding calendar quarter as required  
1466 under s. 106.08(6). Each state executive committee and  
1467 affiliated party committee shall file the original and one copy  
1468 of its reports with the Division of Elections. Each county  
1469 executive committee shall file its reports with the supervisor  
1470 of elections in the county in which such committee exists. Any  
1471 state or county executive committee or affiliated party  
1472 committee failing to file a report on the designated due date  
1473 shall be subject to a fine as provided in subsection (3). No  
1474 separate fine shall be assessed for failure to file a copy of  
1475 any report required by this section.

Page 53 of 59

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

hb1207-00

HB 1207

2010

1476 (2) The chair and treasurer of each state or county  
1477 executive committee shall certify as to the correctness of each  
1478 report filed by them on behalf of such committee. The leader and  
1479 treasurer of each affiliated party committee under s. 103.092  
1480 shall certify as to the correctness of each report filed by them  
1481 on behalf of such committee. Any committee chair, leader, or  
1482 treasurer who certifies the correctness of any report while  
1483 knowing that such report is incorrect, false, or incomplete  
1484 commits a felony of the third degree, punishable as provided in  
1485 s. 775.082, s. 775.083, or s. 775.084.

1486 (3) (a) Any state or county executive committee or  
1487 affiliated party committee failing to file a report on the  
1488 designated due date shall be subject to a fine as provided in  
1489 paragraph (b) for each late day. The fine shall be assessed by  
1490 the filing officer, and the moneys collected shall be deposited  
1491 in the General Revenue Fund.

1492 (b) Upon determining that a report is late, the filing  
1493 officer shall immediately notify the chair of the executive  
1494 committee or the leader of the affiliated party committee as  
1495 defined in s. 103.092 as to the failure to file a report by the  
1496 designated due date and that a fine is being assessed for each  
1497 late day. The fine shall be \$1,000 for a state executive  
1498 committee, \$1,000 for an affiliated party committee, and \$50 for  
1499 a county executive committee, per day for each late day, not to  
1500 exceed 25 percent of the total receipts or expenditures,  
1501 whichever is greater, for the period covered by the late report.  
1502 However, if an executive committee or an affiliated party  
1503 committee fails to file a report on the Friday immediately

HB 1207

2010

1504 preceding the general election, the fine shall be \$10,000 per  
 1505 day for each day a state executive committee is late, \$10,000  
 1506 per day for each day an affiliated party committee is late, and  
 1507 \$500 per day for each day a county executive committee is late.  
 1508 Upon receipt of the report, the filing officer shall determine  
 1509 the amount of the fine which is due and shall notify the chair  
 1510 or leader as defined in s. 103.092. The filing officer shall  
 1511 determine the amount of the fine due based upon the earliest of  
 1512 the following:

- 1513 1. When the report is actually received by such officer.
- 1514 2. When the report is postmarked.
- 1515 3. When the certificate of mailing is dated.
- 1516 4. When the receipt from an established courier company is  
 1517 dated.
- 1518 5. When the electronic receipt issued pursuant to s.  
 1519 106.0705 is dated.

1520  
 1521 Such fine shall be paid to the filing officer within 20 days  
 1522 after receipt of the notice of payment due, unless appeal is  
 1523 made to the Florida Elections Commission pursuant to paragraph  
 1524 (c). An officer or member of an executive committee shall not be  
 1525 personally liable for such fine.

1526 (c) The chair of an executive committee or the leader of  
 1527 an affiliated party committee as defined in s. 103.092 may  
 1528 appeal or dispute the fine, based upon unusual circumstances  
 1529 surrounding the failure to file on the designated due date, and  
 1530 may request and shall be entitled to a hearing before the  
 1531 Florida Elections Commission, which shall have the authority to

HB 1207

2010

1532 waive the fine in whole or in part. Any such request shall be  
1533 made within 20 days after receipt of the notice of payment due.  
1534 In such case, the chair of the executive committee or the leader  
1535 of the affiliated party committee as defined in s. 103.092  
1536 shall, within the 20-day period, notify the filing officer in  
1537 writing of his or her intention to bring the matter before the  
1538 commission.

1539 (d) The appropriate filing officer shall notify the  
1540 Florida Elections Commission of the repeated late filing by an  
1541 executive committee or affiliated party committee, the failure  
1542 of an executive committee or affiliated party committee to file  
1543 a report after notice, or the failure to pay the fine imposed.

1544 (4) Any contribution received by a state or county  
1545 executive committee or affiliated party committee less than 5  
1546 days before an election shall not be used or expended in behalf  
1547 of any candidate, issue, affiliated party committee, or  
1548 political party participating in such election.

