

By the Committee on Rules Subcommittee on Ethics and Elections

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1 A bill to be entitled
2 An act relating to elections; amending s. 99.095,
3 F.S.; allowing a candidate to obtain the required
4 number of signatures from any registered voter
5 regardless of district boundaries in a year of
6 apportionment; amending s. 101.161, F.S.; specifying a
7 time period to initiate an action to challenge an
8 amendment to the State Constitution proposed by the
9 Legislature; requiring the court, including an
10 appellate court, to accord the case priority over
11 other cases; requiring the Attorney General to revise
12 a ballot title or ballot summary for an amendment
13 proposed by the Legislature under certain
14 circumstances; requiring the Department of State to
15 furnish a designating number and the revised ballot
16 title and substance to the supervisors of elections;
17 providing that a defect in a ballot title or ballot
18 summary in an amendment proposed by the Legislature is
19 not grounds to remove the amendment from the ballot;
20 amending s. 101.591, F.S.; removing the audit
21 requirement by the canvassing board if a manual
22 recount is undertaken; amending s. 101.62, F.S.;
23 extending the time for requesting an absentee ballot
24 to the end of the calendar year of the next regularly
25 scheduled general election; removing requirements that
26 an elector provide certain information when requesting
27 an absentee ballot from the county supervisor of
28 elections; amending s. 101.68, F.S.; extending the
29 time for canvassing and processing absentee ballots to

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30 15 days before the election; amending s. 106.011,
31 F.S.; revising the definition of the term "independent
32 expenditure"; amending s. 106.022, F.S.; requiring a
33 political committee, committee of continuous
34 existence, or electioneering communications
35 organization to file a statement of appointment with
36 the filing officer rather than with the Division of
37 Elections; authorizing an entity to change its
38 appointment of registered agent or registered office
39 by filing a written statement with the filing officer;
40 requiring a registered agent who resigns to execute a
41 written statement of resignation and file it with the
42 filing officer; amending s. 106.023, F.S.; revising
43 the form of the statement of candidate to require a
44 candidate to acknowledge that he or she has been
45 provided access to and understands the requirements of
46 ch. 106, F.S.; amending s. 106.04, F.S.; transferring
47 a requirement that certain committees of continuous
48 existence file campaign finance reports in special
49 elections; requiring a committee of continuous
50 existence that makes a contribution or expenditure to
51 influence the results of certain county or municipal
52 elections to file specified reports; subjecting a
53 committee of continuous existence that fails to file a
54 report or to timely file a report with the Division of
55 Elections or a county or municipal filing officer to a
56 fine; requiring a committee of continuous existence to
57 include transaction information from credit card
58 purchases in a report filed with the Division of

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59 Elections; requiring a committee of continuous
60 existence to report changes in information previously
61 reported to the Division of Elections within 10 days
62 after the change; requiring the Division of Elections
63 to revoke the certification of a committee of
64 continuous existence that fails to file or report
65 certain information; requiring the division to adopt
66 rules to prescribe the manner in which the
67 certification is revoked; increasing the amount of a
68 fine to be levied on a committee of continuous
69 existence that fails to timely file certain reports;
70 providing for the deposit of the proceeds of the
71 fines; including the registered agent of a committee
72 of continuous existence as a person whom the filing
73 officer may notify that a report has not been filed;
74 providing criteria for deeming delivery complete of a
75 notice of fine; requiring a committee of continuous
76 existence that appeals a fine to file a copy of the
77 appeal with the filing officer; defining the term
78 "repeated late filing"; requiring the Elections
79 Commission to treat the late filings addressed in a
80 single notice of repeated late filings as a single
81 violation; amending s. 106.07, F.S.; creating an
82 exception for reports due in the third calendar
83 quarter immediately preceding a general election from
84 a requirement that the campaign treasurer report
85 contributions received and expenditures made on the
86 10th day following the end of each calendar quarter;
87 revising reporting requirements for a statewide

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88 candidate who receives funding under the Florida
89 Election Campaign Financing Act and candidates in a
90 race with a candidate who has requested funding under
91 that act; deleting a requirement for a committee of
92 continuous existence to file a campaign treasurer's
93 report relating to contributions or expenditures to
94 influence the results of a special election; revising
95 the methods by which a campaign treasurer may be
96 notified of the determination that a report is
97 incomplete to include certified mail and other methods
98 using a common carrier that provides proof of delivery
99 of the notice; extending the time the campaign
100 treasurer has to file an addendum to the report after
101 receipt of notice of why the report is incomplete;
102 providing criteria for deeming delivery complete of a
103 notice of incomplete report; deleting a provision
104 allowing for notification by telephone of an
105 incomplete report; requiring political committees that
106 make a contribution or expenditure to influence the
107 results of certain county or municipal elections to
108 file campaign finance reports with the county or
109 municipal filing officer and to include its
110 contributions and expenditures in a report to the
111 Division of Elections; revising the information that
112 must be included in a report to include transaction
113 information for credit card purchases; deleting a
114 requirement for a campaign depository to return checks
115 drawn on the account to the campaign treasurer;
116 deleting a provision providing that the failure to

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117 file a copy of a report is not subject to a separate
118 fine; specifying the amount of a fine for the failure
119 to timely file reports after a special primary
120 election or special election; specifying that the
121 registered agent of a political committee is a person
122 whom a filing officer may notify of the amount of the
123 fine for filing a late report; providing criteria for
124 deeming delivery complete of a notice of late report
125 and resulting fine; defining the term "repeated late
126 filing"; requiring the Elections Commission to treat
127 the late filings addressed in a single notice of
128 repeated late filings as a single violation; amending
129 s. 106.0703, F.S.; defining the term "repeated late
130 filing"; requiring the Elections Commission to treat
131 the late filings addressed in a single notice of
132 repeated late filings as a single violation; amending
133 s. 106.0705, F.S.; requiring certain individuals to
134 electronically file certain reports with the Division
135 of Elections; conforming a cross-reference to changes
136 made by the act; deleting an obsolete provision;
137 amending s. 106.08, F.S.; deleting a requirement for
138 the Department of State to notify candidates as to
139 whether an independent or minor party candidate has
140 obtained the required number of petition signatures;
141 deleting a requirement for certain unopposed
142 candidates to return contributions; specifying the
143 entities with which a political party's state
144 executive committee and county executive committees
145 must file a written acceptance of an in-kind

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146 contribution; amending s. 106.09, F.S.; specifying
147 that the limitations on contributions by cash or
148 cashier's check apply to the aggregate amount of
149 contributions to a candidate or committee per
150 election; amending s. 106.11, F.S.; revising the
151 statement that must be contained on checks from a
152 campaign account; deleting requirements relating to
153 the use of debit cards; authorizing a campaign for a
154 candidate to reimburse the candidate's loan to the
155 campaign when the campaign account has sufficient
156 funds; amending s. 106.141, F.S.; requiring candidates
157 receiving public financing to return all surplus funds
158 to the General Revenue Fund after paying certain
159 monetary obligations and expenses; amending s.
160 106.143, F.S.; specifying disclosure statements that
161 must be included in political advertisements paid for
162 by a write-in candidate; prohibiting the inclusion of
163 a person's political affiliation in advertisements for
164 a nonpartisan office; clarifying the type of political
165 advertisements that must be approved in advance by a
166 candidate; deleting an exemption from the requirement
167 to obtain a candidate's approval for messages designed
168 to be worn; amending s. 106.18, F.S.; deleting a
169 provision providing that a candidate will not be
170 prevented from receiving a certificate of election for
171 failing to file a report; amending s. 106.19, F.S.;
172 providing that a candidate's failure to comply with
173 ch. 106, F.S., has no effect on whether the candidate
174 has qualified for office; amending s. 106.29, F.S.;

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175 requiring state and county executive committees that
176 make contributions or expenditures to influence the
177 results of a special election or special primary
178 election to file campaign treasurer's reports;
179 amending campaign finance reporting dates, to conform;
180 deleting a requirement that each state executive
181 committee file the original and one copy of its
182 reports with the Division of Elections; deleting a
183 provision prohibiting the assessment of a separate
184 fine for failing to file a copy of a report, to
185 conform; revising the due date for filing a report;
186 providing criteria for deeming delivery complete of a
187 notice of fine; defining the term "repeated late
188 filing"; requiring the Elections Commission to treat
189 the late filings addressed in a single notice of
190 repeated late filings as a single violation; amending
191 s. 106.35, F.S.; deleting a requirement that the
192 Division of Election adopt rules relating to the
193 format and filing of certain printed campaign
194 treasurer's reports; providing an effective date.

