

By the Committee on Ethics and Elections; and Senator Alexander

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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 ch. 106,  
19          F.S.; revising the definition of the term "independent  
20          expenditure" to specify that certain expenditures are  
21          not considered an independent expenditure; revising  
22          the definition of the term "person" to include an  
23          affiliated party committee; revising the definition of  
24          the term "filing officer" to expand applicability to  
25          electioneering communications organizations; revising  
26          the definition of the term "electioneering  
27          communication" to conform to certain federal  
28          requirements and to delineate what constitutes such a  
29          communication; revising the definition of the term

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30 "electioneering communications organization"; amending  
31 s. 106.021, F.S.; providing that certain expenditures  
32 by an affiliated party committee are not considered a  
33 contribution or expenditure to or for a candidate;  
34 amending s. 106.025, F.S.; exempting an affiliated  
35 party committee from certain campaign fund raising  
36 requirements; amending s. 106.03, F.S.; revising the  
37 registration requirements for electioneering  
38 communications organizations; revising the statement  
39 of organization requirements; revising rule adoption  
40 requirements relating to dissolution of political  
41 committees and electioneering communications  
42 organizations; amending s. 106.04, F.S.; requiring  
43 that a committee of continuous existence report  
44 receipts from and transfers to an affiliated party  
45 committee; amending s. 106.0701, F.S.; exempting an  
46 affiliated party committee from certain filing  
47 requirements; amending s. 106.0703, F.S.;

48 consolidating reporting requirements in ch. 106, F.S.,  
49 applicable to electioneering communications  
50 organizations; providing penalties; conforming  
51 provisions; amending s. 106.0705, F.S., relating to  
52 electronic filing of campaign treasurer's reports;  
53 conforming provisions; requiring an affiliated party  
54 committee to file certain reports with the Division of  
55 Elections; providing that a report filed by the leader  
56 and treasurer of an affiliated party committee is  
57 considered to be under oath; amending s. 106.071,  
58 F.S.; increasing the aggregate amount of expenditures

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59 required for filing certain reports related to  
60 independent expenditures or electioneering  
61 communications; amending s. 106.08, F.S.; removing  
62 certain limitations on contributions received by an  
63 electioneering communications organization; providing  
64 that an affiliated party committee is treated like a  
65 political party regarding limitations on  
66 contributions; deleting the 28-day restriction on  
67 acceptance of certain funds preceding a general  
68 election; placing certain restrictions on solicitation  
69 for and making of contributions; providing guidelines  
70 for acceptance of in-kind contributions; adding an  
71 affiliated party committee to entities subject to  
72 penalties; creating s. 106.088, F.S.; requiring the  
73 subscribing to an oath or affirmation prior to receipt  
74 of certain funds; providing the form of the oath;  
75 providing penalties; providing that undistributed  
76 funds shall be deposited into the General Revenue  
77 Fund; amending s. 106.141, F.S.; adding affiliated  
78 party committees to the list of entities to which a  
79 candidate may donate surplus funds; amending s.  
80 106.143, F.S.; requiring an affiliated party  
81 committee, like a political party, to obtain advance  
82 approval by a candidate for political advertisements;  
83 amending s. 106.1439, F.S.; providing identification  
84 requirements for certain electioneering  
85 communications; providing an exception for telephone  
86 calls; amending s. 106.147, F.S., relating to  
87 telephone solicitation disclosure requirements;

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88 removing requirements relating to electioneering  
89 communication, to conform; revising the definition of  
90 the term "person" to include an affiliated party  
91 committee; providing penalties; amending s. 106.165,  
92 F.S.; adding affiliated party committees to the  
93 entities that must use closed captioning and  
94 descriptive narrative in all television broadcasts;  
95 amending s. 106.17, F.S.; adding affiliated party  
96 committees to those entities authorized to conduct  
97 polls and surveys relating to candidacies; amending s.  
98 106.23, F.S.; providing that an affiliated party  
99 committee shall be provided an advisory opinion by the  
100 Division of Elections when requested; amending s.  
101 106.265, F.S.; authorizing the imposition of civil  
102 penalties by the Florida Elections Commission for  
103 certain violations by an affiliated party committee;  
104 amending s. 106.27, F.S.; adding affiliated party  
105 committees to those entities subject to certain  
106 determinations and legal disposition by the Florida  
107 Elections Commission; amending s. 106.29, F.S.;  
108 requiring filing of certain reports by an affiliated  
109 party committee; providing restrictions on certain  
110 expenditures and contributions; providing penalties;  
111 amending s. 11.045, F.S., relating to lobbying before  
112 the Legislature; excluding contributions and  
113 expenditures by an affiliated party committee from the  
114 definition of the term "expenditure"; amending s.  
115 112.312, F.S.; providing that certain activities  
116 pertaining to an affiliated party committee are

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117 excluded from the definition of the term "gift";  
118 amending s. 112.3215, F.S., relating to lobbying  
119 before the executive branch or the Constitution  
120 Revision Commission; excluding contributions and  
121 expenditures by an affiliated party committee from the  
122 definition of the term "expenditure"; reenacting ss.  
123 106.011(1)(b), (3), (4), (18), and (19), 106.022(1),  
124 106.03(1)(b), 106.04(5), 106.0703, 106.0705(2)(b),  
125 106.071(1), 106.08(7), 106.1437, 106.1439, and 106.17,  
126 F.S., relating to definitions, registered office and  
127 agent requirements, registration requirements,  
128 prohibited activities for committees of continuous  
129 existence, additional reporting requirements,  
130 electronic filing requirements, expenditure reports,  
131 penalties for violations pertaining to limitations on  
132 contributions, miscellaneous advertisements,  
133 electioneering communications disclaimers and  
134 penalties for failure to include disclaimers, and  
135 polls and surveys pertaining to candidacies, to cure  
136 and conform; providing an effective date.

137  
138 Be It Enacted by the Legislature of the State of Florida:

139  
140 Section 1. Subsection (4) is added to section 103.081,  
141 Florida Statutes, to read:

142 103.081 Use of party name; political advertising.—

143 (4) Notwithstanding any other provision of law to the  
144 contrary, an affiliated party committee shall be entitled to use  
145 the name, abbreviation, or symbol of the political party of its

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146 leader as defined in s. 103.092.

147 Section 2. Section 103.092, Florida Statutes, is created to  
148 read:

149 103.092 Affiliated party committees.-

150 (1) For purposes of this section, the term "leader" means  
151 the President of the Senate, the Speaker of the House of  
152 Representatives, or the minority leader of either house of the  
153 Legislature, until a person is designated by a political party  
154 conference of members of either house to succeed to any such  
155 position, at which time the designee becomes the leader for  
156 purposes of this section.

157 (2) The leader of each political party conference of the  
158 House of Representatives and the Senate may establish a  
159 separate, affiliated party committee to support the election of  
160 candidates of the leader's political party. The affiliated party  
161 committee is subject to the same provisions of chapter 106 as a  
162 political party.

163 (3) Each affiliated party committee shall:

164 (a) Adopt bylaws to include, at a minimum, the designation  
165 of a treasurer.

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

168 (c) Establish an account.

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

172 Section 3. Paragraph (b) of subsection (1) of section  
173 103.121, Florida Statutes, is amended to read:

174 103.121 Powers and duties of executive committees.-

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175 (1)

176 (b) The county executive committee shall receive payment of  
177 assessments upon candidates to be voted for in a single county  
178 except state senators, state and members of the House of  
179 representatives, and representatives to the Congress of the  
180 United States; an affiliated party committee controlled by a  
181 leader of the Senate as defined in s. 103.092 shall receive  
182 payment of assessments upon candidates for the office of state  
183 senator and an affiliated party committee controlled by a leader  
184 of the House of Representatives as defined in s. 103.092 shall  
185 receive payment of assessments upon candidates for the office of  
186 state representative; and the state executive committees shall  
187 receive all other assessments authorized. All party assessments  
188 shall be 2 percent of the annual salary of the office sought by  
189 the respective candidate. All such committee assessments shall  
190 be remitted to the state executive committee of the appropriate  
191 party and distributed in accordance with subsection (5), except  
192 that assessments for candidates for the office of state senator  
193 or state representative shall be remitted to the appropriate  
194 affiliated party committee.

195 Section 4. Paragraph (a) of subsection (1) of section of  
196 section 106.011, Florida Statutes, is amended, paragraph (b) of  
197 subsection (1) of that section is reenacted and amended,  
198 subsections (3) and (4) of that section are reenacted,  
199 subsections (5), (8), and (14) of that section are amended, and  
200 subsections (18) and (19) of that section are reenacted and  
201 amended, to read:

202 106.011 Definitions.—As used in this chapter, the following  
203 terms have the following meanings unless the context clearly

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204 indicates otherwise:

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

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

209 a. Accepts contributions for the purpose of making  
210 contributions to any candidate, political committee, committee  
211 of continuous existence, affiliated party committee, or  
212 political party;

213 b. Accepts contributions for the purpose of expressly  
214 advocating the election or defeat of a candidate or the passage  
215 or defeat of an issue;

216 c. Makes expenditures that expressly advocate the election  
217 or defeat of a candidate or the passage or defeat of an issue;  
218 or

219 d. Makes contributions to a common fund, other than a joint  
220 checking account between spouses, from which contributions are  
221 made to any candidate, political committee, committee of  
222 continuous existence, affiliated party committee, or political  
223 party;

224 2. The sponsor of a proposed constitutional amendment by  
225 initiative who intends to seek the signatures of registered  
226 electors.

