

By the Committees on Rules Subcommittee on Ethics and Elections;
and Rules Subcommittee on Ethics and Elections

582-03722-11

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1 A bill to be entitled
2 An act relating to elections; amending s. 97.071,
3 F.S.; requiring that voter information cards contain
4 the address of the polling place of the registered
5 voter; requiring a supervisor of elections to issue a
6 new voter information card to a voter upon a change in
7 a voter's address of legal residence or a change in a
8 voter's polling place address; providing instructions
9 for implementation by the supervisors of elections;
10 amending s. 99.095, F.S.; allowing a candidate to
11 obtain the required number of signatures from any
12 registered voter regardless of district boundaries in
13 a year of apportionment; amending s. 101.161, F.S.;
14 specifying a time period to initiate an action to
15 challenge an amendment to the State Constitution
16 proposed by the Legislature; requiring the court,
17 including an appellate court, to accord the case
18 priority over other cases; requiring the Attorney
19 General to revise a ballot title or ballot summary for
20 an amendment proposed by the Legislature under certain
21 circumstances; requiring the Department of State to
22 furnish a designating number and the revised ballot
23 title and substance to the supervisors of elections;
24 providing that a defect in a ballot title or ballot
25 summary in an amendment proposed by the Legislature is
26 not grounds to remove the amendment from the ballot;
27 amending s. 101.591, F.S.; removing the audit
28 requirement by the canvassing board if a manual
29 recount is undertaken; amending s. 101.62, F.S.;

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30 extending the time for requesting an absentee ballot
31 to the end of the calendar year of the next regularly
32 scheduled general election; removing requirements that
33 an elector provide certain information when requesting
34 an absentee ballot from the county supervisor of
35 elections; amending s. 101.68, F.S.; extending the
36 time for canvassing and processing absentee ballots to
37 15 days before the election; amending s. 106.011,
38 F.S.; revising the definition of the term "independent
39 expenditure"; amending s. 106.022, F.S.; requiring a
40 political committee, committee of continuous
41 existence, or electioneering communications
42 organization to file a statement of appointment with
43 the filing officer rather than with the Division of
44 Elections; authorizing an entity to change its
45 appointment of registered agent or registered office
46 by filing a written statement with the filing officer;
47 requiring a registered agent who resigns to execute a
48 written statement of resignation and file it with the
49 filing officer; amending s. 106.023, F.S.; revising
50 the form of the statement of candidate to require a
51 candidate to acknowledge that he or she has been
52 provided access to and understands the requirements of
53 ch. 106, F.S.; amending s. 106.04, F.S.; transferring
54 a requirement that certain committees of continuous
55 existence file campaign finance reports in special
56 elections; requiring a committee of continuous
57 existence that makes a contribution or expenditure to
58 influence the results of certain county or municipal

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59 elections to file specified reports; subjecting a
60 committee of continuous existence that fails to file a
61 report or to timely file a report with the Division of
62 Elections or a county or municipal filing officer to a
63 fine; requiring a committee of continuous existence to
64 include transaction information from credit card
65 purchases in a report filed with the Division of
66 Elections; requiring a committee of continuous
67 existence to report changes in information previously
68 reported to the Division of Elections within 10 days
69 after the change; requiring the Division of Elections
70 to revoke the certification of a committee of
71 continuous existence that fails to file or report
72 certain information; requiring the division to adopt
73 rules to prescribe the manner in which the
74 certification is revoked; increasing the amount of a
75 fine to be levied on a committee of continuous
76 existence that fails to timely file certain reports;
77 providing for the deposit of the proceeds of the
78 fines; including the registered agent of a committee
79 of continuous existence as a person whom the filing
80 officer may notify that a report has not been filed;
81 providing criteria for deeming delivery complete of a
82 notice of fine; requiring a committee of continuous
83 existence that appeals a fine to file a copy of the
84 appeal with the filing officer; defining the term
85 "repeated late filing"; requiring the Elections
86 Commission to treat the late filings addressed in a
87 single notice of repeated late filings as a single

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88 violation; amending s. 106.07, F.S.; creating an
89 exception for reports due in the third calendar
90 quarter immediately preceding a general election from
91 a requirement that the campaign treasurer report
92 contributions received and expenditures made on the
93 10th day following the end of each calendar quarter;
94 revising reporting requirements for a statewide
95 candidate who receives funding under the Florida
96 Election Campaign Financing Act and candidates in a
97 race with a candidate who has requested funding under
98 that act; deleting a requirement for a committee of
99 continuous existence to file a campaign treasurer's
100 report relating to contributions or expenditures to
101 influence the results of a special election; revising
102 the methods by which a campaign treasurer may be
103 notified of the determination that a report is
104 incomplete to include certified mail and other methods
105 using a common carrier that provides proof of delivery
106 of the notice; extending the time the campaign
107 treasurer has to file an addendum to the report after
108 receipt of notice of why the report is incomplete;
109 providing criteria for deeming delivery complete of a
110 notice of incomplete report; deleting a provision
111 allowing for notification by telephone of an
112 incomplete report; requiring political committees that
113 make a contribution or expenditure to influence the
114 results of certain county or municipal elections to
115 file campaign finance reports with the county or
116 municipal filing officer and to include its

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117 contributions and expenditures in a report to the
118 Division of Elections; revising the information that
119 must be included in a report to include transaction
120 information for credit card purchases; deleting a
121 requirement for a campaign depository to return checks
122 drawn on the account to the campaign treasurer;
123 deleting a provision providing that the failure to
124 file a copy of a report is not subject to a separate
125 fine; specifying the amount of a fine for the failure
126 to timely file reports after a special primary
127 election or special election; specifying that the
128 registered agent of a political committee is a person
129 whom a filing officer may notify of the amount of the
130 fine for filing a late report; providing criteria for
131 deeming delivery complete of a notice of late report
132 and resulting fine; defining the term "repeated late
133 filing"; requiring the Elections Commission to treat
134 the late filings addressed in a single notice of
135 repeated late filings as a single violation; amending
136 s. 106.0703, F.S.; defining the term "repeated late
137 filing"; requiring the Elections Commission to treat
138 the late filings addressed in a single notice of
139 repeated late filings as a single violation; amending
140 s. 106.0705, F.S.; requiring certain individuals to
141 electronically file certain reports with the Division
142 of Elections; conforming a cross-reference to changes
143 made by the act; deleting an obsolete provision;
144 amending s. 106.08, F.S.; deleting a requirement for
145 the Department of State to notify candidates as to