195
196 Be It Enacted by the Legislature of the State of Florida:

197
198 Section 1. Paragraph (d) is added to subsection (2) of
199 section 99.095, Florida Statutes, to read:

200 99.095 Petition process in lieu of a qualifying fee and
201 party assessment.—

202 (2)

203 (d) In a year of apportionment, any candidate for county or

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204 district office seeking ballot position by the petition process
205 may obtain the required number of signatures from any registered
206 voter in the respective county, regardless of district
207 boundaries. The candidate shall obtain at least the number of
208 signatures equal to 1 percent of the total number of registered
209 voters, as shown by a compilation by the department for the
210 immediately preceding general election, divided by the total
211 number of districts of the office involved.

212 Section 2. Subsection (2) of section 101.161, Florida
213 Statutes, is amended to read:

214 101.161 Referenda; ballots.—

215 (2) (a) The substance and ballot title of a constitutional
216 amendment proposed by initiative shall be prepared by the
217 sponsor and approved by the Secretary of State in accordance
218 with rules adopted pursuant to s. 120.54. The Department of
219 State shall give each proposed constitutional amendment a
220 designating number for convenient reference. This number
221 designation shall appear on the ballot. Designating numbers
222 shall be assigned in the order of filing or certification and in
223 accordance with rules adopted by the Department of State. The
224 Department of State shall furnish the designating number, the
225 ballot title, and the substance of each amendment to the
226 supervisor of elections of each county in which such amendment
227 is to be voted on.

228 (b) Any action for a judicial determination that the ballot
229 title or substance embodied in a joint resolution is inaccurate,
230 misleading, or otherwise defective must be commenced within 30
231 days after the joint resolution is filed with the Secretary of
232 State or at least 150 days before the election at which the

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233 amendment will appear on the ballot, whichever occurs later. The
234 court, including any appellate court, shall accord the case
235 priority over other pending cases and render a decision as
236 expeditiously as possible. If the court determines that the
237 ballot title or substance embodied in the joint resolution is
238 defective and further appeals are declined, abandoned, or
239 exhausted, the Attorney General shall promptly prepare a revised
240 ballot title and substance that correct the deficiencies
241 identified by the court, and the Department of State shall
242 furnish a designating number and the revised ballot title and
243 substance to the supervisors of elections for placement on the
244 ballot. A defect in the ballot title or substance embodied in
245 the joint resolution is not grounds to remove the proposed
246 amendment from the ballot.

247 Section 3. Subsection (6) is added to section 101.591,
248 Florida Statutes, to read:

249 101.591 Voting system audit.—

250 (6) If a manual recount is undertaken pursuant to s.
251 102.166, the canvassing board is not required to perform the
252 audit provided for in this section.

253 Section 4. Paragraph (a) of subsection (1) and paragraph
254 (b) of subsection (4) of section 101.62, Florida Statutes, are
255 amended to read:

256 101.62 Request for absentee ballots.—

257 (1) (a) The supervisor shall accept a request for an
258 absentee ballot from an elector in person or in writing. One
259 request shall be deemed sufficient to receive an absentee ballot
260 for all elections through the end of the calendar year of the
261 next regularly scheduled general election, unless the elector or

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262 the elector's designee indicates at the time the request is made
263 the elections for which the elector desires to receive an
264 absentee ballot. Such request may be considered canceled when
265 any first-class mail sent by the supervisor to the elector is
266 returned as undeliverable.

267 (4)

268 (b) The supervisor shall provide an absentee ballot to each
269 elector by whom a request for that ballot has been made by one
270 of the following means:

271 1. By nonforwardable, return-if-undeliverable mail to the
272 elector's current mailing address on file with the supervisor
273 or, ~~unless the elector specifies in the request that:~~

274 ~~a. The elector is absent from the county and does not plan~~
275 ~~to return before the day of the election;~~

276 ~~b. The elector is temporarily unable to occupy the~~
277 ~~residence because of hurricane, tornado, flood, fire, or other~~
278 ~~emergency or natural disaster; or~~

279 ~~c. The elector is in a hospital, assisted living facility,~~
280 ~~nursing home, short-term medical or rehabilitation facility, or~~
281 ~~correctional facility,~~

282
283 ~~in which case the supervisor shall mail the ballot by~~
284 ~~nonforwardable, return-if-undeliverable mail to any other~~
285 address the elector specifies in the request.

286 2. By forwardable mail, e-mail, or facsimile machine
287 transmission to absent uniformed services voters and overseas
288 voters. The absent uniformed services voter or overseas voter
289 may designate in the absentee ballot request the preferred
290 method of transmission. If the voter does not designate the

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291 method of transmission, the absentee ballot shall be mailed.

292 3. By personal delivery before 7 p.m. on election day to
293 the elector, upon presentation of the identification required in
294 s. 101.043.

295 4. By delivery to a designee on election day or up to 5
296 days prior to the day of an election. Any elector may designate
297 in writing a person to pick up the ballot for the elector;
298 however, the person designated may not pick up more than two
299 absentee ballots per election, other than the designee's own
300 ballot, except that additional ballots may be picked up for
301 members of the designee's immediate family. For purposes of this
302 section, "immediate family" means the designee's spouse or the
303 parent, child, grandparent, or sibling of the designee or of the
304 designee's spouse. The designee shall provide to the supervisor
305 the written authorization by the elector and a picture
306 identification of the designee and must complete an affidavit.
307 The designee shall state in the affidavit that the designee is
308 authorized by the elector to pick up that ballot and shall
309 indicate if the elector is a member of the designee's immediate
310 family and, if so, the relationship. The department shall
311 prescribe the form of the affidavit. If the supervisor is
312 satisfied that the designee is authorized to pick up the ballot
313 and that the signature of the elector on the written
314 authorization matches the signature of the elector on file, the
315 supervisor shall give the ballot to that designee for delivery
316 to the elector.

317 Section 5. Paragraph (a) of subsection (2) of section
318 101.68, Florida Statutes, is amended to read:

319 101.68 Canvassing of absentee ballot.-

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320 (2) (a) The county canvassing board may begin the canvassing
321 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the
322 election, but not later than noon on the day following the
323 election. In addition, for any county using electronic
324 tabulating equipment, the processing of absentee ballots through
325 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~
326 day before the election. However, notwithstanding any such
327 authorization to begin canvassing or otherwise processing
328 absentee ballots early, no result shall be released until after
329 the closing of the polls in that county on election day. Any
330 supervisor of elections, deputy supervisor of elections,
331 canvassing board member, election board member, or election
332 employee who releases the results of a canvassing or processing
333 of absentee ballots prior to the closing of the polls in that
334 county on election day commits a felony of the third degree,
335 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

336 Section 6. Paragraph (b) of subsection (5) of section
337 106.011, Florida Statutes, is amended to read:

338 106.011 Definitions.—As used in this chapter, the following
339 terms have the following meanings unless the context clearly
340 indicates otherwise:

341 (5)

342 (b) An expenditure for the purpose of expressly advocating
343 the election or defeat of a candidate which is made by the
344 national, state, or county executive committee of a political
345 party, including any subordinate committee of a national, state,
346 or county committee of a political party, or by any political
347 committee or committee of continuous existence, or any other
348 person, shall not be considered an independent expenditure if

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349 the committee or person:

350 1. Communicates with the candidate, the candidate's
351 campaign, or an agent of the candidate acting on behalf of the
352 candidate, including any pollster, media consultant, advertising
353 agency, vendor, advisor, or staff member, concerning the
354 preparation of, use of, or payment for, the specific expenditure
355 or advertising campaign at issue; or

356 2. Makes a payment in cooperation, consultation, or concert
357 with, at the request or suggestion of, or pursuant to any
358 general or particular understanding with the candidate, the
359 candidate's campaign, a political committee supporting the
360 candidate, or an agent of the candidate relating to the specific
361 expenditure or advertising campaign at issue; or

362 3. Makes a payment for the dissemination, distribution, or
363 republication, in whole or in part, of any broadcast or any
364 written, graphic, or other form of campaign material prepared by
365 the candidate, the candidate's campaign, or an agent of the
366 candidate, including any pollster, media consultant, advertising
367 agency, vendor, advisor, or staff member; or

368 4. Makes a payment based on information about the
369 candidate's plans, projects, or needs communicated to a member
370 of the committee or person by the candidate or an agent of the
371 candidate, provided the committee or person uses the information
372 in any way, in whole or in part, either directly or indirectly,
373 to design, prepare, or pay for the specific expenditure or
374 advertising campaign at issue; or

375 5. After the last day of the qualifying period prescribed
376 for the candidate ~~for statewide or legislative office~~, consults
377 about the candidate's plans, projects, or needs in connection

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378 with the candidate's pursuit of election to office and the
379 information is used in any way to plan, create, design, or
380 prepare an independent expenditure or advertising campaign,
381 with:

382 a. Any officer, director, employee, or agent of a national,
383 state, or county executive committee of a political party that
384 has made or intends to make expenditures in connection with or
385 contributions to the candidate; or

386 b. Any person whose professional services have been
387 retained by a national, state, or county executive committee of
388 a political party that has made or intends to make expenditures
389 in connection with or contributions to the candidate; or

390 6. After the last day of the qualifying period prescribed
391 for the candidate ~~for statewide or legislative office~~, retains
392 the professional services of any person also providing those
393 services to the candidate in connection with the candidate's
394 pursuit of election to office; or

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

397 Section 7. Section 106.022, Florida Statutes, is amended to
398 read:

399 106.022 Appointment of a registered agent; duties.—

400 (1) Each political committee, committee of continuous
401 existence, or electioneering communications organization shall
402 have and continuously maintain in this state a registered office
403 and a registered agent and must file with the filing officer
404 ~~division~~ a statement of appointment for the registered office
405 and registered agent. The statement of appointment must:

406 (a) Provide the name of the registered agent and the street

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407 address and phone number for the registered office;

408 (b) Identify the entity for whom the registered agent
409 serves;

410 (c) Designate the address the registered agent wishes to
411 use to receive mail;

412 (d) Include the entity's undertaking to inform the filing
413 officer ~~division~~ of any change in such designated address;

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

418 (f) Contain the signature of the registered agent and the
419 entity engaging the registered agent.

420 (2) An entity may change its appointment of registered
421 agent and registered office under this section by executing a
422 written statement of change and filing it with the filing
423 officer. ~~The statement must satisfy that identifies the former~~
424 ~~registered agent and registered address and also satisfies all~~
425 of the requirements of subsection (1).

426 (3) A registered agent may resign his or her appointment as
427 registered agent by executing a written statement of resignation
428 and filing it with the filing officer ~~division~~. An entity
429 without a registered agent may not make expenditures or accept
430 contributions until it files a written statement of change as
431 required in subsection (2).

432 Section 8. Subsection (1) of section 106.023, Florida
433 Statutes, is amended to read:

434 106.023 Statement of candidate.—

435 (1) Each candidate must file a statement with the

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436 qualifying officer within 10 days after filing the appointment
 437 of campaign treasurer and designation of campaign depository,
 438 stating that the candidate has read and understands the
 439 requirements of this chapter. Such statement shall be provided
 440 by the filing officer and shall be in substantially the
 441 following form:

442
 443 STATEMENT OF CANDIDATE

444
 445 I,, candidate for the office of, have been
 446 provided access to ~~received~~, read, and understand the
 447 requirements of Chapter 106, Florida Statutes.

448
 449 ... (Signature of candidate) ... (Date) ...

450
 451 Willful failure to file this form is a violation of ss.
 452 106.19(1)(c) and 106.25(3), F.S.

453 Section 9. Subsection (4) of section 106.04, Florida
 454 Statutes, is amended, present subsections (7) and (8) of that
 455 section are amended and renumbered as subsections (8) and (9),
 456 respectively, and a new subsection (7) is added to that section,
 457 to read:

458 106.04 Committees of continuous existence.—

459 (4) (a) Each committee of continuous existence shall file an
 460 annual report with the Division of Elections during the month of
 461 January. Such annual reports shall contain the same information
 462 and shall be accompanied by the same materials as original
 463 applications filed pursuant to subsection (2). However, the
 464 charter or bylaws need not be filed if the annual report is

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465 accompanied by a sworn statement by the chair that no changes
466 have been made to such charter or bylaws since the last filing.

467 (b)1. Each committee of continuous existence shall file
468 regular reports with the Division of Elections at the same times
469 and subject to the same filing conditions as are established by
470 s. 106.07(1) and (2) for candidates' reports. In addition, when
471 a special election is called to fill a vacancy in office, a
472 committee of continuous existence that makes a contribution or
473 expenditure to influence the results of such special election or
474 the preceding special primary election must file campaign
475 finance reports with the filing officer on the dates set by the
476 Department of State pursuant to s. 100.111.

477 2. A committee of continuous existence that makes a
478 contribution or an expenditure to influence the results of a
479 county or municipal election that is not being held at the same
480 time as a state or federal election must also file campaign
481 finance reports with the county or municipal filing officer on
482 the same dates as county or municipal candidates or committees
483 for that election. The committee of continuous existence must
484 also include the contribution or expenditure in the next report
485 filed with the Division of Elections pursuant to this section
486 following the county or municipal election.

487 3.2. Any committee of continuous existence failing to so
488 file a report with the Division of Elections or applicable
489 filing officer pursuant to this paragraph on the designated due
490 date shall be subject to a fine for late filing as provided by
491 this section.

492 (c) All committees of continuous existence shall file their
493 reports with the Division of Elections. Reports shall be filed

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494 in accordance with s. 106.0705 and shall contain the following
495 information:

496 1. The full name, address, and occupation of each person
497 who has made one or more contributions, including contributions
498 that represent the payment of membership dues, to the committee
499 during the reporting period, together with the amounts and dates
500 of such contributions. For corporations, the report must provide
501 as clear a description as practicable of the principal type of
502 business conducted by the corporation. However, if the
503 contribution is \$100 or less, the occupation of the contributor
504 or principal type of business need not be listed. However, for
505 any contributions that represent the payment of dues by members
506 in a fixed amount aggregating no more than \$250 per calendar
507 year, pursuant to the schedule on file with the Division of
508 Elections, only the aggregate amount of such contributions need
509 be listed, together with the number of members paying such dues
510 and the amount of the membership dues.

511 2. The name and address of each political committee or
512 committee of continuous existence from which the reporting
513 committee received, or the name and address of each political
514 committee, committee of continuous existence, or political party
515 to which it made, any transfer of funds, together with the
516 amounts and dates of all transfers.

517 3. Any other receipt of funds not listed pursuant to
518 subparagraph 1. or subparagraph 2., including the sources and
519 amounts of all such funds.

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

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523 contribution.

524 5. The full name and address of each person to whom
525 expenditures have been made by or on behalf of the committee
526 within the reporting period; the amount, date, and purpose of
527 each such expenditure; and the name and address, and office
528 sought by, each candidate on whose behalf such expenditure was
529 made.

530 6. The full name and address of each person to whom an
531 expenditure for personal services, salary, or reimbursement for
532 authorized expenses has been made, including the full name and
533 address of each entity to whom the person made payment for which
534 reimbursement was made by check drawn upon the committee
535 account, together with the amount and purpose of such payment.