227 (b) Notwithstanding paragraph (a), the following entities  
228 are not considered political committees for purposes of this  
229 chapter:

230 1. Organizations which are certified by the Department of  
231 State as committees of continuous existence pursuant to s.  
232 106.04, national political parties, ~~and~~ the state and county

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233 executive committees of political parties, and affiliated party  
234 committees regulated by chapter 103.

235 2. Corporations regulated by chapter 607 or chapter 617 or  
236 other business entities formed for purposes other than to  
237 support or oppose issues or candidates, if their political  
238 activities are limited to contributions to candidates, political  
239 parties, affiliated party committees, or political committees or  
240 expenditures in support of or opposition to an issue from  
241 corporate or business funds and if no contributions are received  
242 by such corporations or business entities.

243 3. Electioneering communications organizations as defined  
244 in subsection (19); ~~however, such organizations shall be~~  
245 ~~required to register with and report expenditures and~~  
246 ~~contributions, including contributions received from committees~~  
247 ~~of continuous existence, to the Division of Elections in the~~  
248 ~~same manner, at the same time, and subject to the same penalties~~  
249 ~~as a political committee supporting or opposing an issue or a~~  
250 ~~legislative candidate, except as otherwise specifically provided~~  
251 ~~in this chapter.~~

252 (3) "Contribution" means:

253 (a) A gift, subscription, conveyance, deposit, loan,  
254 payment, or distribution of money or anything of value,  
255 including contributions in kind having an attributable monetary  
256 value in any form, made for the purpose of influencing the  
257 results of an election or making an electioneering  
258 communication.

259 (b) A transfer of funds between political committees,  
260 between committees of continuous existence, between  
261 electioneering communications organizations, or between any

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262 combination of these groups.

263 (c) The payment, by any person other than a candidate or  
264 political committee, of compensation for the personal services  
265 of another person which are rendered to a candidate or political  
266 committee without charge to the candidate or committee for such  
267 services.

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

272  
273 Notwithstanding the foregoing meanings of "contribution," the  
274 word shall not be construed to include services, including, but  
275 not limited to, legal and accounting services, provided without  
276 compensation by individuals volunteering a portion or all of  
277 their time on behalf of a candidate or political committee. This  
278 definition shall not be construed to include editorial  
279 endorsements.

280 (4) (a) "Expenditure" means a purchase, payment,  
281 distribution, loan, advance, transfer of funds by a campaign  
282 treasurer or deputy campaign treasurer between a primary  
283 depository and a separate interest-bearing account or  
284 certificate of deposit, or gift of money or anything of value  
285 made for the purpose of influencing the results of an election  
286 or making an electioneering communication. However,  
287 "expenditure" does not include a purchase, payment,  
288 distribution, loan, advance, or gift of money or anything of  
289 value made for the purpose of influencing the results of an  
290 election when made by an organization, in existence prior to the

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291 time during which a candidate qualifies or an issue is placed on  
292 the ballot for that election, for the purpose of printing or  
293 distributing such organization's newsletter, containing a  
294 statement by such organization in support of or opposition to a  
295 candidate or issue, which newsletter is distributed only to  
296 members of such organization.

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

300 1. A person enters into a contract for applicable goods or  
301 services;

302 2. A person makes payment, in whole or in part, for the  
303 production or public dissemination of applicable goods or  
304 services; or

305 3. The electioneering communication is publicly  
306 disseminated.

307 (5) (a) "Independent expenditure" means an expenditure by a  
308 person for the purpose of expressly advocating the election or  
309 defeat of a candidate or the approval or rejection of an issue,  
310 which expenditure is not controlled by, coordinated with, or  
311 made upon consultation with, any candidate, political committee,  
312 or agent of such candidate or committee. An expenditure for such  
313 purpose by a person having a contract with the candidate,  
314 political committee, or agent of such candidate or committee in  
315 a given election period shall not be deemed an independent  
316 expenditure.

317 (b) An expenditure for the purpose of expressly advocating  
318 the election or defeat of a candidate which is made by the  
319 national, state, or county executive committee of a political

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320 party, including any subordinate committee of the ~~a national,~~  
321 ~~state, or county committee of a~~ political party, an affiliated  
322 party committee, a ~~or by any~~ political committee, a ~~or~~ committee  
323 of continuous existence, or any other person, shall not be  
324 considered an independent expenditure if the committee or  
325 person:

326 1. Communicates with the candidate, the candidate's  
327 campaign, or an agent of the candidate acting on behalf of the  
328 candidate, including any pollster, media consultant, advertising  
329 agency, vendor, advisor, or staff member, concerning the  
330 preparation of, use of, or payment for, the specific expenditure  
331 or advertising campaign at issue; or

332 2. Makes a payment in cooperation, consultation, or concert  
333 with, at the request or suggestion of, or pursuant to any  
334 general or particular understanding with the candidate, the  
335 candidate's campaign, a political committee supporting the  
336 candidate, or an agent of the candidate relating to the specific  
337 expenditure or advertising campaign at issue; or

338 3. Makes a payment for the dissemination, distribution, or  
339 republication, in whole or in part, of any broadcast or any  
340 written, graphic, or other form of campaign material prepared by  
341 the candidate, the candidate's campaign, or an agent of the  
342 candidate, including any pollster, media consultant, advertising  
343 agency, vendor, advisor, or staff member; or

344 4. Makes a payment based on information about the  
345 candidate's plans, projects, or needs communicated to a member  
346 of the committee or person by the candidate or an agent of the  
347 candidate, provided the committee or person uses the information  
348 in any way, in whole or in part, either directly or indirectly,

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349 to design, prepare, or pay for the specific expenditure or  
350 advertising campaign at issue; or

351 5. After the last day of qualifying for statewide or  
352 legislative office, consults about the candidate's plans,  
353 projects, or needs in connection with the candidate's pursuit of  
354 election to office and the information is used in any way to  
355 plan, create, design, or prepare an independent expenditure or  
356 advertising campaign, with:

357 a. Any officer, director, employee, or agent of a national,  
358 state, or county executive committee of a political party or an  
359 affiliated party committee that has made or intends to make  
360 expenditures in connection with or contributions to the  
361 candidate; or

362 b. Any person whose professional services have been  
363 retained by a national, state, or county executive committee of  
364 a political party or an affiliated party committee that has made  
365 or intends to make expenditures in connection with or  
366 contributions to the candidate; or

367 6. After the last day of qualifying for statewide or  
368 legislative office, retains the professional services of any  
369 person also providing those services to the candidate in  
370 connection with the candidate's pursuit of election to office;  
371 or

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

374 (8) "Person" means an individual or a corporation,  
375 association, firm, partnership, joint venture, joint stock  
376 company, club, organization, estate, trust, business trust,  
377 syndicate, or other combination of individuals having collective

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378 capacity. The term includes a political party, affiliated party  
379 committee, political committee, or committee of continuous  
380 existence.

381 (14) "Filing officer" means the person before whom a  
382 candidate qualifies, the agency or officer with whom a political  
383 committee or an electioneering communications organization  
384 registers, or the agency by whom a committee of continuous  
385 existence is certified.

386 (18) (a) "Electioneering communication" means any  
387 communication publicly distributed by a television station,  
388 radio station, cable television system, satellite system,  
389 newspaper, magazine, direct mail, or telephone ~~a paid expression~~  
390 ~~in any communications media prescribed in subsection (13) by~~  
391 ~~means other than the spoken word in direct conversation that:~~

392 1. Refers to or depicts a clearly identified candidate for  
393 office ~~or contains a clear reference indicating that an issue is~~  
394 ~~to be voted on at an election,~~ without expressly advocating the  
395 election or defeat of a candidate but that is susceptible of no  
396 reasonable interpretation other than an appeal to vote for or  
397 against a specific candidate; or the passage or defeat of an  
398 issue.

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

402 3. ~~Is For communications referring to or depicting a~~  
403 ~~clearly identified candidate for office, is targeted to the~~  
404 ~~relevant electorate. A communication is considered targeted if~~  
405 ~~1,000 or more persons~~ in the geographic area the candidate would  
406 represent if elected ~~will receive the communication.~~

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

412 (b) The term "electioneering communication" does not  
413 include:

414 1. A communication disseminated through a means of  
415 communication other than a television station, radio station,  
416 cable television system, satellite system, newspaper, magazine,  
417 direct mail, telephone, or statement or depiction by an  
418 organization, in existence prior to the time during which a  
419 candidate named or depicted qualifies or an issue identified is  
420 placed on the ballot for that election, made in that  
421 organization's newsletter, which newsletter is distributed only  
422 to members of that organization.

