

1 A bill to be entitled
2 An act relating to campaign financing; providing a short
3 title; amending s. 106.143, F.S.; providing an alternative
4 statement that may be used to identify a candidate as the
5 sponsor of a political advertisement under certain
6 circumstances; providing circumstances under which certain
7 campaign messages and political advertisements are not
8 required to state or display specific information
9 regarding the identity of the candidate, his or her party
10 affiliation, and the office sought in the message or
11 advertisement; authorizing a candidate or political
12 committee to place a statement on a social networking
13 website or account indicating that the site or account is
14 an official site or account approved by the candidate or
15 political committee; prohibiting an official designation
16 without the prior approval by the candidate or political
17 committee; amending s. 106.011, F.S.; revising the
18 definition of the term "political committee" to remove
19 certain reporting requirements included in the exclusion
20 of electioneering communications organizations from the
21 definition; revising the definition of the term "filing
22 officer" to expand applicability to electioneering
23 communications organizations; revising the definition of
24 the term "electioneering communication" to conform to
25 certain federal requirements and to delineate what
26 constitutes such a communication; revising the definition
27 of the term "electioneering communications organization";
28 amending s. 106.03, F.S.; revising the registration

29 requirements for electioneering communications
 30 organizations; revising the statement of organization
 31 requirements; revising rule adoption requirements relating
 32 to dissolution of political committees and electioneering
 33 communications organizations; amending s. 106.0703, F.S.;
 34 consolidating reporting requirements in ch. 106, F.S.,
 35 applicable to electioneering communications organizations;
 36 providing penalties; conforming provisions; prohibiting
 37 the use of credit cards by electioneering communications
 38 organizations; amending s. 106.0705, F.S., relating to
 39 electronic filing of campaign treasurer's reports;
 40 conforming provisions; amending s. 106.071, F.S.;
 41 increasing the aggregate amount of expenditures required
 42 for filing certain reports related to independent
 43 expenditures or electioneering communications; amending s.
 44 106.08, F.S.; removing certain limitations on
 45 contributions received by an electioneering communications
 46 organization; amending s. 106.1439, F.S.; providing
 47 identification requirements for certain electioneering
 48 communications; providing an exception for telephone
 49 calls; amending s. 106.147, F.S., relating to telephone
 50 solicitation disclosure requirements; removing
 51 requirements relating to electioneering communication, to
 52 conform; reenacting ss. 106.011(1)(b), (3), (4), (18), and
 53 (19), 106.022(1), 106.03(1)(b), 106.04(5), 106.0703,
 54 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437, 106.1439,
 55 and 106.17, F.S., relating to definitions, registered
 56 office and agent requirements, registration requirements,

57 prohibited activities for committees of continuous
 58 existence, additional reporting requirements, electronic
 59 filing requirements, expenditure reports, penalties for
 60 violations pertaining to limitations on contributions,
 61 miscellaneous advertisements, electioneering
 62 communications disclaimers and penalties for failure to
 63 include disclaimers, and polls and surveys pertaining to
 64 candidacies, to cure and conform; providing an effective
 65 date.

66
 67 Be It Enacted by the Legislature of the State of Florida:

68
 69 Section 1. Section 2 of this act may be cited as the
 70 "Technology in Elections Act."

71 Section 2. Subsection (1) of section 106.143, Florida
 72 Statutes, is amended, present subsection (8) of that section is
 73 renumbered as subsection (9), and a new subsection (8) is added
 74 to that section, to read:

75 106.143 Political advertisements circulated prior to
 76 election; requirements.—

77 (1) (a) Any political advertisement that is paid for by a
 78 candidate and that is published, displayed, or circulated prior
 79 to, or on the day of, any election must prominently state:

80 1. "Political advertisement paid for and approved by
 81 ...(name of candidate)..., ...(party affiliation)..., for
 82 ...(office sought)...."; or

83 2. "Paid by ...(name of candidate)..., ...(party
 84 affiliation)..., for ...(office sought)...."

85 (b) Any other political advertisement published,
 86 displayed, or circulated prior to, or on the day of, any
 87 election must prominently:

88 1. Be marked "paid political advertisement" or with the
 89 abbreviation "pd. pol. adv."

90 2. State the name and address of the persons sponsoring
 91 the advertisement.

92 3.a.(I) State whether the advertisement and the cost of
 93 production is paid for or provided in kind by or at the expense
 94 of the entity publishing, displaying, broadcasting, or
 95 circulating the political advertisement; or

96 (II) State who provided or paid for the advertisement and
 97 cost of production, if different from the source of sponsorship.

98 b. This subparagraph does not apply if the source of the
 99 sponsorship is patently clear from the content or format of the
 100 political advertisement.

101 (c) Any political advertisement made pursuant to s.
 102 106.021(3)(d) must be marked "paid political advertisement" or
 103 with the abbreviation "pd. pol. adv." and must prominently
 104 state, "Paid for and sponsored by ...(name of person paying for
 105 political advertisement).... Approved by ...(names of persons,
 106 party affiliation, and offices sought in the political
 107 advertisement)...."

