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Proposed Committee Substitute by the Committee on Ethics and  
Elections

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



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



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57 treasurer of an affiliated party committee is  
58 considered to be under oath; amending s. 106.071,  
59 F.S.; increasing the aggregate amount of expenditures  
60 required for filing certain reports related to  
61 independent expenditures or electioneering  
62 communications; amending s. 106.08, F.S.; removing  
63 certain limitations on contributions received by an  
64 electioneering communications organization; providing  
65 that an affiliated party committee is treated like a  
66 political party regarding limitations on  
67 contributions; deleting the 28-day restriction on  
68 acceptance of certain funds preceding a general  
69 election; placing certain restrictions on solicitation  
70 for and making of contributions; providing guidelines  
71 for acceptance of in-kind contributions; adding an  
72 affiliated party committee to entities subject to  
73 penalties; creating s. 106.088, F.S.; requiring the  
74 subscribing to an oath or affirmation prior to receipt  
75 of certain funds; providing the form of the oath;  
76 providing penalties; providing that undistributed  
77 funds shall be deposited into the General Revenue  
78 Fund; amending s. 106.113, F.S., relating to  
79 expenditures by local governments; revising  
80 definitions; prohibiting a local government, or a  
81 person acting on behalf of a local government, from  
82 making a specific appropriation or designated  
83 expenditure of moneys under the jurisdiction or  
84 control of the local government; prohibiting certain  
85 persons or groups from accepting such moneys for the



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86           purpose of certain political advertisements; deleting  
87           an exception for certain electioneering  
88           communications; clarifying that certain provisions of  
89           state law do not preclude certain officials from  
90           expressing an opinion on an issue at any time;  
91           amending s. 106.141, F.S.; adding affiliated party  
92           committees to the list of entities to which a  
93           candidate may donate surplus funds; amending s.  
94           106.143, F.S.; requiring an affiliated party  
95           committee, like a political party, to obtain advance  
96           approval by a candidate for political advertisements;  
97           amending s. 106.1439, F.S.; providing identification  
98           requirements for certain electioneering  
99           communications; providing an exception for telephone  
100          calls; amending s. 106.147, F.S., relating to  
101          telephone solicitation disclosure requirements;  
102          removing requirements relating to electioneering  
103          communication, to conform; revising the definition of  
104          the term "person" to include an affiliated party  
105          committee; providing penalties; amending s. 106.165,  
106          F.S.; adding affiliated party committees to the  
107          entities that must use closed captioning and  
108          descriptive narrative in all television broadcasts;  
109          amending s. 106.17, F.S.; adding affiliated party  
110          committees to those entities authorized to conduct  
111          polls and surveys relating to candidacies; amending s.  
112          106.23, F.S.; providing that an affiliated party  
113          committee shall be provided an advisory opinion by the  
114          Division of Elections when requested; amending s.



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115 106.265, F.S.; authorizing the imposition of civil  
116 penalties by the Florida Elections Commission for  
117 certain violations by an affiliated party committee;  
118 amending s. 106.27, F.S.; adding affiliated party  
119 committees to those entities subject to certain  
120 determinations and legal disposition by the Florida  
121 Elections Commission; amending s. 106.29, F.S.;  
122 requiring filing of certain reports by an affiliated  
123 party committee; providing restrictions on certain  
124 expenditures and contributions; providing penalties;  
125 amending s. 11.045, F.S., relating to lobbying before  
126 the Legislature; excluding contributions and  
127 expenditures by an affiliated party committee from the  
128 definition of the term "expenditure"; amending s.  
129 112.312, F.S.; providing that certain activities  
130 pertaining to an affiliated party committee are  
131 excluded from the definition of the term "gift";  
132 amending s. 112.3215, F.S., relating to lobbying  
133 before the executive branch or the Constitution  
134 Revision Commission; excluding contributions and  
135 expenditures by an affiliated party committee from the  
136 definition of the term "expenditure"; reenacting ss.  
137 106.011(1)(b), (3), (4), (18), and (19), 106.022(1),  
138 106.03(1)(b), 106.04(5), 106.0703, 106.0705(2)(b),  
139 106.071(1), 106.08(7), 106.1437, 106.1439, and 106.17,  
140 F.S., relating to definitions, registered office and  
141 agent requirements, registration requirements,  
142 prohibited activities for committees of continuous  
143 existence, additional reporting requirements,



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144 electronic filing requirements, expenditure reports,  
145 penalties for violations pertaining to limitations on  
146 contributions, miscellaneous advertisements,  
147 electioneering communications disclaimers and  
148 penalties for failure to include disclaimers, and  
149 polls and surveys pertaining to candidacies, to cure  
150 and conform; providing an effective date.

151

152 Be It Enacted by the Legislature of the State of Florida:

153

154 Section 1. Subsection (4) is added to section 103.081,  
155 Florida Statutes, to read:

156 103.081 Use of party name; political advertising.—

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

161 Section 2. Section 103.092, Florida Statutes, is created to  
162 read:

163 103.092 Affiliated party committees.—

164 (1) For purposes of this section, the term "leader" means  
165 the President of the Senate, the Speaker of the House of  
166 Representatives, or the minority leader of either house of the  
167 Legislature, until a person is designated by a political party  
168 conference of members of either house to succeed to any such  
169 position, at which time the designee becomes the leader for  
170 purposes of this section.

171 (2) The leader of each political party conference of the  
172 House of Representatives and the Senate may establish a



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173 separate, affiliated party committee to support the election of  
174 candidates of the leader's political party. The affiliated party  
175 committee is subject to the same provisions of chapter 106 as a  
176 political party.

177 (3) Each affiliated party committee shall:

178 (a) Adopt bylaws to include, at a minimum, the designation  
179 of a treasurer.

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

182 (c) Establish an account.

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

186 Section 3. Paragraph (b) of subsection (1) of section  
187 103.121, Florida Statutes, is amended to read:

188 103.121 Powers and duties of executive committees.—

189 (1)

190 (b) The county executive committee shall receive payment of  
191 assessments upon candidates to be voted for in a single county  
192 ~~except state senators, state and members of the House of~~  
193 ~~representatives,~~ and representatives to the Congress of the  
194 United States; an affiliated party committee controlled by a  
195 leader of the Senate as defined in s. 103.092 shall receive  
196 payment of assessments upon candidates for the office of state  
197 senator and an affiliated party committee controlled by a leader  
198 of the House of Representatives as defined in s. 103.092 shall  
199 receive payment of assessments upon candidates for the office of  
200 state representative; and the state executive committees shall  
201 receive all other assessments authorized. All party assessments



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202 shall be 2 percent of the annual salary of the office sought by  
203 the respective candidate. All such committee assessments shall  
204 be remitted to the state executive committee of the appropriate  
205 party and distributed in accordance with subsection (5), except  
206 that assessments for candidates for the office of state senator  
207 or state representative shall be remitted to the appropriate  
208 affiliated party committee.

209 Section 4. Paragraph (a) of subsection (1) of section of  
210 section 106.011, Florida Statutes, is amended, paragraph (b) of  
211 subsection (1) of that section is reenacted and amended,  
212 subsections (3) and (4) of that section are reenacted,  
213 subsections (5), (8), and (14) of that section are amended, and  
214 subsections (18) and (19) of that section are reenacted and  
215 amended, to read:

216 106.011 Definitions.—As used in this chapter, the following  
217 terms have the following meanings unless the context clearly  
218 indicates otherwise:

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

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

223 a. Accepts contributions for the purpose of making  
224 contributions to any candidate, political committee, committee  
225 of continuous existence, affiliated party committee, or  
226 political party;

227 b. Accepts contributions for the purpose of expressly  
228 advocating the election or defeat of a candidate or the passage  
229 or defeat of an issue;

230 c. Makes expenditures that expressly advocate the election





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231 or defeat of a candidate or the passage or defeat of an issue;  
232 or

233 d. Makes contributions to a common fund, other than a joint  
234 checking account between spouses, from which contributions are  
235 made to any candidate, political committee, committee of  
236 continuous existence, affiliated party committee, or political  
237 party;

238 2. The sponsor of a proposed constitutional amendment by  
239 initiative who intends to seek the signatures of registered  
240 electors.

241 (b) Notwithstanding paragraph (a), the following entities  
242 are not considered political committees for purposes of this  
243 chapter:

244 1. Organizations which are certified by the Department of  
245 State as committees of continuous existence pursuant to s.  
246 106.04, national political parties, ~~and~~ the state and county  
247 executive committees of political parties, and affiliated party  
248 committees regulated by chapter 103.

249 2. Corporations regulated by chapter 607 or chapter 617 or  
250 other business entities formed for purposes other than to  
251 support or oppose issues or candidates, if their political  
252 activities are limited to contributions to candidates, political  
253 parties, affiliated party committees, or political committees or  
254 expenditures in support of or opposition to an issue from  
255 corporate or business funds and if no contributions are received  
256 by such corporations or business entities.

257 3. Electioneering communications organizations as defined  
258 in subsection (19), ~~however, such organizations shall be~~  
259 ~~required to register with and report expenditures and~~



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260 ~~contributions, including contributions received from committees~~  
261 ~~of continuous existence, to the Division of Elections in the~~  
262 ~~same manner, at the same time, and subject to the same penalties~~  
263 ~~as a political committee supporting or opposing an issue or a~~  
264 ~~legislative candidate, except as otherwise specifically provided~~  
265 ~~in this chapter.~~

266 (3) "Contribution" means:

267 (a) A gift, subscription, conveyance, deposit, loan,  
268 payment, or distribution of money or anything of value,  
269 including contributions in kind having an attributable monetary  
270 value in any form, made for the purpose of influencing the  
271 results of an election or making an electioneering  
272 communication.

