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2010 Legislature

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

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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

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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 | 106.141, F.S.; adding affiliated party committees to the
74 | list of entities to which a candidate may donate surplus
75 | funds; amending s. 106.143, F.S.; requiring an affiliated
76 | party committee, like a political party, to obtain advance
77 | approval by a candidate for political advertisements;
78 | amending s. 106.1439, F.S.; providing identification
79 | requirements for certain electioneering communications;
80 | providing an exception for telephone calls; amending s.
81 | 106.147, F.S., relating to telephone solicitation
82 | disclosure requirements; removing requirements relating to
83 | electioneering communication, to conform; revising the
84 | definition of the term "person" to include an affiliated

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85 party committee; providing penalties; amending s. 106.165,
86 F.S.; adding affiliated party committees to the entities
87 that must use closed captioning and descriptive narrative
88 in all television broadcasts; amending s. 106.17, F.S.;
89 adding affiliated party committees to those entities
90 authorized to conduct polls and surveys relating to
91 candidacies; amending s. 106.23, F.S.; providing that an
92 affiliated party committee shall be provided an advisory
93 opinion by the Division of Elections when requested;
94 amending s. 106.265, F.S.; authorizing the imposition of
95 civil penalties by the Florida Elections Commission for
96 certain violations by an affiliated party committee;
97 amending s. 106.27, F.S.; adding affiliated party
98 committees to those entities subject to certain
99 determinations and legal disposition by the Florida
100 Elections Commission; amending s. 106.29, F.S.; requiring
101 filing of certain reports by an affiliated party
102 committee; providing restrictions on certain expenditures
103 and contributions; providing penalties; amending s.
104 11.045, F.S., relating to lobbying before the Legislature;
105 excluding contributions and expenditures by an affiliated
106 party committee from the definition of the term
107 "expenditure"; amending s. 112.312, F.S.; providing that
108 certain activities pertaining to an affiliated party
109 committee are excluded from the definition of the term
110 "gift"; amending s. 112.3215, F.S., relating to lobbying
111 before the executive branch or the Constitution Revision
112 Commission; excluding contributions and expenditures by an

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113 affiliated party committee from the definition of the term
 114 "expenditure"; reenacting ss. 106.011(1)(b), (3), (4),
 115 (18), and (19), 106.022(1), 106.03(1)(b), 106.04(5),
 116 106.0703, 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437,
 117 106.1439, and 106.17, F.S., relating to definitions,
 118 registered office and agent requirements, registration
 119 requirements, prohibited activities for committees of
 120 continuous existence, additional reporting requirements,
 121 electronic filing requirements, expenditure reports,
 122 penalties for violations pertaining to limitations on
 123 contributions, miscellaneous advertisements,
 124 electioneering communications disclaimers and penalties
 125 for failure to include disclaimers, and polls and surveys
 126 pertaining to candidacies, to cure and conform; providing
 127 an effective date.

128
 129 Be It Enacted by the Legislature of the State of Florida:

130
 131 Section 1. Subsection (4) is added to section 103.081,
 132 Florida Statutes, to read:

133 103.081 Use of party name; political advertising.—

134 (4) Notwithstanding any other provision of law to the
 135 contrary, an affiliated party committee shall be entitled to use
 136 the name, abbreviation, or symbol of the political party of its
 137 leader as defined in s. 103.092.

138 Section 2. Section 103.092, Florida Statutes, is created
 139 to read:

140 103.092 Affiliated party committees.—

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141 (1) For purposes of this section, the term "leader" means
 142 the President of the Senate, the Speaker of the House of
 143 Representatives, or the minority leader of either house of the
 144 Legislature, until a person is designated by a political party
 145 conference of members of either house to succeed to any such
 146 position, at which time the designee becomes the leader for
 147 purposes of this section.

148 (2) The leader of each political party conference of the
 149 House of Representatives and the Senate may establish a
 150 separate, affiliated party committee to support the election of
 151 candidates of the leader's political party. The affiliated party
 152 committee is subject to the same provisions of chapter 106 as a
 153 political party.

154 (3) Each affiliated party committee shall:

155 (a) Adopt bylaws to include, at a minimum, the designation
 156 of a treasurer.

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

159 (c) Establish an account.

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

163 Section 3. Paragraph (b) of subsection (1) of section
 164 103.121, Florida Statutes, is amended to read:

165 103.121 Powers and duties of executive committees.—

166 (1)

167 (b) The county executive committee shall receive payment
 168 of assessments upon candidates to be voted for in a single

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

186 Section 4. Paragraph (a) of subsection (1) of section of
 187 section 106.011, Florida Statutes, is amended, paragraph (b) of
 188 subsection (1) of that section is reenacted and amended,
 189 subsections (3) and (4) of that section are reenacted,
 190 subsections (5), (8), and (14) of that section are amended, and
 191 subsections (18) and (19) of that section are reenacted and
 192 amended, to read:

193 106.011 Definitions.—As used in this chapter, the
 194 following terms have the following meanings unless the context
 195 clearly indicates otherwise:

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

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

200 a. Accepts contributions for the purpose of making
 201 contributions to any candidate, political committee, committee
 202 of continuous existence, affiliated party committee, or
 203 political party;

204 b. Accepts contributions for the purpose of expressly
 205 advocating the election or defeat of a candidate or the passage
 206 or defeat of an issue;

207 c. Makes expenditures that expressly advocate the election
 208 or defeat of a candidate or the passage or defeat of an issue;
 209 or

210 d. Makes contributions to a common fund, other than a
 211 joint checking account between spouses, from which contributions
 212 are made to any candidate, political committee, committee of
 213 continuous existence, affiliated party committee, or political
 214 party;

215 2. The sponsor of a proposed constitutional amendment by
 216 initiative who intends to seek the signatures of registered
 217 electors.

218 (b) Notwithstanding paragraph (a), the following entities
 219 are not considered political committees for purposes of this
 220 chapter:

221 1. Organizations which are certified by the Department of
 222 State as committees of continuous existence pursuant to s.
 223 106.04, national political parties, ~~and~~ the state and county

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224 executive committees of political parties, and affiliated party
 225 committees regulated by chapter 103.

226 2. Corporations regulated by chapter 607 or chapter 617 or
 227 other business entities formed for purposes other than to
 228 support or oppose issues or candidates, if their political
 229 activities are limited to contributions to candidates, political
 230 parties, affiliated party committees, or political committees or
 231 expenditures in support of or opposition to an issue from
 232 corporate or business funds and if no contributions are received
 233 by such corporations or business entities.

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

243 (3) "Contribution" means:

244 (a) A gift, subscription, conveyance, deposit, loan,
 245 payment, or distribution of money or anything of value,
 246 including contributions in kind having an attributable monetary
 247 value in any form, made for the purpose of influencing the
 248 results of an election or making an electioneering
 249 communication.

250 (b) A transfer of funds between political committees,
 251 between committees of continuous existence, between

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252 | electioneering communications organizations, or between any
253 | combination of these groups.

254 | (c) The payment, by any person other than a candidate or
255 | political committee, of compensation for the personal services
256 | of another person which are rendered to a candidate or political
257 | committee without charge to the candidate or committee for such
258 | services.

259 | (d) The transfer of funds by a campaign treasurer or
260 | deputy campaign treasurer between a primary depository and a
261 | separate interest-bearing account or certificate of deposit, and
262 | the term includes any interest earned on such account or
263 | certificate.

264 |

265 | Notwithstanding the foregoing meanings of "contribution," the
266 | word shall not be construed to include services, including, but
267 | not limited to, legal and accounting services, provided without
268 | compensation by individuals volunteering a portion or all of
269 | their time on behalf of a candidate or political committee. This
270 | definition shall not be construed to include editorial
271 | endorsements.