536 7. Transaction information from each credit card purchase
537 ~~statement that will be included in the next report following~~
538 ~~receipt thereof by the committee~~. Receipts for each credit card
539 purchase shall be retained by the treasurer with the records for
540 the committee account.

541 8. The total sum of expenditures made by the committee
542 during the reporting period.

543 (d) The treasurer of each committee shall certify as to the
544 correctness of each report and shall bear the responsibility for
545 its accuracy and veracity. Any treasurer who willfully certifies
546 to the correctness of a report while knowing that such report is
547 incorrect, false, or incomplete commits a misdemeanor of the
548 first degree, punishable as provided in s. 775.082 or s.
549 775.083.

550 (7) Any change in information previously submitted to the
551 division shall be reported within 10 days following the change.

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552 (8)~~(7)~~ If a committee of continuous existence ceases to
553 meet the criteria prescribed by subsection (1) or fails to file
554 a report or information required pursuant to this chapter, the
555 Division of Elections shall revoke its certification ~~until such~~
556 ~~time as the criteria are again met~~. The Division of Elections
557 shall adopt ~~promulgate~~ rules to prescribe the manner in which
558 the such certification of a committee of continuous existence
559 shall be revoked. Such rules shall, at a minimum, provide for:

560 (a) Notice, which must ~~shall~~ contain the facts and conduct
561 that warrant the intended action.

562 (b) Adequate opportunity to respond.

563 (c) Appeal of the decision to the Florida Elections
564 Commission. Such appeals are ~~shall be~~ exempt from the
565 confidentiality provisions of s. 106.25.

566 (9)~~(8)~~ (a) Any committee of continuous existence failing to
567 file a report on the designated due date is ~~shall be~~ subject to
568 a fine. The fine shall be \$50 per day for the first 3 days late
569 and, thereafter, \$500 per day for each late day, not to exceed
570 25 percent of the total receipts or expenditures, whichever is
571 greater, for the period covered by the late report. However, for
572 the reports immediately preceding each primary and general
573 election, including a special primary election and a special
574 general election, the fine shall be \$500 per day for each late
575 day, not to exceed 25 percent of the total receipts or
576 expenditures, whichever is greater, for the period covered by
577 the late report. The fine shall be assessed by the filing
578 officer, and the moneys collected shall be deposited into:

579 1. In The General Revenue Fund, in the case of fines
580 collected by the Division of Elections.

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581 2. The general revenue fund of the political subdivision,
582 in the case of fines collected by a county or municipal filing
583 officer. ~~No separate fine shall be assessed for failure to file~~
584 ~~a copy of any report required by this section.~~

585 (b) Upon determining that a report is late, the filing
586 officer shall immediately notify the treasurer of the committee
587 or the committee's registered agent as to the failure to file a
588 report by the designated due date and that a fine is being
589 assessed for each late day. Upon receipt of the report, the
590 filing officer shall determine the amount of fine which is due
591 and shall notify the treasurer of the committee. Notice is
592 deemed complete upon proof of delivery of written notice to the
593 mailing or street address on record with the filing officer. The
594 filing officer shall determine the amount of the fine due based
595 upon the earliest of the following:

- 596 1. When the report is actually received by such officer.
597 2. When the report is postmarked.
598 3. When the certificate of mailing is dated.
599 4. When the receipt from an established courier company is
600 dated.

601
602 Such fine shall be paid to the filing officer within 20 days
603 after receipt of the notice of payment due, unless appeal is
604 made to the Florida Elections Commission pursuant to paragraph
605 (c). An officer or member of a committee is ~~shall~~ not ~~be~~
606 personally liable for such fine.

607 (c) Any treasurer of a committee may appeal or dispute the
608 fine, based upon unusual circumstances surrounding the failure
609 to file on the designated due date, and may request and is ~~shall~~

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610 ~~be~~ entitled to a hearing before the Florida Elections
611 Commission, which may ~~shall have the authority to~~ waive the fine
612 in whole or in part. Any such request must ~~shall~~ be made within
613 20 days after receipt of the notice of payment due. ~~In such~~
614 ~~ease, the treasurer of~~ The committee shall file a copy of the
615 appeal with, ~~within the 20-day period,~~ notify the filing officer
616 ~~in writing of his or her intention to bring the matter before~~
617 ~~the commission.~~

618 (d) The filing officer shall notify the Florida Elections
619 Commission of the repeated late filing by a committee of
620 continuous existence, the failure of a committee of continuous
621 existence to file a report after notice, or the failure to pay
622 the fine imposed. As used in this paragraph, the term "repeated
623 late filing" means at least three late filings occurring within
624 any 2-year period. The commission shall treat notification of
625 each repeated late filing as a separate violation of this
626 section.

627 Section 10. Section 106.07, Florida Statutes, is amended to
628 read:

629 106.07 Reports; certification and filing.—

630 (1) Each campaign treasurer designated by a candidate or
631 political committee pursuant to s. 106.021 shall file regular
632 reports of all contributions received, and all expenditures
633 made, by or on behalf of such candidate or political committee.
634 Except for the third calendar quarter immediately preceding a
635 general election, reports shall be filed on the 10th day
636 following the end of each calendar quarter from the time the
637 campaign treasurer is appointed, except that, if the 10th day
638 following the end of a calendar quarter occurs on a Saturday,

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639 Sunday, or legal holiday, the report shall be filed on the next
640 following day which is not a Saturday, Sunday, or legal holiday.
641 Quarterly reports shall include all contributions received and
642 expenditures made during the calendar quarter which have not
643 otherwise been reported pursuant to this section.

644 (a) Except as provided in paragraph (b), ~~following the last~~
645 ~~day of qualifying for office,~~ the reports shall also be filed on
646 the 32nd, 18th, and 4th days immediately preceding the primary
647 and on the 46th, 32nd, 18th, and 4th days immediately preceding
648 the election, for a candidate who is opposed in seeking
649 nomination or election to any office, for a political committee,
650 or for a committee of continuous existence.

651 (b) ~~Following the last day of qualifying for office,~~ Any
652 statewide candidate who has requested to receive contributions
653 pursuant to ~~from~~ the Florida Election Campaign Financing Act
654 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
655 who has requested to receive contributions pursuant to ~~from~~ the
656 act trust fund shall also file reports on the 4th, 11th, 18th,
657 25th, and 32nd days prior to the primary election, and on the
658 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to
659 the general election.

660 (c) Following the last day of qualifying for office, any
661 unopposed candidate need only file a report within 90 days after
662 the date such candidate became unopposed. Such report shall
663 contain all previously unreported contributions and expenditures
664 as required by this section and shall reflect disposition of
665 funds as required by s. 106.141.

666 (d)1. When a special election is called to fill a vacancy
667 in office, all political committees ~~and committees of continuous~~

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668 ~~existence~~ making contributions or expenditures to influence the
669 results of such special election or the preceding special
670 primary election shall file campaign treasurers' reports with
671 the filing officer on the dates set by the Department of State
672 pursuant to s. 100.111.

673 2. When an election is called for an issue to appear on the
674 ballot at a time when no candidates are scheduled to appear on
675 the ballot, all political committees making contributions or
676 expenditures in support of or in opposition to such issue shall
677 file reports on the 18th and 4th days prior to such election.

678 (e) The filing officer shall provide each candidate with a
679 schedule designating the beginning and end of reporting periods
680 as well as the corresponding designated due dates.

681 (2) (a) 1. All reports required of a candidate by this
682 section shall be filed with the officer before whom the
683 candidate is required by law to qualify. All candidates who file
684 with the Department of State shall file their reports pursuant
685 to s. 106.0705. Except as provided in s. 106.0705, reports shall
686 be filed not later than 5 p.m. of the day designated; however,
687 any report postmarked by the United States Postal Service no
688 later than midnight of the day designated shall be deemed to
689 have been filed in a timely manner. Any report received by the
690 filing officer within 5 days after the designated due date that
691 was delivered by the United States Postal Service shall be
692 deemed timely filed unless it has a postmark that indicates that
693 the report was mailed after the designated due date. A
694 certificate of mailing obtained from and dated by the United
695 States Postal Service at the time of mailing, or a receipt from
696 an established courier company, which bears a date on or before

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697 the date on which the report is due, shall be proof of mailing
698 in a timely manner. Reports shall contain information of all
699 previously unreported contributions received and expenditures
700 made as of the preceding Friday, except that the report filed on
701 the Friday immediately preceding the election shall contain
702 information of all previously unreported contributions received
703 and expenditures made as of the day preceding that designated
704 due date. All such reports shall be open to public inspection.