273 (b) A transfer of funds between political committees,  
274 between committees of continuous existence, between  
275 electioneering communications organizations, or between any  
276 combination of these groups.

277 (c) The payment, by any person other than a candidate or  
278 political committee, of compensation for the personal services  
279 of another person which are rendered to a candidate or political  
280 committee without charge to the candidate or committee for such  
281 services.

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

286

287 Notwithstanding the foregoing meanings of "contribution," the  
288 word shall not be construed to include services, including, but



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289 not limited to, legal and accounting services, provided without  
290 compensation by individuals volunteering a portion or all of  
291 their time on behalf of a candidate or political committee. This  
292 definition shall not be construed to include editorial  
293 endorsements.

294 (4) (a) "Expenditure" means a purchase, payment,  
295 distribution, loan, advance, transfer of funds by a campaign  
296 treasurer or deputy campaign treasurer between a primary  
297 depository and a separate interest-bearing account or  
298 certificate of deposit, or gift of money or anything of value  
299 made for the purpose of influencing the results of an election  
300 or making an electioneering communication. However,  
301 "expenditure" does not include a purchase, payment,  
302 distribution, loan, advance, or gift of money or anything of  
303 value made for the purpose of influencing the results of an  
304 election when made by an organization, in existence prior to the  
305 time during which a candidate qualifies or an issue is placed on  
306 the ballot for that election, for the purpose of printing or  
307 distributing such organization's newsletter, containing a  
308 statement by such organization in support of or opposition to a  
309 candidate or issue, which newsletter is distributed only to  
310 members of such organization.

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

314 1. A person enters into a contract for applicable goods or  
315 services;

316 2. A person makes payment, in whole or in part, for the  
317 production or public dissemination of applicable goods or



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318 services; or

319 3. The electioneering communication is publicly  
320 disseminated.

321 (5) (a) "Independent expenditure" means an expenditure by a  
322 person for the purpose of expressly advocating the election or  
323 defeat of a candidate or the approval or rejection of an issue,  
324 which expenditure is not controlled by, coordinated with, or  
325 made upon consultation with, any candidate, political committee,  
326 or agent of such candidate or committee. An expenditure for such  
327 purpose by a person having a contract with the candidate,  
328 political committee, or agent of such candidate or committee in  
329 a given election period shall not be deemed an independent  
330 expenditure.

331 (b) An expenditure for the purpose of expressly advocating  
332 the election or defeat of a candidate which is made by the  
333 national, state, or county executive committee of a political  
334 party, including any subordinate committee of the a national,  
335 ~~state, or county committee of a political party, an affiliated~~  
336 party committee, a or by any political committee, a or committee  
337 of continuous existence, or any other person, shall not be  
338 considered an independent expenditure if the committee or  
339 person:

340 1. Communicates with the candidate, the candidate's  
341 campaign, or an agent of the candidate acting on behalf of the  
342 candidate, including any pollster, media consultant, advertising  
343 agency, vendor, advisor, or staff member, concerning the  
344 preparation of, use of, or payment for, the specific expenditure  
345 or advertising campaign at issue; or

346 2. Makes a payment in cooperation, consultation, or concert



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347 with, at the request or suggestion of, or pursuant to any  
348 general or particular understanding with the candidate, the  
349 candidate's campaign, a political committee supporting the  
350 candidate, or an agent of the candidate relating to the specific  
351 expenditure or advertising campaign at issue; or

352 3. Makes a payment for the dissemination, distribution, or  
353 republication, in whole or in part, of any broadcast or any  
354 written, graphic, or other form of campaign material prepared by  
355 the candidate, the candidate's campaign, or an agent of the  
356 candidate, including any pollster, media consultant, advertising  
357 agency, vendor, advisor, or staff member; or

358 4. Makes a payment based on information about the  
359 candidate's plans, projects, or needs communicated to a member  
360 of the committee or person by the candidate or an agent of the  
361 candidate, provided the committee or person uses the information  
362 in any way, in whole or in part, either directly or indirectly,  
363 to design, prepare, or pay for the specific expenditure or  
364 advertising campaign at issue; or

365 5. After the last day of qualifying for statewide or  
366 legislative office, consults about the candidate's plans,  
367 projects, or needs in connection with the candidate's pursuit of  
368 election to office and the information is used in any way to  
369 plan, create, design, or prepare an independent expenditure or  
370 advertising campaign, with:

371 a. Any officer, director, employee, or agent of a national,  
372 state, or county executive committee of a political party or an  
373 affiliated party committee that has made or intends to make  
374 expenditures in connection with or contributions to the  
375 candidate; or



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376           b. Any person whose professional services have been  
377 retained by a national, state, or county executive committee of  
378 a political party or an affiliated party committee that has made  
379 or intends to make expenditures in connection with or  
380 contributions to the candidate; or

381           6. After the last day of qualifying for statewide or  
382 legislative office, retains the professional services of any  
383 person also providing those services to the candidate in  
384 connection with the candidate's pursuit of election to office;  
385 or

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

388           (8) "Person" means an individual or a corporation,  
389 association, firm, partnership, joint venture, joint stock  
390 company, club, organization, estate, trust, business trust,  
391 syndicate, or other combination of individuals having collective  
392 capacity. The term includes a political party, affiliated party  
393 committee, political committee, or committee of continuous  
394 existence.

395           (14) "Filing officer" means the person before whom a  
396 candidate qualifies, the agency or officer with whom a political  
397 committee or an electioneering communications organization  
398 registers, or the agency by whom a committee of continuous  
399 existence is certified.

400           (18) (a) "Electioneering communication" means any  
401 communication publicly distributed by a television station,  
402 radio station, cable television system, satellite system,  
403 newspaper, magazine, direct mail, or telephone ~~a paid expression~~  
404 ~~in any communications media prescribed in subsection (13) by~~



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405 ~~means other than the spoken word in direct conversation that:~~

406       1. ~~Refers to or depicts a clearly identified candidate for~~  
407 ~~office or contains a clear reference indicating that an issue is~~  
408 ~~to be voted on at an election,~~ without expressly advocating the  
409 election or defeat of a candidate but that is susceptible of no  
410 reasonable interpretation other than an appeal to vote for or  
411 against a specific candidate; or the passage or defeat of an  
412 issue.

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

416       3. ~~Is For communications referring to or depicting a~~  
417 ~~clearly identified candidate for office, is targeted to the~~  
418 ~~relevant electorate. A communication is considered targeted if~~  
419 ~~1,000 or more persons in the geographic area the candidate would~~  
420 ~~represent if elected will receive the communication.~~

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

426       (b) The term "electioneering communication" does not  
427 include:

428       1. A communication disseminated through a means of  
429 communication other than a television station, radio station,  
430 cable television system, satellite system, newspaper, magazine,  
431 direct mail, telephone, or statement or depiction by an  
432 organization, in existence prior to the time during which a  
433 candidate named or depicted qualifies ~~or an issue identified is~~



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434 ~~placed on the ballot~~ for that election, made in that  
435 organization's newsletter, which newsletter is distributed only  
436 to members of that organization.

437       2. A communication in a news story, commentary, or  
438 editorial distributed through the facilities of any radio  
439 station, television station, cable television system, or  
440 satellite system, unless the facilities are owned or controlled  
441 by any political party, political committee, or candidate. A  
442 news story distributed through the facilities owned or  
443 controlled by any political party, political committee, or  
444 candidate may nevertheless be exempt if it represents a bona  
445 fide news account communicated through a licensed broadcasting  
446 facility and the communication is part of a general pattern of  
447 campaign-related news accounts that give reasonably equal  
448 coverage to all opposing candidates in the area ~~An editorial~~  
449 ~~endorsement, news story, commentary, or editorial by any~~  
450 ~~newspaper, radio, television station, or other recognized news~~  
451 ~~medium.~~

452       3. A communication that constitutes a public debate or  
453 forum that includes at least two opposing candidates for an  
454 office or one advocate and one opponent of an issue, or that  
455 solely promotes such a debate or forum and is made by or on  
456 behalf of the person sponsoring the debate or forum, provided  
457 that:

458       a. The staging organization is either:

459           (I) A charitable organization that does not make other  
460 electioneering communications and does not otherwise support or  
461 oppose any political candidate or political party; or

462           (II) A newspaper, radio station, television station, or





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463 other recognized news medium; and

464 b. The staging organization does not structure the debate  
465 to promote or advance one candidate or issue position over  
466 another.

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

470 (d) For purposes of this chapter, an electioneering  
471 communication shall not constitute an independent expenditure  
472 nor be subject to the limitations applicable to independent  
473 expenditures.

474 (19) "Electioneering communications organization" means any  
475 group, other than a political party, affiliated party committee,  
476 political committee, or committee of continuous existence, whose  
477 election-related activities are limited to making expenditures  
478 for electioneering communications or accepting contributions for  
479 the purpose of making electioneering communications and whose  
480 activities would not otherwise require the group to register as  
481 a political party, political committee, or committee of  
482 continuous existence under this chapter.