272 | (4) (a) "Expenditure" means a purchase, payment,
273 | distribution, loan, advance, transfer of funds by a campaign
274 | treasurer or deputy campaign treasurer between a primary
275 | depository and a separate interest-bearing account or
276 | certificate of deposit, or gift of money or anything of value
277 | made for the purpose of influencing the results of an election
278 | or making an electioneering communication. However,
279 | "expenditure" does not include a purchase, payment,

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280 distribution, loan, advance, or gift of money or anything of
281 value made for the purpose of influencing the results of an
282 election when made by an organization, in existence prior to the
283 time during which a candidate qualifies or an issue is placed on
284 the ballot for that election, for the purpose of printing or
285 distributing such organization's newsletter, containing a
286 statement by such organization in support of or opposition to a
287 candidate or issue, which newsletter is distributed only to
288 members of such organization.

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

292 1. A person enters into a contract for applicable goods or
293 services;

294 2. A person makes payment, in whole or in part, for the
295 production or public dissemination of applicable goods or
296 services; or

297 3. The electioneering communication is publicly
298 disseminated.

299 (5) (a) "Independent expenditure" means an expenditure by a
300 person for the purpose of expressly advocating the election or
301 defeat of a candidate or the approval or rejection of an issue,
302 which expenditure is not controlled by, coordinated with, or
303 made upon consultation with, any candidate, political committee,
304 or agent of such candidate or committee. An expenditure for such
305 purpose by a person having a contract with the candidate,
306 political committee, or agent of such candidate or committee in
307 a given election period shall not be deemed an independent

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308 expenditure.

309 (b) An expenditure for the purpose of expressly advocating
 310 the election or defeat of a candidate which is made by the
 311 national, state, or county executive committee of a political
 312 party, including any subordinate committee of the ~~a national,~~
 313 ~~state, or county committee of a~~ political party, an affiliated
 314 party committee, a ~~or by any~~ political committee, ~~a~~ ~~or~~ committee
 315 of continuous existence, or any other person, shall not be
 316 considered an independent expenditure if the committee or
 317 person:

318 1. Communicates with the candidate, the candidate's
 319 campaign, or an agent of the candidate acting on behalf of the
 320 candidate, including any pollster, media consultant, advertising
 321 agency, vendor, advisor, or staff member, concerning the
 322 preparation of, use of, or payment for, the specific expenditure
 323 or advertising campaign at issue; or

324 2. Makes a payment in cooperation, consultation, or
 325 concert with, at the request or suggestion of, or pursuant to
 326 any general or particular understanding with the candidate, the
 327 candidate's campaign, a political committee supporting the
 328 candidate, or an agent of the candidate relating to the specific
 329 expenditure or advertising campaign at issue; or

330 3. Makes a payment for the dissemination, distribution, or
 331 republication, in whole or in part, of any broadcast or any
 332 written, graphic, or other form of campaign material prepared by
 333 the candidate, the candidate's campaign, or an agent of the
 334 candidate, including any pollster, media consultant, advertising
 335 agency, vendor, advisor, or staff member; or

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

343 5. After the last day of qualifying for statewide or
 344 legislative office, consults about the candidate's plans,
 345 projects, or needs in connection with the candidate's pursuit of
 346 election to office and the information is used in any way to
 347 plan, create, design, or prepare an independent expenditure or
 348 advertising campaign, with:

349 a. Any officer, director, employee, or agent of a
 350 national, state, or county executive committee of a political
 351 party or an affiliated party committee that has made or intends
 352 to make expenditures in connection with or contributions to the
 353 candidate; or

354 b. Any person whose professional services have been
 355 retained by a national, state, or county executive committee of
 356 a political party or an affiliated party committee that has made
 357 or intends to make expenditures in connection with or
 358 contributions to the candidate; or

359 6. After the last day of qualifying for statewide or
 360 legislative office, retains the professional services of any
 361 person also providing those services to the candidate in
 362 connection with the candidate's pursuit of election to office;
 363 or

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

366 (8) "Person" means an individual or a corporation,
 367 association, firm, partnership, joint venture, joint stock
 368 company, club, organization, estate, trust, business trust,
 369 syndicate, or other combination of individuals having collective
 370 capacity. The term includes a political party, affiliated party
 371 committee, political committee, or committee of continuous
 372 existence.

373 (14) "Filing officer" means the person before whom a
 374 candidate qualifies, the agency or officer with whom a political
 375 committee or an electioneering communications organization
 376 registers, or the agency by whom a committee of continuous
 377 existence is certified.

378 (18) (a) "Electioneering communication" means any
 379 communication publicly distributed by a television station,
 380 radio station, cable television system, satellite system,
 381 newspaper, magazine, direct mail, or telephone ~~a paid expression~~
 382 ~~in any communications media prescribed in subsection (13) by~~
 383 ~~means other than the spoken word in direct conversation that:~~

384 1. Refers to or depicts a clearly identified candidate for
 385 office ~~or contains a clear reference indicating that an issue is~~
 386 ~~to be voted on at an election,~~ without expressly advocating the
 387 election or defeat of a candidate but that is susceptible of no
 388 reasonable interpretation other than an appeal to vote for or
 389 against a specific candidate; ~~or the passage or defeat of an~~
 390 ~~issue.~~

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

394 ~~3. Is For communications referring to or depicting a~~
 395 ~~clearly identified candidate for office, is targeted to the~~
 396 ~~relevant electorate. A communication is considered targeted if~~
 397 ~~1,000 or more persons in the geographic area the candidate would~~
 398 ~~represent if elected will receive the communication.~~

399 ~~3. For communications containing a clear reference~~
 400 ~~indicating that an issue is to be voted on at an election, is~~
 401 ~~published after the issue is designated a ballot position or 120~~
 402 ~~days before the date of the election on the issue, whichever~~
 403 ~~occurs first.~~

404 (b) The term "electioneering communication" does not
 405 include:

406 1. A communication disseminated through a means of
 407 communication other than a television station, radio station,
 408 cable television system, satellite system, newspaper, magazine,
 409 direct mail, telephone, or statement or depiction by an
 410 organization, in existence prior to the time during which a
 411 candidate named or depicted qualifies ~~or an issue identified is~~
 412 ~~placed on the ballot~~ for that election, made in that
 413 organization's newsletter, which newsletter is distributed only
 414 to members of that organization.

415 2. A communication in a news story, commentary, or
 416 editorial distributed through the facilities of any radio
 417 station, television station, cable television system, or
 418 satellite system, unless the facilities are owned or controlled

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

430 3. A communication that constitutes a public debate or
 431 forum that includes at least two opposing candidates for an
 432 office or one advocate and one opponent of an issue, or that
 433 solely promotes such a debate or forum and is made by or on
 434 behalf of the person sponsoring the debate or forum, provided
 435 that:

436 a. The staging organization is either:

437 (I) A charitable organization that does not make other
 438 electioneering communications and does not otherwise support or
 439 oppose any political candidate or political party; or

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

442 b. The staging organization does not structure the debate
 443 to promote or advance one candidate or issue position over
 444 another.

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

448 (d) For purposes of this chapter, an electioneering
 449 communication shall not constitute an independent expenditure
 450 nor be subject to the limitations applicable to independent
 451 expenditures.

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

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

463 106.021 Campaign treasurers; deputies; primary and
 464 secondary depositories.—

465 (3) No contribution or expenditure, including
 466 contributions or expenditures of a candidate or of the
 467 candidate's family, shall be directly or indirectly made or
 468 received in furtherance of the candidacy of any person for
 469 nomination or election to political office in the state or on
 470 behalf of any political committee except through the duly
 471 appointed campaign treasurer of the candidate or political
 472 committee, subject to the following exceptions:

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473 (a) Independent expenditures;

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

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

488 or

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

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

498 106.022 Appointment of a registered agent; duties.—

499 (1) Each political committee, committee of continuous
 500 existence, or electioneering communications organization shall

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501 have and continuously maintain in this state a registered office
 502 and a registered agent and must file with the division a
 503 statement of appointment for the registered office and
 504 registered agent. The statement of appointment must:

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

507 (b) Identify the entity for whom the registered agent
 508 serves;

509 (c) Designate the address the registered agent wishes to
 510 use to receive mail;

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

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

517 (f) Contain the signature of the registered agent and the
 518 entity engaging the registered agent.