108
 109 ~~This subsection does not apply to campaign messages used by a~~
 110 ~~candidate and the candidate's supporters if those messages are~~
 111 ~~designed to be worn by a person.~~

112 (8) This section does not apply to any campaign message or
113 political advertisement used by a candidate and the candidate's
114 supporters or by a political committee if the message or
115 advertisement is:

116 (a) Designed to be worn by a person.

117 (b) Placed as a paid link on an Internet website, provided
118 the message or advertisement is no more than 200 characters in
119 length and the link directs the user to another Internet website
120 that complies with subsection (1).

121 (c) Placed as a graphic or picture link where compliance
122 with the requirements of this section is not reasonably
123 practical due to the size of the graphic or picture link and the
124 link directs the user to another Internet website that complies
125 with subsection (1).

126 (d) Placed at no cost on an Internet website for which
127 there is no cost to post content for public users.

128 (e) Placed or distributed on an unpaid profile or account
129 which is available to the public without charge or on a social
130 networking Internet website, as long as the source of the
131 message or advertisement is patently clear from the content or
132 format of the message or advertisement. A candidate or political
133 committee may prominently display a statement indicating that
134 the website or account is an official website or account of the
135 candidate or political committee and is approved by the
136 candidate or political committee. A website or account may not
137 be marked as official without prior approval by the candidate or
138 political committee.

139 (f) Distributed as a text message or other message via
140 Short Message Service, provided the message is no more than 200
141 characters in length or requires the recipient to sign up or opt
142 in to receive it.

143 (g) Connected with or included in any software application
144 or accompanying function, provided that the user signs up, opts
145 in, downloads, or otherwise accesses the application from or
146 through a website that complies with subsection (1).

147 (h) Sent by a third-party user from or through a campaign
148 or committee's website, provided the website complies with
149 subsection (1).

150 (i) Contained in or distributed through any other
151 technology-related item, service, or device for which compliance
152 with subsection (1) is not reasonably practical due to the size
153 or nature of such item, service, or device as available, or the
154 means of displaying the message or advertisement makes
155 compliance with subsection (1) impracticable.

156 (9)-(8) Any person who willfully violates any provision of
157 this section is subject to the civil penalties prescribed in s.
158 106.265.

159 Section 3. Paragraph (b) of subsection (1) of section
160 106.011, Florida Statutes, is reenacted and amended, subsections
161 (3) and (4) of that section are reenacted, subsection (14) of
162 that section is amended, and subsections (18) and (19) of that
163 section are reenacted and amended, to read:

164 106.011 Definitions.—As used in this chapter, the
165 following terms have the following meanings unless the context
166 clearly indicates otherwise:

167 (1)

168 (b) Notwithstanding paragraph (a), the following entities
169 are not considered political committees for purposes of this
170 chapter:

171 1. Organizations which are certified by the Department of
172 State as committees of continuous existence pursuant to s.
173 106.04, national political parties, and the state and county
174 executive committees of political parties regulated by chapter
175 103.

176 2. Corporations regulated by chapter 607 or chapter 617 or
177 other business entities formed for purposes other than to
178 support or oppose issues or candidates, if their political
179 activities are limited to contributions to candidates, political
180 parties, or political committees or expenditures in support of
181 or opposition to an issue from corporate or business funds and
182 if no contributions are received by such corporations or
183 business entities.

184 3. Electioneering communications organizations as defined
185 in subsection (19); ~~however, such organizations shall be~~
186 ~~required to register with and report expenditures and~~
187 ~~contributions, including contributions received from committees~~
188 ~~of continuous existence, to the Division of Elections in the~~
189 ~~same manner, at the same time, and subject to the same penalties~~
190 ~~as a political committee supporting or opposing an issue or a~~
191 ~~legislative candidate, except as otherwise specifically provided~~
192 ~~in this chapter.~~

193 (3) "Contribution" means:

194 (a) A gift, subscription, conveyance, deposit, loan,
195 payment, or distribution of money or anything of value,
196 including contributions in kind having an attributable monetary
197 value in any form, made for the purpose of influencing the
198 results of an election or making an electioneering
199 communication.

200 (b) A transfer of funds between political committees,
201 between committees of continuous existence, between
202 electioneering communications organizations, or between any
203 combination of these groups.

204 (c) The payment, by any person other than a candidate or
205 political committee, of compensation for the personal services
206 of another person which are rendered to a candidate or political
207 committee without charge to the candidate or committee for such
208 services.

209 (d) The transfer of funds by a campaign treasurer or
210 deputy campaign treasurer between a primary depository and a
211 separate interest-bearing account or certificate of deposit, and
212 the term includes any interest earned on such account or
213 certificate.

214
215 Notwithstanding the foregoing meanings of "contribution," the
216 word shall not be construed to include services, including, but
217 not limited to, legal and accounting services, provided without
218 compensation by individuals volunteering a portion or all of
219 their time on behalf of a candidate or political committee. This
220 definition shall not be construed to include editorial
221 endorsements.