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146 whether an independent or minor party candidate has
147 obtained the required number of petition signatures;
148 deleting a requirement for certain unopposed
149 candidates to return contributions; specifying the
150 entities with which a political party's state
151 executive committee and county executive committees
152 must file a written acceptance of an in-kind
153 contribution; amending s. 106.09, F.S.; specifying
154 that the limitations on contributions by cash or
155 cashier's check apply to the aggregate amount of
156 contributions to a candidate or committee per
157 election; amending s. 106.11, F.S.; revising the
158 statement that must be contained on checks from a
159 campaign account; deleting requirements relating to
160 the use of debit cards; authorizing a campaign for a
161 candidate to reimburse the candidate's loan to the
162 campaign when the campaign account has sufficient
163 funds; amending s. 106.141, F.S.; requiring candidates
164 receiving public financing to return all surplus funds
165 to the General Revenue Fund after paying certain
166 monetary obligations and expenses; amending s.
167 106.143, F.S.; specifying disclosure statements that
168 must be included in political advertisements paid for
169 by a write-in candidate; prohibiting the inclusion of
170 a person's political affiliation in advertisements for
171 a nonpartisan office; clarifying the type of political
172 advertisements that must be approved in advance by a
173 candidate; deleting an exemption from the requirement
174 to obtain a candidate's approval for messages designed

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175 to be worn; amending s. 106.18, F.S.; deleting a
176 provision providing that a candidate will not be
177 prevented from receiving a certificate of election for
178 failing to file a report; amending s. 106.19, F.S.;
179 providing that a candidate's failure to comply with
180 ch. 106, F.S., has no effect on whether the candidate
181 has qualified for office; amending s. 106.29, F.S.;
182 requiring state and county executive committees that
183 make contributions or expenditures to influence the
184 results of a special election or special primary
185 election to file campaign treasurer's reports;
186 amending campaign finance reporting dates, to conform;
187 deleting a requirement that each state executive
188 committee file the original and one copy of its
189 reports with the Division of Elections; deleting a
190 provision prohibiting the assessment of a separate
191 fine for failing to file a copy of a report, to
192 conform; revising the due date for filing a report;
193 providing criteria for deeming delivery complete of a
194 notice of fine; defining the term "repeated late
195 filing"; requiring the Elections Commission to treat
196 the late filings addressed in a single notice of
197 repeated late filings as a single violation; amending
198 s. 106.35, F.S.; deleting a requirement that the
199 Division of Election adopt rules relating to the
200 format and filing of certain printed campaign
201 treasurer's reports; providing an effective date.

202

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

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205 Section 1. Section 97.071, Florida Statutes, is amended to
206 read:

207 97.071 Voter information card.—

208 (1) A voter information card shall be furnished by the
209 supervisor to all registered voters residing in the supervisor's
210 county. The card must contain:

211 (a) Voter's registration number.

212 (b) Date of registration.

213 (c) Full name.

214 (d) Party affiliation.

215 (e) Date of birth.

216 (f) Address of legal residence.

217 (g) Precinct number.

218 (h) Polling place address.

219 (i) ~~(h)~~ Name of supervisor and contact information of
220 supervisor.

221 (j) ~~(i)~~ Other information deemed necessary by the
222 supervisor.

223 (2) A voter may receive a replacement voter information
224 card by providing a signed, written request for a replacement
225 card to a voter registration official. Upon verification of
226 registration, the supervisor shall issue the voter a duplicate
227 card without charge.

228 (3) In the case of a change of name, address of legal
229 residence, polling place address, or party affiliation, the
230 supervisor shall issue the voter a new voter information card.

231 Section 2. The supervisor must meet the requirements of
232 section 1 of this act for any elector who registers to vote or

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233 who is issued a new voter information card pursuant to s.
234 97.071(2) or (3), Florida Statutes, on or after August 1, 2012.

235 Section 3. Paragraph (d) is added to subsection (2) of
236 section 99.095, Florida Statutes, to read:

237 99.095 Petition process in lieu of a qualifying fee and
238 party assessment.—

239 (2)

240 (d) In a year of apportionment, any candidate for county or
241 district office seeking ballot position by the petition process
242 may obtain the required number of signatures from any registered
243 voter in the respective county, regardless of district
244 boundaries. The candidate shall obtain at least the number of
245 signatures equal to 1 percent of the total number of registered
246 voters, as shown by a compilation by the department for the
247 immediately preceding general election, divided by the total
248 number of districts of the office involved.

249 Section 4. Subsection (2) of section 101.161, Florida
250 Statutes, is amended to read:

251 101.161 Referenda; ballots.—

252 (2) (a) The substance and ballot title of a constitutional
253 amendment proposed by initiative shall be prepared by the
254 sponsor and approved by the Secretary of State in accordance
255 with rules adopted pursuant to s. 120.54. The Department of
256 State shall give each proposed constitutional amendment a
257 designating number for convenient reference. This number
258 designation shall appear on the ballot. Designating numbers
259 shall be assigned in the order of filing or certification and in
260 accordance with rules adopted by the Department of State. The
261 Department of State shall furnish the designating number, the

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262 ballot title, and the substance of each amendment to the
263 supervisor of elections of each county in which such amendment
264 is to be voted on.

265 (b) Any action for a judicial determination that the ballot
266 title or substance embodied in a joint resolution is inaccurate,
267 misleading, or otherwise defective must be commenced within 30
268 days after the joint resolution is filed with the Secretary of
269 State or at least 150 days before the election at which the
270 amendment will appear on the ballot, whichever occurs later. The
271 court, including any appellate court, shall accord the case
272 priority over other pending cases and render a decision as
273 expeditiously as possible. If the court determines that the
274 ballot title or substance embodied in the joint resolution is
275 defective and further appeals are declined, abandoned, or
276 exhausted, the Attorney General shall promptly prepare a revised
277 ballot title and substance that correct the deficiencies
278 identified by the court, and the Department of State shall
279 furnish a designating number and the revised ballot title and
280 substance to the supervisors of elections for placement on the
281 ballot. A defect in the ballot title or substance embodied in
282 the joint resolution is not grounds to remove the proposed
283 amendment from the ballot.

284 Section 5. Subsection (6) is added to section 101.591,
285 Florida Statutes, to read:

286 101.591 Voting system audit.—

287 (6) If a manual recount is undertaken pursuant to s.
288 102.166, the canvassing board is not required to perform the
289 audit provided for in this section.