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

521 106.025 Campaign fund raisers.—

522 (2) This section shall not apply to any campaign fund
 523 raiser held on behalf of a political party by the state or
 524 county executive committee or an affiliated party committee of
 525 such party, provided that the proceeds of such campaign fund
 526 raiser are reported pursuant to s. 106.29.

527 Section 8. Paragraph (b) of subsection (1) of section
 528 106.03, Florida Statutes, is reenacted and amended, and

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529 subsections (2), (4), and (7) of that section are amended, to
 530 read:

531 106.03 Registration of political committees and
 532 electioneering communications organizations.—

533 (1)

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

544 2.a. In a statewide, legislative, or multicounty election,
 545 an electioneering communications organization shall file a
 546 statement of organization with the Division of Elections.

547 b. In a countywide election or any election held on less
 548 than a countywide basis, except as described in sub-subparagraph
 549 c., an electioneering communications organization shall file a
 550 statement of organization with the supervisor of elections of
 551 the county in which the election is being held.

552 c. In a municipal election, an electioneering
 553 communications organization shall file a statement of
 554 organization with the officer before whom municipal candidates
 555 qualify.

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556 d. Any electioneering communications organization that
 557 would be required to file a statement of organization in two or
 558 more locations by reason of the organization's intention to
 559 support or oppose candidates at state or multicounty and local
 560 levels of government need only file a statement of organization
 561 with the Division of Elections.

562 (2) The statement of organization shall include:

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

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

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

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

571 (e) The name, mailing address, street address, and
 572 position of other principal officers, including the treasurer
 573 and deputy treasurer ~~including officers and members of the~~
 574 ~~finance committee,~~ if any;

575 (f) The name, address, office sought, and party
 576 affiliation of:

577 1. Each candidate whom the committee is supporting;

578 2. Any other individual, if any, whom the committee is
 579 supporting for nomination for election, or election, to any
 580 public office whatever;

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

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

585 (i) A statement of whether the committee is a continuing
 586 one;

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

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

592 (l) A statement of the reports required to be filed by the
 593 committee or the electioneering communications organization with
 594 federal officials, if any, and the names, addresses, and
 595 positions of such officials; and

596 (m) A statement of whether the electioneering
 597 communications organization was formed as a newly created
 598 organization during the current calendar quarter or was formed
 599 from an organization existing prior to the current calendar
 600 quarter. For purposes of this subsection, calendar quarters end
 601 the last day of March, June, September, and December.

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

607 (7) The Division of Elections shall adopt ~~promulgate~~ rules
 608 to prescribe the manner in which ~~inactive~~ committees and
 609 electioneering communications organizations may be dissolved and

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610 have their registration canceled. Such rules shall, at a
 611 minimum, provide for:

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

615 (b) Adequate opportunity to respond.

616 (c) Appeal of the decision to the Florida Elections
 617 Commission. Such appeals shall be exempt from the
 618 confidentiality provisions of s. 106.25.

619 Section 9. Paragraph (c) of subsection (4) of section
 620 106.04, Florida Statutes, is amended, and subsection (5) of that
 621 section is reenacted, to read:

622 106.04 Committees of continuous existence.—

623 (4)

624 (c) All committees of continuous existence shall file
 625 their reports with the Division of Elections. Reports shall be
 626 filed in accordance with s. 106.0705 and shall contain the
 627 following information:

628 1. The full name, address, and occupation of each person
 629 who has made one or more contributions, including contributions
 630 that represent the payment of membership dues, to the committee
 631 during the reporting period, together with the amounts and dates
 632 of such contributions. For corporations, the report must provide
 633 as clear a description as practicable of the principal type of
 634 business conducted by the corporation. However, if the
 635 contribution is \$100 or less, the occupation of the contributor
 636 or principal type of business need not be listed. However, for
 637 any contributions that represent the payment of dues by members

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638 in a fixed amount aggregating no more than \$250 per calendar
639 year, pursuant to the schedule on file with the Division of
640 Elections, only the aggregate amount of such contributions need
641 be listed, together with the number of members paying such dues
642 and the amount of the membership dues.

643 2. The name and address of each political committee or
644 committee of continuous existence from which the reporting
645 committee received, or the name and address of each political
646 committee, committee of continuous existence, affiliated party
647 committee, or political party to which it made, any transfer of
648 funds, together with the amounts and dates of all transfers.

649 3. Any other receipt of funds not listed pursuant to
650 subparagraph 1. or subparagraph 2., including the sources and
651 amounts of all such funds.

652 4. The name and address of, and office sought by, each
653 candidate to whom the committee has made a contribution during
654 the reporting period, together with the amount and date of each
655 contribution.

656 5. The full name and address of each person to whom
657 expenditures have been made by or on behalf of the committee
658 within the reporting period; the amount, date, and purpose of
659 each such expenditure; and the name and address, and office
660 sought by, each candidate on whose behalf such expenditure was
661 made.

662 6. The full name and address of each person to whom an
663 expenditure for personal services, salary, or reimbursement for
664 authorized expenses has been made, including the full name and
665 address of each entity to whom the person made payment for which

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666 reimbursement was made by check drawn upon the committee
667 account, together with the amount and purpose of such payment.

668 7. Transaction information from each credit card statement
669 that will be included in the next report following receipt
670 thereof by the committee. Receipts for each credit card purchase
671 shall be retained by the treasurer with the records for the
672 committee account.

673 8. The total sum of expenditures made by the committee
674 during the reporting period.

675 (5) No committee of continuous existence shall make an
676 electioneering communication, contribute to any candidate or
677 political committee an amount in excess of the limits contained
678 in s. 106.08(1), or participate in any activity which is
679 prohibited by this chapter. If any violation occurs, it shall be
680 punishable as provided in this chapter for the given offense. No
681 funds of a committee of continuous existence shall be expended
682 on behalf of a candidate, except by means of a contribution made
683 through the duly appointed campaign treasurer of a candidate. No
684 such committee shall make expenditures in support of, or in
685 opposition to, an issue unless such committee first registers as
686 a political committee pursuant to this chapter and undertakes
687 all the practices and procedures required thereof; provided such
688 committee may make contributions in a total amount not to exceed
689 25 percent of its aggregate income, as reflected in the annual
690 report filed for the previous year, to one or more political
691 committees registered pursuant to s. 106.03 and formed to
692 support or oppose issues.

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

695 106.0701 Solicitation of contributions on behalf of s. 527
 696 or s. 501(c)(4) organizations; reporting requirements; civil
 697 penalty; exemption.—

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

702 Section 11. Section 106.0703, Florida Statutes, is
 703 reenacted and amended to read:

704 106.0703 Electioneering communications organizations;
 705 ~~additional~~ reporting requirements; certification and filing;
 706 penalties.—

707 (1) (a) Each electioneering communications organization
 708 shall file regular reports of all contributions received and all
 709 expenditures made by or on behalf of the organization. Reports
 710 shall be filed on the 10th day following the end of each
 711 calendar quarter from the time the organization is registered.
 712 However, if the 10th day following the end of a calendar quarter
 713 occurs on a Saturday, Sunday, or legal holiday, the report shall
 714 be filed on the next following day that is not a Saturday,
 715 Sunday, or legal holiday. Quarterly reports shall include all
 716 contributions received and expenditures made during the calendar
 717 quarter that have not otherwise been reported pursuant to this
 718 section.

719 (b) Following the last day of candidates qualifying for
 720 office, the reports shall be filed on the 32nd, 18th, and 4th

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721 days immediately preceding the primary election and on the 46th,
722 32nd, 18th, and 4th days immediately preceding the general
723 election.

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

729 (d) In addition to the reports required by paragraph (a),
730 an electioneering communications organization that is registered
731 with the Department of State and that makes a contribution or
732 expenditure to influence the results of a county or municipal
733 election that is not being held at the same time as a state or
734 federal election must file reports with the county or municipal
735 filing officer on the same dates as county or municipal
736 candidates or committees for that election. The electioneering
737 communications organization must also include the expenditure in
738 the next report filed with the Division of Elections pursuant to
739 this section following the county or municipal election.