705 2. This subsection does not prohibit the governing body of
706 a political subdivision, by ordinance or resolution, from
707 imposing upon its own officers and candidates electronic filing
708 requirements not in conflict with s. 106.0705. Expenditure of
709 public funds for such purpose is deemed to be for a valid public
710 purpose.

711 (b)1. Any report that ~~which~~ is deemed to be incomplete by
712 the officer with whom the candidate qualifies shall be accepted
713 on a conditional basis. ~~and~~ The campaign treasurer shall be
714 notified by certified registered mail or by another method using
715 a common carrier that provides a proof of delivery of the notice
716 as to why the report is incomplete and within 7 ~~be given 3~~ days
717 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to
718 the report providing all information necessary to complete the
719 report in compliance with this section. Failure to file a
720 complete report after such notice constitutes a violation of
721 this chapter.

722 2. Notice is deemed complete upon proof of delivery of a
723 written notice to the mailing or street address of the campaign
724 treasurer or registered agent of record with the filing officer.
725 ~~In lieu of the notice by registered mail as required in~~

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726 ~~subparagraph 1., the qualifying officer may notify the campaign~~
727 ~~treasurer by telephone that the report is incomplete and request~~
728 ~~the information necessary to complete the report. If, however,~~
729 ~~such information is not received by the qualifying officer~~
730 ~~within 3 days after the telephone request therefor, notice shall~~
731 ~~be sent by registered mail as provided in subparagraph 1.~~

732 (3) (a) Reports required of a political committee shall be
733 filed with the agency or officer before whom such committee
734 registers pursuant to s. 106.03(3) and shall be subject to the
735 same filing conditions as established for candidates' reports.
736 Incomplete reports by political committees shall be treated in
737 the manner provided for incomplete reports by candidates in
738 subsection (2).

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

750 (4) (a) Each report required by this section must ~~shall~~
751 contain:

752 1. The full name, address, and occupation, if any of each
753 person who has made one or more contributions to or for such
754 committee or candidate within the reporting period, together

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755 with the amount and date of such contributions. For
756 corporations, the report must provide as clear a description as
757 practicable of the principal type of business conducted by the
758 corporation. However, if the contribution is \$100 or less or is
759 from a relative, as defined in s. 112.312, provided that the
760 relationship is reported, the occupation of the contributor or
761 the principal type of business need not be listed.

762 2. The name and address of each political committee from
763 which the reporting committee or the candidate received, or to
764 which the reporting committee or candidate made, any transfer of
765 funds, together with the amounts and dates of all transfers.

766 3. Each loan for campaign purposes to or from any person or
767 political committee within the reporting period, together with
768 the full names, addresses, and occupations, and principal places
769 of business, if any, of the lender and endorsers, if any, and
770 the date and amount of such loans.

771 4. A statement of each contribution, rebate, refund, or
772 other receipt not otherwise listed under subparagraphs 1.
773 through 3.

774 5. The total sums of all loans, in-kind contributions, and
775 other receipts by or for such committee or candidate during the
776 reporting period. The reporting forms shall be designed to
777 elicit separate totals for in-kind contributions, loans, and
778 other receipts.

779 6. The full name and address of each person to whom
780 expenditures have been made by or on behalf of the committee or
781 candidate within the reporting period; the amount, date, and
782 purpose of each such expenditure; and the name and address of,
783 and office sought by, each candidate on whose behalf such

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784 expenditure was made. However, expenditures made from the petty
785 cash fund provided by s. 106.12 need not be reported
786 individually.

787 7. The full name and address of each person to whom an
788 expenditure for personal services, salary, or reimbursement for
789 authorized expenses as provided in s. 106.021(3) has been made
790 and which is not otherwise reported, including the amount, date,
791 and purpose of such expenditure. However, expenditures made from
792 the petty cash fund provided for in s. 106.12 need not be
793 reported individually.

794 8. The total amount withdrawn and the total amount spent
795 for petty cash purposes pursuant to this chapter during the
796 reporting period.

797 9. The total sum of expenditures made by such committee or
798 candidate during the reporting period.

799 10. The amount and nature of debts and obligations owed by
800 or to the committee or candidate, which relate to the conduct of
801 any political campaign.

802 11. Transaction information for each credit card purchase.
803 ~~A copy of each credit card statement which shall be included in~~
804 ~~the next report following receipt thereof by the candidate or~~
805 ~~political committee.~~ Receipts for each credit card purchase
806 shall be retained by the treasurer with the records for the
807 campaign account.

808 12. The amount and nature of any separate interest-bearing
809 accounts or certificates of deposit and identification of the
810 financial institution in which such accounts or certificates of
811 deposit are located.

812 13. The primary purposes of an expenditure made indirectly

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813 through a campaign treasurer pursuant to s. 106.021(3) for goods
814 and services such as communications media placement or
815 procurement services, campaign signs, insurance, and other
816 expenditures that include multiple components as part of the
817 expenditure. The primary purpose of an expenditure shall be that
818 purpose, including integral and directly related components,
819 that comprises 80 percent of such expenditure.

820 (b) The filing officer shall make available to any
821 candidate or committee a reporting form which the candidate or
822 committee may use to indicate contributions received by the
823 candidate or committee but returned to the contributor before
824 deposit.

825 (5) The candidate and his or her campaign treasurer, in the
826 case of a candidate, or the political committee chair and
827 campaign treasurer of the committee, in the case of a political
828 committee, shall certify as to the correctness of each report;
829 and each person so certifying shall bear the responsibility for
830 the accuracy and veracity of each report. Any campaign
831 treasurer, candidate, or political committee chair who willfully
832 certifies the correctness of any report while knowing that such
833 report is incorrect, false, or incomplete commits a misdemeanor
834 of the first degree, punishable as provided in s. 775.082 or s.
835 775.083.

836 ~~(6) The campaign depository shall return all checks drawn~~
837 ~~on the account to the campaign treasurer who shall retain the~~
838 ~~records pursuant to s. 106.06.~~ The records maintained by the
839 campaign depository with respect to any campaign account
840 regulated by this chapter are such account shall be subject to
841 inspection by an agent of the Division of Elections or the

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842 Florida Elections Commission at any time during normal banking
843 hours, and such depository shall furnish certified copies of any
844 of such records to the Division of Elections or Florida
845 Elections Commission upon request.

846 (7) Notwithstanding any other provisions of this chapter,
847 in any reporting period during which a candidate, political
848 committee, or committee of continuous existence has not received
849 funds, made any contributions, or expended any reportable funds,
850 the filing of the required report for that period is waived.
851 However, the next report filed must specify that the report
852 covers the entire period between the last submitted report and
853 the report being filed, and any candidate, political committee,
854 or committee of continuous existence not reporting by virtue of
855 this subsection on dates prescribed elsewhere in this chapter
856 shall notify the filing officer in writing on the prescribed
857 reporting date that no report is being filed on that date.

858 (8) (a) Any candidate or political committee failing to file
859 a report on the designated due date is ~~shall be~~ subject to a
860 fine as provided in paragraph (b) for each late day, and, in the
861 case of a candidate, such fine shall be paid only from personal
862 funds of the candidate. The fine shall be assessed by the filing
863 officer and the moneys collected shall be deposited:

864 1. In the General Revenue Fund, in the case of a candidate
865 for state office or a political committee that registers with
866 the Division of Elections; or

867 2. In the general revenue fund of the political
868 subdivision, in the case of a candidate for an office of a
869 political subdivision or a political committee that registers
870 with an officer of a political subdivision.

