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LEGISLATIVE ACTION

Senate

House

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Floor: 1/AD/2R

04/29/2010 11:14 AM

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Senator Haridopolos moved the following:

**Senate Amendment (with title amendment)**

Between lines 112 and 113

insert:

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

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

(1)



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

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

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

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

39 (3) "Contribution" means:

40 (a) A gift, subscription, conveyance, deposit, loan,  
41 payment, or distribution of money or anything of value,  
42 including contributions in kind having an attributable monetary



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43 value in any form, made for the purpose of influencing the  
44 results of an election or making an electioneering  
45 communication.

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

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

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

59  
60 Notwithstanding the foregoing meanings of "contribution," the  
61 word shall not be construed to include services, including, but  
62 not limited to, legal and accounting services, provided without  
63 compensation by individuals volunteering a portion or all of  
64 their time on behalf of a candidate or political committee. This  
65 definition shall not be construed to include editorial  
66 endorsements.

67 (4) (a) "Expenditure" means a purchase, payment,  
68 distribution, loan, advance, transfer of funds by a campaign  
69 treasurer or deputy campaign treasurer between a primary  
70 depository and a separate interest-bearing account or  
71 certificate of deposit, or gift of money or anything of value



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72 made for the purpose of influencing the results of an election  
73 or making an electioneering communication. However,  
74 "expenditure" does not include a purchase, payment,  
75 distribution, loan, advance, or gift of money or anything of  
76 value made for the purpose of influencing the results of an  
77 election when made by an organization, in existence prior to the  
78 time during which a candidate qualifies or an issue is placed on  
79 the ballot for that election, for the purpose of printing or  
80 distributing such organization's newsletter, containing a  
81 statement by such organization in support of or opposition to a  
82 candidate or issue, which newsletter is distributed only to  
83 members of such organization.

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

87 1. A person enters into a contract for applicable goods or  
88 services;

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

92 3. The electioneering communication is publicly  
93 disseminated.

94 (14) "Filing officer" means the person before whom a  
95 candidate qualifies, the agency or officer with whom a political  
96 committee or an electioneering communications organization  
97 registers, or the agency by whom a committee of continuous  
98 existence is certified.

99 (18) (a) "Electioneering communication" means any  
100 communication publicly distributed by a television station,



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101 radio station, cable television system, satellite system,  
102 newspaper, magazine, direct mail, or telephone ~~a paid expression~~  
103 ~~in any communications media prescribed in subsection (13) by~~  
104 ~~means other than the spoken word in direct conversation that:~~

105       1. Refers to or depicts a clearly identified candidate for  
106 office ~~or contains a clear reference indicating that an issue is~~  
107 ~~to be voted on at an election,~~ without expressly advocating the  
108 election or defeat of a candidate but that is susceptible of no  
109 reasonable interpretation other than an appeal to vote for or  
110 against a specific candidate; ~~or the passage or defeat of an~~  
111 ~~issue.~~

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

115       3. ~~Is For communications referring to or depicting a~~  
116 ~~clearly identified candidate for office, is targeted to the~~  
117 ~~relevant electorate. A communication is considered targeted if~~  
118 ~~1,000 or more persons in the geographic area the candidate would~~  
119 ~~represent if elected will receive the communication.~~

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

125       (b) The term "electioneering communication" does not  
126 include:

127       1. A communication disseminated through a means of  
128 communication other than a television station, radio station,  
129 cable television system, satellite system, newspaper, magazine,



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130 direct mail, telephone, or statement or depiction by an  
131 organization, in existence prior to the time during which a  
132 candidate named or depicted qualifies ~~or an issue identified is~~  
133 ~~placed on the ballot~~ for that election, made in that  
134 organization's newsletter, which newsletter is distributed only  
135 to members of that organization.

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

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

157 a. The staging organization is either:

158 (I) A charitable organization that does not make other



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159 electioneering communications and does not otherwise support or  
160 oppose any political candidate or political party; or

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

163 b. The staging organization does not structure the debate  
164 to promote or advance one candidate or issue position over  
165 another.

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

169 (d) For purposes of this chapter, an electioneering  
170 communication shall not constitute an independent expenditure  
171 nor be subject to the limitations applicable to independent  
172 expenditures.