740 (e) The filing officer shall make available to each
741 electioneering communications organization a schedule
742 designating the beginning and end of reporting periods as well
743 as the corresponding designated due dates.

744 (2) (a) Except as provided in s. 106.0705, the reports
745 required of an electioneering communications organization shall
746 be filed with the filing officer not later than 5 p.m. of the
747 day designated. However, any report postmarked by the United
748 States Postal Service no later than midnight of the day

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749 designated shall be deemed to have been filed in a timely
750 manner. Any report received by the filing officer within 5 days
751 after the designated due date that was delivered by the United
752 States Postal Service shall be deemed timely filed unless it has
753 a postmark that indicates that the report was mailed after the
754 designated due date. A certificate of mailing obtained from and
755 dated by the United States Postal Service at the time of
756 mailing, or a receipt from an established courier company, which
757 bears a date on or before the date on which the report is due,
758 shall be proof of mailing in a timely manner. Reports shall
759 contain information of all previously unreported contributions
760 received and expenditures made as of the preceding Friday,
761 except that the report filed on the Friday immediately preceding
762 the election shall contain information of all previously
763 unreported contributions received and expenditures made as of
764 the day preceding the designated due date. All such reports
765 shall be open to public inspection.

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

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777 2. Notice is deemed sufficient upon proof of delivery of
778 written notice to the mailing or street address of the treasurer
779 or registered agent of the electioneering communication
780 organization on record with the filing officer.

781 (3) (a) Each report required by this section must contain:

782 1. The full name, address, and occupation, if any, of each
783 person who has made one or more contributions to or for such
784 electioneering communications organization within the reporting
785 period, together with the amount and date of such contributions.
786 For corporations, the report must provide as clear a description
787 as practicable of the principal type of business conducted by
788 the corporation. However, if the contribution is \$100 or less,
789 the occupation of the contributor or the principal type of
790 business need not be listed.

791 2. The name and address of each political committee from
792 which or to which the reporting electioneering communications
793 organization made any transfer of funds, together with the
794 amounts and dates of all transfers.

795 3. Each loan for electioneering communication purposes to
796 or from any person or political committee within the reporting
797 period, together with the full names, addresses, and occupations
798 and principal places of business, if any, of the lender and
799 endorsers, if any, and the date and amount of such loans.

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

802 5. The total sums of all loans, in-kind contributions, and
803 other receipts by or for such electioneering communications
804 organization during the reporting period. The reporting forms

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805 shall be designed to elicit separate totals for in-kind
 806 contributions, loans, and other receipts.

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

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

815 8. The total sum of expenditures made by the
 816 electioneering communications organization during the reporting
 817 period.

818 9. The amount and nature of debts and obligations owed by
 819 or to the electioneering communications organization that relate
 820 to the conduct of any electioneering communication.

821 10. Transaction information for each credit card purchase.
 822 Receipts for each credit card purchase shall be retained by the
 823 electioneering communications organization.

824 11. The amount and nature of any separate interest-bearing
 825 accounts or certificates of deposit and identification of the
 826 financial institution in which such accounts or certificates of
 827 deposit are located.

828 12. The primary purposes of an expenditure made indirectly
 829 through an electioneering communications organization for goods
 830 and services, such as communications media placement or
 831 procurement services and other expenditures that include
 832 multiple components as part of the expenditure. The primary

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833 purpose of an expenditure shall be that purpose, including
 834 integral and directly related components, that comprises 80
 835 percent of such expenditure.

836 (b) The filing officer shall make available to any
 837 electioneering communications organization a reporting form
 838 which the electioneering communications organization may use to
 839 indicate contributions received by the electioneering
 840 communications organization but returned to the contributor
 841 before deposit.

842 (4) The treasurer of the electioneering communications
 843 organization shall certify as to the correctness of each report,
 844 and each person so certifying shall bear the responsibility for
 845 the accuracy and veracity of each report. Any treasurer who
 846 willfully certifies the correctness of any report while knowing
 847 that such report is incorrect, false, or incomplete commits a
 848 misdemeanor of the first degree, punishable as provided in s.
 849 775.082 or s. 775.083.

850 (5) The electioneering communications organization
 851 depository shall provide statements reflecting deposits and
 852 expenditures from the account to the treasurer, who shall retain
 853 the records pursuant to s. 106.06. The records maintained by the
 854 depository with respect to the account shall be subject to
 855 inspection by an agent of the Division of Elections or the
 856 Florida Elections Commission at any time during normal banking
 857 hours, and such depository shall furnish certified copies of any
 858 such records to the Division of Elections or the Florida
 859 Elections Commission upon request.

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860 (6) Notwithstanding any other provisions of this chapter,
861 in any reporting period during which an electioneering
862 communications organization has not received funds, made any
863 contributions, or expended any reportable funds, the treasurer
864 shall file a written report with the filing officer by the
865 prescribed reporting date that no reportable contributions or
866 expenditures were made during the reporting period.

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

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

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

879

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

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

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

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

907

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

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916 (c) The treasurer of an electioneering communications
 917 organization may appeal or dispute the fine, based upon, but not
 918 limited to, unusual circumstances surrounding the failure to
 919 file on the designated due date, and may request and shall be
 920 entitled to a hearing before the Florida Elections Commission,
 921 which shall have the authority to waive the fine in whole or in
 922 part. The Florida Elections Commission must consider the
 923 mitigating and aggravating circumstances contained in s.
 924 106.265(1) when determining the amount of a fine, if any, to be
 925 waived. Any such request shall be made within 20 days after
 926 receipt of the notice of payment due. In such case, the
 927 treasurer of the electioneering communications organization
 928 shall, within the 20-day period, notify the filing officer in
 929 writing of his or her intention to bring the matter before the
 930 commission.

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

941 (8) In addition to the reporting requirements in s.
 942 106.07, An electioneering communications organization shall,
 943 within 2 days after receiving its initial password or secure

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944 sign-on from the Department of State allowing confidential
 945 access to the department's electronic campaign finance filing
 946 system, electronically file the periodic ~~campaign finance~~
 947 reports that would have been required pursuant to this section
 948 ~~s. 106.07~~ for reportable activities that occurred since the date
 949 of the last general election.

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

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

955 (2)

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

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

969 (4) Each report filed pursuant to this section is
 970 considered to be under oath by the candidate and treasurer, ~~or~~
 971 the chair and treasurer, the treasurer under s. 106.0703, or the

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972 leader and treasurer under s. 103.092, whichever is applicable,
 973 and such persons are subject to the provisions of s.
 974 106.04(4)(d), s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as
 975 applicable. Persons given a secure sign-on to the electronic
 976 filing system are responsible for protecting such from
 977 disclosure and are responsible for all filings using such
 978 credentials, unless they have notified the division that their
 979 credentials have been compromised.

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

982 106.071 Independent expenditures; electioneering
 983 communications; reports; disclaimers.—

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

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999 | sought by, each candidate on whose behalf such expenditure was
1000 | made.

1001 | Section 14. Subsections (1) , (2), (4), (5), and (6) of
1002 | section 106.08, Florida Statutes, are amended, and subsection
1003 | (7) of that section is reenacted and amended, to read:

1004 | 106.08 Contributions; limitations on.—

1005 | (1) (a) Except for political parties or affiliated party
1006 | committees, no person, political committee, or committee of
1007 | continuous existence may, in any election, make contributions in
1008 | excess of \$500 to any candidate for election to or retention in
1009 | office or to any political committee supporting or opposing one
1010 | or more candidates. Candidates for the offices of Governor and
1011 | Lieutenant Governor on the same ticket are considered a single
1012 | candidate for the purpose of this section.

1013 | (b)1. The contribution limits provided in this subsection
1014 | do not apply to contributions made by a state or county
1015 | executive committee of a political party or affiliated party
1016 | committee regulated by chapter 103 or to amounts contributed by
1017 | a candidate to his or her own campaign.