222 (4) (a) "Expenditure" means a purchase, payment,
223 distribution, loan, advance, transfer of funds by a campaign
224 treasurer or deputy campaign treasurer between a primary
225 depository and a separate interest-bearing account or
226 certificate of deposit, or gift of money or anything of value
227 made for the purpose of influencing the results of an election
228 or making an electioneering communication. However,
229 "expenditure" does not include a purchase, payment,
230 distribution, loan, advance, or gift of money or anything of
231 value made for the purpose of influencing the results of an
232 election when made by an organization, in existence prior to the
233 time during which a candidate qualifies or an issue is placed on
234 the ballot for that election, for the purpose of printing or
235 distributing such organization's newsletter, containing a
236 statement by such organization in support of or opposition to a
237 candidate or issue, which newsletter is distributed only to
238 members of such organization.

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

- 242 1. A person enters into a contract for applicable goods or
243 services;
- 244 2. A person makes payment, in whole or in part, for the
245 production or public dissemination of applicable goods or
246 services; or
- 247 3. The electioneering communication is publicly
248 disseminated.

249 (14) "Filing officer" means the person before whom a

250 candidate qualifies, the agency or officer with whom a political
251 committee or an electioneering communications organization
252 registers, or the agency by whom a committee of continuous
253 existence is certified.

254 (18) (a) "Electioneering communication" means any
255 communication publicly distributed by a television station,
256 radio station, cable television system, satellite system,
257 newspaper, magazine, direct mail, or telephone ~~a paid expression~~
258 ~~in any communications media prescribed in subsection (13) by~~
259 ~~means other than the spoken word in direct conversation that:~~

260 1. Refers to or depicts a clearly identified candidate for
261 office ~~or contains a clear reference indicating that an issue is~~
262 ~~to be voted on at an election,~~ without expressly advocating the
263 election or defeat of a candidate but that is susceptible of no
264 reasonable interpretation other than an appeal to vote for or
265 against a specific candidate; or the passage or defeat of an
266 issue.

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

270 3. ~~Is For communications referring to or depicting a~~
271 ~~clearly identified candidate for office, is targeted to the~~
272 ~~relevant electorate. A communication is considered targeted if~~
273 ~~1,000 or more persons~~ in the geographic area the candidate would
274 represent if elected ~~will receive the communication.~~

275 3. ~~For communications containing a clear reference~~
276 ~~indicating that an issue is to be voted on at an election, is~~
277 ~~published after the issue is designated a ballot position or 120~~

278 ~~days before the date of the election on the issue, whichever~~
 279 ~~occurs first.~~

280 (b) The term "electioneering communication" does not
 281 include:

282 1. A communication disseminated through a means of
 283 communication other than a television station, radio station,
 284 cable television system, satellite system, newspaper, magazine,
 285 direct mail, telephone, or statement or depiction by an
 286 organization, in existence prior to the time during which a
 287 candidate named or depicted qualifies ~~or an issue identified is~~
 288 ~~placed on the ballot~~ for that election, made in that
 289 organization's newsletter, which newsletter is distributed only
 290 to members of that organization.

291 2. A communication in a news story, commentary, or
 292 editorial distributed through the facilities of any radio
 293 station, television station, cable television system, or
 294 satellite system, unless the facilities are owned or controlled
 295 by any political party, political committee, or candidate. A
 296 news story distributed through the facilities owned or
 297 controlled by any political party, political committee, or
 298 candidate may nevertheless be exempt if it represents a bona
 299 fide news account communicated through a licensed broadcasting
 300 facility and the communication is part of a general pattern of
 301 campaign-related news accounts that give reasonably equal
 302 coverage to all opposing candidates in the area ~~An editorial~~
 303 ~~endorsement, news story, commentary, or editorial by any~~
 304 ~~newspaper, radio, television station, or other recognized news~~
 305 ~~medium.~~

306 3. A communication that constitutes a public debate or
307 forum that includes at least two opposing candidates for an
308 office or one advocate and one opponent of an issue, or that
309 solely promotes such a debate or forum and is made by or on
310 behalf of the person sponsoring the debate or forum, provided
311 that:

312 a. The staging organization is either:

313 (I) A charitable organization that does not make other
314 electioneering communications and does not otherwise support or
315 oppose any political candidate or political party; or

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

318 b. The staging organization does not structure the debate
319 to promote or advance one candidate or issue position over
320 another.

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

324 (d) For purposes of this chapter, an electioneering
325 communication shall not constitute an independent expenditure
326 nor be subject to the limitations applicable to independent
327 expenditures.

328 (19) "Electioneering communications organization" means
329 any group, other than a political party, political committee, or
330 committee of continuous existence, whose election-related
331 activities are limited to making expenditures for electioneering
332 communications or accepting contributions for the purpose of
333 making electioneering communications and whose activities would

334 not otherwise require the group to register as a political
335 party, political committee, or committee of continuous existence
336 under this chapter.