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

485 106.021 Campaign treasurers; deputies; primary and  
486 secondary depositories.—

487 (3) No contribution or expenditure, including contributions  
488 or expenditures of a candidate or of the candidate's family,  
489 shall be directly or indirectly made or received in furtherance  
490 of the candidacy of any person for nomination or election to  
491 political office in the state or on behalf of any political



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492 committee except through the duly appointed campaign treasurer  
493 of the candidate or political committee, subject to the  
494 following exceptions:

495 (a) Independent expenditures;

496 (b) Reimbursements to a candidate or any other individual  
497 for expenses incurred in connection with the campaign or  
498 activities of the political committee by a check drawn upon the  
499 campaign account and reported pursuant to s. 106.07(4). After  
500 July 1, 2004, the full name and address of each person to whom  
501 the candidate or other individual made payment for which  
502 reimbursement was made by check drawn upon the campaign account  
503 shall be reported pursuant to s. 106.07(4), together with the  
504 purpose of such payment;

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

511 (d) Expenditures made directly by any political committee,  
512 affiliated party committee, or political party regulated by  
513 chapter 103 for obtaining time, space, or services in or by any  
514 communications medium for the purpose of jointly endorsing three  
515 or more candidates, and any such expenditure shall not be  
516 considered a contribution or expenditure to or on behalf of any  
517 such candidates for the purposes of this chapter.

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

520 106.022 Appointment of a registered agent; duties.—



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521 (1) Each political committee, committee of continuous  
522 existence, or electioneering communications organization shall  
523 have and continuously maintain in this state a registered office  
524 and a registered agent and must file with the division a  
525 statement of appointment for the registered office and  
526 registered agent. The statement of appointment must:

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

529 (b) Identify the entity for whom the registered agent  
530 serves;

531 (c) Designate the address the registered agent wishes to  
532 use to receive mail;

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

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

539 (f) Contain the signature of the registered agent and the  
540 entity engaging the registered agent.

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

543 106.025 Campaign fund raisers.—

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

549 Section 8. Paragraph (b) of subsection (1) of section



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550 106.03, Florida Statutes, is reenacted and amended, and  
551 subsections (2), (4), and (7) of that section are amended, to  
552 read:

553 106.03 Registration of political committees and  
554 electioneering communications organizations.-

555 (1)

556 (b)1. Each electioneering communications organization that  
557 receives ~~anticipates receiving~~ contributions or makes ~~making~~  
558 expenditures during a calendar year in an aggregate amount  
559 exceeding \$5,000 shall file a statement of organization as  
560 provided in subparagraph 2. ~~subsection (3)~~ by expedited delivery  
561 within 24 hours after its organization or, if later, within 24  
562 hours after the date on which it receives ~~has information that~~  
563 ~~causes the organization to anticipate that it will receive~~  
564 contributions or makes ~~make~~ expenditures for an electioneering  
565 communication in excess of \$5,000.

566 2.a. In a statewide, legislative, or multicounty election,  
567 an electioneering communications organization shall file a  
568 statement of organization with the Division of Elections.

569 b. In a countywide election or any election held on less  
570 than a countywide basis, except as described in sub-subparagraph  
571 c., an electioneering communications organization shall file a  
572 statement of organization with the supervisor of elections of  
573 the county in which the election is being held.

574 c. In a municipal election, an electioneering  
575 communications organization shall file a statement of  
576 organization with the officer before whom municipal candidates  
577 qualify.

578 d. Any electioneering communications organization that



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579 would be required to file a statement of organization in two or  
580 more locations by reason of the organization's intention to  
581 support or oppose candidates at state or multicounty and local  
582 levels of government need only file a statement of organization  
583 with the Division of Elections.

584 (2) The statement of organization shall include:

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

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

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

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

593 (e) The name, mailing address, street address, and position  
594 of other principal officers, including the treasurer and deputy  
595 treasurer including officers and members of the finance  
596 committee, if any;

597 (f) The name, address, office sought, and party affiliation  
598 of:

599 1. Each candidate whom the committee is supporting;

600 2. Any other individual, if any, whom the committee is  
601 supporting for nomination for election, or election, to any  
602 public office whatever;

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

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

607 (i) A statement of whether the committee is a continuing



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608 one;

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

611 (k) A listing of all banks, safe-deposit boxes, or other  
612 depositories used for committee or electioneering communications  
613 organization funds; and

614 (l) A statement of the reports required to be filed by the  
615 committee or the electioneering communications organization with  
616 federal officials, if any, and the names, addresses, and  
617 positions of such officials; and

618 (m) A statement of whether the electioneering  
619 communications organization was formed as a newly created  
620 organization during the current calendar quarter or was formed  
621 from an organization existing prior to the current calendar  
622 quarter. For purposes of this subsection, calendar quarters end  
623 the last day of March, June, September, and December.

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

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

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



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637 (b) Adequate opportunity to respond.  
638 (c) Appeal of the decision to the Florida Elections  
639 Commission. Such appeals shall be exempt from the  
640 confidentiality provisions of s. 106.25.  
641 Section 9. Paragraph (c) of subsection (4) of section  
642 106.04, Florida Statutes, is amended, and subsection (5) of that  
643 section is reenacted, to read:  
644 106.04 Committees of continuous existence.—  
645 (4)  
646 (c) All committees of continuous existence shall file their  
647 reports with the Division of Elections. Reports shall be filed  
648 in accordance with s. 106.0705 and shall contain the following  
649 information:  
650 1. The full name, address, and occupation of each person  
651 who has made one or more contributions, including contributions  
652 that represent the payment of membership dues, to the committee  
653 during the reporting period, together with the amounts and dates  
654 of such contributions. For corporations, the report must provide  
655 as clear a description as practicable of the principal type of  
656 business conducted by the corporation. However, if the  
657 contribution is \$100 or less, the occupation of the contributor  
658 or principal type of business need not be listed. However, for  
659 any contributions that represent the payment of dues by members  
660 in a fixed amount aggregating no more than \$250 per calendar  
661 year, pursuant to the schedule on file with the Division of  
662 Elections, only the aggregate amount of such contributions need  
663 be listed, together with the number of members paying such dues  
664 and the amount of the membership dues.  
665 2. The name and address of each political committee or



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666 committee of continuous existence from which the reporting  
667 committee received, or the name and address of each political  
668 committee, committee of continuous existence, affiliated party  
669 committee, or political party to which it made, any transfer of  
670 funds, together with the amounts and dates of all transfers.

671 3. Any other receipt of funds not listed pursuant to  
672 subparagraph 1. or subparagraph 2., including the sources and  
673 amounts of all such funds.

674 4. The name and address of, and office sought by, each  
675 candidate to whom the committee has made a contribution during  
676 the reporting period, together with the amount and date of each  
677 contribution.

678 5. The full name and address of each person to whom  
679 expenditures have been made by or on behalf of the committee  
680 within the reporting period; the amount, date, and purpose of  
681 each such expenditure; and the name and address, and office  
682 sought by, each candidate on whose behalf such expenditure was  
683 made.

684 6. The full name and address of each person to whom an  
685 expenditure for personal services, salary, or reimbursement for  
686 authorized expenses has been made, including the full name and  
687 address of each entity to whom the person made payment for which  
688 reimbursement was made by check drawn upon the committee  
689 account, together with the amount and purpose of such payment.

690 7. Transaction information from each credit card statement  
691 that will be included in the next report following receipt  
692 thereof by the committee. Receipts for each credit card purchase  
693 shall be retained by the treasurer with the records for the  
694 committee account.





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695           8. The total sum of expenditures made by the committee  
696 during the reporting period.

697           (5) No committee of continuous existence shall make an  
698 electioneering communication, contribute to any candidate or  
699 political committee an amount in excess of the limits contained  
700 in s. 106.08(1), or participate in any activity which is  
701 prohibited by this chapter. If any violation occurs, it shall be  
702 punishable as provided in this chapter for the given offense. No  
703 funds of a committee of continuous existence shall be expended  
704 on behalf of a candidate, except by means of a contribution made  
705 through the duly appointed campaign treasurer of a candidate. No  
706 such committee shall make expenditures in support of, or in  
707 opposition to, an issue unless such committee first registers as  
708 a political committee pursuant to this chapter and undertakes  
709 all the practices and procedures required thereof; provided such  
710 committee may make contributions in a total amount not to exceed  
711 25 percent of its aggregate income, as reflected in the annual  
712 report filed for the previous year, to one or more political  
713 committees registered pursuant to s. 106.03 and formed to  
714 support or oppose issues.

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

717           106.0701 Solicitation of contributions on behalf of s. 527  
718 or s. 501(c)(4) organizations; reporting requirements; civil  
719 penalty; exemption.—

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



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724 Section 11. Section 106.0703, Florida Statutes, is  
725 reenacted and amended to read:

726 106.0703 Electioneering communications organizations;  
727 ~~additional reporting requirements; certification and filing;~~  
728 ~~penalties.~~—

729 (1) (a) Each electioneering communications organization  
730 shall file regular reports of all contributions received and all  
731 expenditures made by or on behalf of the organization. Reports  
732 shall be filed on the 10th day following the end of each  
733 calendar quarter from the time the organization is registered.  
734 However, if the 10th day following the end of a calendar quarter  
735 occurs on a Saturday, Sunday, or legal holiday, the report shall  
736 be filed on the next following day that is not a Saturday,  
737 Sunday, or legal holiday. Quarterly reports shall include all  
738 contributions received and expenditures made during the calendar  
739 quarter that have not otherwise been reported pursuant to this  
740 section.

741 (b) Following the last day of candidates qualifying for  
742 office, the reports shall be filed on the 32nd, 18th, and 4th  
743 days immediately preceding the primary election and on the 46th,  
744 32nd, 18th, and 4th days immediately preceding the general  
745 election.

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

751 (d) In addition to the reports required by paragraph (a),  
752 an electioneering communications organization that is registered



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753 with the Department of State and that makes a contribution or  
754 expenditure to influence the results of a county or municipal  
755 election that is not being held at the same time as a state or  
756 federal election must file reports with the county or municipal  
757 filing officer on the same dates as county or municipal  
758 candidates or committees for that election. The electioneering  
759 communications organization must also include the expenditure in  
760 the next report filed with the Division of Elections pursuant to  
761 this section following the county or municipal election.