1018 | 2. Notwithstanding the limits provided in this subsection,
1019 | an unemancipated child under the age of 18 years of age may not
1020 | make a contribution in excess of \$100 to any candidate or to any
1021 | political committee supporting one or more candidates.

1022 | (c) The contribution limits of this subsection apply to
1023 | each election. For purposes of this subsection, the primary
1024 | election and general election are separate elections so long as
1025 | the candidate is not an unopposed candidate as defined in s.
1026 | 106.011(15). However, for the purpose of contribution limits

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1027 with respect to candidates for retention as a justice or judge,
 1028 there is only one election, which is the general election.

1029 (2) (a) A candidate may not accept contributions from
 1030 national, state, or ~~including any subordinate committee of a~~
 1031 ~~national, state, or county committee of a political party, and~~
 1032 county executive committees of a political party, including any
 1033 subordinate committee of such political party or affiliated
 1034 party committees, which contributions in the aggregate exceed
 1035 \$50,000, ~~no more than \$25,000 of which may be accepted prior to~~
 1036 ~~the 28-day period immediately preceding the date of the general~~
 1037 ~~election.~~

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

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1055 and by the political party or affiliated party committee under
 1056 s. 106.29.

1057 (4) ~~(a)~~ Any contribution received by the chair, campaign
 1058 treasurer, or deputy campaign treasurer of a political committee
 1059 supporting or opposing a candidate with opposition in an
 1060 election or supporting or opposing an issue on the ballot in an
 1061 election on the day of that election or less than 5 days prior
 1062 to the day of that election may not be obligated or expended by
 1063 the committee until after the date of the election.

1064 ~~(b) Any contribution received by an electioneering~~
 1065 ~~communications organization on the day of an election or less~~
 1066 ~~than 5 days prior to the day of that election may not be~~
 1067 ~~obligated or expended by the organization until after the date~~
 1068 ~~of the election and may not be expended to pay for any~~
 1069 ~~obligation arising prior to the election.~~

1070 (5) (a) A person may not make any contribution through or
 1071 in the name of another, directly or indirectly, in any election.

1072 (b) Candidates, political committees, affiliated party
 1073 committees, and political parties may not solicit contributions
 1074 from any religious, charitable, civic, or other causes or
 1075 organizations established primarily for the public good.

1076 (c) Candidates, political committees, affiliated party
 1077 committees, and political parties may not make contributions, in
 1078 exchange for political support, to any religious, charitable,
 1079 civic, or other cause or organization established primarily for
 1080 the public good. It is not a violation of this paragraph for:

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1081 1. A candidate, political committee, affiliated party
 1082 committee, or political party executive committee to make gifts
 1083 of money in lieu of flowers in memory of a deceased person;

1084 2. A candidate to continue membership in, or make regular
 1085 donations from personal or business funds to, religious,
 1086 political party, affiliated party committee, civic, or
 1087 charitable groups of which the candidate is a member or to which
 1088 the candidate has been a regular donor for more than 6 months;
 1089 or

1090 3. A candidate to purchase, with campaign funds, tickets,
 1091 admission to events, or advertisements from religious, civic,
 1092 political party, affiliated party committee, or charitable
 1093 groups.

1094 ~~(d) An electioneering communications organization may not~~
 1095 ~~accept a contribution from an organization exempt from taxation~~
 1096 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~
 1097 ~~than a political committee, committee of continuous existence,~~
 1098 ~~or political party, unless the contributing organization has~~
 1099 ~~registered as if the organization were an electioneering~~
 1100 ~~communications organization pursuant to s. 106.03 and has filed~~
 1101 ~~all campaign finance reports required of electioneering~~
 1102 ~~communications organizations pursuant to ss. 106.07 and~~
 1103 ~~106.0703.~~

1104 (6) (a) A political party or affiliated party committee may
 1105 not accept any contribution that has been specifically
 1106 designated for the partial or exclusive use of a particular
 1107 candidate. Any contribution so designated must be returned to
 1108 the contributor and may not be used or expended by or on behalf

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1109 of the candidate. Funds contributed to an affiliated party
 1110 committee shall not be deemed as designated for the partial or
 1111 exclusive use of a leader as defined in s. 103.092.

1112 (b)1. A political party or affiliated party committee may
 1113 not accept any in-kind contribution that fails to provide a
 1114 direct benefit to the political party or affiliated party
 1115 committee. A "direct benefit" includes, but is not limited to,
 1116 fundraising or furthering the objectives of the political party
 1117 or affiliated party committee.

1118 2.a. An in-kind contribution to a state political party
 1119 may be accepted only by the chairperson of the state political
 1120 party or by the chairperson's designee or designees whose names
 1121 are on file with the division in a form acceptable to the
 1122 division prior to the date of the written notice required in
 1123 sub-subparagraph b. An in-kind contribution to a county
 1124 political party may be accepted only by the chairperson of the
 1125 county political party or by the county chairperson's designee
 1126 or designees whose names are on file with the supervisor of
 1127 elections of the respective county prior to the date of the
 1128 written notice required in sub-subparagraph b. An in-kind
 1129 contribution to an affiliated party committee may be accepted
 1130 only by the leader of the affiliated party committee as defined
 1131 in s. 103.092 or by the leader's designee or designees whose
 1132 names are on file with the division in a form acceptable to the
 1133 division prior to the date of the written notice required in
 1134 sub-subparagraph b.

1135 b. A person making an in-kind contribution to a state
 1136 ~~political party~~ or county political party or affiliated party

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1137 committee must provide prior written notice of the contribution
 1138 to a person described in sub-subparagraph a. The prior written
 1139 notice must be signed and dated and may be provided by an
 1140 electronic or facsimile message. However, prior written notice
 1141 is not required for an in-kind contribution that consists of
 1142 food and beverage in an aggregate amount not exceeding \$1,500
 1143 which is consumed at a single sitting or event if such in-kind
 1144 contribution is accepted in advance by a person specified in
 1145 sub-subparagraph a.

1146 c. A person described in sub-subparagraph a. may accept an
 1147 in-kind contribution requiring prior written notice only in a
 1148 writing that is signed and dated before the in-kind contribution
 1149 is made. Failure to obtain the required written acceptance of an
 1150 in-kind contribution to a state or county political party or
 1151 affiliated party committee constitutes a refusal of the
 1152 contribution.

1153 d. A copy of each prior written acceptance required under
 1154 sub-subparagraph c. must be filed with the division at the time
 1155 the regular reports of contributions and expenditures required
 1156 under s. 106.29 are filed by the state executive committee, ~~and~~
 1157 county executive committee, and affiliated party committee.

1158 e. An in-kind contribution may not be given to a state or
 1159 county political party or affiliated party committee unless the
 1160 in-kind contribution is made as provided in this subparagraph.

1161 (7) (a) Any person who knowingly and willfully makes or
 1162 accepts no more than one contribution in violation of subsection
 1163 (1) or subsection (5), or any person who knowingly and willfully
 1164 fails or refuses to return any contribution as required in

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1165 subsection (3), commits a misdemeanor of the first degree,
 1166 punishable as provided in s. 775.082 or s. 775.083. If any
 1167 corporation, partnership, or other business entity or any
 1168 political party, affiliated party committee, political
 1169 committee, committee of continuous existence, or electioneering
 1170 communications organization is convicted of knowingly and
 1171 willfully violating any provision punishable under this
 1172 paragraph, it shall be fined not less than \$1,000 and not more
 1173 than \$10,000. If it is a domestic entity, it may be ordered
 1174 dissolved by a court of competent jurisdiction; if it is a
 1175 foreign or nonresident business entity, its right to do business
 1176 in this state may be forfeited. Any officer, partner, agent,
 1177 attorney, or other representative of a corporation, partnership,
 1178 or other business entity, or of a political party, affiliated
 1179 party committee, political committee, committee of continuous
 1180 existence, electioneering communications organization, or
 1181 organization exempt from taxation under s. 527 or s. 501(c)(4)
 1182 of the Internal Revenue Code, who aids, abets, advises, or
 1183 participates in a violation of any provision punishable under
 1184 this paragraph commits a misdemeanor of the first degree,
 1185 punishable as provided in s. 775.082 or s. 775.083.