290 Section 6. Paragraph (a) of subsection (1) and paragraph

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291 (b) of subsection (4) of section 101.62, Florida Statutes, are
292 amended to read:

293 101.62 Request for absentee ballots.—

294 (1) (a) The supervisor shall accept a request for an
295 absentee ballot from an elector in person or in writing. One
296 request shall be deemed sufficient to receive an absentee ballot
297 for all elections through the end of the calendar year of the
298 next regularly scheduled general election, unless the elector or
299 the elector's designee indicates at the time the request is made
300 the elections for which the elector desires to receive an
301 absentee ballot. Such request may be considered canceled when
302 any first-class mail sent by the supervisor to the elector is
303 returned as undeliverable.

304 (4)

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

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

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

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

316 ~~e. The elector is in a hospital, assisted living facility,~~
317 ~~nursing home, short-term medical or rehabilitation facility, or~~
318 ~~correctional facility,~~

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320 ~~in which case the supervisor shall mail the ballot by~~
321 ~~nonforwardable, return if undeliverable mail to any other~~
322 address the elector specifies in the request.

323 2. By forwardable mail, e-mail, or facsimile machine
324 transmission to absent uniformed services voters and overseas
325 voters. The absent uniformed services voter or overseas voter
326 may designate in the absentee ballot request the preferred
327 method of transmission. If the voter does not designate the
328 method of transmission, the absentee ballot shall be mailed.

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

332 4. By delivery to a designee on election day or up to 5
333 days prior to the day of an election. Any elector may designate
334 in writing a person to pick up the ballot for the elector;
335 however, the person designated may not pick up more than two
336 absentee ballots per election, other than the designee's own
337 ballot, except that additional ballots may be picked up for
338 members of the designee's immediate family. For purposes of this
339 section, "immediate family" means the designee's spouse or the
340 parent, child, grandparent, or sibling of the designee or of the
341 designee's spouse. The designee shall provide to the supervisor
342 the written authorization by the elector and a picture
343 identification of the designee and must complete an affidavit.
344 The designee shall state in the affidavit that the designee is
345 authorized by the elector to pick up that ballot and shall
346 indicate if the elector is a member of the designee's immediate
347 family and, if so, the relationship. The department shall
348 prescribe the form of the affidavit. If the supervisor is

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349 satisfied that the designee is authorized to pick up the ballot
350 and that the signature of the elector on the written
351 authorization matches the signature of the elector on file, the
352 supervisor shall give the ballot to that designee for delivery
353 to the elector.

354 Section 7. Paragraph (a) of subsection (2) of section
355 101.68, Florida Statutes, is amended to read:

356 101.68 Canvassing of absentee ballot.-

357 (2) (a) The county canvassing board may begin the canvassing
358 of absentee ballots at 7 a.m. on the 15th ~~sixth~~ day before the
359 election, but not later than noon on the day following the
360 election. In addition, for any county using electronic
361 tabulating equipment, the processing of absentee ballots through
362 such tabulating equipment may begin at 7 a.m. on the 15th ~~sixth~~
363 day before the election. However, notwithstanding any such
364 authorization to begin canvassing or otherwise processing
365 absentee ballots early, no result shall be released until after
366 the closing of the polls in that county on election day. Any
367 supervisor of elections, deputy supervisor of elections,
368 canvassing board member, election board member, or election
369 employee who releases the results of a canvassing or processing
370 of absentee ballots prior to the closing of the polls in that
371 county on election day commits a felony of the third degree,
372 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

373 Section 8. Paragraph (b) of subsection (5) of section
374 106.011, Florida Statutes, is amended to read:

375 106.011 Definitions.-As used in this chapter, the following
376 terms have the following meanings unless the context clearly
377 indicates otherwise:

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378 (5)

379 (b) An expenditure for the purpose of expressly advocating
380 the election or defeat of a candidate which is made by the
381 national, state, or county executive committee of a political
382 party, including any subordinate committee of a national, state,
383 or county committee of a political party, or by any political
384 committee or committee of continuous existence, or any other
385 person, shall not be considered an independent expenditure if
386 the committee or person:

387 1. Communicates with the candidate, the candidate's
388 campaign, or an agent of the candidate acting on behalf of the
389 candidate, including any pollster, media consultant, advertising
390 agency, vendor, advisor, or staff member, concerning the
391 preparation of, use of, or payment for, the specific expenditure
392 or advertising campaign at issue; or

393 2. Makes a payment in cooperation, consultation, or concert
394 with, at the request or suggestion of, or pursuant to any
395 general or particular understanding with the candidate, the
396 candidate's campaign, a political committee supporting the
397 candidate, or an agent of the candidate relating to the specific
398 expenditure or advertising campaign at issue; or

399 3. Makes a payment for the dissemination, distribution, or
400 republication, in whole or in part, of any broadcast or any
401 written, graphic, or other form of campaign material prepared by
402 the candidate, the candidate's campaign, or an agent of the
403 candidate, including any pollster, media consultant, advertising
404 agency, vendor, advisor, or staff member; or

405 4. Makes a payment based on information about the
406 candidate's plans, projects, or needs communicated to a member

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407 of the committee or person by the candidate or an agent of the
408 candidate, provided the committee or person uses the information
409 in any way, in whole or in part, either directly or indirectly,
410 to design, prepare, or pay for the specific expenditure or
411 advertising campaign at issue; or

412 5. After the last day of the qualifying period prescribed
413 for the candidate ~~for statewide or legislative office~~, consults
414 about the candidate's plans, projects, or needs in connection
415 with the candidate's pursuit of election to office and the
416 information is used in any way to plan, create, design, or
417 prepare an independent expenditure or advertising campaign,
418 with:

419 a. Any officer, director, employee, or agent of a national,
420 state, or county executive committee of a political party that
421 has made or intends to make expenditures in connection with or
422 contributions to the candidate; or

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

427 6. After the last day of the qualifying period prescribed
428 for the candidate ~~for statewide or legislative office~~, retains
429 the professional services of any person also providing those
430 services to the candidate in connection with the candidate's
431 pursuit of election to office; or

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

434 Section 9. Section 106.022, Florida Statutes, is amended to
435 read:

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436 106.022 Appointment of a registered agent; duties.—

437 (1) Each political committee, committee of continuous
438 existence, or electioneering communications organization shall
439 have and continuously maintain in this state a registered office
440 and a registered agent and must file with the filing officer
441 ~~division~~ a statement of appointment for the registered office
442 and registered agent. The statement of appointment must:

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

445 (b) Identify the entity for whom the registered agent
446 serves;

447 (c) Designate the address the registered agent wishes to
448 use to receive mail;

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

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

455 (f) Contain the signature of the registered agent and the
456 entity engaging the registered agent.