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

339 106.022 Appointment of a registered agent; duties.—

340 (1) Each political committee, committee of continuous
341 existence, or electioneering communications organization shall
342 have and continuously maintain in this state a registered office
343 and a registered agent and must file with the division a
344 statement of appointment for the registered office and
345 registered agent. The statement of appointment must:

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

348 (b) Identify the entity for whom the registered agent
349 serves;

350 (c) Designate the address the registered agent wishes to
351 use to receive mail;

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

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

358 (f) Contain the signature of the registered agent and the
359 entity engaging the registered agent.

360 Section 5. Paragraph (b) of subsection (1) of section
361 106.03, Florida Statutes, is reenacted and amended, and

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

364 106.03 Registration of political committees and
 365 electioneering communications organizations.—

366 (1)

367 (b)1. Each electioneering communications organization that
 368 receives ~~anticipates receiving~~ contributions or makes ~~making~~
 369 expenditures during a calendar year in an aggregate amount
 370 exceeding \$5,000 shall file a statement of organization as
 371 provided in subparagraph 2. ~~subsection (3)~~ by expedited delivery
 372 within 24 hours after its organization or, if later, within 24
 373 hours after the date on which it receives ~~has information that~~
 374 ~~causes the organization to anticipate that it will receive~~
 375 contributions or makes ~~make~~ expenditures for an electioneering
 376 communication in excess of \$5,000.

377 2.a. In a statewide, legislative, or multicounty election,
 378 an electioneering communications organization shall file a
 379 statement of organization with the Division of Elections.

380 b. In a countywide election or any election held on less
 381 than a countywide basis, except as described in sub-subparagraph
 382 c., an electioneering communications organization shall file a
 383 statement of organization with the supervisor of elections of
 384 the county in which the election is being held.

385 c. In a municipal election, an electioneering
 386 communications organization shall file a statement of
 387 organization with the officer before whom municipal candidates
 388 qualify.

389 d. Any electioneering communications organization that
 390 would be required to file a statement of organization in two or
 391 more locations by reason of the organization's intention to
 392 support or oppose candidates at state or multicounty and local
 393 levels of government need only file a statement of organization
 394 with the Division of Elections.

395 (2) The statement of organization shall include:

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

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

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

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

404 (e) The name, mailing address, street address, and
 405 position of other principal officers, including the treasurer
 406 and deputy treasurer ~~including officers and members of the~~
 407 ~~finance committee,~~ if any;

408 (f) The name, address, office sought, and party
 409 affiliation of:

410 1. Each candidate whom the committee is supporting;

411 2. Any other individual, if any, whom the committee is
 412 supporting for nomination for election, or election, to any
 413 public office whatever;

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

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

418 (i) A statement of whether the committee is a continuing
 419 one;

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

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

425 (l) A statement of the reports required to be filed by the
 426 committee or the electioneering communications organization with
 427 federal officials, if any, and the names, addresses, and
 428 positions of such officials; and

429 (m) A statement of whether the electioneering
 430 communications organization was formed as a newly created
 431 organization during the current calendar quarter or was formed
 432 from an organization existing prior to the current calendar
 433 quarter. For purposes of this subsection, calendar quarters end
 434 the last day of March, June, September, and December.

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

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

443 have their registration canceled. Such rules shall, at a
444 minimum, provide for:

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

448 (b) Adequate opportunity to respond.

449 (c) Appeal of the decision to the Florida Elections
450 Commission. Such appeals shall be exempt from the
451 confidentiality provisions of s. 106.25.

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

454 106.04 Committees of continuous existence.—

455 (5) No committee of continuous existence shall make an
456 electioneering communication, contribute to any candidate or
457 political committee an amount in excess of the limits contained
458 in s. 106.08(1), or participate in any activity which is
459 prohibited by this chapter. If any violation occurs, it shall be
460 punishable as provided in this chapter for the given offense. No
461 funds of a committee of continuous existence shall be expended
462 on behalf of a candidate, except by means of a contribution made
463 through the duly appointed campaign treasurer of a candidate. No
464 such committee shall make expenditures in support of, or in
465 opposition to, an issue unless such committee first registers as
466 a political committee pursuant to this chapter and undertakes
467 all the practices and procedures required thereof; provided such
468 committee may make contributions in a total amount not to exceed
469 25 percent of its aggregate income, as reflected in the annual
470 report filed for the previous year, to one or more political

471 committees registered pursuant to s. 106.03 and formed to
472 support or oppose issues.

473 Section 7. Section 106.0703, Florida Statutes, is
474 reenacted and amended to read:

475 106.0703 Electioneering communications organizations;
476 ~~additional reporting requirements; certification and filing;~~
477 penalties.—

478 (1) (a) Each electioneering communications organization
479 shall file regular reports of all contributions received and all
480 expenditures made by or on behalf of the organization. Reports
481 shall be filed on the 10th day following the end of each
482 calendar quarter from the time the organization is registered.
483 However, if the 10th day following the end of a calendar quarter
484 occurs on a Saturday, Sunday, or legal holiday, the report shall
485 be filed on the next following day that is not a Saturday,
486 Sunday, or legal holiday. Quarterly reports shall include all
487 contributions received and expenditures made during the calendar
488 quarter that have not otherwise been reported pursuant to this
489 section.