173 (19) "Electioneering communications organization" means any  
174 group, other than a political party, political committee, or  
175 committee of continuous existence, whose election-related  
176 activities are limited to making expenditures for electioneering  
177 communications or accepting contributions for the purpose of  
178 making electioneering communications and whose activities would  
179 not otherwise require the group to register as a political  
180 party, political committee, or committee of continuous existence  
181 under this chapter.

182 Section 4. Subsection (1) of section 106.022, Florida  
183 Statutes, is reenacted to read:

184 106.022 Appointment of a registered agent; duties.—

185 (1) Each political committee, committee of continuous  
186 existence, or electioneering communications organization shall  
187 have and continuously maintain in this state a registered office



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188 and a registered agent and must file with the division a  
189 statement of appointment for the registered office and  
190 registered agent. The statement of appointment must:

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

193 (b) Identify the entity for whom the registered agent  
194 serves;

195 (c) Designate the address the registered agent wishes to  
196 use to receive mail;

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

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

203 (f) Contain the signature of the registered agent and the  
204 entity engaging the registered agent.

205 Section 5. Paragraph (b) of subsection (1) of section  
206 106.03, Florida Statutes, is reenacted and amended, and  
207 subsections (2), (4), and (7) of that section are amended, to  
208 read:

209 106.03 Registration of political committees and  
210 electioneering communications organizations.-

211 (1)

212 (b) 1. Each electioneering communications organization that  
213 receives ~~anticipates receiving~~ contributions or makes ~~making~~  
214 expenditures during a calendar year in an aggregate amount  
215 exceeding \$5,000 shall file a statement of organization as  
216 provided in subparagraph 2. ~~subsection (3)~~ by expedited delivery





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217 within 24 hours after its organization or, if later, within 24  
218 hours after the date on which it receives ~~has information that~~  
219 ~~causes the organization to anticipate that it will receive~~  
220 contributions or makes ~~make~~ expenditures for an electioneering  
221 communication in excess of \$5,000.

222 2.a. In a statewide, legislative, or multicounty election,  
223 an electioneering communications organization shall file a  
224 statement of organization with the Division of Elections.

225 b. In a countywide election or any election held on less  
226 than a countywide basis, except as described in sub-subparagraph  
227 c., an electioneering communications organization shall file a  
228 statement of organization with the supervisor of elections of  
229 the county in which the election is being held.

230 c. In a municipal election, an electioneering  
231 communications organization shall file a statement of  
232 organization with the officer before whom municipal candidates  
233 qualify.

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

240 (2) The statement of organization shall include:

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

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

245 (c) The area, scope, or jurisdiction of the committee or



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246 electioneering communications organization;

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

249 (e) The name, mailing address, street address, and position  
250 of other principal officers, including the treasurer and deputy  
251 treasurer including officers and members of the finance  
252 committee, if any;

253 (f) The name, address, office sought, and party affiliation  
254 of:

255 1. Each candidate whom the committee is supporting;

256 2. Any other individual, if any, whom the committee is  
257 supporting for nomination for election, or election, to any  
258 public office whatever;

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

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

263 (i) A statement of whether the committee is a continuing  
264 one;

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

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

270 (l) A statement of the reports required to be filed by the  
271 committee or the electioneering communications organization with  
272 federal officials, if any, and the names, addresses, and  
273 positions of such officials; and

274 (m) A statement of whether the electioneering



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275 communications organization was formed as a newly created  
276 organization during the current calendar quarter or was formed  
277 from an organization existing prior to the current calendar  
278 quarter. For purposes of this subsection, calendar quarters end  
279 the last day of March, June, September, and December.

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

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

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

293 (b) Adequate opportunity to respond.

294 (c) Appeal of the decision to the Florida Elections  
295 Commission. Such appeals shall be exempt from the  
296 confidentiality provisions of s. 106.25.