457 (2) An entity may change its appointment of registered
458 agent and registered office under this section by executing a
459 written statement of change and filing it with the filing
460 officer. ~~The statement must satisfy that identifies the former~~
461 ~~registered agent and registered address and also satisfies all~~
462 of the requirements of subsection (1).

463 (3) A registered agent may resign his or her appointment as
464 registered agent by executing a written statement of resignation

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465 and filing it with the filing officer ~~division~~. An entity
 466 without a registered agent may not make expenditures or accept
 467 contributions until it files a written statement of change as
 468 required in subsection (2).

469 Section 10. Subsection (1) of section 106.023, Florida
 470 Statutes, is amended to read:

471 106.023 Statement of candidate.—

472 (1) Each candidate must file a statement with the
 473 qualifying officer within 10 days after filing the appointment
 474 of campaign treasurer and designation of campaign depository,
 475 stating that the candidate has read and understands the
 476 requirements of this chapter. Such statement shall be provided
 477 by the filing officer and shall be in substantially the
 478 following form:

479

480 STATEMENT OF CANDIDATE

481

482 I,, candidate for the office of, have been
 483 provided access to ~~received~~, read, and understand the
 484 requirements of Chapter 106, Florida Statutes.

485

486 ... (Signature of candidate) ... (Date) ...

487

488 Willful failure to file this form is a violation of ss.
 489 106.19(1)(c) and 106.25(3), F.S.

490 Section 11. Subsection (4) of section 106.04, Florida
 491 Statutes, is amended, present subsections (7) and (8) of that
 492 section are amended and renumbered as subsections (8) and (9),
 493 respectively, and a new subsection (7) is added to that section,

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494 to read:

495 106.04 Committees of continuous existence.-

496 (4) (a) Each committee of continuous existence shall file an
497 annual report with the Division of Elections during the month of
498 January. Such annual reports shall contain the same information
499 and shall be accompanied by the same materials as original
500 applications filed pursuant to subsection (2). However, the
501 charter or bylaws need not be filed if the annual report is
502 accompanied by a sworn statement by the chair that no changes
503 have been made to such charter or bylaws since the last filing.

504 (b)1. Each committee of continuous existence shall file
505 regular reports with the Division of Elections at the same times
506 and subject to the same filing conditions as are established by
507 s. 106.07(1) and (2) for candidates' reports. In addition, when
508 a special election is called to fill a vacancy in office, a
509 committee of continuous existence that makes a contribution or
510 expenditure to influence the results of such special election or
511 the preceding special primary election must file campaign
512 finance reports with the filing officer on the dates set by the
513 Department of State pursuant to s. 100.111.

514 2. A committee of continuous existence that makes a
515 contribution or an expenditure to influence the results of a
516 county or municipal election that is not being held at the same
517 time as a state or federal election must also file campaign
518 finance reports with the county or municipal filing officer on
519 the same dates as county or municipal candidates or committees
520 for that election. The committee of continuous existence must
521 also include the contribution or expenditure in the next report
522 filed with the Division of Elections pursuant to this section

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523 following the county or municipal election.

524 ~~3.2.~~ Any committee of continuous existence failing to so
525 file a report with the Division of Elections or applicable
526 filing officer pursuant to this paragraph on the designated due
527 date shall be subject to a fine for late filing as provided by
528 this section.

529 (c) All committees of continuous existence shall file their
530 reports with the Division of Elections. Reports shall be filed
531 in accordance with s. 106.0705 and shall contain the following
532 information:

533 1. The full name, address, and occupation of each person
534 who has made one or more contributions, including contributions
535 that represent the payment of membership dues, to the committee
536 during the reporting period, together with the amounts and dates
537 of such contributions. For corporations, the report must provide
538 as clear a description as practicable of the principal type of
539 business conducted by the corporation. However, if the
540 contribution is \$100 or less, the occupation of the contributor
541 or principal type of business need not be listed. However, for
542 any contributions that represent the payment of dues by members
543 in a fixed amount aggregating no more than \$250 per calendar
544 year, pursuant to the schedule on file with the Division of
545 Elections, only the aggregate amount of such contributions need
546 be listed, together with the number of members paying such dues
547 and the amount of the membership dues.

548 2. The name and address of each political committee or
549 committee of continuous existence from which the reporting
550 committee received, or the name and address of each political
551 committee, committee of continuous existence, or political party

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552 to which it made, any transfer of funds, together with the
553 amounts and dates of all transfers.

554 3. Any other receipt of funds not listed pursuant to
555 subparagraph 1. or subparagraph 2., including the sources and
556 amounts of all such funds.

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

561 5. The full name and address of each person to whom
562 expenditures have been made by or on behalf of the committee
563 within the reporting period; the amount, date, and purpose of
564 each such expenditure; and the name and address, and office
565 sought by, each candidate on whose behalf such expenditure was
566 made.

567 6. The full name and address of each person to whom an
568 expenditure for personal services, salary, or reimbursement for
569 authorized expenses has been made, including the full name and
570 address of each entity to whom the person made payment for which
571 reimbursement was made by check drawn upon the committee
572 account, together with the amount and purpose of such payment.

573 7. Transaction information from each credit card purchase
574 ~~statement that will be included in the next report following~~
575 ~~receipt thereof by the committee.~~ Receipts for each credit card
576 purchase shall be retained by the treasurer with the records for
577 the committee account.

578 8. The total sum of expenditures made by the committee
579 during the reporting period.

580 (d) The treasurer of each committee shall certify as to the

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581 correctness of each report and shall bear the responsibility for
582 its accuracy and veracity. Any treasurer who willfully certifies
583 to the correctness of a report while knowing that such report is
584 incorrect, false, or incomplete commits a misdemeanor of the
585 first degree, punishable as provided in s. 775.082 or s.
586 775.083.

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

589 (8)~~(7)~~ If a committee of continuous existence ceases to
590 meet the criteria prescribed by subsection (1) or fails to file
591 a report or information required pursuant to this chapter, the
592 Division of Elections shall revoke its certification ~~until such~~
593 ~~time as the criteria are again met.~~ The Division of Elections
594 shall adopt ~~promulgate~~ rules to prescribe the manner in which
595 the such certification of a committee of continuous existence
596 shall be revoked. Such rules shall, at a minimum, provide for:

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

599 (b) Adequate opportunity to respond.