423 2. A communication in a news story, commentary, or  
424 editorial distributed through the facilities of any radio  
425 station, television station, cable television system, or  
426 satellite system, unless the facilities are owned or controlled  
427 by any political party, political committee, or candidate. A  
428 news story distributed through the facilities owned or  
429 controlled by any political party, political committee, or  
430 candidate may nevertheless be exempt if it represents a bona  
431 fide news account communicated through a licensed broadcasting  
432 facility and the communication is part of a general pattern of  
433 campaign-related news accounts that give reasonably equal  
434 coverage to all opposing candidates in the area ~~An editorial~~  
435 ~~endorsement, news story, commentary, or editorial by any~~

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436 ~~newspaper, radio, television station, or other recognized news~~  
437 ~~medium.~~

438 3. A communication that constitutes a public debate or  
439 forum that includes at least two opposing candidates for an  
440 office or one advocate and one opponent of an issue, or that  
441 solely promotes such a debate or forum and is made by or on  
442 behalf of the person sponsoring the debate or forum, provided  
443 that:

444 a. The staging organization is either:

445 (I) A charitable organization that does not make other  
446 electioneering communications and does not otherwise support or  
447 oppose any political candidate or political party; or

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

450 b. The staging organization does not structure the debate  
451 to promote or advance one candidate or issue position over  
452 another.

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

456 (d) For purposes of this chapter, an electioneering  
457 communication shall not constitute an independent expenditure  
458 nor be subject to the limitations applicable to independent  
459 expenditures.

460 (19) "Electioneering communications organization" means any  
461 group, other than a political party, affiliated party committee,  
462 political committee, or committee of continuous existence, whose  
463 election-related activities are limited to making expenditures  
464 for electioneering communications or accepting contributions for

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465 the purpose of making electioneering communications and whose  
466 activities would not otherwise require the group to register as  
467 a political party, political committee, or committee of  
468 continuous existence under this chapter.

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

471 106.021 Campaign treasurers; deputies; primary and  
472 secondary depositories.-

473 (3) No contribution or expenditure, including contributions  
474 or expenditures of a candidate or of the candidate's family,  
475 shall be directly or indirectly made or received in furtherance  
476 of the candidacy of any person for nomination or election to  
477 political office in the state or on behalf of any political  
478 committee except through the duly appointed campaign treasurer  
479 of the candidate or political committee, subject to the  
480 following exceptions:

481 (a) Independent expenditures;

482 (b) Reimbursements to a candidate or any other individual  
483 for expenses incurred in connection with the campaign or  
484 activities of the political committee by a check drawn upon the  
485 campaign account and reported pursuant to s. 106.07(4). After  
486 July 1, 2004, the full name and address of each person to whom  
487 the candidate or other individual made payment for which  
488 reimbursement was made by check drawn upon the campaign account  
489 shall be reported pursuant to s. 106.07(4), together with the  
490 purpose of such payment;

491 (c) Expenditures made indirectly through a treasurer for  
492 goods or services, such as communications media placement or  
493 procurement services, campaign signs, insurance, or other

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494 expenditures that include multiple integral components as part  
495 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;  
496 or

497 (d) Expenditures made directly by any political committee,  
498 affiliated party committee, or political party regulated by  
499 chapter 103 for obtaining time, space, or services in or by any  
500 communications medium for the purpose of jointly endorsing three  
501 or more candidates, and any such expenditure shall not be  
502 considered a contribution or expenditure to or on behalf of any  
503 such candidates for the purposes of this chapter.

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

506 106.022 Appointment of a registered agent; duties.—

507 (1) Each political committee, committee of continuous  
508 existence, or electioneering communications organization shall  
509 have and continuously maintain in this state a registered office  
510 and a registered agent and must file with the division a  
511 statement of appointment for the registered office and  
512 registered agent. The statement of appointment must:

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

515 (b) Identify the entity for whom the registered agent  
516 serves;

517 (c) Designate the address the registered agent wishes to  
518 use to receive mail;

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

521 (e) Provide for the registered agent's acceptance of the  
522 appointment, which must confirm that the registered agent is

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523 familiar with and accepts the obligations of the position as set  
524 forth in this section; and

525 (f) Contain the signature of the registered agent and the  
526 entity engaging the registered agent.

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

529 106.025 Campaign fund raisers.—

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

535 Section 8. Paragraph (b) of subsection (1) of section  
536 106.03, Florida Statutes, is reenacted and amended, and  
537 subsections (2), (4), and (7) of that section are amended, to  
538 read:

539 106.03 Registration of political committees and  
540 electioneering communications organizations.—

541 (1)

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

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552       2.a. In a statewide, legislative, or multicounty election,  
553 an electioneering communications organization shall file a  
554 statement of organization with the Division of Elections.

555       b. In a countywide election or any election held on less  
556 than a countywide basis, except as described in sub-subparagraph  
557 c., an electioneering communications organization shall file a  
558 statement of organization with the supervisor of elections of  
559 the county in which the election is being held.

560       c. In a municipal election, an electioneering  
561 communications organization shall file a statement of  
562 organization with the officer before whom municipal candidates  
563 qualify.

564       d. Any electioneering communications organization that  
565 would be required to file a statement of organization in two or  
566 more locations by reason of the organization's intention to  
567 support or oppose candidates at state or multicounty and local  
568 levels of government need only file a statement of organization  
569 with the Division of Elections.

570       (2) The statement of organization shall include:

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

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

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

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

579       (e) The name, mailing address, street address, and position  
580 of other principal officers, including the treasurer and deputy

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581 ~~treasurer including officers and members of the finance~~  
582 ~~committee~~, if any;

583 (f) The name, address, office sought, and party affiliation  
584 of:

585 1. Each candidate whom the committee is supporting;

586 2. Any other individual, if any, whom the committee is  
587 supporting for nomination for election, or election, to any  
588 public office whatever;

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

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

593 (i) A statement of whether the committee is a continuing  
594 one;

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

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

600 (l) A statement of the reports required to be filed by the  
601 committee or the electioneering communications organization with  
602 federal officials, if any, and the names, addresses, and  
603 positions of such officials; and

604 (m) A statement of whether the electioneering  
605 communications organization was formed as a newly created  
606 organization during the current calendar quarter or was formed  
607 from an organization existing prior to the current calendar  
608 quarter. For purposes of this subsection, calendar quarters end  
609 the last day of March, June, September, and December.

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

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

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

623 (b) Adequate opportunity to respond.

624 (c) Appeal of the decision to the Florida Elections  
625 Commission. Such appeals shall be exempt from the  
626 confidentiality provisions of s. 106.25.

627 Section 9. Paragraph (c) of subsection (4) of section  
628 106.04, Florida Statutes, is amended, and subsection (5) of that  
629 section is reenacted, to read:

630 106.04 Committees of continuous existence.-

631 (4)

632 (c) All committees of continuous existence shall file their  
633 reports with the Division of Elections. Reports shall be filed  
634 in accordance with s. 106.0705 and shall contain the following  
635 information:

636 1. The full name, address, and occupation of each person  
637 who has made one or more contributions, including contributions  
638 that represent the payment of membership dues, to the committee

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639 during the reporting period, together with the amounts and dates  
640 of such contributions. For corporations, the report must provide  
641 as clear a description as practicable of the principal type of  
642 business conducted by the corporation. However, if the  
643 contribution is \$100 or less, the occupation of the contributor  
644 or principal type of business need not be listed. However, for  
645 any contributions that represent the payment of dues by members  
646 in a fixed amount aggregating no more than \$250 per calendar  
647 year, pursuant to the schedule on file with the Division of  
648 Elections, only the aggregate amount of such contributions need  
649 be listed, together with the number of members paying such dues  
650 and the amount of the membership dues.

651 2. The name and address of each political committee or  
652 committee of continuous existence from which the reporting  
653 committee received, or the name and address of each political  
654 committee, committee of continuous existence, affiliated party  
655 committee, or political party to which it made, any transfer of  
656 funds, together with the amounts and dates of all transfers.

657 3. Any other receipt of funds not listed pursuant to  
658 subparagraph 1. or subparagraph 2., including the sources and  
659 amounts of all such funds.

660 4. The name and address of, and office sought by, each  
661 candidate to whom the committee has made a contribution during  
662 the reporting period, together with the amount and date of each  
663 contribution.

664 5. The full name and address of each person to whom  
665 expenditures have been made by or on behalf of the committee  
666 within the reporting period; the amount, date, and purpose of  
667 each such expenditure; and the name and address, and office

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668 sought by, each candidate on whose behalf such expenditure was  
669 made.

670 6. The full name and address of each person to whom an  
671 expenditure for personal services, salary, or reimbursement for  
672 authorized expenses has been made, including the full name and  
673 address of each entity to whom the person made payment for which  
674 reimbursement was made by check drawn upon the committee  
675 account, together with the amount and purpose of such payment.

