

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Saunders offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5  
6 Section 1. Paragraph (b) of subsection (1) of section  
7 106.011, Florida Statutes, is reenacted and amended, subsections  
8 (3) and (4) of that section are reenacted, subsection (14) of  
9 that section is amended, and subsections (18) and (19) of that  
10 section are reenacted and amended, to read:

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

14 (1)

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

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

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

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

40 (3) "Contribution" means:

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

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

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

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

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

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

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

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

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

94 3. The electioneering communication is publicly  
95 disseminated.

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

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

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

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

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

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

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

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

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

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

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

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

162 a. The staging organization is either:

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

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

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

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

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

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

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

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

189 106.022 Appointment of a registered agent; duties.—

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

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

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

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

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

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

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

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

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

216 (1)

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

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

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

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

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

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

245 (2) The statement of organization shall include:

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

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

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

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

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

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

260 1. Each candidate whom the committee is supporting;

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

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

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

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

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

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

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

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

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

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

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

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

298 (b) Adequate opportunity to respond.

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

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

304 106.04 Committees of continuous existence.—

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

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

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

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

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

345 (c) When a special election is called to fill a vacancy in  
346 office, all electioneering communications organizations making  
347 contributions or expenditures to influence the results of the

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348 special election shall file reports with the filing officer on  
349 the dates set by the Department of State pursuant to s. 100.111.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

533

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

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

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

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

564 ~~(8) In addition to the reporting requirements in s.~~  
565 ~~106.07,~~ An electioneering communications organization shall,  
566 within 2 days after receiving its initial password or secure  
567 sign-on from the Department of State allowing confidential  
568 access to the department's electronic campaign finance filing  
569 system, electronically file the periodic ~~campaign finance~~

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

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

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

578 (2)

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

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

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

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

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

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

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

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

625 106.08 Contributions; limitations on.—

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

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

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

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

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

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

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

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

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

671           (7) (a) Any person who knowingly and willfully makes or  
672 accepts no more than one contribution in violation of subsection  
673 (1) or subsection (5), or any person who knowingly and willfully  
674 fails or refuses to return any contribution as required in  
675 subsection (3), commits a misdemeanor of the first degree,  
676 punishable as provided in s. 775.082 or s. 775.083. If any  
677 corporation, partnership, or other business entity or any  
678 political party, political committee, committee of continuous  
679 existence, or electioneering communications organization is  
680 convicted of knowingly and willfully violating any provision

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681 punishable under this paragraph, it shall be fined not less than  
682 \$1,000 and not more than \$10,000. If it is a domestic entity, it  
683 may be ordered dissolved by a court of competent jurisdiction;  
684 if it is a foreign or nonresident business entity, its right to  
685 do business in this state may be forfeited. Any officer,  
686 partner, agent, attorney, or other representative of a  
687 corporation, partnership, or other business entity, or of a  
688 political party, political committee, committee of continuous  
689 existence, electioneering communications organization, or  
690 organization exempt from taxation under s. 527 or s. 501(c)(4)  
691 of the Internal Revenue Code, who aids, abets, advises, or  
692 participates in a violation of any provision punishable under  
693 this paragraph commits a misdemeanor of the first degree,  
694 punishable as provided in s. 775.082 or s. 775.083.

695 (b) Any person who knowingly and willfully makes or  
696 accepts two or more contributions in violation of subsection (1)  
697 or subsection (5) commits a felony of the third degree,  
698 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
699 If any corporation, partnership, or other business entity or any  
700 political party, political committee, committee of continuous  
701 existence, or electioneering communications organization is  
702 convicted of knowingly and willfully violating any provision  
703 punishable under this paragraph, it shall be fined not less than  
704 \$10,000 and not more than \$50,000. If it is a domestic entity,  
705 it may be ordered dissolved by a court of competent  
706 jurisdiction; if it is a foreign or nonresident business entity,  
707 its right to do business in this state may be forfeited. Any  
708 officer, partner, agent, attorney, or other representative of a  
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709 corporation, partnership, or other business entity, or of a  
710 political committee, committee of continuous existence,  
711 political party, or electioneering communications organization,  
712 or organization exempt from taxation under s. 527 or s.  
713 501(c)(4) of the Internal Revenue Code, who aids, abets,  
714 advises, or participates in a violation of any provision  
715 punishable under this paragraph commits a felony of the third  
716 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
717 775.084.

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

720 106.113 Expenditures by local governments.-

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

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

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

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

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

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

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

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

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

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

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

762 106.1439 Electioneering communications; disclaimers.—

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

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

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

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

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

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

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

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

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

802  
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804 -----

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

805 Remove the entire title and insert:

807 A bill to be entitled  
 808 An act relating to campaign financing; amending s. 106.011,  
 809 F.S.; revising the definition of the term "political committee"  
 810 to remove certain reporting requirements included in the  
 811 exclusion of electioneering communications organizations from  
 812 the definition; revising the definition of the term "filing  
 813 officer" to expand applicability to electioneering  
 814 communications organizations; revising the definition of the  
 815 term "electioneering communication" to conform to certain  
 816 federal requirements; revising the definition of the term  
 817 "electioneering communications organization"; amending s.  
 818 106.03, F.S.; revising the registration requirements for  
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819 | electioneering communications organizations; revising the  
820 | statement of organization requirements; revising rule adoption  
821 | requirements relating to dissolution of political committees and  
822 | electioneering communications organizations; amending s.  
823 | 106.0703, F.S.; consolidating reporting requirements in ch. 106,  
824 | F.S., applicable to electioneering communications organizations;  
825 | providing penalties; conforming provisions; amending s.  
826 | 106.0705, F.S., relating to electronic filing of campaign  
827 | treasurer's reports; conforming provisions; amending s. 106.071,  
828 | F.S.; increasing the aggregate amount of expenditures required  
829 | for filing certain reports related to independent expenditures  
830 | or electioneering communications; amending s. 106.08, F.S.;  
831 | removing certain limitations on contributions received by an  
832 | electioneering communications organization; amending s. 106.113,  
833 | F.S., relating to expenditures by local governments; revising  
834 | definitions; prohibiting a local government or a person acting  
835 | on behalf of a local government from making a specific  
836 | appropriation or designated expenditure of moneys under the  
837 | jurisdiction or control of the local government; prohibiting  
838 | certain persons or groups from accepting such moneys for the  
839 | purpose of certain political advertisements; deleting an  
840 | exception for certain electioneering communications; clarifying  
841 | that certain provisions of state law do not preclude certain  
842 | officials from expressing an opinion on an issue at any time;  
843 | amending s. 106.147, F.S., relating to telephone solicitation  
844 | disclosure requirements; removing requirements relating to  
845 | electioneering communication, to conform; reenacting ss.  
846 | 106.011(1)(b), (3), (4), (18), and (19), 106.022(1),  
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847 106.03(1)(b), 106.04(5), 106.0703, 106.0705(2)(b), 106.071(1),  
848 106.08(7), 106.1437, 106.1439, and 106.17, F.S., relating to  
849 definitions, registered office and agent requirements,  
850 registration requirements, prohibited activities for committees  
851 of continuous existence, additional reporting requirements,  
852 electronic filing requirements, expenditure reports, penalties  
853 for violations pertaining to limitations on contributions,  
854 miscellaneous advertisements, electioneering communications  
855 disclaimers and penalties for failure to include disclaimers,  
856 and polls and surveys pertaining to candidacies, to cure and  
857 conform; providing an effective date.

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