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

603 (9)~~(8)~~(a) Any committee of continuous existence failing to
604 file a report on the designated due date is ~~shall be~~ subject to
605 a fine. The fine shall be \$50 per day for the first 3 days late
606 and, thereafter, \$500 per day for each late day, not to exceed
607 25 percent of the total receipts or expenditures, whichever is
608 greater, for the period covered by the late report. However, for
609 the reports immediately preceding each primary and general

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610 election, including a special primary election and a special
611 general election, the fine shall be \$500 per day for each late
612 day, not to exceed 25 percent of the total receipts or
613 expenditures, whichever is greater, for the period covered by
614 the late report. The fine shall be assessed by the filing
615 officer, and the moneys collected shall be deposited into:

616 1. ~~In~~ The General Revenue Fund, in the case of fines
617 collected by the Division of Elections.

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

622 (b) Upon determining that a report is late, the filing
623 officer shall immediately notify the treasurer of the committee
624 or the committee's registered agent as to the failure to file a
625 report by the designated due date and that a fine is being
626 assessed for each late day. Upon receipt of the report, the
627 filing officer shall determine the amount of fine which is due
628 and shall notify the treasurer of the committee. Notice is
629 deemed complete upon proof of delivery of written notice to the
630 mailing or street address on record with the filing officer. The
631 filing officer shall determine the amount of the fine due based
632 upon the earliest of the following:

- 633 1. When the report is actually received by such officer.
634 2. When the report is postmarked.
635 3. When the certificate of mailing is dated.
636 4. When the receipt from an established courier company is
637 dated.

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639 Such fine shall be paid to the filing officer within 20 days
640 after receipt of the notice of payment due, unless appeal is
641 made to the Florida Elections Commission pursuant to paragraph
642 (c). An officer or member of a committee is ~~shall~~ not be
643 personally liable for such fine.

644 (c) Any treasurer of a committee may appeal or dispute the
645 fine, based upon unusual circumstances surrounding the failure
646 to file on the designated due date, and may request and is ~~shall~~
647 ~~be~~ entitled to a hearing before the Florida Elections
648 Commission, which may ~~shall have the authority to~~ waive the fine
649 in whole or in part. Any such request must ~~shall~~ be made within
650 20 days after receipt of the notice of payment due. ~~In such~~
651 ~~ease, the treasurer of~~ The committee shall file a copy of the
652 appeal with, ~~within the 20-day period,~~ notify the filing officer
653 ~~in writing of his or her intention to bring the matter before~~
654 ~~the commission.~~

655 (d) The filing officer shall notify the Florida Elections
656 Commission of the repeated late filing by a committee of
657 continuous existence, the failure of a committee of continuous
658 existence to file a report after notice, or the failure to pay
659 the fine imposed. As used in this paragraph, the term "repeated
660 late filing" means at least three late filings occurring within
661 any 2-year period. The commission shall treat notification of
662 each repeated late filing as a separate violation of this
663 section.

664 Section 12. Section 106.07, Florida Statutes, is amended to
665 read:

666 106.07 Reports; certification and filing.—

667 (1) Each campaign treasurer designated by a candidate or

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668 political committee pursuant to s. 106.021 shall file regular
669 reports of all contributions received, and all expenditures
670 made, by or on behalf of such candidate or political committee.
671 Except for the third calendar quarter immediately preceding a
672 general election, reports shall be filed on the 10th day
673 following the end of each calendar quarter from the time the
674 campaign treasurer is appointed, except that, if the 10th day
675 following the end of a calendar quarter occurs on a Saturday,
676 Sunday, or legal holiday, the report shall be filed on the next
677 following day which is not a Saturday, Sunday, or legal holiday.
678 Quarterly reports shall include all contributions received and
679 expenditures made during the calendar quarter which have not
680 otherwise been reported pursuant to this section.

681 (a) Except as provided in paragraph (b), ~~following the last~~
682 ~~day of qualifying for office,~~ the reports shall also be filed on
683 the 32nd, 18th, and 4th days immediately preceding the primary
684 and on the 46th, 32nd, 18th, and 4th days immediately preceding
685 the election, for a candidate who is opposed in seeking
686 nomination or election to any office, for a political committee,
687 or for a committee of continuous existence.

688 (b) ~~Following the last day of qualifying for office,~~ Any
689 statewide candidate who has requested to receive contributions
690 pursuant to ~~from~~ the Florida Election Campaign Financing Act
691 ~~Trust Fund~~ or any statewide candidate in a race with a candidate
692 who has requested to receive contributions pursuant to ~~from~~ the
693 act trust fund shall also file reports on the 4th, 11th, 18th,
694 25th, and 32nd days prior to the primary election, and on the
695 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to
696 the general election.

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697 (c) Following the last day of qualifying for office, any
698 unopposed candidate need only file a report within 90 days after
699 the date such candidate became unopposed. Such report shall
700 contain all previously unreported contributions and expenditures
701 as required by this section and shall reflect disposition of
702 funds as required by s. 106.141.

703 (d)1. When a special election is called to fill a vacancy
704 in office, all political committees ~~and committees of continuous~~
705 ~~existence~~ making contributions or expenditures to influence the
706 results of such special election or the preceding special
707 primary election shall file campaign treasurers' reports with
708 the filing officer on the dates set by the Department of State
709 pursuant to s. 100.111.

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

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

718 (2) (a)1. All reports required of a candidate by this
719 section shall be filed with the officer before whom the
720 candidate is required by law to qualify. All candidates who file
721 with the Department of State shall file their reports pursuant
722 to s. 106.0705. Except as provided in s. 106.0705, reports shall
723 be filed not later than 5 p.m. of the day designated; however,
724 any report postmarked by the United States Postal Service no
725 later than midnight of the day designated shall be deemed to

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726 have been filed in a timely manner. Any report received by the
727 filing officer within 5 days after the designated due date that
728 was delivered by the United States Postal Service shall be
729 deemed timely filed unless it has a postmark that indicates that
730 the report was mailed after the designated due date. A
731 certificate of mailing obtained from and dated by the United
732 States Postal Service at the time of mailing, or a receipt from
733 an established courier company, which bears a date on or before
734 the date on which the report is due, shall be proof of mailing
735 in a timely manner. Reports shall contain information of all
736 previously unreported contributions received and expenditures
737 made as of the preceding Friday, except that the report filed on
738 the Friday immediately preceding the election shall contain
739 information of all previously unreported contributions received
740 and expenditures made as of the day preceding that designated
741 due date. All such reports shall be open to public inspection.