676 7. Transaction information from each credit card statement  
677 that will be included in the next report following receipt  
678 thereof by the committee. Receipts for each credit card purchase  
679 shall be retained by the treasurer with the records for the  
680 committee account.

681 8. The total sum of expenditures made by the committee  
682 during the reporting period.

683 (5) No committee of continuous existence shall make an  
684 electioneering communication, contribute to any candidate or  
685 political committee an amount in excess of the limits contained  
686 in s. 106.08(1), or participate in any activity which is  
687 prohibited by this chapter. If any violation occurs, it shall be  
688 punishable as provided in this chapter for the given offense. No  
689 funds of a committee of continuous existence shall be expended  
690 on behalf of a candidate, except by means of a contribution made  
691 through the duly appointed campaign treasurer of a candidate. No  
692 such committee shall make expenditures in support of, or in  
693 opposition to, an issue unless such committee first registers as  
694 a political committee pursuant to this chapter and undertakes  
695 all the practices and procedures required thereof; provided such  
696 committee may make contributions in a total amount not to exceed

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697 25 percent of its aggregate income, as reflected in the annual  
698 report filed for the previous year, to one or more political  
699 committees registered pursuant to s. 106.03 and formed to  
700 support or oppose issues.

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

703 106.0701 Solicitation of contributions on behalf of s. 527  
704 or s. 501(c)(4) organizations; reporting requirements; civil  
705 penalty; exemption.—

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

710 Section 11. Section 106.0703, Florida Statutes, is  
711 reenacted and amended to read:

712 106.0703 Electioneering communications organizations;  
713 ~~additional~~ reporting requirements; certification and filing;  
714 penalties.—

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

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726 section.

727 (b) Following the last day of candidates qualifying for  
728 office, the reports shall be filed on the 32nd, 18th, and 4th  
729 days immediately preceding the primary election and on the 46th,  
730 32nd, 18th, and 4th days immediately preceding the general  
731 election.

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

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

748 (e) The filing officer shall make available to each  
749 electioneering communications organization a schedule  
750 designating the beginning and end of reporting periods as well  
751 as the corresponding designated due dates.

752 (2) (a) Except as provided in s. 106.0705, the reports  
753 required of an electioneering communications organization shall  
754 be filed with the filing officer not later than 5 p.m. of the

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755 day designated. However, any report postmarked by the United  
756 States Postal Service no later than midnight of the day  
757 designated shall be deemed to have been filed in a timely  
758 manner. Any report received by the filing officer within 5 days  
759 after the designated due date that was delivered by the United  
760 States Postal Service shall be deemed timely filed unless it has  
761 a postmark that indicates that the report was mailed after the  
762 designated due date. A certificate of mailing obtained from and  
763 dated by the United States Postal Service at the time of  
764 mailing, or a receipt from an established courier company, which  
765 bears a date on or before the date on which the report is due,  
766 shall be proof of mailing in a timely manner. Reports shall  
767 contain information of all previously unreported contributions  
768 received and expenditures made as of the preceding Friday,  
769 except that the report filed on the Friday immediately preceding  
770 the election shall contain information of all previously  
771 unreported contributions received and expenditures made as of  
772 the day preceding the designated due date. All such reports  
773 shall be open to public inspection.

774 (b)1. Any report that is deemed to be incomplete by the  
775 officer with whom the electioneering communications organization  
776 files shall be accepted on a conditional basis. The treasurer of  
777 the electioneering communications organization shall be  
778 notified, by certified mail or other common carrier that can  
779 establish proof of delivery for the notice, as to why the report  
780 is incomplete. Within 7 days after receipt of such notice, the  
781 treasurer must file an addendum to the report providing all  
782 information necessary to complete the report in compliance with  
783 this section. Failure to file a complete report after such

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784 notice constitutes a violation of this chapter.

785 2. Notice is deemed sufficient upon proof of delivery of  
786 written notice to the mailing or street address of the treasurer  
787 or registered agent of the electioneering communication  
788 organization on record with the filing officer.

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

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

799 2. The name and address of each political committee from  
800 which or to which the reporting electioneering communications  
801 organization made any transfer of funds, together with the  
802 amounts and dates of all transfers.

803 3. Each loan for electioneering communication purposes to  
804 or from any person or political committee within the reporting  
805 period, together with the full names, addresses, and occupations  
806 and principal places of business, if any, of the lender and  
807 endorsers, if any, and the date and amount of such loans.

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

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

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

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

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

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

825 9. The amount and nature of debts and obligations owed by  
826 or to the electioneering communications organization that relate  
827 to the conduct of any electioneering communication.

828 10. Transaction information for each credit card purchase.  
829 Receipts for each credit card purchase shall be retained by the  
830 electioneering communications organization.

831 11. The amount and nature of any separate interest-bearing  
832 accounts or certificates of deposit and identification of the  
833 financial institution in which such accounts or certificates of  
834 deposit are located.

835 12. The primary purposes of an expenditure made indirectly  
836 through an electioneering communications organization for goods  
837 and services, such as communications media placement or  
838 procurement services and other expenditures that include  
839 multiple components as part of the expenditure. The primary  
840 purpose of an expenditure shall be that purpose, including  
841 integral and directly related components, that comprises 80

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842 percent of such expenditure.

843 (b) The filing officer shall make available to any  
844 electioneering communications organization a reporting form  
845 which the electioneering communications organization may use to  
846 indicate contributions received by the electioneering  
847 communications organization but returned to the contributor  
848 before deposit.

849 (4) The treasurer of the electioneering communications  
850 organization shall certify as to the correctness of each report,  
851 and each person so certifying shall bear the responsibility for  
852 the accuracy and veracity of each report. Any treasurer who  
853 willfully certifies the correctness of any report while knowing  
854 that such report is incorrect, false, or incomplete commits a  
855 misdemeanor of the first degree, punishable as provided in s.  
856 775.082 or s. 775.083.

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

867 (6) Notwithstanding any other provisions of this chapter,  
868 in any reporting period during which an electioneering  
869 communications organization has not received funds, made any  
870 contributions, or expended any reportable funds, the treasurer

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871 shall file a written report with the filing officer by the  
872 prescribed reporting date that no reportable contributions or  
873 expenditures were made during the reporting period.

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

879 1. In the General Revenue Fund, in the case of an  
880 electioneering communications organization that registers with  
881 the Division of Elections; or

882 2. In the general revenue fund of the political  
883 subdivision, in the case of an electioneering communications  
884 organization that registers with an officer of a political  
885 subdivision.

886  
887 No separate fine shall be assessed for failure to file a copy of  
888 any report required by this section.

889 (b) Upon determining that a report is late, the filing  
890 officer shall immediately notify the electioneering  
891 communications organization as to the failure to file a report  
892 by the designated due date and that a fine is being assessed for  
893 each late day. The fine shall be \$50 per day for the first 3  
894 days late and, thereafter, \$500 per day for each late day, not  
895 to exceed 25 percent of the total receipts or expenditures,  
896 whichever is greater, for the period covered by the late report.  
897 However, for the reports immediately preceding each primary and  
898 general election, the fine shall be \$500 per day for each late  
899 day, not to exceed 25 percent of the total receipts or

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900 expenditures, whichever is greater, for the period covered by  
901 the late report. Upon receipt of the report, the filing officer  
902 shall determine the amount of the fine which is due and shall  
903 notify the electioneering communications organization. The  
904 filing officer shall determine the amount of the fine due based  
905 upon the earliest of the following:

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

907 2. When the report is postmarked.

908 3. When the certificate of mailing is dated.

909 4. When the receipt from an established courier company is  
910 dated.

911 5. When the electronic receipt issued pursuant to s.  
912 106.0705 or other electronic filing system authorized in this  
913 section is dated.

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

923 (c) The treasurer of an electioneering communications  
924 organization may appeal or dispute the fine, based upon, but not  
925 limited to, unusual circumstances surrounding the failure to  
926 file on the designated due date, and may request and shall be  
927 entitled to a hearing before the Florida Elections Commission,  
928 which shall have the authority to waive the fine in whole or in

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929 part. The Florida Elections Commission must consider the  
930 mitigating and aggravating circumstances contained in s.  
931 106.265(1) when determining the amount of a fine, if any, to be  
932 waived. Any such request shall be made within 20 days after  
933 receipt of the notice of payment due. In such case, the  
934 treasurer of the electioneering communications organization  
935 shall, within the 20-day period, notify the filing officer in  
936 writing of his or her intention to bring the matter before the  
937 commission.

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

948 ~~(8) In addition to the reporting requirements in s. 106.07,~~  
949 An electioneering communications organization shall, within 2  
950 days after receiving its initial password or secure sign-on from  
951 the Department of State allowing confidential access to the  
952 department's electronic campaign finance filing system,  
953 electronically file the periodic ~~campaign finance~~ reports that  
954 would have been required pursuant to this section ~~s. 106.07~~ for  
955 reportable activities that occurred since the date of the last  
956 general election.