1549 (5) No state or county executive committee or affiliated  
1550 party committee, in the furtherance of any candidate or  
1551 political party, directly or indirectly, shall give, pay, or  
1552 expend any money, give or pay anything of value, authorize any  
1553 expenditure, or become pecuniarily liable for any expenditure  
1554 prohibited by this chapter. However, the contribution of funds  
1555 by one executive committee to another or to established party  
1556 organizations for legitimate party or campaign purposes is not  
1557 prohibited, but all such contributions shall be recorded and  
1558 accounted for in the reports of the contributor and recipient.

1559 (6) (a) The national, state, and county executive



1560 committees of a political party and affiliated party committees  
 1561 may not contribute to any candidate any amount in excess of the  
 1562 limits contained in s. 106.08(2), and all contributions required  
 1563 to be reported under s. 106.08(2) by the national executive  
 1564 committee of a political party shall be reported by the state  
 1565 executive committee of that political party.

1566 (b) A violation of the contribution limits contained in s.  
 1567 106.08(2) is a misdemeanor of the first degree, punishable as  
 1568 provided in s. 775.082 or s. 775.083. A civil penalty equal to  
 1569 three times the amount in excess of the limits contained in s.  
 1570 106.08(2) shall be assessed against any executive committee  
 1571 found in violation thereof.

1572 Section 26. Paragraph (d) of subsection (1) of section  
 1573 11.045, Florida Statutes, is amended to read:

1574 11.045 Lobbying before the Legislature; registration and  
 1575 reporting; exemptions; penalties.—

1576 (1) As used in this section, unless the context otherwise  
 1577 requires:

1578 (d) "Expenditure" means a payment, distribution, loan,  
 1579 advance, reimbursement, deposit, or anything of value made by a  
 1580 lobbyist or principal for the purpose of lobbying. The term  
 1581 "expenditure" does not include contributions or expenditures  
 1582 reported pursuant to chapter 106 or federal election law,  
 1583 campaign-related personal services provided without compensation  
 1584 by individuals volunteering their time, any other contribution  
 1585 or expenditure made by or to a political party or affiliated  
 1586 party committee, or any other contribution or expenditure made  
 1587 by an organization that is exempt from taxation under 26 U.S.C.

1588 s. 527 or s. 501(c)(4).

1589 Section 27. Paragraph (b) of subsection (12) of section  
 1590 112.312, Florida Statutes, is amended to read:

1591 112.312 Definitions.—As used in this part and for purposes  
 1592 of the provisions of s. 8, Art. II of the State Constitution,  
 1593 unless the context otherwise requires:

1594 (12)

1595 (b) "Gift" does not include:

1596 1. Salary, benefits, services, fees, commissions, gifts,  
 1597 or expenses associated primarily with the donee's employment,  
 1598 business, or service as an officer or director of a corporation  
 1599 or organization.

1600 2. Contributions or expenditures reported pursuant to  
 1601 chapter 106, campaign-related personal services provided without  
 1602 compensation by individuals volunteering their time, or any  
 1603 other contribution or expenditure by a political party or  
 1604 affiliated party committee.

1605 3. An honorarium or an expense related to an honorarium  
 1606 event paid to a person or the person's spouse.

1607 4. An award, plaque, certificate, or similar personalized  
 1608 item given in recognition of the donee's public, civic,  
 1609 charitable, or professional service.

1610 5. An honorary membership in a service or fraternal  
 1611 organization presented merely as a courtesy by such  
 1612 organization.

1613 6. The use of a public facility or public property, made  
 1614 available by a governmental agency, for a public purpose.

1615 7. Transportation provided to a public officer or employee

HB 1207

2010

1616 by an agency in relation to officially approved governmental  
 1617 business.

1618 8. Gifts provided directly or indirectly by a state,  
 1619 regional, or national organization which promotes the exchange  
 1620 of ideas between, or the professional development of,  
 1621 governmental officials or employees, and whose membership is  
 1622 primarily composed of elected or appointed public officials or  
 1623 staff, to members of that organization or officials or staff of  
 1624 a governmental agency that is a member of that organization.

1625 Section 28. Paragraph (d) of subsection (1) of section  
 1626 112.3215, Florida Statutes, is amended to read:

1627 112.3215 Lobbying before the executive branch or the  
 1628 Constitution Revision Commission; registration and reporting;  
 1629 investigation by commission.—

1630 (1) For the purposes of this section:

1631 (d) "Expenditure" means a payment, distribution, loan,  
 1632 advance, reimbursement, deposit, or anything of value made by a  
 1633 lobbyist or principal for the purpose of lobbying. The term  
 1634 "expenditure" does not include contributions or expenditures  
 1635 reported pursuant to chapter 106 or federal election law,  
 1636 campaign-related personal services provided without compensation  
 1637 by individuals volunteering their time, any other contribution  
 1638 or expenditure made by or to a political party or an affiliated  
 1639 party committee, or any other contribution or expenditure made  
 1640 by an organization that is exempt from taxation under 26 U.S.C.  
 1641 s. 527 or s. 501(c) (4).

1642 Section 29. This act shall take effect July 1, 2010.