762 (e) The filing officer shall make available to each  
763 electioneering communications organization a schedule  
764 designating the beginning and end of reporting periods as well  
765 as the corresponding designated due dates.

766 (2) (a) Except as provided in s. 106.0705, the reports  
767 required of an electioneering communications organization shall  
768 be filed with the filing officer not later than 5 p.m. of the  
769 day designated. However, any report postmarked by the United  
770 States Postal Service no later than midnight of the day  
771 designated shall be deemed to have been filed in a timely  
772 manner. Any report received by the filing officer within 5 days  
773 after the designated due date that was delivered by the United  
774 States Postal Service shall be deemed timely filed unless it has  
775 a postmark that indicates that the report was mailed after the  
776 designated due date. A certificate of mailing obtained from and  
777 dated by the United States Postal Service at the time of  
778 mailing, or a receipt from an established courier company, which  
779 bears a date on or before the date on which the report is due,  
780 shall be proof of mailing in a timely manner. Reports shall  
781 contain information of all previously unreported contributions



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782 received and expenditures made as of the preceding Friday,  
783 except that the report filed on the Friday immediately preceding  
784 the election shall contain information of all previously  
785 unreported contributions received and expenditures made as of  
786 the day preceding the designated due date. All such reports  
787 shall be open to public inspection.

788 (b)1. Any report that is deemed to be incomplete by the  
789 officer with whom the electioneering communications organization  
790 files shall be accepted on a conditional basis. The treasurer of  
791 the electioneering communications organization shall be  
792 notified, by certified mail or other common carrier that can  
793 establish proof of delivery for the notice, as to why the report  
794 is incomplete. Within 7 days after receipt of such notice, the  
795 treasurer must file an addendum to the report providing all  
796 information necessary to complete the report in compliance with  
797 this section. Failure to file a complete report after such  
798 notice constitutes a violation of this chapter.

799 2. Notice is deemed sufficient upon proof of delivery of  
800 written notice to the mailing or street address of the treasurer  
801 or registered agent of the electioneering communication  
802 organization on record with the filing officer.

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

804 1. The full name, address, and occupation, if any, of each  
805 person who has made one or more contributions to or for such  
806 electioneering communications organization within the reporting  
807 period, together with the amount and date of such contributions.  
808 For corporations, the report must provide as clear a description  
809 as practicable of the principal type of business conducted by  
810 the corporation. However, if the contribution is \$100 or less,



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811 the occupation of the contributor or the principal type of  
812 business need not be listed.

813 2. The name and address of each political committee from  
814 which or to which the reporting electioneering communications  
815 organization made any transfer of funds, together with the  
816 amounts and dates of all transfers.

817 3. Each loan for electioneering communication purposes to  
818 or from any person or political committee within the reporting  
819 period, together with the full names, addresses, and occupations  
820 and principal places of business, if any, of the lender and  
821 endorsers, if any, and the date and amount of such loans.

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

824 5. The total sums of all loans, in-kind contributions, and  
825 other receipts by or for such electioneering communications  
826 organization during the reporting period. The reporting forms  
827 shall be designed to elicit separate totals for in-kind  
828 contributions, loans, and other receipts.

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

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

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

839 9. The amount and nature of debts and obligations owed by



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840 or to the electioneering communications organization that relate  
841 to the conduct of any electioneering communication.

842 10. Transaction information for each credit card purchase.  
843 Receipts for each credit card purchase shall be retained by the  
844 electioneering communications organization.

845 11. The amount and nature of any separate interest-bearing  
846 accounts or certificates of deposit and identification of the  
847 financial institution in which such accounts or certificates of  
848 deposit are located.

849 12. The primary purposes of an expenditure made indirectly  
850 through an electioneering communications organization for goods  
851 and services, such as communications media placement or  
852 procurement services and other expenditures that include  
853 multiple components as part of the expenditure. The primary  
854 purpose of an expenditure shall be that purpose, including  
855 integral and directly related components, that comprises 80  
856 percent of such expenditure.

857 (b) The filing officer shall make available to any  
858 electioneering communications organization a reporting form  
859 which the electioneering communications organization may use to  
860 indicate contributions received by the electioneering  
861 communications organization but returned to the contributor  
862 before deposit.

863 (4) The treasurer of the electioneering communications  
864 organization shall certify as to the correctness of each report,  
865 and each person so certifying shall bear the responsibility for  
866 the accuracy and veracity of each report. Any treasurer who  
867 willfully certifies the correctness of any report while knowing  
868 that such report is incorrect, false, or incomplete commits a



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869 misdemeanor of the first degree, punishable as provided in s.  
870 775.082 or s. 775.083.

871 (5) The electioneering communications organization  
872 depository shall provide statements reflecting deposits and  
873 expenditures from the account to the treasurer, who shall retain  
874 the records pursuant to s. 106.06. The records maintained by the  
875 depository with respect to the account shall be subject to  
876 inspection by an agent of the Division of Elections or the  
877 Florida Elections Commission at any time during normal banking  
878 hours, and such depository shall furnish certified copies of any  
879 such records to the Division of Elections or the Florida  
880 Elections Commission upon request.

881 (6) Notwithstanding any other provisions of this chapter,  
882 in any reporting period during which an electioneering  
883 communications organization has not received funds, made any  
884 contributions, or expended any reportable funds, the treasurer  
885 shall file a written report with the filing officer by the  
886 prescribed reporting date that no reportable contributions or  
887 expenditures were made during the reporting period.

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

893 1. In the General Revenue Fund, in the case of an  
894 electioneering communications organization that registers with  
895 the Division of Elections; or

896 2. In the general revenue fund of the political  
897 subdivision, in the case of an electioneering communications



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898 organization that registers with an officer of a political  
899 subdivision.

900  
901 No separate fine shall be assessed for failure to file a copy of  
902 any report required by this section.

903 (b) Upon determining that a report is late, the filing  
904 officer shall immediately notify the electioneering  
905 communications organization as to the failure to file a report  
906 by the designated due date and that a fine is being assessed for  
907 each late day. The fine shall be \$50 per day for the first 3  
908 days late and, thereafter, \$500 per day for each late day, not  
909 to exceed 25 percent of the total receipts or expenditures,  
910 whichever is greater, for the period covered by the late report.  
911 However, for the reports immediately preceding each primary and  
912 general election, the fine shall be \$500 per day for each late  
913 day, not to exceed 25 percent of the total receipts or  
914 expenditures, whichever is greater, for the period covered by  
915 the late report. Upon receipt of the report, the filing officer  
916 shall determine the amount of the fine which is due and shall  
917 notify the electioneering communications organization. The  
918 filing officer shall determine the amount of the fine due based  
919 upon the earliest of the following:

920 1. When the report is actually received by such officer.  
921 2. When the report is postmarked.  
922 3. When the certificate of mailing is dated.  
923 4. When the receipt from an established courier company is  
924 dated.

925 5. When the electronic receipt issued pursuant to s.  
926 106.0705 or other electronic filing system authorized in this





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927 section is dated.

928

929 Such fine shall be paid to the filing officer within 20 days  
930 after receipt of the notice of payment due, unless appeal is  
931 made to the Florida Elections Commission pursuant to paragraph  
932 (c). Notice is deemed sufficient upon proof of delivery of  
933 written notice to the mailing or street address on record with  
934 the filing officer. An officer or member of an electioneering  
935 communications organization shall not be personally liable for  
936 such fine.

937 (c) The treasurer of an electioneering communications  
938 organization may appeal or dispute the fine, based upon, but not  
939 limited to, unusual circumstances surrounding the failure to  
940 file on the designated due date, and may request and shall be  
941 entitled to a hearing before the Florida Elections Commission,  
942 which shall have the authority to waive the fine in whole or in  
943 part. The Florida Elections Commission must consider the  
944 mitigating and aggravating circumstances contained in s.  
945 106.265(1) when determining the amount of a fine, if any, to be  
946 waived. Any such request shall be made within 20 days after  
947 receipt of the notice of payment due. In such case, the  
948 treasurer of the electioneering communications organization  
949 shall, within the 20-day period, notify the filing officer in  
950 writing of his or her intention to bring the matter before the  
951 commission.

952 (d) The appropriate filing officer shall notify the Florida  
953 Elections Commission of the repeated late filing by an  
954 electioneering communications organization, the failure of an  
955 electioneering communications organization to file a report



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956 after notice, or the failure to pay the fine imposed. The  
957 commission shall investigate only those alleged late filing  
958 violations specifically identified by the filing officer and as  
959 set forth in the notification. Any other alleged violations must  
960 be stated separately and reported by the division to the  
961 commission under s. 106.25(2).

962 ~~(8) In addition to the reporting requirements in s. 106.07,~~  
963 An electioneering communications organization shall, within 2  
964 days after receiving its initial password or secure sign-on from  
965 the Department of State allowing confidential access to the  
966 department's electronic campaign finance filing system,  
967 electronically file the periodic ~~campaign finance~~ reports that  
968 would have been required pursuant to this section ~~s. 106.07~~ for  
969 reportable activities that occurred since the date of the last  
970 general election.

971 Section 12. Paragraph (b) of subsection (2) of section  
972 106.0705, Florida Statutes, is reenacted and amended, and  
973 subsections (3) and (4) of that section are amended, to read:

974 106.0705 Electronic filing of campaign treasurer's  
975 reports.—

976 (2)

977 (b) Each political committee, committee of continuous  
978 existence, electioneering communications organization,  
979 affiliated party committee, or state executive committee that is  
980 required to file reports with the division under s. 106.04, s.  
981 106.07, s. 106.0703, or s. 106.29, as applicable, must file such  
982 reports with the division by means of the division's electronic  
983 filing system.