957 Section 12. Paragraph (b) of subsection (2) of section

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958 106.0705, Florida Statutes, is reenacted and amended, and  
 959 subsections (3) and (4) of that section are amended, to read:

960 106.0705 Electronic filing of campaign treasurer's  
 961 reports.—

962 (2)

963 (b) Each political committee, committee of continuous  
 964 existence, electioneering communications organization,  
 965 affiliated party committee, or state executive committee that is  
 966 required to file reports with the division under s. 106.04, s.  
 967 106.07, s. 106.0703, or s. 106.29, as applicable, must file such  
 968 reports with the division by means of the division's electronic  
 969 filing system.

970 (3) Reports filed pursuant to this section shall be  
 971 completed and filed through the electronic filing system not  
 972 later than midnight of the day designated. Reports not filed by  
 973 midnight of the day designated are late filed and are subject to  
 974 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),  
 975 or s. 106.29(3), as applicable.

976 (4) Each report filed pursuant to this section is  
 977 considered to be under oath by the candidate and treasurer, ~~or~~  
 978 the chair and treasurer, or the leader and treasurer under s.  
 979 103.092, whichever is applicable, and such persons are subject  
 980 to the provisions of s. 106.04(4)(d), s. 106.07(5), s.  
 981 106.0703(4), or s. 106.29(2), as applicable. Persons given a  
 982 secure sign-on to the electronic filing system are responsible  
 983 for protecting such from disclosure and are responsible for all  
 984 filings using such credentials, unless they have notified the  
 985 division that their credentials have been compromised.

986 Section 13. Subsection (1) of section 106.071, Florida

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987 Statutes, is reenacted and amended to read:

988 106.071 Independent expenditures; electioneering  
989 communications; reports; disclaimers.-

990 (1) Each person who makes an independent expenditure with  
991 respect to any candidate or issue, and each individual who makes  
992 an expenditure for an electioneering communication which is not  
993 otherwise reported pursuant to this chapter, which expenditure,  
994 in the aggregate, is in the amount of \$5,000 ~~\$100~~ or more, shall  
995 file periodic reports of such expenditures in the same manner,  
996 at the same time, subject to the same penalties, and with the  
997 same officer as a political committee supporting or opposing  
998 such candidate or issue. The report shall contain the full name  
999 and address of the person making the expenditure; the full name  
1000 and address of each person to whom and for whom each such  
1001 expenditure has been made; the amount, date, and purpose of each  
1002 such expenditure; a description of the services or goods  
1003 obtained by each such expenditure; the issue to which the  
1004 expenditure relates; and the name and address of, and office  
1005 sought by, each candidate on whose behalf such expenditure was  
1006 made.

1007 Section 14. Subsections (1), (2), (4), (5), and (6) of  
1008 section 106.08, Florida Statutes, are amended, and subsection  
1009 (7) of that section is reenacted and amended, to read:

1010 106.08 Contributions; limitations on.-

1011 (1) (a) Except for political parties or affiliated party  
1012 committees, no person, political committee, or committee of  
1013 continuous existence may, in any election, make contributions in  
1014 excess of \$500 to any candidate for election to or retention in  
1015 office or to any political committee supporting or opposing one

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1016 or more candidates. Candidates for the offices of Governor and  
1017 Lieutenant Governor on the same ticket are considered a single  
1018 candidate for the purpose of this section.

1019 (b)1. The contribution limits provided in this subsection  
1020 do not apply to contributions made by a state or county  
1021 executive committee of a political party or affiliated party  
1022 committee regulated by chapter 103 or to amounts contributed by  
1023 a candidate to his or her own campaign.

1024 2. Notwithstanding the limits provided in this subsection,  
1025 an unemancipated child under the age of 18 years of age may not  
1026 make a contribution in excess of \$100 to any candidate or to any  
1027 political committee supporting one or more candidates.

1028 (c) The contribution limits of this subsection apply to  
1029 each election. For purposes of this subsection, the primary  
1030 election and general election are separate elections so long as  
1031 the candidate is not an unopposed candidate as defined in s.  
1032 106.011(15). However, for the purpose of contribution limits  
1033 with respect to candidates for retention as a justice or judge,  
1034 there is only one election, which is the general election.

1035 (2) (a) A candidate may not accept contributions from  
1036 national, state, or ~~including any subordinate committee of a~~  
1037 ~~national, state, or county committee of a political party, and~~  
1038 county executive committees of a political party, including any  
1039 subordinate committee of such political party or affiliated  
1040 party committees, which contributions in the aggregate exceed  
1041 \$50,000, ~~no more than \$25,000 of which may be accepted prior to~~  
1042 ~~the 28-day period immediately preceding the date of the general~~  
1043 ~~election.~~

1044 (b) A candidate for statewide office may not accept

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1045 contributions from national, state, or county executive  
1046 committees of a political party, including any subordinate  
1047 committee of the ~~a national, state, or county committee of a~~  
1048 political party, or affiliated party committees, which  
1049 contributions in the aggregate exceed \$250,000, ~~no more than~~  
1050 ~~\$125,000 of which may be accepted prior to the 28-day period~~  
1051 ~~immediately preceding the date of the general election.~~ Polling  
1052 services, research services, costs for campaign staff,  
1053 professional consulting services, and telephone calls are not  
1054 contributions to be counted toward the contribution limits of  
1055 paragraph (a) or this paragraph. Any item not expressly  
1056 identified in this paragraph as nonallocable is a contribution  
1057 in an amount equal to the fair market value of the item and must  
1058 be counted as allocable toward the contribution limits of  
1059 paragraph (a) or this paragraph. Nonallocable, in-kind  
1060 contributions must be reported by the candidate under s. 106.07  
1061 and by the political party or affiliated party committee under  
1062 s. 106.29.

1063 (4) ~~(a)~~ Any contribution received by the chair, campaign  
1064 treasurer, or deputy campaign treasurer of a political committee  
1065 supporting or opposing a candidate with opposition in an  
1066 election or supporting or opposing an issue on the ballot in an  
1067 election on the day of that election or less than 5 days prior  
1068 to the day of that election may not be obligated or expended by  
1069 the committee until after the date of the election.

1070 ~~(b) Any contribution received by an electioneering~~  
1071 ~~communications organization on the day of an election or less~~  
1072 ~~than 5 days prior to the day of that election may not be~~  
1073 ~~obligated or expended by the organization until after the date~~

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1074 ~~of the election and may not be expended to pay for any~~  
1075 ~~obligation arising prior to the election.~~

1076 (5) (a) A person may not make any contribution through or in  
1077 the name of another, directly or indirectly, in any election.

1078 (b) Candidates, political committees, affiliated party  
1079 committees, and political parties may not solicit contributions  
1080 from any religious, charitable, civic, or other causes or  
1081 organizations established primarily for the public good.

1082 (c) Candidates, political committees, affiliated party  
1083 committees, and political parties may not make contributions, in  
1084 exchange for political support, to any religious, charitable,  
1085 civic, or other cause or organization established primarily for  
1086 the public good. It is not a violation of this paragraph for:

1087 1. A candidate, political committee, affiliated party  
1088 committee, or political party executive committee to make gifts  
1089 of money in lieu of flowers in memory of a deceased person;

1090 2. A candidate to continue membership in, or make regular  
1091 donations from personal or business funds to, religious,  
1092 political party, affiliated party committee, civic, or  
1093 charitable groups of which the candidate is a member or to which  
1094 the candidate has been a regular donor for more than 6 months;  
1095 or

1096 3. A candidate to purchase, with campaign funds, tickets,  
1097 admission to events, or advertisements from religious, civic,  
1098 political party, affiliated party committee, or charitable  
1099 groups.

1100 ~~(d) An electioneering communications organization may not~~  
1101 ~~accept a contribution from an organization exempt from taxation~~  
1102 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~

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1103 ~~than a political committee, committee of continuous existence,~~  
1104 ~~or political party, unless the contributing organization has~~  
1105 ~~registered as if the organization were an electioneering~~  
1106 ~~communications organization pursuant to s. 106.03 and has filed~~  
1107 ~~all campaign finance reports required of electioneering~~  
1108 ~~communications organizations pursuant to ss. 106.07 and~~  
1109 ~~106.0703.~~

1110 (6) (a) A political party or affiliated party committee may  
1111 not accept any contribution that has been specifically  
1112 designated for the partial or exclusive use of a particular  
1113 candidate. Any contribution so designated must be returned to  
1114 the contributor and may not be used or expended by or on behalf  
1115 of the candidate. Funds contributed to an affiliated party  
1116 committee shall not be deemed as designated for the partial or  
1117 exclusive use of a leader as defined in s. 103.092.

1118 (b)1. A political party or affiliated party committee may  
1119 not accept any in-kind contribution that fails to provide a  
1120 direct benefit to the political party or affiliated party  
1121 committee. A "direct benefit" includes, but is not limited to,  
1122 fundraising or furthering the objectives of the political party  
1123 or affiliated party committee.