742 2. This subsection does not prohibit the governing body of
743 a political subdivision, by ordinance or resolution, from
744 imposing upon its own officers and candidates electronic filing
745 requirements not in conflict with s. 106.0705. Expenditure of
746 public funds for such purpose is deemed to be for a valid public
747 purpose.

748 (b)1. Any report that ~~which~~ is deemed to be incomplete by
749 the officer with whom the candidate qualifies shall be accepted
750 on a conditional basis, ~~and~~ The campaign treasurer shall be
751 notified by certified registered mail or by another method using
752 a common carrier that provides a proof of delivery of the notice
753 as to why the report is incomplete and within 7 ~~be given 3~~ days
754 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to

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755 the report providing all information necessary to complete the
756 report in compliance with this section. Failure to file a
757 complete report after such notice constitutes a violation of
758 this chapter.

759 2. Notice is deemed complete upon proof of delivery of a
760 written notice to the mailing or street address of the campaign
761 treasurer or registered agent of record with the filing officer.
762 ~~In lieu of the notice by registered mail as required in~~
763 ~~subparagraph 1., the qualifying officer may notify the campaign~~
764 ~~treasurer by telephone that the report is incomplete and request~~
765 ~~the information necessary to complete the report. If, however,~~
766 ~~such information is not received by the qualifying officer~~
767 ~~within 3 days after the telephone request therefor, notice shall~~
768 ~~be sent by registered mail as provided in subparagraph 1.~~

769 (3) (a) Reports required of a political committee shall be
770 filed with the agency or officer before whom such committee
771 registers pursuant to s. 106.03(3) and shall be subject to the
772 same filing conditions as established for candidates' reports.
773 Incomplete reports by political committees shall be treated in
774 the manner provided for incomplete reports by candidates in
775 subsection (2).

776 (b) In addition to the reports required by paragraph (a), a
777 political committee that is registered with the Department of
778 State and that makes a contribution or expenditure to influence
779 the results of a county or municipal election that is not being
780 held at the same time as a state or federal election must file
781 campaign finance reports with the county or municipal filing
782 officer on the same dates as county or municipal candidates or
783 committees for that election. The political committee must also

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784 include such contribution or expenditure in the next report
785 filed with the Division of Elections pursuant to this section
786 following the county or municipal election.

787 (4) (a) Each report required by this section must ~~shall~~
788 contain:

789 1. The full name, address, and occupation, if any of each
790 person who has made one or more contributions to or for such
791 committee or candidate within the reporting period, together
792 with the amount and date of such contributions. For
793 corporations, the report must provide as clear a description as
794 practicable of the principal type of business conducted by the
795 corporation. However, if the contribution is \$100 or less or is
796 from a relative, as defined in s. 112.312, provided that the
797 relationship is reported, the occupation of the contributor or
798 the principal type of business need not be listed.

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

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

811 5. The total sums of all loans, in-kind contributions, and
812 other receipts by or for such committee or candidate during the

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

816 6. The full name and address of each person to whom
817 expenditures have been made by or on behalf of the committee or
818 candidate within the reporting period; the amount, date, and
819 purpose of each such expenditure; and the name and address of,
820 and office sought by, each candidate on whose behalf such
821 expenditure was made. However, expenditures made from the petty
822 cash fund provided by s. 106.12 need not be reported
823 individually.

824 7. The full name and address of each person to whom an
825 expenditure for personal services, salary, or reimbursement for
826 authorized expenses as provided in s. 106.021(3) has been made
827 and which is not otherwise reported, including the amount, date,
828 and purpose of such expenditure. However, expenditures made from
829 the petty cash fund provided for in s. 106.12 need not be
830 reported individually.

831 8. The total amount withdrawn and the total amount spent
832 for petty cash purposes pursuant to this chapter during the
833 reporting period.

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

836 10. The amount and nature of debts and obligations owed by
837 or to the committee or candidate, which relate to the conduct of
838 any political campaign.

839 11. Transaction information for each credit card purchase.
840 ~~A copy of each credit card statement which shall be included in~~
841 ~~the next report following receipt thereof by the candidate or~~

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842 ~~political committee.~~ Receipts for each credit card purchase
843 shall be retained by the treasurer with the records for the
844 campaign account.

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

849 13. The primary purposes of an expenditure made indirectly
850 through a campaign treasurer pursuant to s. 106.021(3) for goods
851 and services such as communications media placement or
852 procurement services, campaign signs, insurance, and other
853 expenditures that include multiple components as part of the
854 expenditure. The primary purpose of an expenditure shall be that
855 purpose, including integral and directly related components,
856 that comprises 80 percent of such expenditure.

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

862 (5) The candidate and his or her campaign treasurer, in the
863 case of a candidate, or the political committee chair and
864 campaign treasurer of the committee, in the case of a political
865 committee, shall certify as to the correctness of each report;
866 and each person so certifying shall bear the responsibility for
867 the accuracy and veracity of each report. Any campaign
868 treasurer, candidate, or political committee chair who willfully
869 certifies the correctness of any report while knowing that such
870 report is incorrect, false, or incomplete commits a misdemeanor

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871 of the first degree, punishable as provided in s. 775.082 or s.
872 775.083.

873 (6) ~~The campaign depository shall return all checks drawn~~
874 ~~on the account to the campaign treasurer who shall retain the~~
875 ~~records pursuant to s. 106.06.~~ The records maintained by the
876 campaign depository with respect to any campaign account
877 regulated by this chapter are ~~such account shall be~~ subject to
878 inspection by an agent of the Division of Elections or the
879 Florida Elections Commission at any time during normal banking
880 hours, and such depository shall furnish certified copies of any
881 of such records to the Division of Elections or Florida
882 Elections Commission upon request.

883 (7) Notwithstanding any other provisions of this chapter,
884 in any reporting period during which a candidate, political
885 committee, or committee of continuous existence has not received
886 funds, made any contributions, or expended any reportable funds,
887 the filing of the required report for that period is waived.
888 However, the next report filed must specify that the report
889 covers the entire period between the last submitted report and
890 the report being filed, and any candidate, political committee,
891 or committee of continuous existence not reporting by virtue of
892 this subsection on dates prescribed elsewhere in this chapter
893 shall notify the filing officer in writing on the prescribed
894 reporting date that no report is being filed on that date.