984 (3) Reports filed pursuant to this section shall be



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985 completed and filed through the electronic filing system not  
986 later than midnight of the day designated. Reports not filed by  
987 midnight of the day designated are late filed and are subject to  
988 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),  
989 or s. 106.29(3), as applicable.

990 (4) Each report filed pursuant to this section is  
991 considered to be under oath by the candidate and treasurer, ~~or~~  
992 the chair and treasurer, or the leader and treasurer under s.  
993 103.092, whichever is applicable, and such persons are subject  
994 to the provisions of s. 106.04(4)(d), s. 106.07(5), s.  
995 106.0703(4), or s. 106.29(2), as applicable. Persons given a  
996 secure sign-on to the electronic filing system are responsible  
997 for protecting such from disclosure and are responsible for all  
998 filings using such credentials, unless they have notified the  
999 division that their credentials have been compromised.

1000 Section 13. Subsection (1) of section 106.071, Florida  
1001 Statutes, is reenacted and amended to read:

1002 106.071 Independent expenditures; electioneering  
1003 communications; reports; disclaimers.-

1004 (1) Each person who makes an independent expenditure with  
1005 respect to any candidate or issue, and each individual who makes  
1006 an expenditure for an electioneering communication which is not  
1007 otherwise reported pursuant to this chapter, which expenditure,  
1008 in the aggregate, is in the amount of \$5,000 ~~\$100~~ or more, shall  
1009 file periodic reports of such expenditures in the same manner,  
1010 at the same time, subject to the same penalties, and with the  
1011 same officer as a political committee supporting or opposing  
1012 such candidate or issue. The report shall contain the full name  
1013 and address of the person making the expenditure; the full name



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1014 and address of each person to whom and for whom each such  
1015 expenditure has been made; the amount, date, and purpose of each  
1016 such expenditure; a description of the services or goods  
1017 obtained by each such expenditure; the issue to which the  
1018 expenditure relates; and the name and address of, and office  
1019 sought by, each candidate on whose behalf such expenditure was  
1020 made.

1021 Section 14. Subsections (1) , (2), (4), (5), and (6) of  
1022 section 106.08, Florida Statutes, are amended, and subsection  
1023 (7) of that section is reenacted and amended, to read:

1024 106.08 Contributions; limitations on.-

1025 (1) (a) Except for political parties or affiliated party  
1026 committees, no person, political committee, or committee of  
1027 continuous existence may, in any election, make contributions in  
1028 excess of \$500 to any candidate for election to or retention in  
1029 office or to any political committee supporting or opposing one  
1030 or more candidates. Candidates for the offices of Governor and  
1031 Lieutenant Governor on the same ticket are considered a single  
1032 candidate for the purpose of this section.

1033 (b)1. The contribution limits provided in this subsection  
1034 do not apply to contributions made by a state or county  
1035 executive committee of a political party or affiliated party  
1036 committee regulated by chapter 103 or to amounts contributed by  
1037 a candidate to his or her own campaign.

1038 2. Notwithstanding the limits provided in this subsection,  
1039 an unemancipated child under the age of 18 years of age may not  
1040 make a contribution in excess of \$100 to any candidate or to any  
1041 political committee supporting one or more candidates.

1042 (c) The contribution limits of this subsection apply to



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1043 each election. For purposes of this subsection, the primary  
1044 election and general election are separate elections so long as  
1045 the candidate is not an unopposed candidate as defined in s.  
1046 106.011(15). However, for the purpose of contribution limits  
1047 with respect to candidates for retention as a justice or judge,  
1048 there is only one election, which is the general election.

1049 (2) (a) A candidate may not accept contributions from  
1050 national, state, or including any subordinate committee of a  
1051 ~~national, state, or county committee of a political party, and~~  
1052 county executive committees of a political party, including any  
1053 subordinate committee of such political party or affiliated  
1054 party committees, which contributions in the aggregate exceed  
1055 \$50,000, ~~no more than \$25,000 of which may be accepted prior to~~  
1056 ~~the 28-day period immediately preceding the date of the general~~  
1057 ~~election.~~

1058 (b) A candidate for statewide office may not accept  
1059 contributions from national, state, or county executive  
1060 committees of a political party, including any subordinate  
1061 committee of the a national, state, or county committee of a  
1062 political party, or affiliated party committees, which  
1063 contributions in the aggregate exceed \$250,000, ~~no more than~~  
1064 ~~\$125,000 of which may be accepted prior to the 28-day period~~  
1065 ~~immediately preceding the date of the general election.~~ Polling  
1066 services, research services, costs for campaign staff,  
1067 professional consulting services, and telephone calls are not  
1068 contributions to be counted toward the contribution limits of  
1069 paragraph (a) or this paragraph. Any item not expressly  
1070 identified in this paragraph as nonallocable is a contribution  
1071 in an amount equal to the fair market value of the item and must



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1072 be counted as allocable toward the contribution limits of  
1073 paragraph (a) or this paragraph. Nonallocable, in-kind  
1074 contributions must be reported by the candidate under s. 106.07  
1075 and by the political party or affiliated party committee under  
1076 s. 106.29.

1077 (4) ~~(a)~~ Any contribution received by the chair, campaign  
1078 treasurer, or deputy campaign treasurer of a political committee  
1079 supporting or opposing a candidate with opposition in an  
1080 election or supporting or opposing an issue on the ballot in an  
1081 election on the day of that election or less than 5 days prior  
1082 to the day of that election may not be obligated or expended by  
1083 the committee until after the date of the election.

1084 ~~(b) Any contribution received by an electioneering~~  
1085 ~~communications organization on the day of an election or less~~  
1086 ~~than 5 days prior to the day of that election may not be~~  
1087 ~~obligated or expended by the organization until after the date~~  
1088 ~~of the election and may not be expended to pay for any~~  
1089 ~~obligation arising prior to the election.~~

1090 (5) (a) A person may not make any contribution through or in  
1091 the name of another, directly or indirectly, in any election.

1092 (b) Candidates, political committees, affiliated party  
1093 committees, and political parties may not solicit contributions  
1094 from any religious, charitable, civic, or other causes or  
1095 organizations established primarily for the public good.

1096 (c) Candidates, political committees, affiliated party  
1097 committees, and political parties may not make contributions, in  
1098 exchange for political support, to any religious, charitable,  
1099 civic, or other cause or organization established primarily for  
1100 the public good. It is not a violation of this paragraph for:



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1101 1. A candidate, political committee, affiliated party  
1102 committee, or political party executive committee to make gifts  
1103 of money in lieu of flowers in memory of a deceased person;

1104 2. A candidate to continue membership in, or make regular  
1105 donations from personal or business funds to, religious,  
1106 political party, affiliated party committee, civic, or  
1107 charitable groups of which the candidate is a member or to which  
1108 the candidate has been a regular donor for more than 6 months;  
1109 or

1110 3. A candidate to purchase, with campaign funds, tickets,  
1111 admission to events, or advertisements from religious, civic,  
1112 political party, affiliated party committee, or charitable  
1113 groups.

1114 ~~(d) An electioneering communications organization may not~~  
1115 ~~accept a contribution from an organization exempt from taxation~~  
1116 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~  
1117 ~~than a political committee, committee of continuous existence,~~  
1118 ~~or political party, unless the contributing organization has~~  
1119 ~~registered as if the organization were an electioneering~~  
1120 ~~communications organization pursuant to s. 106.03 and has filed~~  
1121 ~~all campaign finance reports required of electioneering~~  
1122 ~~communications organizations pursuant to ss. 106.07 and~~  
1123 ~~106.0703.~~

1124 (6) (a) A political party or affiliated party committee may  
1125 not accept any contribution that has been specifically  
1126 designated for the partial or exclusive use of a particular  
1127 candidate. Any contribution so designated must be returned to  
1128 the contributor and may not be used or expended by or on behalf  
1129 of the candidate. Funds contributed to an affiliated party



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1130 committee shall not be deemed as designated for the partial or  
1131 exclusive use of a leader as defined in s. 103.092.

1132 (b)1. A political party or affiliated party committee may  
1133 not accept any in-kind contribution that fails to provide a  
1134 direct benefit to the political party or affiliated party  
1135 committee. A "direct benefit" includes, but is not limited to,  
1136 fundraising or furthering the objectives of the political party  
1137 or affiliated party committee.

1138 2.a. An in-kind contribution to a state political party may  
1139 be accepted only by the chairperson of the state political party  
1140 or by the chairperson's designee or designees whose names are on  
1141 file with the division in a form acceptable to the division  
1142 prior to the date of the written notice required in sub-  
1143 subparagraph b. An in-kind contribution to a county political  
1144 party may be accepted only by the chairperson of the county  
1145 political party or by the county chairperson's designee or  
1146 designees whose names are on file with the supervisor of  
1147 elections of the respective county prior to the date of the  
1148 written notice required in sub-subparagraph b. An in-kind  
1149 contribution to an affiliated party committee may be accepted  
1150 only by the leader of the affiliated party committee as defined  
1151 in s. 103.092 or by the leader's designee or designees whose  
1152 names are on file with the division in a form acceptable to the  
1153 division prior to the date of the written notice required in  
1154 sub-subparagraph b.