1124 2.a. An in-kind contribution to a state political party may  
1125 be accepted only by the chairperson of the state political party  
1126 or by the chairperson's designee or designees whose names are on  
1127 file with the division in a form acceptable to the division  
1128 prior to the date of the written notice required in sub-  
1129 subparagraph b. An in-kind contribution to a county political  
1130 party may be accepted only by the chairperson of the county  
1131 political party or by the county chairperson's designee or

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1132 designees whose names are on file with the supervisor of  
1133 elections of the respective county prior to the date of the  
1134 written notice required in sub-subparagraph b. An in-kind  
1135 contribution to an affiliated party committee may be accepted  
1136 only by the leader of the affiliated party committee as defined  
1137 in s. 103.092 or by the leader's designee or designees whose  
1138 names are on file with the division in a form acceptable to the  
1139 division prior to the date of the written notice required in  
1140 sub-subparagraph b.

1141 b. A person making an in-kind contribution to a state  
1142 ~~political party~~ or county political party or affiliated party  
1143 committee must provide prior written notice of the contribution  
1144 to a person described in sub-subparagraph a. The prior written  
1145 notice must be signed and dated and may be provided by an  
1146 electronic or facsimile message. However, prior written notice  
1147 is not required for an in-kind contribution that consists of  
1148 food and beverage in an aggregate amount not exceeding \$1,500  
1149 which is consumed at a single sitting or event if such in-kind  
1150 contribution is accepted in advance by a person specified in  
1151 sub-subparagraph a.

1152 c. A person described in sub-subparagraph a. may accept an  
1153 in-kind contribution requiring prior written notice only in a  
1154 writing that is signed and dated before the in-kind contribution  
1155 is made. Failure to obtain the required written acceptance of an  
1156 in-kind contribution to a state or county political party or  
1157 affiliated party committee constitutes a refusal of the  
1158 contribution.

1159 d. A copy of each prior written acceptance required under  
1160 sub-subparagraph c. must be filed with the division at the time

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1161 the regular reports of contributions and expenditures required  
1162 under s. 106.29 are filed by the state executive committee, and  
1163 county executive committee, and affiliated party committee.

1164 e. An in-kind contribution may not be given to a state or  
1165 county political party or affiliated party committee unless the  
1166 in-kind contribution is made as provided in this subparagraph.

1167 (7) (a) Any person who knowingly and willfully makes or  
1168 accepts no more than one contribution in violation of subsection  
1169 (1) or subsection (5), or any person who knowingly and willfully  
1170 fails or refuses to return any contribution as required in  
1171 subsection (3), commits a misdemeanor of the first degree,  
1172 punishable as provided in s. 775.082 or s. 775.083. If any  
1173 corporation, partnership, or other business entity or any  
1174 political party, affiliated party committee, political  
1175 committee, committee of continuous existence, or electioneering  
1176 communications organization is convicted of knowingly and  
1177 willfully violating any provision punishable under this  
1178 paragraph, it shall be fined not less than \$1,000 and not more  
1179 than \$10,000. If it is a domestic entity, it may be ordered  
1180 dissolved by a court of competent jurisdiction; if it is a  
1181 foreign or nonresident business entity, its right to do business  
1182 in this state may be forfeited. Any officer, partner, agent,  
1183 attorney, or other representative of a corporation, partnership,  
1184 or other business entity, or of a political party, affiliated  
1185 party committee, political committee, committee of continuous  
1186 existence, electioneering communications organization, or  
1187 organization exempt from taxation under s. 527 or s. 501(c)(4)  
1188 of the Internal Revenue Code, who aids, abets, advises, or  
1189 participates in a violation of any provision punishable under

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1190 this paragraph commits a misdemeanor of the first degree,  
1191 punishable as provided in s. 775.082 or s. 775.083.

1192 (b) Any person who knowingly and willfully makes or accepts  
1193 two or more contributions in violation of subsection (1) or  
1194 subsection (5) commits a felony of the third degree, punishable  
1195 as provided in s. 775.082, s. 775.083, or s. 775.084. If any  
1196 corporation, partnership, or other business entity or any  
1197 political party, affiliated party committee, political  
1198 committee, committee of continuous existence, or electioneering  
1199 communications organization is convicted of knowingly and  
1200 willfully violating any provision punishable under this  
1201 paragraph, it shall be fined not less than \$10,000 and not more  
1202 than \$50,000. If it is a domestic entity, it may be ordered  
1203 dissolved by a court of competent jurisdiction; if it is a  
1204 foreign or nonresident business entity, its right to do business  
1205 in this state may be forfeited. Any officer, partner, agent,  
1206 attorney, or other representative of a corporation, partnership,  
1207 or other business entity, or of a political committee, committee  
1208 of continuous existence, political party, affiliated party  
1209 committee, or electioneering communications organization, or  
1210 organization exempt from taxation under s. 527 or s. 501(c)(4)  
1211 of the Internal Revenue Code, who aids, abets, advises, or  
1212 participates in a violation of any provision punishable under  
1213 this paragraph commits a felony of the third degree, punishable  
1214 as provided in s. 775.082, s. 775.083, or s. 775.084.

1215 Section 15. Section 106.088, Florida Statutes, is created  
1216 to read:

1217 106.088 Independent expenditures; contribution limits;  
1218 restrictions on affiliated party committees.-



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1248 ...(year)..., at .... County, Florida.

1249 ...(Signature and title of officer administering oath)...

1250 (2) (a) Any affiliated party committee found to have  
1251 violated the provisions of the oath or affirmation prior to  
1252 receiving funds shall be ineligible to receive the rebate for  
1253 that general election year.

1254 (b) Any affiliated party committee found to have violated  
1255 the provisions of the oath or affirmation after receiving funds  
1256 shall be ineligible to receive the rebate from candidates  
1257 qualifying for the following general election cycle.

1258 (3) Any funds not distributed to the affiliated party  
1259 committee pursuant to this section shall be deposited into the  
1260 General Revenue Fund of the state.

1261 Section 16. Paragraph (a) of subsection (4) of section  
1262 106.141, Florida Statutes, is amended to read:

1263 106.141 Disposition of surplus funds by candidates.—

1264 (4) (a) Except as provided in paragraph (b), any candidate  
1265 required to dispose of funds pursuant to this section shall, at  
1266 the option of the candidate, dispose of such funds by any of the  
1267 following means, or any combination thereof:

1268 1. Return pro rata to each contributor the funds that have  
1269 not been spent or obligated.

1270 2. Donate the funds that have not been spent or obligated  
1271 to a charitable organization or organizations that meet the  
1272 qualifications of s. 501(c) (3) of the Internal Revenue Code.

1273 3. Give not more than \$10,000 of the funds that have not  
1274 been spent or obligated to the affiliated party committee or  
1275 political party of which such candidate is a member, except that  
1276 a candidate for the Florida Senate may give not more than

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1277 \$30,000 of such funds to the affiliated party committee or  
1278 political party of which the candidate is a member.

1279 4. Give the funds that have not been spent or obligated:

1280 a. In the case of a candidate for state office, to the  
1281 state, to be deposited in either the Election Campaign Financing  
1282 Trust Fund or the General Revenue Fund, as designated by the  
1283 candidate; or

1284 b. In the case of a candidate for an office of a political  
1285 subdivision, to such political subdivision, to be deposited in  
1286 the general fund thereof.

1287 Section 17. Paragraph (a) of subsection (4) of section  
1288 106.143, Florida Statutes, is amended to read:

1289 106.143 Political advertisements circulated prior to  
1290 election; requirements.—

1291 (4) (a) Any political advertisement, including those paid  
1292 for by a political party or affiliated party committee, other  
1293 than an independent expenditure, offered by or on behalf of a  
1294 candidate must be approved in advance by the candidate. Such  
1295 political advertisement must expressly state that the content of  
1296 the advertisement was approved by the candidate and must state  
1297 who paid for the advertisement. The candidate shall provide a  
1298 written statement of authorization to the newspaper, radio  
1299 station, television station, or other medium for each such  
1300 advertisement submitted for publication, display, broadcast, or  
1301 other distribution.

1302 Section 18. Section 106.1437, Florida Statutes, is  
1303 reenacted to read:

1304 106.1437 Miscellaneous advertisements.—Any advertisement,  
1305 other than a political advertisement, independent expenditure,

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1306 or electioneering communication, on billboards, bumper stickers,  
1307 radio, or television, or in a newspaper, a magazine, or a  
1308 periodical, intended to influence public policy or the vote of a  
1309 public official, shall clearly designate the sponsor of such  
1310 advertisement by including a clearly readable statement of  
1311 sponsorship. If the advertisement is broadcast on television,  
1312 the advertisement shall also contain a verbal statement of  
1313 sponsorship. This section shall not apply to an editorial  
1314 endorsement.

1315 Section 19. Section 106.1439, Florida Statutes, is  
1316 reenacted and amended to read:

1317 106.1439 Electioneering communications; disclaimers.-

1318 (1) Any electioneering communication, other than a  
1319 telephone call, shall prominently state: "Paid electioneering  
1320 communication paid for by ....(Name and address of person paying  
1321 for the communication)...."