297 Section 6. Subsection (5) of section 106.04, Florida  
298 Statutes, is reenacted to read:

299 106.04 Committees of continuous existence.-

300 (5) No committee of continuous existence shall make an  
301 electioneering communication, contribute to any candidate or  
302 political committee an amount in excess of the limits contained  
303 in s. 106.08(1), or participate in any activity which is



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

318 Section 7. Section 106.0703, Florida Statutes, is reenacted  
319 and amended to read:

320 106.0703 Electioneering communications organizations;  
321 ~~additional reporting requirements;~~ certification and filing;  
322 penalties.-

323 (1) (a) Each electioneering communications organization  
324 shall file regular reports of all contributions received and all  
325 expenditures made by or on behalf of the organization. Reports  
326 shall be filed on the 10th day following the end of each  
327 calendar quarter from the time the organization is registered.  
328 However, if the 10th day following the end of a calendar quarter  
329 occurs on a Saturday, Sunday, or legal holiday, the report shall  
330 be filed on the next following day that is not a Saturday,  
331 Sunday, or legal holiday. Quarterly reports shall include all  
332 contributions received and expenditures made during the calendar



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333 quarter that have not otherwise been reported pursuant to this  
334 section.

335 (b) Following the last day of candidates qualifying for  
336 office, the reports shall be filed on the 32nd, 18th, and 4th  
337 days immediately preceding the primary election and on the 46th,  
338 32nd, 18th, and 4th days immediately preceding the general  
339 election.

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

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

356 (e) The filing officer shall make available to each  
357 electioneering communications organization a schedule  
358 designating the beginning and end of reporting periods as well  
359 as the corresponding designated due dates.

360 (2) (a) Except as provided in s. 106.0705, the reports  
361 required of an electioneering communications organization shall



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

382 (b)1. Any report that is deemed to be incomplete by the  
383 officer with whom the electioneering communications organization  
384 files shall be accepted on a conditional basis. The treasurer of  
385 the electioneering communications organization shall be  
386 notified, by certified mail or other common carrier that can  
387 establish proof of delivery for the notice, as to why the report  
388 is incomplete. Within 7 days after receipt of such notice, the  
389 treasurer must file an addendum to the report providing all  
390 information necessary to complete the report in compliance with



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391 this section. Failure to file a complete report after such  
392 notice constitutes a violation of this chapter.

393 2. Notice is deemed sufficient upon proof of delivery of  
394 written notice to the mailing or street address of the treasurer  
395 or registered agent of the electioneering communication  
396 organization on record with the filing officer.

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

398 1. The full name, address, and occupation, if any, of each  
399 person who has made one or more contributions to or for such  
400 electioneering communications organization within the reporting  
401 period, together with the amount and date of such contributions.  
402 For corporations, the report must provide as clear a description  
403 as practicable of the principal type of business conducted by  
404 the corporation. However, if the contribution is \$100 or less,  
405 the occupation of the contributor or the principal type of  
406 business need not be listed.

407 2. The name and address of each political committee from  
408 which or to which the reporting electioneering communications  
409 organization made any transfer of funds, together with the  
410 amounts and dates of all transfers.

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

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

418 5. The total sums of all loans, in-kind contributions, and  
419 other receipts by or for such electioneering communications



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420 organization during the reporting period. The reporting forms  
421 shall be designed to elicit separate totals for in-kind  
422 contributions, loans, and other receipts.

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

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

431 8. The total sum of expenditures made by the electioneering  
432 communications organization during the reporting period.

433 9. The amount and nature of debts and obligations owed by  
434 or to the electioneering communications organization that relate  
435 to the conduct of any electioneering communication.

436 10. The amount and nature of any separate interest-bearing  
437 accounts or certificates of deposit and identification of the  
438 financial institution in which such accounts or certificates of  
439 deposit are located.

440 11. The primary purposes of an expenditure made indirectly  
441 through an electioneering communications organization for  
442 goods and services, such as communications media placement or  
443 procurement services and other expenditures that include  
444 multiple components as part of the expenditure. The primary  
445 purpose of an expenditure shall be that purpose, including  
446 integral and directly related components, that comprises 80  
447 percent of such expenditure.

448 (b) The filing officer shall make available to any





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449 electioneering communications organization a reporting form  
450 which the electioneering communications organization may use to  
451 indicate contributions received by the electioneering  
452 communications organization but returned to the contributor  
453 before deposit.

454 (4) The treasurer of the electioneering communications  
455 organization shall certify as to the correctness of each report,  
456 and each person so certifying shall bear the responsibility for  
457 the accuracy and veracity of each report. Any treasurer who  
458 willfully certifies the correctness of any report while knowing  
459 that such report is incorrect, false, or incomplete commits a  
460 misdemeanor of the first degree, punishable as provided in s.  
461 775.082 or s. 775.083.