1155 b. A person making an in-kind contribution to a state  
1156 ~~political party~~ or county political party or affiliated party  
1157 committee must provide prior written notice of the contribution  
1158 to a person described in sub-subparagraph a. The prior written





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1159 notice must be signed and dated and may be provided by an  
1160 electronic or facsimile message. However, prior written notice  
1161 is not required for an in-kind contribution that consists of  
1162 food and beverage in an aggregate amount not exceeding \$1,500  
1163 which is consumed at a single sitting or event if such in-kind  
1164 contribution is accepted in advance by a person specified in  
1165 sub-subparagraph a.

1166 c. A person described in sub-subparagraph a. may accept an  
1167 in-kind contribution requiring prior written notice only in a  
1168 writing that is signed and dated before the in-kind contribution  
1169 is made. Failure to obtain the required written acceptance of an  
1170 in-kind contribution to a state or county political party or  
1171 affiliated party committee constitutes a refusal of the  
1172 contribution.

1173 d. A copy of each prior written acceptance required under  
1174 sub-subparagraph c. must be filed with the division at the time  
1175 the regular reports of contributions and expenditures required  
1176 under s. 106.29 are filed by the state executive committee, and  
1177 county executive committee, and affiliated party committee.

1178 e. An in-kind contribution may not be given to a state or  
1179 county political party or affiliated party committee unless the  
1180 in-kind contribution is made as provided in this subparagraph.

1181 (7) (a) Any person who knowingly and willfully makes or  
1182 accepts no more than one contribution in violation of subsection  
1183 (1) or subsection (5), or any person who knowingly and willfully  
1184 fails or refuses to return any contribution as required in  
1185 subsection (3), commits a misdemeanor of the first degree,  
1186 punishable as provided in s. 775.082 or s. 775.083. If any  
1187 corporation, partnership, or other business entity or any



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1188 political party, affiliated party committee, political  
1189 committee, committee of continuous existence, or electioneering  
1190 communications organization is convicted of knowingly and  
1191 willfully violating any provision punishable under this  
1192 paragraph, it shall be fined not less than \$1,000 and not more  
1193 than \$10,000. If it is a domestic entity, it may be ordered  
1194 dissolved by a court of competent jurisdiction; if it is a  
1195 foreign or nonresident business entity, its right to do business  
1196 in this state may be forfeited. Any officer, partner, agent,  
1197 attorney, or other representative of a corporation, partnership,  
1198 or other business entity, or of a political party, affiliated  
1199 party committee, political committee, committee of continuous  
1200 existence, electioneering communications organization, or  
1201 organization exempt from taxation under s. 527 or s. 501(c)(4)  
1202 of the Internal Revenue Code, who aids, abets, advises, or  
1203 participates in a violation of any provision punishable under  
1204 this paragraph commits a misdemeanor of the first degree,  
1205 punishable as provided in s. 775.082 or s. 775.083.

1206 (b) Any person who knowingly and willfully makes or accepts  
1207 two or more contributions in violation of subsection (1) or  
1208 subsection (5) commits a felony of the third degree, punishable  
1209 as provided in s. 775.082, s. 775.083, or s. 775.084. If any  
1210 corporation, partnership, or other business entity or any  
1211 political party, affiliated party committee, political  
1212 committee, committee of continuous existence, or electioneering  
1213 communications organization is convicted of knowingly and  
1214 willfully violating any provision punishable under this  
1215 paragraph, it shall be fined not less than \$10,000 and not more  
1216 than \$50,000. If it is a domestic entity, it may be ordered



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1217 dissolved by a court of competent jurisdiction; if it is a  
1218 foreign or nonresident business entity, its right to do business  
1219 in this state may be forfeited. Any officer, partner, agent,  
1220 attorney, or other representative of a corporation, partnership,  
1221 or other business entity, or of a political committee, committee  
1222 of continuous existence, political party, affiliated party  
1223 committee, or electioneering communications organization, or  
1224 organization exempt from taxation under s. 527 or s. 501(c)(4)  
1225 of the Internal Revenue Code, who aids, abets, advises, or  
1226 participates in a violation of any provision punishable under  
1227 this paragraph commits a felony of the third degree, punishable  
1228 as provided in s. 775.082, s. 775.083, or s. 775.084.

1229 Section 15. Section 106.088, Florida Statutes, is created  
1230 to read:

1231 106.088 Independent expenditures; contribution limits;  
1232 restrictions on affiliated party committees.-

1233 (1) As a condition of receiving a rebate of party  
1234 assessments under s. 103.121(1)(b), the leader or treasurer of  
1235 an affiliated party committee as defined in s. 103.092 shall  
1236 take and subscribe to an oath or affirmation in writing. During  
1237 the qualifying period for state candidates and prior to  
1238 distribution of such funds, a printed copy of the oath or  
1239 affirmation shall be filed with the Secretary of State and shall  
1240 be substantially in the following form:

1241  
1242 State of Florida

1243 County of....

1244  
1245 Before me, an officer authorized to administer oaths, personally



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1246 appeared ... (name) ..., to me well known, who, being sworn, says  
1247 that he or she is the ... (title) ... of the ... (name of  
1248 party) ..... (name of chamber) ... affiliated party committee;  
1249 that the affiliated party committee has not made, either  
1250 directly or indirectly, an independent expenditure in support of  
1251 or opposition to a candidate or elected public official in the  
1252 prior 6 months; that the affiliated party committee will not  
1253 make, either directly or indirectly, an independent expenditure  
1254 in support of or opposition to a candidate or elected public  
1255 official, through and including the upcoming general election;  
1256 and that the affiliated party committee will not violate the  
1257 contribution limits applicable to candidates under s. 106.08(2),  
1258 Florida Statutes.

1259 ... (Signature of committee officer) ...  
1260 ... (Address) ...

1261 Sworn to and subscribed before me this .... day of \_\_\_\_\_,  
1262 ... (year) ..., at .... County, Florida.

1263 ... (Signature and title of officer administering oath) ...

1264 (2) (a) Any affiliated party committee found to have  
1265 violated the provisions of the oath or affirmation prior to  
1266 receiving funds shall be ineligible to receive the rebate for  
1267 that general election year.

1268 (b) Any affiliated party committee found to have violated  
1269 the provisions of the oath or affirmation after receiving funds  
1270 shall be ineligible to receive the rebate from candidates  
1271 qualifying for the following general election cycle.

1272 (3) Any funds not distributed to the affiliated party  
1273 committee pursuant to this section shall be deposited into the  
1274 General Revenue Fund of the state.



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1275 Section 16. Section 106.113, Florida Statutes, is amended  
1276 to read:

1277 106.113 Expenditures by local governments.—

1278 (1) As used in this section, the term—

1279 ~~(a) “local government” means:~~

1280 (a)1. A county, municipality, school district, or other  
1281 political subdivision in this state; and

1282 (b)2. Any department, agency, board, bureau, district,  
1283 commission, authority, or similar body of a county,  
1284 municipality, school district, or other political subdivision of  
1285 this state.

1286 ~~(b) “Public funds” means all moneys under the jurisdiction~~  
1287 ~~or control of the local government.~~

1288 (2) A local government or a person acting on behalf of  
1289 local government may not make a specific appropriation or  
1290 designated expenditure of moneys under the jurisdiction or  
1291 control of the local government ~~expend or authorize the~~  
1292 ~~expenditure of~~, and a person or group may not accept such  
1293 moneys, public funds for the purpose of a political  
1294 ~~advertisement or electioneering communication~~ concerning an  
1295 issue, referendum, or amendment, including any state question,  
1296 that is subject to a vote of the electors. ~~This subsection does~~  
1297 ~~not apply to an electioneering communication from a local~~  
1298 ~~government or a person acting on behalf of a local government~~  
1299 ~~which is limited to factual information.~~

1300 (3) With the exception of the prohibitions specified in  
1301 subsection (2), this section does not preclude an elected  
1302 official of the local government from expressing an opinion on  
1303 any issue at any time.



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1304 Section 17. Paragraph (a) of subsection (4) of section  
1305 106.141, Florida Statutes, is amended to read:

1306 106.141 Disposition of surplus funds by candidates.—

1307 (4) (a) Except as provided in paragraph (b), any candidate  
1308 required to dispose of funds pursuant to this section shall, at  
1309 the option of the candidate, dispose of such funds by any of the  
1310 following means, or any combination thereof:

1311 1. Return pro rata to each contributor the funds that have  
1312 not been spent or obligated.

1313 2. Donate the funds that have not been spent or obligated  
1314 to a charitable organization or organizations that meet the  
1315 qualifications of s. 501(c) (3) of the Internal Revenue Code.

1316 3. Give not more than \$10,000 of the funds that have not  
1317 been spent or obligated to the affiliated party committee or  
1318 political party of which such candidate is a member, except that  
1319 a candidate for the Florida Senate may give not more than  
1320 \$30,000 of such funds to the affiliated party committee or  
1321 political party of which the candidate is a member.

1322 4. Give the funds that have not been spent or obligated:

1323 a. In the case of a candidate for state office, to the  
1324 state, to be deposited in either the Election Campaign Financing  
1325 Trust Fund or the General Revenue Fund, as designated by the  
1326 candidate; or

1327 b. In the case of a candidate for an office of a political  
1328 subdivision, to such political subdivision, to be deposited in  
1329 the general fund thereof.

1330 Section 18. Paragraph (a) of subsection (4) of section  
1331 106.143, Florida Statutes, is amended to read:

1332 106.143 Political advertisements circulated prior to



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1333 election; requirements.-

1334 (4) (a) Any political advertisement, including those paid  
1335 for by a political party or affiliated party committee, other  
1336 than an independent expenditure, offered by or on behalf of a  
1337 candidate must be approved in advance by the candidate. Such  
1338 political advertisement must expressly state that the content of  
1339 the advertisement was approved by the candidate and must state  
1340 who paid for the advertisement. The candidate shall provide a  
1341 written statement of authorization to the newspaper, radio  
1342 station, television station, or other medium for each such  
1343 advertisement submitted for publication, display, broadcast, or  
1344 other distribution.