1322 (2) Any electioneering communication telephone call shall  
1323 identify the persons or organizations sponsoring the call by  
1324 stating either: "Paid for by ... (insert name of persons or  
1325 organizations sponsoring the call)...." or "Paid for on behalf  
1326 of ... (insert name of persons or organizations authorizing  
1327 call)...." This subsection does not apply to any telephone call  
1328 in which the individual making the call is not being paid and  
1329 the individuals participating in the call know each other prior  
1330 to the call.

1331 (3)~~(2)~~ Any person who fails to include the disclaimer  
1332 prescribed in this section in any electioneering communication  
1333 that is required to contain such disclaimer commits a  
1334 misdemeanor of the first degree, punishable as provided in s.

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1335 775.082 or s. 775.083.

1336 Section 20. Paragraphs (a) and (e) of subsection (1) and  
1337 subsection (3) of section 106.147, Florida Statutes, are amended  
1338 to read:

1339 106.147 Telephone solicitation; disclosure requirements;  
1340 prohibitions; exemptions; penalties.—

1341 (1) (a) Any ~~electioneering communication telephone call or~~  
1342 ~~any~~ telephone call supporting or opposing a candidate, elected  
1343 public official, or ballot proposal must identify the persons or  
1344 organizations sponsoring the call by stating either: "paid for  
1345 by ...." (insert name of persons or organizations sponsoring the  
1346 call) or "paid for on behalf of ...." (insert name of persons or  
1347 organizations authorizing call). This paragraph does not apply  
1348 to any telephone call in which both the individual making the  
1349 call is not being paid and the individuals participating in the  
1350 call know each other prior to the call.

1351 ~~(e) Any electioneering communication paid for with public~~  
1352 ~~funds must include a disclaimer containing the words "paid for~~  
1353 ~~by ... (Name of the government entity paying for the~~  
1354 ~~communication)...."~~

1355 (3) (a) Any person who willfully violates any provision of  
1356 this section commits a misdemeanor of the first degree,  
1357 punishable as provided in s. 775.082 or s. 775.083.

1358 (b) For purposes of paragraph (a), the term "person"  
1359 includes any candidate; any officer of any political committee,  
1360 committee of continuous existence, affiliated party committee,  
1361 or political party executive committee; any officer, partner,  
1362 attorney, or other representative of a corporation, partnership,  
1363 or other business entity; and any agent or other person acting

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1364 on behalf of any candidate, political committee, committee of  
1365 continuous existence, affiliated party committee, political  
1366 party executive committee, or corporation, partnership, or other  
1367 business entity.

1368 Section 21. Section 106.165, Florida Statutes, is amended  
1369 to read:

1370 106.165 Use of closed captioning and descriptive narrative  
1371 in all television broadcasts.—Each candidate, political party,  
1372 affiliated party committee, and political committee must use  
1373 closed captioning and descriptive narrative in all television  
1374 broadcasts regulated by the Federal Communications Commission  
1375 that are on behalf of, or sponsored by, a candidate, political  
1376 party, affiliated party committee, or political committee or  
1377 must file a written statement with the qualifying officer  
1378 setting forth the reasons for not doing so. Failure to file this  
1379 statement with the appropriate qualifying officer constitutes a  
1380 violation of the Florida Election Code and is under the  
1381 jurisdiction of the Florida Elections Commission. The Department  
1382 of State may adopt rules in accordance with s. 120.54 which are  
1383 necessary to administer this section.

1384 Section 22. Section 106.17, Florida Statutes, is reenacted  
1385 and amended to read:

1386 106.17 Polls and surveys relating to candidacies.—Any  
1387 candidate, political committee, committee of continuous  
1388 existence, electioneering communication organization, affiliated  
1389 party committee, or state or county executive committee of a  
1390 political party may authorize or conduct a political poll,  
1391 survey, index, or measurement of any kind relating to candidacy  
1392 for public office so long as the candidate, political committee,

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1393 committee of continuous existence, electioneering communication  
1394 organization, affiliated party committee, or political party  
1395 maintains complete jurisdiction over the poll in all its  
1396 aspects.

1397 Section 23. Subsection (2) of section 106.23, Florida  
1398 Statutes, is amended to read:

1399 106.23 Powers of the Division of Elections.—

1400 (2) The Division of Elections shall provide advisory  
1401 opinions when requested by any supervisor of elections,  
1402 candidate, local officer having election-related duties,  
1403 political party, affiliated party committee, political  
1404 committee, committee of continuous existence, or other person or  
1405 organization engaged in political activity, relating to any  
1406 provisions or possible violations of Florida election laws with  
1407 respect to actions such supervisor, candidate, local officer  
1408 having election-related duties, political party, affiliated  
1409 party committee, committee, person, or organization has taken or  
1410 proposes to take. Requests for advisory opinions must be  
1411 submitted in accordance with rules adopted by the Department of  
1412 State. A written record of all such opinions issued by the  
1413 division, sequentially numbered, dated, and indexed by subject  
1414 matter, shall be retained. A copy shall be sent to said person  
1415 or organization upon request. Any such person or organization,  
1416 acting in good faith upon such an advisory opinion, shall not be  
1417 subject to any criminal penalty provided for in this chapter.  
1418 The opinion, until amended or revoked, shall be binding on any  
1419 person or organization who sought the opinion or with reference  
1420 to whom the opinion was sought, unless material facts were  
1421 omitted or misstated in the request for the advisory opinion.

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1422 Section 24. Subsections (1) and (2) of section 106.265,  
1423 Florida Statutes, are amended to read:

1424 106.265 Civil penalties.—

1425 (1) The commission is authorized upon the finding of a  
1426 violation of this chapter or chapter 104 to impose civil  
1427 penalties in the form of fines not to exceed \$1,000 per count.  
1428 In determining the amount of such civil penalties, the  
1429 commission shall consider, among other mitigating and  
1430 aggravating circumstances:

1431 (a) The gravity of the act or omission;

1432 (b) Any previous history of similar acts or omissions;

1433 (c) The appropriateness of such penalty to the financial  
1434 resources of the person, political committee, committee of  
1435 continuous existence, affiliated party committee, or political  
1436 party; and

1437 (d) Whether the person, political committee, committee of  
1438 continuous existence, affiliated party committee, or political  
1439 party has shown good faith in attempting to comply with the  
1440 provisions of this chapter or chapter 104.

1441 (2) If any person, political committee, committee of  
1442 continuous existence, affiliated party committee, or political  
1443 party fails or refuses to pay to the commission any civil  
1444 penalties assessed pursuant to the provisions of this section,  
1445 the commission shall be responsible for collecting the civil  
1446 penalties resulting from such action.

1447 Section 25. Subsection (2) of section 106.27, Florida  
1448 Statutes, is amended to read:

1449 106.27 Determinations by commission; legal disposition.—

1450 (2) Civil actions may be brought by the commission for

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1451 relief, including permanent or temporary injunctions,  
1452 restraining orders, or any other appropriate order for the  
1453 imposition of civil penalties provided by this chapter. Such  
1454 civil actions shall be brought by the commission in the  
1455 appropriate court of competent jurisdiction, and the venue shall  
1456 be in the county in which the alleged violation occurred or in  
1457 which the alleged violator or violators are found, reside, or  
1458 transact business. Upon a proper showing that such person,  
1459 political committee, committee of continuous existence,  
1460 affiliated party committee, or political party has engaged, or  
1461 is about to engage, in prohibited acts or practices, a permanent  
1462 or temporary injunction, restraining order, or other order shall  
1463 be granted without bond by such court, and the civil fines  
1464 provided by this chapter may be imposed.

1465 Section 26. Section 106.29, Florida Statutes, is amended to  
1466 read:

1467 106.29 Reports by political parties and affiliated party  
1468 committees; restrictions on contributions and expenditures;  
1469 penalties.—

1470 (1) The state executive committee and each county executive  
1471 committee of each political party and any affiliated party  
1472 committee regulated by chapter 103 shall file regular reports of  
1473 all contributions received and all expenditures made by such  
1474 committee. Such reports shall contain the same information as do  
1475 reports required of candidates by s. 106.07 and shall be filed  
1476 on the 10th day following the end of each calendar quarter,  
1477 except that, during the period from the last day for candidate  
1478 qualifying until the general election, such reports shall be  
1479 filed on the Friday immediately preceding both the primary

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1480 election and the general election. In addition to the reports  
1481 filed under this section, the state executive committee, ~~and~~  
1482 each county executive committee, and each affiliated party  
1483 committee shall file a copy of each prior written acceptance of  
1484 an in-kind contribution given by the committee during the  
1485 preceding calendar quarter as required under s. 106.08(6). Each  
1486 state executive committee and affiliated party committee shall  
1487 file the original and one copy of its reports with the Division  
1488 of Elections. Each county executive committee shall file its  
1489 reports with the supervisor of elections in the county in which  
1490 such committee exists. Any state or county executive committee  
1491 or affiliated party committee failing to file a report on the  
1492 designated due date shall be subject to a fine as provided in  
1493 subsection (3). No separate fine shall be assessed for failure  
1494 to file a copy of any report required by this section.