462 (5) The electioneering communications organization  
463 depository shall provide statements reflecting deposits and  
464 expenditures from the account to the treasurer, who shall retain  
465 the records pursuant to s. 106.06. The records maintained by the  
466 depository with respect to the account shall be subject to  
467 inspection by an agent of the Division of Elections or the  
468 Florida Elections Commission at any time during normal banking  
469 hours, and such depository shall furnish certified copies of any  
470 such records to the Division of Elections or the Florida  
471 Elections Commission upon request.

472 (6) Notwithstanding any other provisions of this chapter,  
473 in any reporting period during which an electioneering  
474 communications organization has not received funds, made any  
475 contributions, or expended any reportable funds, the treasurer  
476 shall file a written report with the filing officer by the  
477 prescribed reporting date that no reportable contributions or



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478 expenditures were made during the reporting period.

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

484 1. In the General Revenue Fund, in the case of an  
485 electioneering communications organization that registers with  
486 the Division of Elections; or

487 2. In the general revenue fund of the political  
488 subdivision, in the case of an electioneering communications  
489 organization that registers with an officer of a political  
490 subdivision.

491  
492 No separate fine shall be assessed for failure to file a copy of  
493 any report required by this section.

494 (b) Upon determining that a report is late, the filing  
495 officer shall immediately notify the electioneering  
496 communications organization as to the failure to file a report  
497 by the designated due date and that a fine is being assessed for  
498 each late day. The fine shall be \$50 per day for the first 3  
499 days late and, thereafter, \$500 per day for each late day, not  
500 to exceed 25 percent of the total receipts or expenditures,  
501 whichever is greater, for the period covered by the late report.  
502 However, for the reports immediately preceding each primary and  
503 general election, the fine shall be \$500 per day for each late  
504 day, not to exceed 25 percent of the total receipts or  
505 expenditures, whichever is greater, for the period covered by  
506 the late report. Upon receipt of the report, the filing officer



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507 shall determine the amount of the fine which is due and shall  
508 notify the electioneering communications organization. The  
509 filing officer shall determine the amount of the fine due based  
510 upon the earliest of the following:

- 511 1. When the report is actually received by such officer.  
512 2. When the report is postmarked.  
513 3. When the certificate of mailing is dated.  
514 4. When the receipt from an established courier company is  
515 dated.

516 5. When the electronic receipt issued pursuant to s.  
517 106.0705 or other electronic filing system authorized in this  
518 section is dated.

519  
520 Such fine shall be paid to the filing officer within 20 days  
521 after receipt of the notice of payment due, unless appeal is  
522 made to the Florida Elections Commission pursuant to paragraph  
523 (c). Notice is deemed sufficient upon proof of delivery of  
524 written notice to the mailing or street address on record with  
525 the filing officer. An officer or member of an electioneering  
526 communications organization shall not be personally liable for  
527 such fine.

528 (c) The treasurer of an electioneering communications  
529 organization may appeal or dispute the fine, based upon, but not  
530 limited to, unusual circumstances surrounding the failure to  
531 file on the designated due date, and may request and shall be  
532 entitled to a hearing before the Florida Elections Commission,  
533 which shall have the authority to waive the fine in whole or in  
534 part. The Florida Elections Commission must consider the  
535 mitigating and aggravating circumstances contained in s.



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536 106.265(1) when determining the amount of a fine, if any, to be  
537 waived. Any such request shall be made within 20 days after  
538 receipt of the notice of payment due. In such case, the  
539 treasurer of the electioneering communications organization  
540 shall, within the 20-day period, notify the filing officer in  
541 writing of his or her intention to bring the matter before the  
542 commission.

543 (d) The appropriate filing officer shall notify the Florida  
544 Elections Commission of the repeated late filing by an  
545 electioneering communications organization, the failure of an  
546 electioneering communications organization to file a report  
547 after notice, or the failure to pay the fine imposed. The  
548 commission shall investigate only those alleged late filing  
549 violations specifically identified by the filing officer and as  
550 set forth in the notification. Any other alleged violations must  
551 be stated separately and reported by the division to the  
552 commission under s. 106.25(2).