1345 Section 19. Section 106.1437, Florida Statutes, is  
1346 reenacted to read:

1347 106.1437 Miscellaneous advertisements.—Any advertisement,  
1348 other than a political advertisement, independent expenditure,  
1349 or electioneering communication, on billboards, bumper stickers,  
1350 radio, or television, or in a newspaper, a magazine, or a  
1351 periodical, intended to influence public policy or the vote of a  
1352 public official, shall clearly designate the sponsor of such  
1353 advertisement by including a clearly readable statement of  
1354 sponsorship. If the advertisement is broadcast on television,  
1355 the advertisement shall also contain a verbal statement of  
1356 sponsorship. This section shall not apply to an editorial  
1357 endorsement.

1358 Section 20. Section 106.1439, Florida Statutes, is  
1359 reenacted and amended to read:

1360 106.1439 Electioneering communications; disclaimers.—

1361 (1) Any electioneering communication, other than a



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1362 telephone call, shall prominently state: "Paid electioneering  
1363 communication paid for by ....(Name and address of person paying  
1364 for the communication)...."

1365 (2) Any electioneering communication telephone call shall  
1366 identify the persons or organizations sponsoring the call by  
1367 stating either: "Paid for by ...(insert name of persons or  
1368 organizations sponsoring the call)...." or "Paid for on behalf  
1369 of ...(insert name of persons or organizations authorizing  
1370 call)...." This subsection does not apply to any telephone call  
1371 in which the individual making the call is not being paid and  
1372 the individuals participating in the call know each other prior  
1373 to the call.

1374 (3)~~(2)~~ Any person who fails to include the disclaimer  
1375 prescribed in this section in any electioneering communication  
1376 that is required to contain such disclaimer commits a  
1377 misdemeanor of the first degree, punishable as provided in s.  
1378 775.082 or s. 775.083.

1379 Section 21. Paragraphs (a) and (e) of subsection (1) and  
1380 subsection (3) of section 106.147, Florida Statutes, are amended  
1381 to read:

1382 106.147 Telephone solicitation; disclosure requirements;  
1383 prohibitions; exemptions; penalties.—

1384 (1) (a) ~~Any electioneering communication telephone call or~~  
1385 ~~any~~ telephone call supporting or opposing a candidate, elected  
1386 public official, or ballot proposal must identify the persons or  
1387 organizations sponsoring the call by stating either: "paid for  
1388 by ...." (insert name of persons or organizations sponsoring the  
1389 call) or "paid for on behalf of ...." (insert name of persons or  
1390 organizations authorizing call). This paragraph does not apply





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1391 to any telephone call in which both the individual making the  
1392 call is not being paid and the individuals participating in the  
1393 call know each other prior to the call.

1394 ~~(c) Any electioneering communication paid for with public~~  
1395 ~~funds must include a disclaimer containing the words "paid for~~  
1396 ~~by ... (Name of the government entity paying for the~~  
1397 ~~communication)...."~~

1398 (3) (a) Any person who willfully violates any provision of  
1399 this section commits a misdemeanor of the first degree,  
1400 punishable as provided in s. 775.082 or s. 775.083.

1401 (b) For purposes of paragraph (a), the term "person"  
1402 includes any candidate; any officer of any political committee,  
1403 committee of continuous existence, affiliated party committee,  
1404 or political party executive committee; any officer, partner,  
1405 attorney, or other representative of a corporation, partnership,  
1406 or other business entity; and any agent or other person acting  
1407 on behalf of any candidate, political committee, committee of  
1408 continuous existence, affiliated party committee, political  
1409 party executive committee, or corporation, partnership, or other  
1410 business entity.

1411 Section 22. Section 106.165, Florida Statutes, is amended  
1412 to read:

1413 106.165 Use of closed captioning and descriptive narrative  
1414 in all television broadcasts.—Each candidate, political party,  
1415 affiliated party committee, and political committee must use  
1416 closed captioning and descriptive narrative in all television  
1417 broadcasts regulated by the Federal Communications Commission  
1418 that are on behalf of, or sponsored by, a candidate, political  
1419 party, affiliated party committee, or political committee or



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1420 must file a written statement with the qualifying officer  
1421 setting forth the reasons for not doing so. Failure to file this  
1422 statement with the appropriate qualifying officer constitutes a  
1423 violation of the Florida Election Code and is under the  
1424 jurisdiction of the Florida Elections Commission. The Department  
1425 of State may adopt rules in accordance with s. 120.54 which are  
1426 necessary to administer this section.

1427 Section 23. Section 106.17, Florida Statutes, is reenacted  
1428 and amended to read:

1429 106.17 Polls and surveys relating to candidacies.—Any  
1430 candidate, political committee, committee of continuous  
1431 existence, electioneering communication organization, affiliated  
1432 party committee, or state or county executive committee of a  
1433 political party may authorize or conduct a political poll,  
1434 survey, index, or measurement of any kind relating to candidacy  
1435 for public office so long as the candidate, political committee,  
1436 committee of continuous existence, electioneering communication  
1437 organization, affiliated party committee, or political party  
1438 maintains complete jurisdiction over the poll in all its  
1439 aspects.

1440 Section 24. Subsection (2) of section 106.23, Florida  
1441 Statutes, is amended to read:

1442 106.23 Powers of the Division of Elections.—

1443 (2) The Division of Elections shall provide advisory  
1444 opinions when requested by any supervisor of elections,  
1445 candidate, local officer having election-related duties,  
1446 political party, affiliated party committee, political  
1447 committee, committee of continuous existence, or other person or  
1448 organization engaged in political activity, relating to any



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1449 provisions or possible violations of Florida election laws with  
1450 respect to actions such supervisor, candidate, local officer  
1451 having election-related duties, political party, affiliated  
1452 party committee, committee, person, or organization has taken or  
1453 proposes to take. Requests for advisory opinions must be  
1454 submitted in accordance with rules adopted by the Department of  
1455 State. A written record of all such opinions issued by the  
1456 division, sequentially numbered, dated, and indexed by subject  
1457 matter, shall be retained. A copy shall be sent to said person  
1458 or organization upon request. Any such person or organization,  
1459 acting in good faith upon such an advisory opinion, shall not be  
1460 subject to any criminal penalty provided for in this chapter.  
1461 The opinion, until amended or revoked, shall be binding on any  
1462 person or organization who sought the opinion or with reference  
1463 to whom the opinion was sought, unless material facts were  
1464 omitted or misstated in the request for the advisory opinion.

1465 Section 25. Subsections (1) and (2) of section 106.265,  
1466 Florida Statutes, are amended to read:

1467 106.265 Civil penalties.—

1468 (1) The commission is authorized upon the finding of a  
1469 violation of this chapter or chapter 104 to impose civil  
1470 penalties in the form of fines not to exceed \$1,000 per count.  
1471 In determining the amount of such civil penalties, the  
1472 commission shall consider, among other mitigating and  
1473 aggravating circumstances:

1474 (a) The gravity of the act or omission;

1475 (b) Any previous history of similar acts or omissions;

1476 (c) The appropriateness of such penalty to the financial  
1477 resources of the person, political committee, committee of



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1478 continuous existence, affiliated party committee, or political  
1479 party; and

1480 (d) Whether the person, political committee, committee of  
1481 continuous existence, affiliated party committee, or political  
1482 party has shown good faith in attempting to comply with the  
1483 provisions of this chapter or chapter 104.

1484 (2) If any person, political committee, committee of  
1485 continuous existence, affiliated party committee, or political  
1486 party fails or refuses to pay to the commission any civil  
1487 penalties assessed pursuant to the provisions of this section,  
1488 the commission shall be responsible for collecting the civil  
1489 penalties resulting from such action.

1490 Section 26. Subsection (2) of section 106.27, Florida  
1491 Statutes, is amended to read:

1492 106.27 Determinations by commission; legal disposition.—

1493 (2) Civil actions may be brought by the commission for  
1494 relief, including permanent or temporary injunctions,  
1495 restraining orders, or any other appropriate order for the  
1496 imposition of civil penalties provided by this chapter. Such  
1497 civil actions shall be brought by the commission in the  
1498 appropriate court of competent jurisdiction, and the venue shall  
1499 be in the county in which the alleged violation occurred or in  
1500 which the alleged violator or violators are found, reside, or  
1501 transact business. Upon a proper showing that such person,  
1502 political committee, committee of continuous existence,  
1503 affiliated party committee, or political party has engaged, or  
1504 is about to engage, in prohibited acts or practices, a permanent  
1505 or temporary injunction, restraining order, or other order shall  
1506 be granted without bond by such court, and the civil fines



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1507 provided by this chapter may be imposed.