490 (b) Following the last day of candidates qualifying for
491 office, the reports shall be filed on the 32nd, 18th, and 4th
492 days immediately preceding the primary election and on the 46th,
493 32nd, 18th, and 4th days immediately preceding the general
494 election.

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

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

500 (d) In addition to the reports required by paragraph (a),
501 an electioneering communications organization that is registered
502 with the Department of State and that makes a contribution or
503 expenditure to influence the results of a county or municipal
504 election that is not being held at the same time as a state or
505 federal election must file reports with the county or municipal
506 filing officer on the same dates as county or municipal
507 candidates or committees for that election. The electioneering
508 communications organization must also include the expenditure in
509 the next report filed with the Division of Elections pursuant to
510 this section following the county or municipal election.

511 (e) The filing officer shall make available to each
512 electioneering communications organization a schedule
513 designating the beginning and end of reporting periods as well
514 as the corresponding designated due dates.

515 (2) (a) Except as provided in s. 106.0705, the reports
516 required of an electioneering communications organization shall
517 be filed with the filing officer not later than 5 p.m. of the
518 day designated. However, any report postmarked by the United
519 States Postal Service no later than midnight of the day
520 designated shall be deemed to have been filed in a timely
521 manner. Any report received by the filing officer within 5 days
522 after the designated due date that was delivered by the United
523 States Postal Service shall be deemed timely filed unless it has
524 a postmark that indicates that the report was mailed after the
525 designated due date. A certificate of mailing obtained from and

526 dated by the United States Postal Service at the time of
527 mailing, or a receipt from an established courier company, which
528 bears a date on or before the date on which the report is due,
529 shall be proof of mailing in a timely manner. Reports shall
530 contain information of all previously unreported contributions
531 received and expenditures made as of the preceding Friday,
532 except that the report filed on the Friday immediately preceding
533 the election shall contain information of all previously
534 unreported contributions received and expenditures made as of
535 the day preceding the designated due date. All such reports
536 shall be open to public inspection.

537 (b)1. Any report that is deemed to be incomplete by the
538 officer with whom the electioneering communications organization
539 files shall be accepted on a conditional basis. The treasurer of
540 the electioneering communications organization shall be
541 notified, by certified mail or other common carrier that can
542 establish proof of delivery for the notice, as to why the report
543 is incomplete. Within 7 days after receipt of such notice, the
544 treasurer must file an addendum to the report providing all
545 information necessary to complete the report in compliance with
546 this section. Failure to file a complete report after such
547 notice constitutes a violation of this chapter.

548 2. Notice is deemed sufficient upon proof of delivery of
549 written notice to the mailing or street address of the treasurer
550 or registered agent of the electioneering communication
551 organization on record with the filing officer.

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

553 1. The full name, address, and occupation, if any, of each
554 person who has made one or more contributions to or for such
555 electioneering communications organization within the reporting
556 period, together with the amount and date of such contributions.
557 For corporations, the report must provide as clear a description
558 as practicable of the principal type of business conducted by
559 the corporation. However, if the contribution is \$100 or less,
560 the occupation of the contributor or the principal type of
561 business need not be listed.

562 2. The name and address of each political committee from
563 which or to which the reporting electioneering communications
564 organization made any transfer of funds, together with the
565 amounts and dates of all transfers.

566 3. Each loan for electioneering communication purposes to
567 or from any person or political committee within the reporting
568 period, together with the full names, addresses, and occupations
569 and principal places of business, if any, of the lender and
570 endorsers, if any, and the date and amount of such loans.

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

573 5. The total sums of all loans, in-kind contributions, and
574 other receipts by or for such electioneering communications
575 organization during the reporting period. The reporting forms
576 shall be designed to elicit separate totals for in-kind
577 contributions, loans, and other receipts.

578 6. The full name and address of each person to whom
579 expenditures have been made by or on behalf of the

580 electioneering communications organization within the reporting
581 period and the amount, date, and purpose of each expenditure.

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

586 8. The total sum of expenditures made by the
587 electioneering communications organization during the reporting
588 period.

589 9. The amount and nature of debts and obligations owed by
590 or to the electioneering communications organization that relate
591 to the conduct of any electioneering communication.

592 10. The amount and nature of any separate interest-bearing
593 accounts or certificates of deposit and identification of the
594 financial institution in which such accounts or certificates of
595 deposit are located.

596 11. The primary purposes of an expenditure made indirectly
597 through an electioneering communications organization for goods
598 and services, such as communications media placement or
599 procurement services and other expenditures that include
600 multiple components as part of the expenditure. The primary
601 purpose of an expenditure shall be that purpose, including
602 integral and directly related components, that comprises 80
603 percent of such expenditure.

604 (b) The filing officer shall make available to any
605 electioneering communications organization a reporting form
606 which the electioneering communications organization may use to
607 indicate contributions received by the electioneering

608 communications organization but returned to the contributor
609 before deposit.