553 (8) In addition to the reporting requirements in s. 106.07,  
554 An electioneering communications organization shall, within 2  
555 days after receiving its initial password or secure sign-on from  
556 the Department of State allowing confidential access to the  
557 department's electronic campaign finance filing system,  
558 electronically file the periodic ~~campaign finance~~ reports that  
559 would have been required pursuant to this section ~~s. 106.07~~ for  
560 reportable activities that occurred since the date of the last  
561 general election.

562 (9) Electioneering communications organizations shall not  
563 use credit cards.

564 Section 8. Paragraph (b) of subsection (2) of section



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565 106.0705, Florida Statutes, is reenacted, and subsections (3)  
566 and (4) of that section are amended, to read:

567 106.0705 Electronic filing of campaign treasurer's  
568 reports.-

569 (2)

570 (b) Each political committee, committee of continuous  
571 existence, electioneering communications organization, or state  
572 executive committee that is required to file reports with the  
573 division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29,  
574 as applicable, must file such reports with the division by means  
575 of the division's electronic filing system.

576 (3) Reports filed pursuant to this section shall be  
577 completed and filed through the electronic filing system not  
578 later than midnight of the day designated. Reports not filed by  
579 midnight of the day designated are late filed and are subject to  
580 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),  
581 or s. 106.29(3), as applicable.

582 (4) Each report filed pursuant to this section is  
583 considered to be under oath by the candidate and treasurer, ~~or~~  
584 the chair and treasurer, or the treasurer under s. 106.0703,  
585 whichever is applicable, and such persons are subject to the  
586 provisions of s. 106.04(4)(d), s. 106.07(5), s. 106.0703(4), or  
587 s. 106.29(2), as applicable. Persons given a secure sign-on to  
588 the electronic filing system are responsible for protecting such  
589 from disclosure and are responsible for all filings using such  
590 credentials, unless they have notified the division that their  
591 credentials have been compromised.

592 Section 9. Subsection (1) of section 106.071, Florida  
593 Statutes, is reenacted and amended to read:



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594 106.071 Independent expenditures; electioneering  
595 communications; reports; disclaimers.-

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

613 Section 10. Subsections (4) and (5) of section 106.08,  
614 Florida Statutes, are amended, and subsection (7) of that  
615 section is reenacted, to read:

616 106.08 Contributions; limitations on.-

617 (4) ~~(a)~~ Any contribution received by the chair, campaign  
618 treasurer, or deputy campaign treasurer of a political committee  
619 supporting or opposing a candidate with opposition in an  
620 election or supporting or opposing an issue on the ballot in an  
621 election on the day of that election or less than 5 days prior  
622 to the day of that election may not be obligated or expended by



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623 the committee until after the date of the election.

624 ~~(b) Any contribution received by an electioneering~~  
625 ~~communications organization on the day of an election or less~~  
626 ~~than 5 days prior to the day of that election may not be~~  
627 ~~obligated or expended by the organization until after the date~~  
628 ~~of the election and may not be expended to pay for any~~  
629 ~~obligation arising prior to the election.~~

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

632 (b) Candidates, political committees, and political parties  
633 may not solicit contributions from any religious, charitable,  
634 civic, or other causes or organizations established primarily  
635 for the public good.

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

641 1. A candidate, political committee, or political party  
642 executive committee to make gifts of money in lieu of flowers in  
643 memory of a deceased person;

644 2. A candidate to continue membership in, or make regular  
645 donations from personal or business funds to, religious,  
646 political party, civic, or charitable groups of which the  
647 candidate is a member or to which the candidate has been a  
648 regular donor for more than 6 months; or

649 3. A candidate to purchase, with campaign funds, tickets,  
650 admission to events, or advertisements from religious, civic,  
651 political party, or charitable groups.