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871
872 ~~No separate fine shall be assessed for failure to file a copy of~~
873 ~~any report required by this section.~~

874 (b) Upon determining that a report is late, the filing
875 officer shall immediately notify the candidate or chair of the
876 political committee as to the failure to file a report by the
877 designated due date and that a fine is being assessed for each
878 late day. The fine shall be \$50 per day for the first 3 days
879 late and, thereafter, \$500 per day for each late day, not to
880 exceed 25 percent of the total receipts or expenditures,
881 whichever is greater, for the period covered by the late report.
882 However, for the reports immediately preceding each special
883 primary election, special election, primary election, and
884 general election, the fine shall be \$500 per day for each late
885 day, not to exceed 25 percent of the total receipts or
886 expenditures, whichever is greater, for the period covered by
887 the late report. For reports required under s. 106.141(7), the
888 fine is \$50 per day for each late day, not to exceed 25 percent
889 of the total receipts or expenditures, whichever is greater, for
890 the period covered by the late report. Upon receipt of the
891 report, the filing officer shall determine the amount of the
892 fine which is due and shall notify the candidate or chair or
893 registered agent of the political committee. The filing officer
894 shall determine the amount of the fine due based upon the
895 earliest of the following:

- 896 1. When the report is actually received by such officer.
- 897 2. When the report is postmarked.
- 898 3. When the certificate of mailing is dated.
- 899 4. When the receipt from an established courier company is

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900 dated.

901 5. When the electronic receipt issued pursuant to s.
902 106.0705 or other electronic filing system authorized in this
903 section is dated.

904

905 Such fine shall be paid to the filing officer within 20 days
906 after receipt of the notice of payment due, unless appeal is
907 made to the Florida Elections Commission pursuant to paragraph
908 (c). Notice is deemed complete upon proof of delivery of written
909 notice to the mailing or street address on record with the
910 filing officer. In the case of a candidate, such fine shall not
911 be an allowable campaign expenditure and shall be paid only from
912 personal funds of the candidate. An officer or member of a
913 political committee shall not be personally liable for such
914 fine.

915 (c) Any candidate or chair of a political committee may
916 appeal or dispute the fine, based upon, but not limited to,
917 unusual circumstances surrounding the failure to file on the
918 designated due date, and may request and shall be entitled to a
919 hearing before the Florida Elections Commission, which shall
920 have the authority to waive the fine in whole or in part. The
921 Florida Elections Commission must consider the mitigating and
922 aggravating circumstances contained in s. 106.265(1) when
923 determining the amount of a fine, if any, to be waived. Any such
924 request shall be made within 20 days after receipt of the notice
925 of payment due. In such case, the candidate or chair of the
926 political committee shall, within the 20-day period, notify the
927 filing officer in writing of his or her intention to bring the
928 matter before the commission.

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929 (d) The appropriate filing officer shall notify the Florida
930 Elections Commission of the repeated late filing by a candidate
931 or political committee, the failure of a candidate or political
932 committee to file a report after notice, or the failure to pay
933 the fine imposed. The commission shall investigate only those
934 alleged late filing violations specifically identified by the
935 filing officer and as set forth in the notification. Any other
936 alleged violations must be separately stated and reported by the
937 division to the commission under s. 106.25(2). As used in this
938 paragraph, the term "repeated late filing" means at least three
939 late filings occurring within any 2-year period. The commission
940 shall treat notification of each repeated late filing as a
941 separate violation of this section.

942 (9) The Department of State may prescribe by rule the
943 requirements for filing campaign treasurers' reports as set
944 forth in this chapter.

945 Section 11. Paragraph (d) of subsection (7) of section
946 106.0703, Florida Statutes, is amended to read:

947 106.0703 Electioneering communications organizations;
948 reporting requirements; certification and filing; penalties.—

949 (7)

950 (d) The appropriate filing officer shall notify the Florida
951 Elections Commission of the repeated late filing by an
952 electioneering communications organization, the failure of an
953 electioneering communications organization to file a report
954 after notice, or the failure to pay the fine imposed. The
955 commission shall investigate only those alleged late filing
956 violations specifically identified by the filing officer and as
957 set forth in the notification. Any other alleged violations must

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958 be stated separately and reported by the division to the
959 commission under s. 106.25(2). As used in this paragraph, the
960 term "repeated late filing" means at least three late filings
961 occurring within any 2-year period. The commission shall treat
962 notification of each repeated late filing as a separate
963 violation of this section.

964 Section 12. Paragraphs (a) and (c) of subsection (2) and
965 subsections (3) and (7) of section 106.0705, Florida Statutes,
966 are amended to read:

967 106.0705 Electronic filing of campaign treasurer's
968 reports.-

969 (2) (a) Each individual ~~candidate~~ who is required to file
970 reports with the division pursuant to s. 106.07 or s. 106.141
971 ~~with the division~~ must file such reports ~~with the division~~ by
972 means of the division's electronic filing system.

973 (c) Each person or organization that is required to file
974 reports with the division under s. 106.071 must file such
975 reports ~~with the division~~ by means of the division's electronic
976 filing system.

977 (3) Reports filed pursuant to this section shall be
978 completed and filed through the electronic filing system not
979 later than midnight of the day designated. Reports not filed by
980 midnight of the day designated are late filed and are subject to
981 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
982 106.0703(7), or s. 106.29(3), as applicable.

983 ~~(7) Notwithstanding anything in law to the contrary, any~~
984 ~~report required to have been filed under this section for the~~
985 ~~period ended March 31, 2005, shall be deemed to have been timely~~
986 ~~filed if the report is filed under this section on or before~~

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987 ~~June 1, 2005.~~988 Section 13. Subsections (3) and (6) of section 106.08,
989 Florida Statutes, are amended to read:

990 106.08 Contributions; limitations on.-

991 (3) (a) Any contribution received by a candidate with
992 opposition in an election or by the campaign treasurer or a
993 deputy campaign treasurer of such a candidate on the day of that
994 election or less than 5 days prior to the day of that election
995 must be returned by him or her to the person or committee
996 contributing it and may not be used or expended by or on behalf
997 of the candidate.998 (b) Except as otherwise provided in paragraph (c), any
999 contribution received by a candidate or by the campaign
1000 treasurer or a deputy campaign treasurer of a candidate after
1001 the date at which the candidate withdraws his or her candidacy,
1002 or after the date the candidate is defeated, becomes unopposed,
1003 or is elected to office must be returned to the person or
1004 committee contributing it and may not be used or expended by or
1005 on behalf of the candidate.1006 ~~(c) With respect to any campaign for an office in which an
1007 independent or minor party candidate has filed as required in s.
1008 99.0955 or s. 99.096, but whose qualification is pending a
1009 determination by the Department of State or supervisor of
1010 elections as to whether or not the required number of petition
1011 signatures was obtained:~~1012 ~~1. The department or supervisor shall, no later than 3 days
1013 after that determination has been made, notify in writing all
1014 other candidates for that office of that determination.~~1015 ~~2. Any contribution received by a candidate or the campaign~~

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1016 ~~treasurer or deputy campaign treasurer of a candidate after the~~
1017 ~~candidate has been notified in writing by the department or~~
1018 ~~supervisor that he or she has become unopposed as a result of an~~
1019 ~~independent or minor party candidate failing to obtain the~~
1020 ~~required number of petition signatures shall be returned to the~~
1021 ~~person, political committee, or committee of continuous~~
1022 ~~existence contributing it and shall not be used or expended by~~
1023 ~~or on behalf of the candidate.~~

1024 (6) (a) A political party may not accept any contribution
1025 that has been specifically designated for the partial or
1026 exclusive use of a particular candidate. Any contribution so
1027 designated must be returned to the contributor and may not be
1028 used or expended by or on behalf of the candidate.

1029 (b)1. A political party may not accept any in-kind
1030 contribution that fails to provide a direct benefit to the
1031 political party. A "direct benefit" includes, but is not limited
1032 to, fundraising or furthering the objectives of the political
1033 party.