1186 (b) Any person who knowingly and willfully makes or
 1187 accepts two or more contributions in violation of subsection (1)
 1188 or subsection (5) commits a felony of the third degree,
 1189 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1190 If any corporation, partnership, or other business entity or any
 1191 political party, affiliated party committee, political
 1192 committee, committee of continuous existence, or electioneering

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1193 | communications organization is convicted of knowingly and
 1194 | willfully violating any provision punishable under this
 1195 | paragraph, it shall be fined not less than \$10,000 and not more
 1196 | than \$50,000. If it is a domestic entity, it may be ordered
 1197 | dissolved by a court of competent jurisdiction; if it is a
 1198 | foreign or nonresident business entity, its right to do business
 1199 | in this state may be forfeited. Any officer, partner, agent,
 1200 | attorney, or other representative of a corporation, partnership,
 1201 | or other business entity, or of a political committee, committee
 1202 | of continuous existence, political party, affiliated party
 1203 | committee, or electioneering communications organization, or
 1204 | organization exempt from taxation under s. 527 or s. 501(c)(4)
 1205 | of the Internal Revenue Code, who aids, abets, advises, or
 1206 | participates in a violation of any provision punishable under
 1207 | this paragraph commits a felony of the third degree, punishable
 1208 | as provided in s. 775.082, s. 775.083, or s. 775.084.

1209 | Section 15. Section 106.088, Florida Statutes, is created
 1210 | to read:

1211 | 106.088 Independent expenditures; contribution limits;
 1212 | restrictions on affiliated party committees.—

1213 | (1) As a condition of receiving a rebate of party
 1214 | assessments under s. 103.121(1)(b), the leader or treasurer of
 1215 | an affiliated party committee as defined in s. 103.092 shall
 1216 | take and subscribe to an oath or affirmation in writing. During
 1217 | the qualifying period for state candidates and prior to
 1218 | distribution of such funds, a printed copy of the oath or
 1219 | affirmation shall be filed with the Secretary of State and shall
 1220 | be substantially in the following form:

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State of Florida
County of _____

Before me, an officer authorized to administer oaths, personally
appeared ... (name) ..., to me well known, who, being sworn, says
that he or she is the ... (title) ... of the ... (name of
party) (name of chamber) ... affiliated party committee;
that the affiliated party committee has not made, either
directly or indirectly, an independent expenditure in support of
or opposition to a candidate or elected public official in the
prior 6 months; that the affiliated party committee will not
make, either directly or indirectly, an independent expenditure
in support of or opposition to a candidate or elected public
official, through and including the upcoming general election;
and that the affiliated party committee will not violate the
contribution limits applicable to candidates under s. 106.08(2),
Florida Statutes.

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

... (Address) ...

Sworn to and subscribed before me this _____ day of _____,
... (year) ..., at _____ County, Florida.

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

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

(b) Any affiliated party committee found to have violated

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1249 the provisions of the oath or affirmation after receiving funds
 1250 shall be ineligible to receive the rebate from candidates
 1251 qualifying for the following general election cycle.

1252 (3) Any funds not distributed to the affiliated party
 1253 committee pursuant to this section shall be deposited into the
 1254 General Revenue Fund of the state.

1255 Section 16. Paragraph (a) of subsection (4) of section
 1256 106.141, Florida Statutes, is amended to read:

1257 106.141 Disposition of surplus funds by candidates.—

1258 (4) (a) Except as provided in paragraph (b), any candidate
 1259 required to dispose of funds pursuant to this section shall, at
 1260 the option of the candidate, dispose of such funds by any of the
 1261 following means, or any combination thereof:

1262 1. Return pro rata to each contributor the funds that have
 1263 not been spent or obligated.

1264 2. Donate the funds that have not been spent or obligated
 1265 to a charitable organization or organizations that meet the
 1266 qualifications of s. 501(c)(3) of the Internal Revenue Code.

1267 3. Give not more than \$10,000 of the funds that have not
 1268 been spent or obligated to the affiliated party committee or
 1269 political party of which such candidate is a member, except that
 1270 a candidate for the Florida Senate may give not more than
 1271 \$30,000 of such funds to the affiliated party committee or
 1272 political party of which the candidate is a member.

1273 4. Give the funds that have not been spent or obligated:

1274 a. In the case of a candidate for state office, to the
 1275 state, to be deposited in either the Election Campaign Financing
 1276 Trust Fund or the General Revenue Fund, as designated by the

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1277 candidate; or

1278 b. In the case of a candidate for an office of a political
1279 subdivision, to such political subdivision, to be deposited in
1280 the general fund thereof.

1281 Section 17. Paragraph (a) of subsection (4) of section
1282 106.143, Florida Statutes, is amended to read:

1283 106.143 Political advertisements circulated prior to
1284 election; requirements.—

1285 (4) (a) Any political advertisement, including those paid
1286 for by a political party or affiliated party committee, other
1287 than an independent expenditure, offered by or on behalf of a
1288 candidate must be approved in advance by the candidate. Such
1289 political advertisement must expressly state that the content of
1290 the advertisement was approved by the candidate and must state
1291 who paid for the advertisement. The candidate shall provide a
1292 written statement of authorization to the newspaper, radio
1293 station, television station, or other medium for each such
1294 advertisement submitted for publication, display, broadcast, or
1295 other distribution.

1296 Section 18. Section 106.1437, Florida Statutes, is
1297 reenacted to read:

1298 106.1437 Miscellaneous advertisements.—Any advertisement,
1299 other than a political advertisement, independent expenditure,
1300 or electioneering communication, on billboards, bumper stickers,
1301 radio, or television, or in a newspaper, a magazine, or a
1302 periodical, intended to influence public policy or the vote of a
1303 public official, shall clearly designate the sponsor of such
1304 advertisement by including a clearly readable statement of

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1305 sponsorship. If the advertisement is broadcast on television,
 1306 the advertisement shall also contain a verbal statement of
 1307 sponsorship. This section shall not apply to an editorial
 1308 endorsement.

1309 Section 19. Section 106.1439, Florida Statutes, is
 1310 reenacted and amended to read:

1311 106.1439 Electioneering communications; disclaimers.—

1312 (1) Any electioneering communication, other than a
 1313 telephone call, shall prominently state: "Paid electioneering
 1314 communication paid for by ... (Name and address of person paying
 1315 for the communication)...."

1316 (2) Any electioneering communication telephone call shall
 1317 identify the persons or organizations sponsoring the call by
 1318 stating either: "Paid for by ... (insert name of persons or
 1319 organizations sponsoring the call)...." or "Paid for on behalf
 1320 of ... (insert name of persons or organizations authorizing
 1321 call)...." This subsection does not apply to any telephone call
 1322 in which the individual making the call is not being paid and
 1323 the individuals participating in the call know each other prior
 1324 to the call.

1325 ~~(3)~~ (2) Any person who fails to include the disclaimer
 1326 prescribed in this section in any electioneering communication
 1327 that is required to contain such disclaimer commits a
 1328 misdemeanor of the first degree, punishable as provided in s.
 1329 775.082 or s. 775.083.

1330 Section 20. Paragraphs (a) and (e) of subsection (1) and
 1331 subsection (3) of section 106.147, Florida Statutes, are amended
 1332 to read:

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1333 106.147 Telephone solicitation; disclosure requirements;
 1334 prohibitions; exemptions; penalties.—

1335 (1) (a) Any ~~electioneering communication telephone call or~~
 1336 any telephone call supporting or opposing a candidate, elected
 1337 public official, or ballot proposal must identify the persons or
 1338 organizations sponsoring the call by stating either: "paid for
 1339 by _____" (insert name of persons or organizations sponsoring
 1340 the call) or "paid for on behalf of _____" (insert name of
 1341 persons or organizations authorizing call). This paragraph does
 1342 not apply to any telephone call in which both the individual
 1343 making the call is not being paid and the individuals
 1344 participating in the call know each other prior to the call.