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652           ~~(d) An electioneering communications organization may not~~  
653 ~~accept a contribution from an organization exempt from taxation~~  
654 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~  
655 ~~than a political committee, committee of continuous existence,~~  
656 ~~or political party, unless the contributing organization has~~  
657 ~~registered as if the organization were an electioneering~~  
658 ~~communications organization pursuant to s. 106.03 and has filed~~  
659 ~~all campaign finance reports required of electioneering~~  
660 ~~communications organizations pursuant to ss. 106.07 and~~  
661 ~~106.0703.~~

662           (7) (a) Any person who knowingly and willfully makes or  
663 accepts no more than one contribution in violation of subsection  
664 (1) or subsection (5), or any person who knowingly and willfully  
665 fails or refuses to return any contribution as required in  
666 subsection (3), commits a misdemeanor of the first degree,  
667 punishable as provided in s. 775.082 or s. 775.083. If any  
668 corporation, partnership, or other business entity or any  
669 political party, political committee, committee of continuous  
670 existence, or electioneering communications organization is  
671 convicted of knowingly and willfully violating any provision  
672 punishable under this paragraph, it shall be fined not less than  
673 \$1,000 and not more than \$10,000. If it is a domestic entity, it  
674 may be ordered dissolved by a court of competent jurisdiction;  
675 if it is a foreign or nonresident business entity, its right to  
676 do business in this state may be forfeited. Any officer,  
677 partner, agent, attorney, or other representative of a  
678 corporation, partnership, or other business entity, or of a  
679 political party, political committee, committee of continuous  
680 existence, electioneering communications organization, or





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681 organization exempt from taxation under s. 527 or s. 501(c)(4)  
682 of the Internal Revenue Code, who aids, abets, advises, or  
683 participates in a violation of any provision punishable under  
684 this paragraph commits a misdemeanor of the first degree,  
685 punishable as provided in s. 775.082 or s. 775.083.

686 (b) Any person who knowingly and willfully makes or accepts  
687 two or more contributions in violation of subsection (1) or  
688 subsection (5) commits a felony of the third degree, punishable  
689 as provided in s. 775.082, s. 775.083, or s. 775.084. If any  
690 corporation, partnership, or other business entity or any  
691 political party, political committee, committee of continuous  
692 existence, or electioneering communications organization is  
693 convicted of knowingly and willfully violating any provision  
694 punishable under this paragraph, it shall be fined not less than  
695 \$10,000 and not more than \$50,000. If it is a domestic entity,  
696 it may be ordered dissolved by a court of competent  
697 jurisdiction; if it is a foreign or nonresident business entity,  
698 its right to do business in this state may be forfeited. Any  
699 officer, partner, agent, attorney, or other representative of a  
700 corporation, partnership, or other business entity, or of a  
701 political committee, committee of continuous existence,  
702 political party, or electioneering communications organization,  
703 or organization exempt from taxation under s. 527 or s.  
704 501(c)(4) of the Internal Revenue Code, who aids, abets,  
705 advises, or participates in a violation of any provision  
706 punishable under this paragraph commits a felony of the third  
707 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
708 775.084.

709 Section 11. Section 106.1437, Florida Statutes, is



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710 reenacted to read:

711 106.1437 Miscellaneous advertisements.—Any advertisement,  
712 other than a political advertisement, independent expenditure,  
713 or electioneering communication, on billboards, bumper stickers,  
714 radio, or television, or in a newspaper, a magazine, or a  
715 periodical, intended to influence public policy or the vote of a  
716 public official, shall clearly designate the sponsor of such  
717 advertisement by including a clearly readable statement of  
718 sponsorship. If the advertisement is broadcast on television,  
719 the advertisement shall also contain a verbal statement of  
720 sponsorship. This section shall not apply to an editorial  
721 endorsement.

722 Section 12. Section 106.1439, Florida Statutes, is  
723 reenacted and amended to read:

724 106.1439 Electioneering communications; disclaimers.—

725 (1) Any electioneering communication, other than a  
726 telephone call, shall prominently state: "Paid electioneering  
727 communication paid for by ... (Name and address of person paying  
728 for the communication)...."

729 (2) Any electioneering communication telephone call shall  
730 identify the persons or organizations sponsoring the call by  
731 stating either: "Paid for by ... (insert name of persons or  
732 organizations sponsoring the call)...." or "Paid for on behalf  
733 of ... (insert name of persons or organizations authorizing  
734 call)...." This subsection does not apply to any telephone call  
735 in which the individual making the call is not being paid and  
736 the individuals participating in the call know each other prior  
737 to the call.

738 (3) ~~(2)~~ Any person who fails to include the disclaimer



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739 prescribed in this section in any electioneering communication  
740 that is required to contain such disclaimer commits a  
741 misdemeanor of the first degree, punishable as provided in s.  
742 775.082 or s. 775.083.