1508 Section 27. Section 106.29, Florida Statutes, is amended to  
1509 read:

1510 106.29 Reports by political parties and affiliated party  
1511 committees; restrictions on contributions and expenditures;  
1512 penalties.—

1513 (1) The state executive committee and each county executive  
1514 committee of each political party and any affiliated party  
1515 committee regulated by chapter 103 shall file regular reports of  
1516 all contributions received and all expenditures made by such  
1517 committee. Such reports shall contain the same information as do  
1518 reports required of candidates by s. 106.07 and shall be filed  
1519 on the 10th day following the end of each calendar quarter,  
1520 except that, during the period from the last day for candidate  
1521 qualifying until the general election, such reports shall be  
1522 filed on the Friday immediately preceding both the primary  
1523 election and the general election. In addition to the reports  
1524 filed under this section, the state executive committee, ~~and~~  
1525 each county executive committee, and each affiliated party  
1526 committee shall file a copy of each prior written acceptance of  
1527 an in-kind contribution given by the committee during the  
1528 preceding calendar quarter as required under s. 106.08(6). Each  
1529 state executive committee and affiliated party committee shall  
1530 file the original and one copy of its reports with the Division  
1531 of Elections. Each county executive committee shall file its  
1532 reports with the supervisor of elections in the county in which  
1533 such committee exists. Any state or county executive committee  
1534 or affiliated party committee failing to file a report on the  
1535 designated due date shall be subject to a fine as provided in



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1536 subsection (3). No separate fine shall be assessed for failure  
1537 to file a copy of any report required by this section.

1538 (2) The chair and treasurer of each state or county  
1539 executive committee shall certify as to the correctness of each  
1540 report filed by them on behalf of such committee. The leader and  
1541 treasurer of each affiliated party committee under s. 103.092  
1542 shall certify as to the correctness of each report filed by them  
1543 on behalf of such committee. Any committee chair, leader, or  
1544 treasurer who certifies the correctness of any report while  
1545 knowing that such report is incorrect, false, or incomplete  
1546 commits a felony of the third degree, punishable as provided in  
1547 s. 775.082, s. 775.083, or s. 775.084.

1548 (3) (a) Any state or county executive committee or  
1549 affiliated party committee failing to file a report on the  
1550 designated due date shall be subject to a fine as provided in  
1551 paragraph (b) for each late day. The fine shall be assessed by  
1552 the filing officer, and the moneys collected shall be deposited  
1553 in the General Revenue Fund.

1554 (b) Upon determining that a report is late, the filing  
1555 officer shall immediately notify the chair of the executive  
1556 committee or the leader of the affiliated party committee as  
1557 defined in s. 103.092 as to the failure to file a report by the  
1558 designated due date and that a fine is being assessed for each  
1559 late day. The fine shall be \$1,000 for a state executive  
1560 committee, \$1,000 for an affiliated party committee, and \$50 for  
1561 a county executive committee, per day for each late day, not to  
1562 exceed 25 percent of the total receipts or expenditures,  
1563 whichever is greater, for the period covered by the late report.  
1564 However, if an executive committee or an affiliated party



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1565 committee fails to file a report on the Friday immediately  
1566 preceding the general election, the fine shall be \$10,000 per  
1567 day for each day a state executive committee is late, \$10,000  
1568 per day for each day an affiliated party committee is late, and  
1569 \$500 per day for each day a county executive committee is late.  
1570 Upon receipt of the report, the filing officer shall determine  
1571 the amount of the fine which is due and shall notify the chair  
1572 or leader as defined in s. 103.092. The filing officer shall  
1573 determine the amount of the fine due based upon the earliest of  
1574 the following:

- 1575 1. When the report is actually received by such officer.
- 1576 2. When the report is postmarked.
- 1577 3. When the certificate of mailing is dated.
- 1578 4. When the receipt from an established courier company is  
1579 dated.
- 1580 5. When the electronic receipt issued pursuant to s.  
1581 106.0705 is dated.

1582  
1583 Such fine shall be paid to the filing officer within 20 days  
1584 after receipt of the notice of payment due, unless appeal is  
1585 made to the Florida Elections Commission pursuant to paragraph  
1586 (c). An officer or member of an executive committee shall not be  
1587 personally liable for such fine.

1588 (c) The chair of an executive committee or the leader of an  
1589 affiliated party committee as defined in s. 103.092 may appeal  
1590 or dispute the fine, based upon unusual circumstances  
1591 surrounding the failure to file on the designated due date, and  
1592 may request and shall be entitled to a hearing before the  
1593 Florida Elections Commission, which shall have the authority to



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1594 waive the fine in whole or in part. Any such request shall be  
1595 made within 20 days after receipt of the notice of payment due.  
1596 In such case, the chair of the executive committee or the leader  
1597 of the affiliated party committee as defined in s. 103.092  
1598 shall, within the 20-day period, notify the filing officer in  
1599 writing of his or her intention to bring the matter before the  
1600 commission.

1601 (d) The appropriate filing officer shall notify the Florida  
1602 Elections Commission of the repeated late filing by an executive  
1603 committee or affiliated party committee, the failure of an  
1604 executive committee or affiliated party committee to file a  
1605 report after notice, or the failure to pay the fine imposed.

1606 (4) Any contribution received by a state or county  
1607 executive committee or affiliated party committee less than 5  
1608 days before an election shall not be used or expended in behalf  
1609 of any candidate, issue, affiliated party committee, or  
1610 political party participating in such election.

1611 (5) No state or county executive committee or affiliated  
1612 party committee, in the furtherance of any candidate or  
1613 political party, directly or indirectly, shall give, pay, or  
1614 expend any money, give or pay anything of value, authorize any  
1615 expenditure, or become pecuniarily liable for any expenditure  
1616 prohibited by this chapter. However, the contribution of funds  
1617 by one executive committee to another or to established party  
1618 organizations for legitimate party or campaign purposes is not  
1619 prohibited, but all such contributions shall be recorded and  
1620 accounted for in the reports of the contributor and recipient.

1621 (6) (a) The national, state, and county executive committees  
1622 of a political party and affiliated party committees may not





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1623 contribute to any candidate any amount in excess of the limits  
1624 contained in s. 106.08(2), and all contributions required to be  
1625 reported under s. 106.08(2) by the national executive committee  
1626 of a political party shall be reported by the state executive  
1627 committee of that political party.

1628 (b) A violation of the contribution limits contained in s.  
1629 106.08(2) is a misdemeanor of the first degree, punishable as  
1630 provided in s. 775.082 or s. 775.083. A civil penalty equal to  
1631 three times the amount in excess of the limits contained in s.  
1632 106.08(2) shall be assessed against any executive committee  
1633 found in violation thereof.

1634 Section 28. Paragraph (d) of subsection (1) of section  
1635 11.045, Florida Statutes, is amended to read:

1636 11.045 Lobbying before the Legislature; registration and  
1637 reporting; exemptions; penalties.—

1638 (1) As used in this section, unless the context otherwise  
1639 requires:

1640 (d) "Expenditure" means a payment, distribution, loan,  
1641 advance, reimbursement, deposit, or anything of value made by a  
1642 lobbyist or principal for the purpose of lobbying. The term  
1643 "expenditure" does not include contributions or expenditures  
1644 reported pursuant to chapter 106 or federal election law,  
1645 campaign-related personal services provided without compensation  
1646 by individuals volunteering their time, any other contribution  
1647 or expenditure made by or to a political party or affiliated  
1648 party committee, or any other contribution or expenditure made  
1649 by an organization that is exempt from taxation under 26 U.S.C.  
1650 s. 527 or s. 501(c)(4).

1651 Section 29. Paragraph (b) of subsection (12) of section



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1652 112.312, Florida Statutes, is amended to read:

1653 112.312 Definitions.—As used in this part and for purposes  
1654 of the provisions of s. 8, Art. II of the State Constitution,  
1655 unless the context otherwise requires:

1656 (12)

1657 (b) "Gift" does not include:

1658 1. Salary, benefits, services, fees, commissions, gifts, or  
1659 expenses associated primarily with the donee's employment,  
1660 business, or service as an officer or director of a corporation  
1661 or organization.

1662 2. Contributions or expenditures reported pursuant to  
1663 chapter 106, campaign-related personal services provided without  
1664 compensation by individuals volunteering their time, or any  
1665 other contribution or expenditure by a political party or  
1666 affiliated party committee.

1667 3. An honorarium or an expense related to an honorarium  
1668 event paid to a person or the person's spouse.

1669 4. An award, plaque, certificate, or similar personalized  
1670 item given in recognition of the donee's public, civic,  
1671 charitable, or professional service.

1672 5. An honorary membership in a service or fraternal  
1673 organization presented merely as a courtesy by such  
1674 organization.

1675 6. The use of a public facility or public property, made  
1676 available by a governmental agency, for a public purpose.

1677 7. Transportation provided to a public officer or employee  
1678 by an agency in relation to officially approved governmental  
1679 business.

1680 8. Gifts provided directly or indirectly by a state,



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1681 regional, or national organization which promotes the exchange  
1682 of ideas between, or the professional development of,  
1683 governmental officials or employees, and whose membership is  
1684 primarily composed of elected or appointed public officials or  
1685 staff, to members of that organization or officials or staff of  
1686 a governmental agency that is a member of that organization.

1687 Section 30. Paragraph (d) of subsection (1) of section  
1688 112.3215, Florida Statutes, is amended to read:

1689 112.3215 Lobbying before the executive branch or the  
1690 Constitution Revision Commission; registration and reporting;  
1691 investigation by commission.-

1692 (1) For the purposes of this section:

1693 (d) "Expenditure" means a payment, distribution, loan,  
1694 advance, reimbursement, deposit, or anything of value made by a  
1695 lobbyist or principal for the purpose of lobbying. The term  
1696 "expenditure" does not include contributions or expenditures  
1697 reported pursuant to chapter 106 or federal election law,  
1698 campaign-related personal services provided without compensation  
1699 by individuals volunteering their time, any other contribution  
1700 or expenditure made by or to a political party or an affiliated  
1701 party committee, or any other contribution or expenditure made  
1702 by an organization that is exempt from taxation under 26 U.S.C.  
1703 s. 527 or s. 501(c)(4).

1704 Section 31. This act shall take effect July 1, 2010.