1345 ~~(c) Any electioneering communication paid for with public~~
 1346 ~~funds must include a disclaimer containing the words "paid for~~
 1347 ~~by ... (Name of the government entity paying for the~~
 1348 ~~communication)...."~~

1349 (3) (a) Any person who willfully violates any provision of
 1350 this section commits a misdemeanor of the first degree,
 1351 punishable as provided in s. 775.082 or s. 775.083.

1352 (b) For purposes of paragraph (a), the term "person"
 1353 includes any candidate; any officer of any political committee,
 1354 committee of continuous existence, affiliated party committee,
 1355 or political party executive committee; any officer, partner,
 1356 attorney, or other representative of a corporation, partnership,
 1357 or other business entity; and any agent or other person acting
 1358 on behalf of any candidate, political committee, committee of
 1359 continuous existence, affiliated party committee, political
 1360 party executive committee, or corporation, partnership, or other

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1361 business entity.

1362 Section 21. Section 106.165, Florida Statutes, is amended
1363 to read:

1364 106.165 Use of closed captioning and descriptive narrative
1365 in all television broadcasts.—Each candidate, political party,
1366 affiliated party committee, and political committee must use
1367 closed captioning and descriptive narrative in all television
1368 broadcasts regulated by the Federal Communications Commission
1369 that are on behalf of, or sponsored by, a candidate, political
1370 party, affiliated party committee, or political committee or
1371 must file a written statement with the qualifying officer
1372 setting forth the reasons for not doing so. Failure to file this
1373 statement with the appropriate qualifying officer constitutes a
1374 violation of the Florida Election Code and is under the
1375 jurisdiction of the Florida Elections Commission. The Department
1376 of State may adopt rules in accordance with s. 120.54 which are
1377 necessary to administer this section.

1378 Section 22. Section 106.17, Florida Statutes, is reenacted
1379 and amended to read:

1380 106.17 Polls and surveys relating to candidacies.—Any
1381 candidate, political committee, committee of continuous
1382 existence, electioneering communication organization, affiliated
1383 party committee, or state or county executive committee of a
1384 political party may authorize or conduct a political poll,
1385 survey, index, or measurement of any kind relating to candidacy
1386 for public office so long as the candidate, political committee,
1387 committee of continuous existence, electioneering communication
1388 organization, affiliated party committee, or political party

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1389 maintains complete jurisdiction over the poll in all its
 1390 aspects.
 1391 Section 23. Subsection (2) of section 106.23, Florida
 1392 Statutes, is amended to read:
 1393 106.23 Powers of the Division of Elections.—
 1394 (2) The Division of Elections shall provide advisory
 1395 opinions when requested by any supervisor of elections,
 1396 candidate, local officer having election-related duties,
 1397 political party, affiliated party committee, political
 1398 committee, committee of continuous existence, or other person or
 1399 organization engaged in political activity, relating to any
 1400 provisions or possible violations of Florida election laws with
 1401 respect to actions such supervisor, candidate, local officer
 1402 having election-related duties, political party, affiliated
 1403 party committee, committee, person, or organization has taken or
 1404 proposes to take. Requests for advisory opinions must be
 1405 submitted in accordance with rules adopted by the Department of
 1406 State. A written record of all such opinions issued by the
 1407 division, sequentially numbered, dated, and indexed by subject
 1408 matter, shall be retained. A copy shall be sent to said person
 1409 or organization upon request. Any such person or organization,
 1410 acting in good faith upon such an advisory opinion, shall not be
 1411 subject to any criminal penalty provided for in this chapter.
 1412 The opinion, until amended or revoked, shall be binding on any
 1413 person or organization who sought the opinion or with reference
 1414 to whom the opinion was sought, unless material facts were
 1415 omitted or misstated in the request for the advisory opinion.

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1416 Section 24. Subsections (1) and (2) of section 106.265,
 1417 Florida Statutes, are amended to read:

1418 106.265 Civil penalties.—

1419 (1) The commission is authorized upon the finding of a
 1420 violation of this chapter or chapter 104 to impose civil
 1421 penalties in the form of fines not to exceed \$1,000 per count.
 1422 In determining the amount of such civil penalties, the
 1423 commission shall consider, among other mitigating and
 1424 aggravating circumstances:

1425 (a) The gravity of the act or omission;

1426 (b) Any previous history of similar acts or omissions;

1427 (c) The appropriateness of such penalty to the financial
 1428 resources of the person, political committee, committee of
 1429 continuous existence, affiliated party committee, or political
 1430 party; and

1431 (d) Whether the person, political committee, committee of
 1432 continuous existence, affiliated party committee, or political
 1433 party has shown good faith in attempting to comply with the
 1434 provisions of this chapter or chapter 104.

1435 (2) If any person, political committee, committee of
 1436 continuous existence, affiliated party committee, or political
 1437 party fails or refuses to pay to the commission any civil
 1438 penalties assessed pursuant to the provisions of this section,
 1439 the commission shall be responsible for collecting the civil
 1440 penalties resulting from such action.

1441 Section 25. Subsection (2) of section 106.27, Florida
 1442 Statutes, is amended to read:

1443 106.27 Determinations by commission; legal disposition.—

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1444 (2) Civil actions may be brought by the commission for
 1445 relief, including permanent or temporary injunctions,
 1446 restraining orders, or any other appropriate order for the
 1447 imposition of civil penalties provided by this chapter. Such
 1448 civil actions shall be brought by the commission in the
 1449 appropriate court of competent jurisdiction, and the venue shall
 1450 be in the county in which the alleged violation occurred or in
 1451 which the alleged violator or violators are found, reside, or
 1452 transact business. Upon a proper showing that such person,
 1453 political committee, committee of continuous existence,
 1454 affiliated party committee, or political party has engaged, or
 1455 is about to engage, in prohibited acts or practices, a permanent
 1456 or temporary injunction, restraining order, or other order shall
 1457 be granted without bond by such court, and the civil fines
 1458 provided by this chapter may be imposed.

1459 Section 26. Section 106.29, Florida Statutes, is amended
 1460 to read:

1461 106.29 Reports by political parties and affiliated party
 1462 committees; restrictions on contributions and expenditures;
 1463 penalties.—

1464 (1) The state executive committee and each county
 1465 executive committee of each political party and any affiliated
 1466 party committee regulated by chapter 103 shall file regular
 1467 reports of all contributions received and all expenditures made
 1468 by such committee. Such reports shall contain the same
 1469 information as do reports required of candidates by s. 106.07
 1470 and shall be filed on the 10th day following the end of each
 1471 calendar quarter, except that, during the period from the last

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1472 day for candidate qualifying until the general election, such
1473 reports shall be filed on the Friday immediately preceding both
1474 the primary election and the general election. In addition to
1475 the reports filed under this section, the state executive
1476 committee, ~~and~~ each county executive committee, and each
1477 affiliated party committee shall file a copy of each prior
1478 written acceptance of an in-kind contribution given by the
1479 committee during the preceding calendar quarter as required
1480 under s. 106.08(6). Each state executive committee and
1481 affiliated party committee shall file the original and one copy
1482 of its reports with the Division of Elections. Each county
1483 executive committee shall file its reports with the supervisor
1484 of elections in the county in which such committee exists. Any
1485 state or county executive committee or affiliated party
1486 committee failing to file a report on the designated due date
1487 shall be subject to a fine as provided in subsection (3). No
1488 separate fine shall be assessed for failure to file a copy of
1489 any report required by this section.

1490 (2) The chair and treasurer of each state or county
1491 executive committee shall certify as to the correctness of each
1492 report filed by them on behalf of such committee. The leader and
1493 treasurer of each affiliated party committee under s. 103.092
1494 shall certify as to the correctness of each report filed by them
1495 on behalf of such committee. Any committee chair, leader, or
1496 treasurer who certifies the correctness of any report while
1497 knowing that such report is incorrect, false, or incomplete
1498 commits a felony of the third degree, punishable as provided in
1499 s. 775.082, s. 775.083, or s. 775.084.