743 Section 13. Paragraphs (a) and (e) of subsection (1) of  
744 section 106.147, Florida Statutes, are amended to read:

745 106.147 Telephone solicitation; disclosure requirements;  
746 prohibitions; exemptions; penalties.—

747 (1) (a) ~~Any electioneering communication telephone call or~~  
748 ~~any~~ telephone call supporting or opposing a candidate, elected  
749 public official, or ballot proposal must identify the persons or  
750 organizations sponsoring the call by stating either: "paid for  
751 by " ... (insert name of persons or organizations sponsoring the  
752 call) or "paid for on behalf of ..." (insert name of persons or  
753 organizations authorizing call). This paragraph does not apply  
754 to any telephone call in which both the individual making the  
755 call is not being paid and the individuals participating in the  
756 call know each other prior to the call.

757 ~~(e) Any electioneering communication paid for with public~~  
758 ~~funds must include a disclaimer containing the words "paid for~~  
759 ~~by ... (Name of the government entity paying for the~~  
760 ~~communication)...."~~

761 Section 14. Section 106.17, Florida Statutes, is reenacted  
762 to read:

763 106.17 Polls and surveys relating to candidacies.—Any  
764 candidate, political committee, committee of continuous  
765 existence, electioneering communication organization, or state  
766 or county executive committee of a political party may authorize  
767 or conduct a political poll, survey, index, or measurement of



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768 any kind relating to candidacy for public office so long as the  
769 candidate, political committee, committee of continuous  
770 existence, electioneering communication organization, or  
771 political party maintains complete jurisdiction over the poll in  
772 all its aspects.

773  
774 ===== T I T L E A M E N D M E N T =====

775 And the title is amended as follows:

776 Delete line 18

777 and insert:

778 candidate or political committee; amending s. 106.011,  
779 F.S.; revising the definition of the term "political  
780 committee" to remove certain reporting requirements  
781 included in the exclusion of electioneering  
782 communications organizations from the definition;  
783 revising the definition of the term "filing officer"  
784 to expand applicability to electioneering  
785 communications organizations; revising the definition  
786 of the term "electioneering communication" to conform  
787 to certain federal requirements and to delineate what  
788 constitutes such a communication; revising the  
789 definition of the term "electioneering communications  
790 organization"; amending s. 106.03, F.S.; revising the  
791 registration requirements for electioneering  
792 communications organizations; revising the statement  
793 of organization requirements; revising rule adoption  
794 requirements relating to dissolution of political  
795 committees and electioneering communications  
796 organizations; amending s. 106.0703, F.S.;



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797 consolidating reporting requirements in ch. 106, F.S.,  
798 applicable to electioneering communications  
799 organizations; providing penalties; conforming  
800 provisions; prohibiting the use of credit cards by  
801 electioneering communications organizations; amending  
802 s. 106.0705, F.S., relating to electronic filing of  
803 campaign treasurer's reports; conforming provisions;  
804 amending s. 106.071, F.S.; increasing the aggregate  
805 amount of expenditures required for filing certain  
806 reports related to independent expenditures or  
807 electioneering communications; amending s. 106.08,  
808 F.S.; removing certain limitations on contributions  
809 received by an electioneering communications  
810 organization; amending s. 106.1439, F.S.; providing  
811 identification requirements for certain electioneering  
812 communications; providing an exception for telephone  
813 calls; amending s. 106.147, F.S., relating to  
814 telephone solicitation disclosure requirements;  
815 removing requirements relating to electioneering  
816 communication, to conform; reenacting ss.  
817 106.011(1)(b), (3), (4), (18), and (19), 106.022(1),  
818 106.03(1)(b), 106.04(5), 106.0703, 106.0705(2)(b),  
819 106.071(1), 106.08(7), 106.1437, 106.1439, and 106.17,  
820 F.S., relating to definitions, registered office and  
821 agent requirements, registration requirements,  
822 prohibited activities for committees of continuous  
823 existence, additional reporting requirements,  
824 electronic filing requirements, expenditure reports,  
825 penalties for violations pertaining to limitations on



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826 contributions, miscellaneous advertisements,  
827 electioneering communications disclaimers and  
828 penalties for failure to include disclaimers, and  
829 polls and surveys pertaining to candidacies, to cure  
830 and conform; providing an