610 (4) The treasurer of the electioneering communications
611 organization shall certify as to the correctness of each report,
612 and each person so certifying shall bear the responsibility for
613 the accuracy and veracity of each report. Any treasurer who
614 willfully certifies the correctness of any report while knowing
615 that such report is incorrect, false, or incomplete commits a
616 misdemeanor of the first degree, punishable as provided in s.
617 775.082 or s. 775.083.

618 (5) The electioneering communications organization
619 depository shall provide statements reflecting deposits and
620 expenditures from the account to the treasurer, who shall retain
621 the records pursuant to s. 106.06. The records maintained by the
622 depository with respect to the account shall be subject to
623 inspection by an agent of the Division of Elections or the
624 Florida Elections Commission at any time during normal banking
625 hours, and such depository shall furnish certified copies of any
626 such records to the Division of Elections or the Florida
627 Elections Commission upon request.

628 (6) Notwithstanding any other provisions of this chapter,
629 in any reporting period during which an electioneering
630 communications organization has not received funds, made any
631 contributions, or expended any reportable funds, the treasurer
632 shall file a written report with the filing officer by the
633 prescribed reporting date that no reportable contributions or
634 expenditures were made during the reporting period.

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

640 1. In the General Revenue Fund, in the case of an
641 electioneering communications organization that registers with
642 the Division of Elections; or

643 2. In the general revenue fund of the political
644 subdivision, in the case of an electioneering communications
645 organization that registers with an officer of a political
646 subdivision.

647
648 No separate fine shall be assessed for failure to file a copy of
649 any report required by this section.

650 (b) Upon determining that a report is late, the filing
651 officer shall immediately notify the electioneering
652 communications organization as to the failure to file a report
653 by the designated due date and that a fine is being assessed for
654 each late day. The fine shall be \$50 per day for the first 3
655 days late and, thereafter, \$500 per day for each late day, not
656 to exceed 25 percent of the total receipts or expenditures,
657 whichever is greater, for the period covered by the late report.
658 However, for the reports immediately preceding each primary and
659 general election, the fine shall be \$500 per day for each late
660 day, not to exceed 25 percent of the total receipts or
661 expenditures, whichever is greater, for the period covered by
662 the late report. Upon receipt of the report, the filing officer

663 shall determine the amount of the fine which is due and shall
664 notify the electioneering communications organization. The
665 filing officer shall determine the amount of the fine due based
666 upon the earliest of the following:

- 667 1. When the report is actually received by such officer.
- 668 2. When the report is postmarked.
- 669 3. When the certificate of mailing is dated.
- 670 4. When the receipt from an established courier company is
671 dated.
- 672 5. When the electronic receipt issued pursuant to s.
673 106.0705 or other electronic filing system authorized in this
674 section is dated.

675

676 Such fine shall be paid to the filing officer within 20 days
677 after receipt of the notice of payment due, unless appeal is
678 made to the Florida Elections Commission pursuant to paragraph
679 (c). Notice is deemed sufficient upon proof of delivery of
680 written notice to the mailing or street address on record with
681 the filing officer. An officer or member of an electioneering
682 communications organization shall not be personally liable for
683 such fine.

684 (c) The treasurer of an electioneering communications
685 organization may appeal or dispute the fine, based upon, but not
686 limited to, unusual circumstances surrounding the failure to
687 file on the designated due date, and may request and shall be
688 entitled to a hearing before the Florida Elections Commission,
689 which shall have the authority to waive the fine in whole or in
690 part. The Florida Elections Commission must consider the

691 mitigating and aggravating circumstances contained in s.
 692 106.265(1) when determining the amount of a fine, if any, to be
 693 waived. Any such request shall be made within 20 days after
 694 receipt of the notice of payment due. In such case, the
 695 treasurer of the electioneering communications organization
 696 shall, within the 20-day period, notify the filing officer in
 697 writing of his or her intention to bring the matter before the
 698 commission.

699 (d) The appropriate filing officer shall notify the
 700 Florida Elections Commission of the repeated late filing by an
 701 electioneering communications organization, the failure of an
 702 electioneering communications organization to file a report
 703 after notice, or the failure to pay the fine imposed. The
 704 commission shall investigate only those alleged late filing
 705 violations specifically identified by the filing officer and as
 706 set forth in the notification. Any other alleged violations must
 707 be stated separately and reported by the division to the
 708 commission under s. 106.25(2).

709 ~~(8) In addition to the reporting requirements in s.~~
 710 ~~106.07,~~ An electioneering communications organization shall,
 711 within 2 days after receiving its initial password or secure
 712 sign-on from the Department of State allowing confidential
 713 access to the department's electronic campaign finance filing
 714 system, electronically file the periodic ~~campaign finance~~
 715 reports that would have been required pursuant to this section
 716 ~~s. 106.07~~ for reportable activities that occurred since the date
 717 of the last general election.

718 (9) Electioneering communications organizations shall not
 719 use credit cards.