895 (8) (a) Any candidate or political committee failing to file
896 a report on the designated due date is ~~shall be~~ subject to a
897 fine as provided in paragraph (b) for each late day, and, in the
898 case of a candidate, such fine shall be paid only from personal
899 funds of the candidate. The fine shall be assessed by the filing

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900 officer and the moneys collected shall be deposited:

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

904 2. In the general revenue fund of the political
905 subdivision, in the case of a candidate for an office of a
906 political subdivision or a political committee that registers
907 with an officer of a political subdivision.

908
909 ~~No separate fine shall be assessed for failure to file a copy of~~
910 ~~any report required by this section.~~

911 (b) Upon determining that a report is late, the filing
912 officer shall immediately notify the candidate or chair of the
913 political committee as to the failure to file a report by the
914 designated due date and that a fine is being assessed for each
915 late day. The fine shall be \$50 per day for the first 3 days
916 late and, thereafter, \$500 per day for each late day, not to
917 exceed 25 percent of the total receipts or expenditures,
918 whichever is greater, for the period covered by the late report.
919 However, for the reports immediately preceding each special
920 primary election, special election, primary election, and
921 general election, the fine shall be \$500 per day for each late
922 day, not to exceed 25 percent of the total receipts or
923 expenditures, whichever is greater, for the period covered by
924 the late report. For reports required under s. 106.141(7), the
925 fine is \$50 per day for each late day, not to exceed 25 percent
926 of the total receipts or expenditures, whichever is greater, for
927 the period covered by the late report. Upon receipt of the
928 report, the filing officer shall determine the amount of the

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929 fine which is due and shall notify the candidate or chair or
930 registered agent of the political committee. The filing officer
931 shall determine the amount of the fine due based upon the
932 earliest of the following:

- 933 1. When the report is actually received by such officer.
- 934 2. When the report is postmarked.
- 935 3. When the certificate of mailing is dated.
- 936 4. When the receipt from an established courier company is
937 dated.
- 938 5. When the electronic receipt issued pursuant to s.
939 106.0705 or other electronic filing system authorized in this
940 section is dated.

941
942 Such fine shall be paid to the filing officer within 20 days
943 after receipt of the notice of payment due, unless appeal is
944 made to the Florida Elections Commission pursuant to paragraph
945 (c). Notice is deemed complete upon proof of delivery of written
946 notice to the mailing or street address on record with the
947 filing officer. In the case of a candidate, such fine shall not
948 be an allowable campaign expenditure and shall be paid only from
949 personal funds of the candidate. An officer or member of a
950 political committee shall not be personally liable for such
951 fine.

952 (c) Any candidate or chair of a political committee may
953 appeal or dispute the fine, based upon, but not limited to,
954 unusual circumstances surrounding the failure to file on the
955 designated due date, and may request and shall be entitled to a
956 hearing before the Florida Elections Commission, which shall
957 have the authority to waive the fine in whole or in part. The

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958 Florida Elections Commission must consider the mitigating and
959 aggravating circumstances contained in s. 106.265(1) when
960 determining the amount of a fine, if any, to be waived. Any such
961 request shall be made within 20 days after receipt of the notice
962 of payment due. In such case, the candidate or chair of the
963 political committee shall, within the 20-day period, notify the
964 filing officer in writing of his or her intention to bring the
965 matter before the commission.

966 (d) The appropriate filing officer shall notify the Florida
967 Elections Commission of the repeated late filing by a candidate
968 or political committee, the failure of a candidate or political
969 committee to file a report after notice, or the failure to pay
970 the fine imposed. The commission shall investigate only those
971 alleged late filing violations specifically identified by the
972 filing officer and as set forth in the notification. Any other
973 alleged violations must be separately stated and reported by the
974 division to the commission under s. 106.25(2). As used in this
975 paragraph, the term "repeated late filing" means at least three
976 late filings occurring within any 2-year period. The commission
977 shall treat notification of each repeated late filing as a
978 separate violation of this section.

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

982 Section 13. Paragraph (d) of subsection (7) of section
983 106.0703, Florida Statutes, is amended to read:

984 106.0703 Electioneering communications organizations;
985 reporting requirements; certification and filing; penalties.-

986 (7)

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987 (d) The appropriate filing officer shall notify the Florida
988 Elections Commission of the repeated late filing by an
989 electioneering communications organization, the failure of an
990 electioneering communications organization to file a report
991 after notice, or the failure to pay the fine imposed. The
992 commission shall investigate only those alleged late filing
993 violations specifically identified by the filing officer and as
994 set forth in the notification. Any other alleged violations must
995 be stated separately and reported by the division to the
996 commission under s. 106.25(2). As used in this paragraph, the
997 term "repeated late filing" means at least three late filings
998 occurring within any 2-year period. The commission shall treat
999 notification of each repeated late filing as a separate
1000 violation of this section.

1001 Section 14. Paragraphs (a) and (c) of subsection (2) and
1002 subsections (3) and (7) of section 106.0705, Florida Statutes,
1003 are amended to read:

1004 106.0705 Electronic filing of campaign treasurer's
1005 reports.—

1006 (2) (a) Each individual candidate who is required to file
1007 reports with the division pursuant to s. 106.07 or s. 106.141
1008 ~~with the division~~ must file such reports ~~with the division~~ by
1009 means of the division's electronic filing system.

1010 (c) Each person or organization that is required to file
1011 reports with the division under s. 106.071 must file such
1012 reports ~~with the division~~ by means of the division's electronic
1013 filing system.

1014 (3) Reports filed pursuant to this section shall be
1015 completed and filed through the electronic filing system not

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1016 later than midnight of the day designated. Reports not filed by
1017 midnight of the day designated are late filed and are subject to
1018 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.
1019 106.0703(7), or s. 106.29(3), as applicable.

1020 ~~(7) Notwithstanding anything in law to the contrary, any~~
1021 ~~report required to have been filed under this section for the~~
1022 ~~period ended March 31, 2005, shall be deemed to have been timely~~
1023 ~~filed if the report is filed under this section on or before~~
1024 ~~June 1, 2005.~~

1025 Section 15. Subsections (3) and (6) of section 106.08,
1026 Florida Statutes, are amended to read:

1027 106.08 Contributions; limitations on.-

1028 (3) (a) Any contribution received by a candidate with
1029 opposition in an election or by the campaign treasurer or a
1030 deputy campaign treasurer of such a candidate on the day of that
1031 election or less than 5 days prior to the day of that election
1032 must be returned by him or her to the person or committee
1033 contributing it and may not be used or expended by or on behalf
1034 of the candidate.