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1500 (3) (a) Any state or county executive committee or
1501 affiliated party committee failing to file a report on the
1502 designated due date shall be subject to a fine as provided in
1503 paragraph (b) for each late day. The fine shall be assessed by
1504 the filing officer, and the moneys collected shall be deposited
1505 in the General Revenue Fund.

1506 (b) Upon determining that a report is late, the filing
1507 officer shall immediately notify the chair of the executive
1508 committee or the leader of the affiliated party committee as
1509 defined in s. 103.092 as to the failure to file a report by the
1510 designated due date and that a fine is being assessed for each
1511 late day. The fine shall be \$1,000 for a state executive
1512 committee, \$1,000 for an affiliated party committee, and \$50 for
1513 a county executive committee, per day for each late day, not to
1514 exceed 25 percent of the total receipts or expenditures,
1515 whichever is greater, for the period covered by the late report.
1516 However, if an executive committee or an affiliated party
1517 committee fails to file a report on the Friday immediately
1518 preceding the general election, the fine shall be \$10,000 per
1519 day for each day a state executive committee is late, \$10,000
1520 per day for each day an affiliated party committee is late, and
1521 \$500 per day for each day a county executive committee is late.
1522 Upon receipt of the report, the filing officer shall determine
1523 the amount of the fine which is due and shall notify the chair
1524 or leader as defined in s. 103.092. The filing officer shall
1525 determine the amount of the fine due based upon the earliest of
1526 the following:

1527 1. When the report is actually received by such officer.

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- 1528 2. When the report is postmarked.
- 1529 3. When the certificate of mailing is dated.
- 1530 4. When the receipt from an established courier company is
- 1531 dated.
- 1532 5. When the electronic receipt issued pursuant to s.
- 1533 106.0705 is dated.

1534

1535 Such fine shall be paid to the filing officer within 20 days

1536 after receipt of the notice of payment due, unless appeal is

1537 made to the Florida Elections Commission pursuant to paragraph

1538 (c). An officer or member of an executive committee shall not be

1539 personally liable for such fine.

1540 (c) The chair of an executive committee or the leader of

1541 an affiliated party committee as defined in s. 103.092 may

1542 appeal or dispute the fine, based upon unusual circumstances

1543 surrounding the failure to file on the designated due date, and

1544 may request and shall be entitled to a hearing before the

1545 Florida Elections Commission, which shall have the authority to

1546 waive the fine in whole or in part. Any such request shall be

1547 made within 20 days after receipt of the notice of payment due.

1548 In such case, the chair of the executive committee or the leader

1549 of the affiliated party committee as defined in s. 103.092

1550 shall, within the 20-day period, notify the filing officer in

1551 writing of his or her intention to bring the matter before the

1552 commission.

1553 (d) The appropriate filing officer shall notify the

1554 Florida Elections Commission of the repeated late filing by an

1555 executive committee or affiliated party committee, the failure

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1556 of an executive committee or affiliated party committee to file
 1557 a report after notice, or the failure to pay the fine imposed.

1558 (4) Any contribution received by a state or county
 1559 executive committee or affiliated party committee less than 5
 1560 days before an election shall not be used or expended in behalf
 1561 of any candidate, issue, affiliated party committee, or
 1562 political party participating in such election.

1563 (5) No state or county executive committee or affiliated
 1564 party committee, in the furtherance of any candidate or
 1565 political party, directly or indirectly, shall give, pay, or
 1566 expend any money, give or pay anything of value, authorize any
 1567 expenditure, or become pecuniarily liable for any expenditure
 1568 prohibited by this chapter. However, the contribution of funds
 1569 by one executive committee to another or to established party
 1570 organizations for legitimate party or campaign purposes is not
 1571 prohibited, but all such contributions shall be recorded and
 1572 accounted for in the reports of the contributor and recipient.

1573 (6) (a) The national, state, and county executive
 1574 committees of a political party and affiliated party committees
 1575 may not contribute to any candidate any amount in excess of the
 1576 limits contained in s. 106.08(2), and all contributions required
 1577 to be reported under s. 106.08(2) by the national executive
 1578 committee of a political party shall be reported by the state
 1579 executive committee of that political party.

1580 (b) A violation of the contribution limits contained in s.
 1581 106.08(2) is a misdemeanor of the first degree, punishable as
 1582 provided in s. 775.082 or s. 775.083. A civil penalty equal to
 1583 three times the amount in excess of the limits contained in s.

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1584 106.08(2) shall be assessed against any executive committee
 1585 found in violation thereof.

1586 Section 27. Paragraph (d) of subsection (1) of section
 1587 11.045, Florida Statutes, is amended to read:

1588 11.045 Lobbying before the Legislature; registration and
 1589 reporting; exemptions; penalties.—

1590 (1) As used in this section, unless the context otherwise
 1591 requires:

1592 (d) "Expenditure" means a payment, distribution, loan,
 1593 advance, reimbursement, deposit, or anything of value made by a
 1594 lobbyist or principal for the purpose of lobbying. The term
 1595 "expenditure" does not include contributions or expenditures
 1596 reported pursuant to chapter 106 or federal election law,
 1597 campaign-related personal services provided without compensation
 1598 by individuals volunteering their time, any other contribution
 1599 or expenditure made by or to a political party or affiliated
 1600 party committee, or any other contribution or expenditure made
 1601 by an organization that is exempt from taxation under 26 U.S.C.
 1602 s. 527 or s. 501(c) (4).

1603 Section 28. Paragraph (b) of subsection (12) of section
 1604 112.312, Florida Statutes, is amended to read:

1605 112.312 Definitions.—As used in this part and for purposes
 1606 of the provisions of s. 8, Art. II of the State Constitution,
 1607 unless the context otherwise requires:

1608 (12)

1609 (b) "Gift" does not include:

1610 1. Salary, benefits, services, fees, commissions, gifts,
 1611 or expenses associated primarily with the donee's employment,

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1612 business, or service as an officer or director of a corporation
 1613 or organization.

1614 2. Contributions or expenditures reported pursuant to
 1615 chapter 106, campaign-related personal services provided without
 1616 compensation by individuals volunteering their time, or any
 1617 other contribution or expenditure by a political party or
 1618 affiliated party committee.

1619 3. An honorarium or an expense related to an honorarium
 1620 event paid to a person or the person's spouse.

1621 4. An award, plaque, certificate, or similar personalized
 1622 item given in recognition of the donee's public, civic,
 1623 charitable, or professional service.

1624 5. An honorary membership in a service or fraternal
 1625 organization presented merely as a courtesy by such
 1626 organization.

1627 6. The use of a public facility or public property, made
 1628 available by a governmental agency, for a public purpose.

1629 7. Transportation provided to a public officer or employee
 1630 by an agency in relation to officially approved governmental
 1631 business.

1632 8. Gifts provided directly or indirectly by a state,
 1633 regional, or national organization which promotes the exchange
 1634 of ideas between, or the professional development of,
 1635 governmental officials or employees, and whose membership is
 1636 primarily composed of elected or appointed public officials or
 1637 staff, to members of that organization or officials or staff of
 1638 a governmental agency that is a member of that organization.

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1639 Section 29. Paragraph (d) of subsection (1) of section
1640 112.3215, Florida Statutes, is amended to read:

1641 112.3215 Lobbying before the executive branch or the
1642 Constitution Revision Commission; registration and reporting;
1643 investigation by commission.—

1644 (1) For the purposes of this section:

1645 (d) "Expenditure" means a payment, distribution, loan,
1646 advance, reimbursement, deposit, or anything of value made by a
1647 lobbyist or principal for the purpose of lobbying. The term
1648 "expenditure" does not include contributions or expenditures
1649 reported pursuant to chapter 106 or federal election law,
1650 campaign-related personal services provided without compensation
1651 by individuals volunteering their time, any other contribution
1652 or expenditure made by or to a political party or an affiliated
1653 party committee, or any other contribution or expenditure made
1654 by an organization that is exempt from taxation under 26 U.S.C.
1655 s. 527 or s. 501(c)(4).

1656 Section 30. This act shall take effect July 1, 2010.