720 Section 8. Paragraph (b) of subsection (2) of section
 721 106.0705, Florida Statutes, is reenacted, and subsections (3)
 722 and (4) of that section are amended, to read:

723 106.0705 Electronic filing of campaign treasurer's
 724 reports.—

725 (2)

726 (b) Each political committee, committee of continuous
 727 existence, electioneering communications organization, or state
 728 executive committee that is required to file reports with the
 729 division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29,
 730 as applicable, must file such reports with the division by means
 731 of the division's electronic filing system.

732 (3) Reports filed pursuant to this section shall be
 733 completed and filed through the electronic filing system not
 734 later than midnight of the day designated. Reports not filed by
 735 midnight of the day designated are late filed and are subject to
 736 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),
 737 or s. 106.29(3), as applicable.

738 (4) Each report filed pursuant to this section is
 739 considered to be under oath by the candidate and treasurer, ~~or~~
 740 the chair and treasurer, or the treasurer under s. 106.0703,
 741 whichever is applicable, and such persons are subject to the
 742 provisions of s. 106.04(4)(d), s. 106.07(5), s. 106.0703(4), or
 743 s. 106.29(2), as applicable. Persons given a secure sign-on to
 744 the electronic filing system are responsible for protecting such
 745 from disclosure and are responsible for all filings using such

746 | credentials, unless they have notified the division that their
 747 | credentials have been compromised.

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

750 | 106.071 Independent expenditures; electioneering
 751 | communications; reports; disclaimers.—

752 | (1) Each person who makes an independent expenditure with
 753 | respect to any candidate or issue, and each individual who makes
 754 | an expenditure for an electioneering communication which is not
 755 | otherwise reported pursuant to this chapter, which expenditure,
 756 | in the aggregate, is in the amount of \$5,000 ~~\$100~~ or more, shall
 757 | file periodic reports of such expenditures in the same manner,
 758 | at the same time, subject to the same penalties, and with the
 759 | same officer as a political committee supporting or opposing
 760 | such candidate or issue. The report shall contain the full name
 761 | and address of the person making the expenditure; the full name
 762 | and address of each person to whom and for whom each such
 763 | expenditure has been made; the amount, date, and purpose of each
 764 | such expenditure; a description of the services or goods
 765 | obtained by each such expenditure; the issue to which the
 766 | expenditure relates; and the name and address of, and office
 767 | sought by, each candidate on whose behalf such expenditure was
 768 | made.

769 | Section 10. Subsections (4) and (5) of section 106.08,
 770 | Florida Statutes, are amended, and subsection (7) of that
 771 | section is reenacted, to read:

772 | 106.08 Contributions; limitations on.—

773 | (4) ~~(a)~~ Any contribution received by the chair, campaign

774 treasurer, or deputy campaign treasurer of a political committee
775 supporting or opposing a candidate with opposition in an
776 election or supporting or opposing an issue on the ballot in an
777 election on the day of that election or less than 5 days prior
778 to the day of that election may not be obligated or expended by
779 the committee until after the date of the election.

780 ~~(b) Any contribution received by an electioneering~~
781 ~~communications organization on the day of an election or less~~
782 ~~than 5 days prior to the day of that election may not be~~
783 ~~obligated or expended by the organization until after the date~~
784 ~~of the election and may not be expended to pay for any~~
785 ~~obligation arising prior to the election.~~

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

788 (b) Candidates, political committees, and political
789 parties may not solicit contributions from any religious,
790 charitable, civic, or other causes or organizations established
791 primarily for the public good.

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

797 1. A candidate, political committee, or political party
798 executive committee to make gifts of money in lieu of flowers in
799 memory of a deceased person;

800 2. A candidate to continue membership in, or make regular
801 donations from personal or business funds to, religious,

802 political party, civic, or charitable groups of which the
 803 candidate is a member or to which the candidate has been a
 804 regular donor for more than 6 months; or

805 3. A candidate to purchase, with campaign funds, tickets,
 806 admission to events, or advertisements from religious, civic,
 807 political party, or charitable groups.

808 ~~(d) An electioneering communications organization may not~~
 809 ~~accept a contribution from an organization exempt from taxation~~
 810 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~
 811 ~~than a political committee, committee of continuous existence,~~
 812 ~~or political party, unless the contributing organization has~~
 813 ~~registered as if the organization were an electioneering~~
 814 ~~communications organization pursuant to s. 106.03 and has filed~~
 815 ~~all campaign finance reports required of electioneering~~
 816 ~~communications organizations pursuant to ss. 106.07 and~~
 817 ~~106.0703.~~

818 (7) (a) Any person who knowingly and willfully makes or
 819 accepts no more than one contribution in violation of subsection
 820 (1) or subsection (5), or any person who knowingly and willfully
 821 fails or refuses to return any contribution as required in
 822 subsection (3), commits a misdemeanor of the first degree,
 823 punishable as provided in s. 775.082 or s. 775.083. If any
 824 corporation, partnership, or other business entity or any
 825 political party, political committee, committee of continuous
 826 existence, or electioneering communications organization is
 827 convicted of knowingly and willfully violating any provision
 828 punishable under this paragraph, it shall be fined not less than
 829 \$1,000 and not more than \$10,000. If it is a domestic entity, it

830 may be ordered dissolved by a court of competent jurisdiction;
831 if it is a foreign or nonresident business entity, its right to
832 do business in this state may be forfeited. Any officer,
833 partner, agent, attorney, or other representative of a
834 corporation, partnership, or other business entity, or of a
835 political party, political committee, committee of continuous
836 existence, electioneering communications organization, or
837 organization exempt from taxation under s. 527 or s. 501(c)(4)
838 of the Internal Revenue Code, who aids, abets, advises, or
839 participates in a violation of any provision punishable under
840 this paragraph commits a misdemeanor of the first degree,
841 punishable as provided in s. 775.082 or s. 775.083.