1034 2.a. An in-kind contribution to a state political party may
1035 be accepted only by the chairperson of the state political party
1036 or by the chairperson's designee or designees whose names are on
1037 file with the division in a form acceptable to the division
1038 prior to the date of the written notice required in sub-
1039 subparagraph b. An in-kind contribution to a county political
1040 party may be accepted only by the chairperson of the county
1041 political party or by the county chairperson's designee or
1042 designees whose names are on file with the supervisor of
1043 elections of the respective county prior to the date of the
1044 written notice required in sub-subparagraph b.

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1045 b. A person making an in-kind contribution to a state
1046 political party or county political party must provide prior
1047 written notice of the contribution to a person described in sub-
1048 subparagraph a. The prior written notice must be signed and
1049 dated and may be provided by an electronic or facsimile message.
1050 However, prior written notice is not required for an in-kind
1051 contribution that consists of food and beverage in an aggregate
1052 amount not exceeding \$1,500 which is consumed at a single
1053 sitting or event if such in-kind contribution is accepted in
1054 advance by a person specified in sub-subparagraph a.

1055 c. A person described in sub-subparagraph a. may accept an
1056 in-kind contribution requiring prior written notice only in a
1057 writing that is ~~signed and~~ dated before the in-kind contribution
1058 is made. Failure to obtain the required written acceptance of an
1059 in-kind contribution to a state or county political party
1060 constitutes a refusal of the contribution.

1061 d. A copy of each prior written acceptance required under
1062 sub-subparagraph c. must be filed ~~with the division~~ at the time
1063 the regular reports of contributions and expenditures required
1064 under s. 106.29 are filed by the state executive committee and
1065 county executive committee. A state executive committee must
1066 file with the division. A county executive committee must file
1067 with the county's supervisor of elections.

1068 e. An in-kind contribution may not be given to a state or
1069 county political party unless the in-kind contribution is made
1070 as provided in this subparagraph.

1071 Section 14. Section 106.09, Florida Statutes, is amended to
1072 read:

1073 106.09 Cash contributions and contribution by cashier's

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1074 checks.-

1075 (1) (a) A person may not make an aggregate ~~or accept~~ a cash
1076 contribution or contribution by means of a cashier's check to
1077 the same candidate or committee in excess of \$50 per election.

1078 (b) A person may not accept an aggregate cash contribution
1079 or contribution by means of a cashier's check from the same
1080 contributor in excess of \$50 per election.

1081 (2) (a) Any person who makes or accepts a contribution in
1082 ~~excess of \$50 in~~ violation of subsection (1) ~~this section~~
1083 commits a misdemeanor of the first degree, punishable as
1084 provided in s. 775.082 or s. 775.083.

1085 (b) Any person who knowingly and willfully makes or accepts
1086 a contribution in excess of \$5,000 in violation of subsection
1087 (1) ~~this section~~ commits a felony of the third degree,
1088 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1089 Section 15. Paragraph (b) of subsection (1) and paragraph
1090 (a) of subsection (2) of section 106.11, Florida Statutes, are
1091 amended, and subsection (6) is added to that section, to read:

1092 106.11 Expenses of and expenditures by candidates and
1093 political committees.-Each candidate and each political
1094 committee which designates a primary campaign depository
1095 pursuant to s. 106.021(1) shall make expenditures from funds on
1096 deposit in such primary campaign depository only in the
1097 following manner, with the exception of expenditures made from
1098 petty cash funds provided by s. 106.12:

1099 (1)

1100 (b) The checks for such account shall contain, as a
1101 minimum, the following information:

1102 1. The statement "~~Campaign Account of~~ ... (name of candidate

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- 1103 or political committee)... Campaign Account."
- 1104 2. The account number and the name of the bank.
- 1105 3. The exact amount of the expenditure.
- 1106 4. The signature of the campaign treasurer or deputy
- 1107 treasurer.
- 1108 5. The exact purpose for which the expenditure is
- 1109 authorized.
- 1110 6. The name of the payee.
- 1111 (2) (a) For purposes of this section, debit cards are
- 1112 considered bank checks, if:
- 1113 1. Debit cards are obtained from the same bank that has
- 1114 been designated as the candidate's or political committee's
- 1115 primary campaign depository.
- 1116 2. Debit cards are issued in the name of the treasurer,
- 1117 deputy treasurer, or authorized user and state "~~Campaign Account~~
- 1118 ~~of~~ ... (name of candidate or political committee)... Campaign
- 1119 Account."
- 1120 3. No more than three debit cards are requested and issued.
- 1121 ~~4. Before a debit card is used, a list of all persons~~
- 1122 ~~authorized to use the card is filed with the division.~~
- 1123 ~~5. All debit cards issued to a candidate's campaign or a~~
- 1124 ~~political committee expire no later than midnight of the last~~
- 1125 ~~day of the month of the general election.~~
- 1126 ~~4.6.~~ The person using the debit card does not receive cash
- 1127 as part of, or independent of, any transaction for goods or
- 1128 services.
- 1129 ~~5.7.~~ All receipts for debit card transactions contain:
- 1130 a. The last four digits of the debit card number.
- 1131 b. The exact amount of the expenditure.

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1132 c. The name of the payee.

1133 d. The signature of the campaign treasurer, deputy
1134 treasurer, or authorized user.

1135 e. The exact purpose for which the expenditure is
1136 authorized.

1137

1138 Any information required by this subparagraph but not included
1139 on the debit card transaction receipt may be handwritten on, or
1140 attached to, the receipt by the authorized user before
1141 submission to the treasurer.

1142 (6) A candidate who makes a loan to his or her campaign and
1143 reports the loan as required by s. 106.07 may be reimbursed for
1144 the loan at any time the campaign account has sufficient funds
1145 to repay the loan and satisfy its other obligations.

1146 Section 16. Paragraph (b) of subsection (4) of section
1147 106.141, Florida Statutes, is amended to read:

1148 106.141 Disposition of surplus funds by candidates.—

1149 (4)

1150 (b) Any candidate required to dispose of funds pursuant to
1151 this section who has received contributions pursuant to ~~from~~ the
1152 Florida Election Campaign Financing Act Trust Fund shall, after
1153 all monetary commitments pursuant to s. 106.11(5)(b) and (c)
1154 have been met, return all surplus campaign funds to the General
1155 Revenue Election Campaign Financing Trust Fund.

1156 Section 17. Subsections (1), (2), and (4) of section
1157 106.143, Florida Statutes, are amended to read:

1158 106.143 Political advertisements circulated prior to
1159 election; requirements.—

1160 (1) (a) Any political advertisement that is paid for by a

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1161 candidate, except a write-in candidate, and that is published,
1162 displayed, or circulated before, or on the day of, any election
1163 must prominently state:

1164 1. "Political advertisement paid for and approved by
1165 ...(name of candidate)..., ...(party affiliation)..., for
1166 ...(office sought)..."; or

1167 2. "Paid by ...(name of candidate)..., ...(party
1168 affiliation)..., for ...(office sought)..."

1169 (b) Any political advertisement that is paid for by a
1170 write-in candidate and that is published, displayed, or
1171 circulated before, or on the day of, any election must
1172 prominently state:

1173 1. "Political advertisement paid for and approved by
1174 ...(name of candidate)..., write-in candidate, for ...(office
1175 sought)..."; or

1176 2. "Paid by ...(name of candidate)..., write-in candidate,
1177 for ...(office sought)..."

1178 (c) ~~(b)~~ Any other political advertisement published,
1179 displayed, or circulated before, or on the day of, any election
1180 must prominently:

1181 1. Be marked "paid political advertisement" or with the
1182 abbreviation "pd. pol. adv."

1183 2. State the name and address of the persons sponsoring the
1184 advertisement.

1185 3.a.(I) State whether the advertisement and the cost of
1186 production is paid for or provided in kind by or at the expense
1187 of the entity publishing, displaying, broadcasting, or
1188 circulating the political advertisement; or

1189 (II) State who provided or paid for the advertisement and

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1190 cost of production, if different from the source of sponsorship.