1495 (2) The chair and treasurer of each state or county  
1496 executive committee shall certify as to the correctness of each  
1497 report filed by them on behalf of such committee. The leader and  
1498 treasurer of each affiliated party committee under s. 103.092  
1499 shall certify as to the correctness of each report filed by them  
1500 on behalf of such committee. Any committee chair, leader, or  
1501 treasurer who certifies the correctness of any report while  
1502 knowing that such report is incorrect, false, or incomplete  
1503 commits a felony of the third degree, punishable as provided in  
1504 s. 775.082, s. 775.083, or s. 775.084.

1505 (3) (a) Any state or county executive committee or  
1506 affiliated party committee failing to file a report on the  
1507 designated due date shall be subject to a fine as provided in  
1508 paragraph (b) for each late day. The fine shall be assessed by

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1509 the filing officer, and the moneys collected shall be deposited  
1510 in the General Revenue Fund.

1511 (b) Upon determining that a report is late, the filing  
1512 officer shall immediately notify the chair of the executive  
1513 committee or the leader of the affiliated party committee as  
1514 defined in s. 103.092 as to the failure to file a report by the  
1515 designated due date and that a fine is being assessed for each  
1516 late day. The fine shall be \$1,000 for a state executive  
1517 committee, \$1,000 for an affiliated party committee, and \$50 for  
1518 a county executive committee, per day for each late day, not to  
1519 exceed 25 percent of the total receipts or expenditures,  
1520 whichever is greater, for the period covered by the late report.  
1521 However, if an executive committee or an affiliated party  
1522 committee fails to file a report on the Friday immediately  
1523 preceding the general election, the fine shall be \$10,000 per  
1524 day for each day a state executive committee is late, \$10,000  
1525 per day for each day an affiliated party committee is late, and  
1526 \$500 per day for each day a county executive committee is late.  
1527 Upon receipt of the report, the filing officer shall determine  
1528 the amount of the fine which is due and shall notify the chair  
1529 or leader as defined in s. 103.092. The filing officer shall  
1530 determine the amount of the fine due based upon the earliest of  
1531 the following:

- 1532 1. When the report is actually received by such officer.
- 1533 2. When the report is postmarked.
- 1534 3. When the certificate of mailing is dated.
- 1535 4. When the receipt from an established courier company is  
1536 dated.
- 1537 5. When the electronic receipt issued pursuant to s.

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1538 106.0705 is dated.

1539

1540 Such fine shall be paid to the filing officer within 20 days  
1541 after receipt of the notice of payment due, unless appeal is  
1542 made to the Florida Elections Commission pursuant to paragraph  
1543 (c). An officer or member of an executive committee shall not be  
1544 personally liable for such fine.

1545 (c) The chair of an executive committee or the leader of an  
1546 affiliated party committee as defined in s. 103.092 may appeal  
1547 or dispute the fine, based upon unusual circumstances  
1548 surrounding the failure to file on the designated due date, and  
1549 may request and shall be entitled to a hearing before the  
1550 Florida Elections Commission, which shall have the authority to  
1551 waive the fine in whole or in part. Any such request shall be  
1552 made within 20 days after receipt of the notice of payment due.  
1553 In such case, the chair of the executive committee or the leader  
1554 of the affiliated party committee as defined in s. 103.092  
1555 shall, within the 20-day period, notify the filing officer in  
1556 writing of his or her intention to bring the matter before the  
1557 commission.

1558 (d) The appropriate filing officer shall notify the Florida  
1559 Elections Commission of the repeated late filing by an executive  
1560 committee or affiliated party committee, the failure of an  
1561 executive committee or affiliated party committee to file a  
1562 report after notice, or the failure to pay the fine imposed.

1563 (4) Any contribution received by a state or county  
1564 executive committee or affiliated party committee less than 5  
1565 days before an election shall not be used or expended in behalf  
1566 of any candidate, issue, affiliated party committee, or

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1567 political party participating in such election.

1568 (5) No state or county executive committee or affiliated  
1569 party committee, in the furtherance of any candidate or  
1570 political party, directly or indirectly, shall give, pay, or  
1571 expend any money, give or pay anything of value, authorize any  
1572 expenditure, or become pecuniarily liable for any expenditure  
1573 prohibited by this chapter. However, the contribution of funds  
1574 by one executive committee to another or to established party  
1575 organizations for legitimate party or campaign purposes is not  
1576 prohibited, but all such contributions shall be recorded and  
1577 accounted for in the reports of the contributor and recipient.

1578 (6) (a) The national, state, and county executive committees  
1579 of a political party and affiliated party committees may not  
1580 contribute to any candidate any amount in excess of the limits  
1581 contained in s. 106.08(2), and all contributions required to be  
1582 reported under s. 106.08(2) by the national executive committee  
1583 of a political party shall be reported by the state executive  
1584 committee of that political party.

1585 (b) A violation of the contribution limits contained in s.  
1586 106.08(2) is a misdemeanor of the first degree, punishable as  
1587 provided in s. 775.082 or s. 775.083. A civil penalty equal to  
1588 three times the amount in excess of the limits contained in s.  
1589 106.08(2) shall be assessed against any executive committee  
1590 found in violation thereof.

1591 Section 27. Paragraph (d) of subsection (1) of section  
1592 11.045, Florida Statutes, is amended to read:

1593 11.045 Lobbying before the Legislature; registration and  
1594 reporting; exemptions; penalties.—

1595 (1) As used in this section, unless the context otherwise

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1596 requires:

1597 (d) "Expenditure" means a payment, distribution, loan,  
1598 advance, reimbursement, deposit, or anything of value made by a  
1599 lobbyist or principal for the purpose of lobbying. The term  
1600 "expenditure" does not include contributions or expenditures  
1601 reported pursuant to chapter 106 or federal election law,  
1602 campaign-related personal services provided without compensation  
1603 by individuals volunteering their time, any other contribution  
1604 or expenditure made by or to a political party or affiliated  
1605 party committee, or any other contribution or expenditure made  
1606 by an organization that is exempt from taxation under 26 U.S.C.  
1607 s. 527 or s. 501(c)(4).

1608 Section 28. Paragraph (b) of subsection (12) of section  
1609 112.312, Florida Statutes, is amended to read:

1610 112.312 Definitions.—As used in this part and for purposes  
1611 of the provisions of s. 8, Art. II of the State Constitution,  
1612 unless the context otherwise requires:

1613 (12)

1614 (b) "Gift" does not include:

1615 1. Salary, benefits, services, fees, commissions, gifts, or  
1616 expenses associated primarily with the donee's employment,  
1617 business, or service as an officer or director of a corporation  
1618 or organization.

1619 2. Contributions or expenditures reported pursuant to  
1620 chapter 106, campaign-related personal services provided without  
1621 compensation by individuals volunteering their time, or any  
1622 other contribution or expenditure by a political party or  
1623 affiliated party committee.

1624 3. An honorarium or an expense related to an honorarium

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1625 event paid to a person or the person's spouse.

1626 4. An award, plaque, certificate, or similar personalized  
1627 item given in recognition of the donee's public, civic,  
1628 charitable, or professional service.

1629 5. An honorary membership in a service or fraternal  
1630 organization presented merely as a courtesy by such  
1631 organization.

1632 6. The use of a public facility or public property, made  
1633 available by a governmental agency, for a public purpose.

1634 7. Transportation provided to a public officer or employee  
1635 by an agency in relation to officially approved governmental  
1636 business.

1637 8. Gifts provided directly or indirectly by a state,  
1638 regional, or national organization which promotes the exchange  
1639 of ideas between, or the professional development of,  
1640 governmental officials or employees, and whose membership is  
1641 primarily composed of elected or appointed public officials or  
1642 staff, to members of that organization or officials or staff of  
1643 a governmental agency that is a member of that organization.

1644 Section 29. Paragraph (d) of subsection (1) of section  
1645 112.3215, Florida Statutes, is amended to read:

1646 112.3215 Lobbying before the executive branch or the  
1647 Constitution Revision Commission; registration and reporting;  
1648 investigation by commission.—

1649 (1) For the purposes of this section:

1650 (d) "Expenditure" means a payment, distribution, loan,  
1651 advance, reimbursement, deposit, or anything of value made by a  
1652 lobbyist or principal for the purpose of lobbying. The term  
1653 "expenditure" does not include contributions or expenditures

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1654 reported pursuant to chapter 106 or federal election law,  
1655 campaign-related personal services provided without compensation  
1656 by individuals volunteering their time, any other contribution  
1657 or expenditure made by or to a political party or an affiliated  
1658 party committee, or any other contribution or expenditure made  
1659 by an organization that is exempt from taxation under 26 U.S.C.  
1660 s. 527 or s. 501(c)(4).

1661 Section 30. This act shall take effect July 1, 2010.