842 (b) Any person who knowingly and willfully makes or
843 accepts two or more contributions in violation of subsection (1)
844 or subsection (5) commits a felony of the third degree,
845 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
846 If any corporation, partnership, or other business entity or any
847 political party, political committee, committee of continuous
848 existence, or electioneering communications organization is
849 convicted of knowingly and willfully violating any provision
850 punishable under this paragraph, it shall be fined not less than
851 \$10,000 and not more than \$50,000. If it is a domestic entity,
852 it may be ordered dissolved by a court of competent
853 jurisdiction; if it is a foreign or nonresident business entity,
854 its right to do business in this state may be forfeited. Any
855 officer, partner, agent, attorney, or other representative of a
856 corporation, partnership, or other business entity, or of a
857 political committee, committee of continuous existence,

858 political party, or electioneering communications organization,
 859 or organization exempt from taxation under s. 527 or s.
 860 501(c)(4) of the Internal Revenue Code, who aids, abets,
 861 advises, or participates in a violation of any provision
 862 punishable under this paragraph commits a felony of the third
 863 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 864 775.084.

865 Section 11. Section 106.1437, Florida Statutes, is
 866 reenacted to read:

867 106.1437 Miscellaneous advertisements.—Any advertisement,
 868 other than a political advertisement, independent expenditure,
 869 or electioneering communication, on billboards, bumper stickers,
 870 radio, or television, or in a newspaper, a magazine, or a
 871 periodical, intended to influence public policy or the vote of a
 872 public official, shall clearly designate the sponsor of such
 873 advertisement by including a clearly readable statement of
 874 sponsorship. If the advertisement is broadcast on television,
 875 the advertisement shall also contain a verbal statement of
 876 sponsorship. This section shall not apply to an editorial
 877 endorsement.

878 Section 12. Section 106.1439, Florida Statutes, is
 879 reenacted and amended to read:

880 106.1439 Electioneering communications; disclaimers.—

881 (1) Any electioneering communication, other than a
 882 telephone call, shall prominently state: "Paid electioneering
 883 communication paid for by ... (Name and address of person paying
 884 for the communication)...."

885 (2) Any electioneering communication telephone call shall
 886 identify the persons or organizations sponsoring the call by
 887 stating either: "Paid for by ... (insert name of persons or
 888 organizations sponsoring the call)...." or "Paid for on behalf
 889 of ... (insert name of persons or organizations authorizing
 890 call)...." This subsection does not apply to any telephone call
 891 in which the individual making the call is not being paid and
 892 the individuals participating in the call know each other prior
 893 to the call.

894 (3)~~(2)~~ Any person who fails to include the disclaimer
 895 prescribed in this section in any electioneering communication
 896 that is required to contain such disclaimer commits a
 897 misdemeanor of the first degree, punishable as provided in s.
 898 775.082 or s. 775.083.

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

901 106.147 Telephone solicitation; disclosure requirements;
 902 prohibitions; exemptions; penalties.—

903 (1) (a) ~~Any electioneering communication telephone call or~~
 904 ~~any~~ telephone call supporting or opposing a candidate, elected
 905 public official, or ballot proposal must identify the persons or
 906 organizations sponsoring the call by stating either: "paid for
 907 by _____" (insert name of persons or organizations sponsoring
 908 the call) or "paid for on behalf of _____" (insert name of
 909 persons or organizations authorizing call). This paragraph does
 910 not apply to any telephone call in which both the individual
 911 making the call is not being paid and the individuals
 912 participating in the call know each other prior to the call.

913 ~~(c) Any electioneering communication paid for with public~~
 914 ~~funds must include a disclaimer containing the words "paid for~~
 915 ~~by ... (Name of the government entity paying for the~~
 916 ~~communication)...."~~

917 Section 14. Section 106.17, Florida Statutes, is reenacted
 918 to read:

919 106.17 Polls and surveys relating to candidacies.—Any
 920 candidate, political committee, committee of continuous
 921 existence, electioneering communication organization, or state
 922 or county executive committee of a political party may authorize
 923 or conduct a political poll, survey, index, or measurement of
 924 any kind relating to candidacy for public office so long as the
 925 candidate, political committee, committee of continuous
 926 existence, electioneering communication organization, or
 927 political party maintains complete jurisdiction over the poll in
 928 all its aspects.

929 Section 15. This act shall take effect upon becoming a
 930 law.