1191 b. This subparagraph does not apply if the source of the
1192 sponsorship is patently clear from the content or format of the
1193 political advertisement.

1194 (d) ~~(e)~~ Any political advertisement made pursuant to s.
1195 106.021(3) (d) must be marked "paid political advertisement" or
1196 with the abbreviation "pd. pol. adv." and must prominently
1197 state, "Paid for and sponsored by ... (name of person paying for
1198 political advertisement).... Approved by ... (names of persons,
1199 party affiliation, and offices sought in the political
1200 advertisement)...."

1201 (2) Any political advertisement of a candidate running for
1202 partisan office shall express the name of the political party of
1203 which the candidate is seeking nomination or is the nominee. If
1204 the candidate for partisan office is running as a candidate with
1205 no party affiliation, any political advertisement of the
1206 candidate must state that the candidate has no party
1207 affiliation. Any political advertisement of a candidate running
1208 for nonpartisan office may not state the candidate's political
1209 party affiliation. A candidate for nonpartisan office is
1210 prohibited from campaigning based on party affiliation.

1211 (4) (a) Any political advertisement not paid for by a
1212 candidate, including those paid for by a political party, other
1213 than an independent expenditure, offered ~~by or~~ on behalf of a
1214 candidate must be approved in advance by the candidate. Such
1215 political advertisement must expressly state that the content of
1216 the advertisement was approved by the candidate and must state
1217 who paid for the advertisement. The candidate shall provide a
1218 written statement of authorization to the newspaper, radio

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1219 station, television station, or other medium for each such
1220 advertisement submitted for publication, display, broadcast, or
1221 other distribution.

1222 (b) Any person who makes an independent expenditure for a
1223 political advertisement shall provide a written statement that
1224 no candidate has approved the advertisement to the newspaper,
1225 radio station, television station, or other medium for each such
1226 advertisement submitted for publication, display, broadcast, or
1227 other distribution. The advertisement must also contain a
1228 statement that no candidate has approved the advertisement.

1229 ~~(c) This subsection does not apply to campaign messages~~
1230 ~~used by a candidate and his or her supporters if those messages~~
1231 ~~are designed to be worn by a person.~~

1232 Section 18. Subsection (3) of section 106.18, Florida
1233 Statutes, is amended to read:

1234 106.18 When a candidate's name to be omitted from ballot.-

1235 (3) No certificate of election shall be granted to any
1236 candidate until all preelection reports required by s. 106.07
1237 have been filed in accordance with the provisions of such
1238 section. ~~However, no candidate shall be prevented from receiving~~
1239 ~~a certificate of election for failure to file any copy of a~~
1240 ~~report required by this chapter.~~

1241 Section 19. Subsection (4) is added to section 106.19,
1242 Florida Statutes, to read:

1243 106.19 Violations by candidates, persons connected with
1244 campaigns, and political committees.-

1245 (4) Except as otherwise expressly stated, the failure by a
1246 candidate to comply with the requirements of this chapter has no
1247 effect upon whether the candidate has qualified for the office

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1248 the candidate is seeking.

1249 Section 20. Subsection (1) and paragraphs (b) and (d) of
1250 subsection (3) of section 106.29, Florida Statutes, are amended
1251 to read:

1252 106.29 Reports by political parties; restrictions on
1253 contributions and expenditures; penalties.—

1254 (1) The state executive committee and each county executive
1255 committee of each political party regulated by chapter 103 shall
1256 file regular reports of all contributions received and all
1257 expenditures made by such committee. In addition, when a special
1258 election is called to fill a vacancy in office, each state
1259 executive committee and each county executive committee making
1260 contributions or expenditures to influence the results of the
1261 special election or the preceding special primary election must
1262 file campaign treasurers' reports on the dates set by the
1263 Department of State pursuant to s. 100.111. Such reports shall
1264 contain the same information as do reports required of
1265 candidates by s. 106.07 and shall be filed on the 10th day
1266 following the end of each calendar quarter, except that, during
1267 the period from the last day for candidate qualifying until the
1268 general election, such reports shall be filed on the Friday
1269 immediately preceding each special primary election, special
1270 election, ~~both the primary election,~~ and ~~the general election.~~
1271 In addition to the reports filed under this section, the state
1272 executive committee and each county executive committee shall
1273 file a copy of each prior written acceptance of an in-kind
1274 contribution given by the committee during the preceding
1275 calendar quarter as required under s. 106.08(6). Each state
1276 executive committee shall file ~~the original and one copy of its~~

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1277 reports with the Division of Elections. Each county executive
1278 committee shall file its reports with the supervisor of
1279 elections in the county in which such committee exists. Any
1280 state or county executive committee failing to file a report on
1281 the designated due date shall be subject to a fine as provided
1282 in subsection (3). ~~No separate fine shall be assessed for~~
1283 ~~failure to file a copy of any report required by this section.~~

1284 (3)

1285 (b) Upon determining that a report is late, the filing
1286 officer shall immediately notify the chair of the executive
1287 committee as to the failure to file a report by the designated
1288 due date and that a fine is being assessed for each late day.
1289 The fine shall be \$1,000 for a state executive committee, and
1290 \$50 for a county executive committee, per day for each late day,
1291 not to exceed 25 percent of the total receipts or expenditures,
1292 whichever is greater, for the period covered by the late report.
1293 However, if an executive committee fails to file a report on the
1294 Friday immediately preceding the special election or general
1295 election, the fine shall be \$10,000 per day for each day a state
1296 executive committee is late and \$500 per day for each day a
1297 county executive committee is late. Upon receipt of the report,
1298 the filing officer shall determine the amount of the fine which
1299 is due and shall notify the chair. Notice is deemed complete
1300 upon proof of delivery of written notice to the mailing or
1301 street address on record with the filing officer. The filing
1302 officer shall determine the amount of the fine due based upon
1303 the earliest of the following:

- 1304 1. When the report is actually received by such officer.
- 1305 2. When the report is postmarked.

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- 1306 3. When the certificate of mailing is dated.
- 1307 4. When the receipt from an established courier company is
- 1308 dated.
- 1309 5. When the electronic receipt issued pursuant to s.
- 1310 106.0705 is dated.

1311

1312 Such fine shall be paid to the filing officer within 20 days

1313 after receipt of the notice of payment due, unless appeal is

1314 made to the Florida Elections Commission pursuant to paragraph

1315 (c). An officer or member of an executive committee shall not be

1316 personally liable for such fine.

1317 (d) The appropriate filing officer shall notify the Florida

1318 Elections Commission of the repeated late filing by an executive

1319 committee, the failure of an executive committee to file a

1320 report after notice, or the failure to pay the fine imposed. As

1321 used in this paragraph, the term "repeated late filing" means at

1322 least three late filings occurring within any 2-year period. The

1323 commission shall treat notification of each repeated late filing

1324 as a separate violation of this section.

1325 Section 21. Subsection (5) of section 106.35, Florida

1326 Statutes, is amended to read:

1327 106.35 Distribution of funds.—

1328 (5) The division shall adopt rules providing for the weekly

1329 reports and certification and distribution of funds pursuant

1330 thereto required by this section. Such rules shall, at a

1331 minimum, provide ~~for:~~

1332 ~~(a) Specifications for printed campaign treasurer's reports~~

1333 ~~outlining the format for such reports, including size of paper,~~

1334 ~~typeface, color of print, and placement of required information~~

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1335 ~~on the form.~~

1336 ~~(b)1.~~ specifications for electronically transmitted
1337 campaign treasurer's reports outlining communication parameters
1338 and protocol, data record formats, and provisions for ensuring
1339 security of data and transmission.

1340 ~~2. All electronically transmitted campaign treasurer's~~
1341 ~~reports must also be filed in printed format. Printed format~~
1342 ~~shall not include campaign treasurer's reports submitted by~~
1343 ~~electronic facsimile transmission.~~

1344 Section 22. This act shall take effect July 1, 2011.