1035 (b) Except as otherwise provided in paragraph (c), any
1036 contribution received by a candidate or by the campaign
1037 treasurer or a deputy campaign treasurer of a candidate after
1038 the date at which the candidate withdraws his or her candidacy,
1039 or after the date the candidate is defeated, becomes unopposed,
1040 or is elected to office must be returned to the person or
1041 committee contributing it and may not be used or expended by or
1042 on behalf of the candidate.

1043 ~~(c) With respect to any campaign for an office in which an~~
1044 ~~independent or minor party candidate has filed as required in s.~~

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1045 ~~99.0955 or s. 99.096, but whose qualification is pending a~~
1046 ~~determination by the Department of State or supervisor of~~
1047 ~~elections as to whether or not the required number of petition~~
1048 ~~signatures was obtained:~~

1049 ~~1. The department or supervisor shall, no later than 3 days~~
1050 ~~after that determination has been made, notify in writing all~~
1051 ~~other candidates for that office of that determination.~~

1052 ~~2. Any contribution received by a candidate or the campaign~~
1053 ~~treasurer or deputy campaign treasurer of a candidate after the~~
1054 ~~candidate has been notified in writing by the department or~~
1055 ~~supervisor that he or she has become unopposed as a result of an~~
1056 ~~independent or minor party candidate failing to obtain the~~
1057 ~~required number of petition signatures shall be returned to the~~
1058 ~~person, political committee, or committee of continuous~~
1059 ~~existence contributing it and shall not be used or expended by~~
1060 ~~or on behalf of the candidate.~~

1061 (6) (a) A political party may not accept any contribution
1062 that has been specifically designated for the partial or
1063 exclusive use of a particular candidate. Any contribution so
1064 designated must be returned to the contributor and may not be
1065 used or expended by or on behalf of the candidate.

1066 (b)1. A political party may not accept any in-kind
1067 contribution that fails to provide a direct benefit to the
1068 political party. A "direct benefit" includes, but is not limited
1069 to, fundraising or furthering the objectives of the political
1070 party.

1071 2.a. An in-kind contribution to a state political party may
1072 be accepted only by the chairperson of the state political party
1073 or by the chairperson's designee or designees whose names are on

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1074 file with the division in a form acceptable to the division
1075 prior to the date of the written notice required in sub-
1076 subparagraph b. An in-kind contribution to a county political
1077 party may be accepted only by the chairperson of the county
1078 political party or by the county chairperson's designee or
1079 designees whose names are on file with the supervisor of
1080 elections of the respective county prior to the date of the
1081 written notice required in sub-subparagraph b.

1082 b. A person making an in-kind contribution to a state
1083 political party or county political party must provide prior
1084 written notice of the contribution to a person described in sub-
1085 subparagraph a. The prior written notice must be signed and
1086 dated and may be provided by an electronic or facsimile message.
1087 However, prior written notice is not required for an in-kind
1088 contribution that consists of food and beverage in an aggregate
1089 amount not exceeding \$1,500 which is consumed at a single
1090 sitting or event if such in-kind contribution is accepted in
1091 advance by a person specified in sub-subparagraph a.

1092 c. A person described in sub-subparagraph a. may accept an
1093 in-kind contribution requiring prior written notice only in a
1094 writing that is ~~signed and~~ dated before the in-kind contribution
1095 is made. Failure to obtain the required written acceptance of an
1096 in-kind contribution to a state or county political party
1097 constitutes a refusal of the contribution.

1098 d. A copy of each prior written acceptance required under
1099 sub-subparagraph c. must be filed ~~with the division~~ at the time
1100 the regular reports of contributions and expenditures required
1101 under s. 106.29 are filed by the state executive committee and
1102 county executive committee. A state executive committee must

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1103 file with the division. A county executive committee must file
1104 with the county's supervisor of elections.

1105 e. An in-kind contribution may not be given to a state or
1106 county political party unless the in-kind contribution is made
1107 as provided in this subparagraph.

1108 Section 16. Section 106.09, Florida Statutes, is amended to
1109 read:

1110 106.09 Cash contributions and contribution by cashier's
1111 checks.—

1112 (1) (a) A person may not make an aggregate ~~or accept a~~ cash
1113 contribution or contribution by means of a cashier's check to
1114 the same candidate or committee in excess of \$50 per election.

1115 (b) A person may not accept an aggregate cash contribution
1116 or contribution by means of a cashier's check from the same
1117 contributor in excess of \$50 per election.

1118 (2) (a) Any person who makes or accepts a contribution in
1119 ~~excess of \$50 in violation of subsection (1) this section~~
1120 commits a misdemeanor of the first degree, punishable as
1121 provided in s. 775.082 or s. 775.083.

1122 (b) Any person who knowingly and willfully makes or accepts
1123 a contribution in excess of \$5,000 in violation of subsection
1124 (1) this section commits a felony of the third degree,
1125 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1126 Section 17. Paragraph (b) of subsection (1) and paragraph
1127 (a) of subsection (2) of section 106.11, Florida Statutes, are
1128 amended, and subsection (6) is added to that section, to read:

1129 106.11 Expenses of and expenditures by candidates and
1130 political committees.—Each candidate and each political
1131 committee which designates a primary campaign depository

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1132 pursuant to s. 106.021(1) shall make expenditures from funds on
1133 deposit in such primary campaign depository only in the
1134 following manner, with the exception of expenditures made from
1135 petty cash funds provided by s. 106.12:

1136 (1)

1137 (b) The checks for such account shall contain, as a
1138 minimum, the following information:

1139 1. The statement "~~Campaign Account of~~ ... (name of candidate
1140 or political committee)... Campaign Account."

1141 2. The account number and the name of the bank.

1142 3. The exact amount of the expenditure.

1143 4. The signature of the campaign treasurer or deputy
1144 treasurer.

1145 5. The exact purpose for which the expenditure is
1146 authorized.

1147 6. The name of the payee.

1148 (2) (a) For purposes of this section, debit cards are
1149 considered bank checks, if:

1150 1. Debit cards are obtained from the same bank that has
1151 been designated as the candidate's or political committee's
1152 primary campaign depository.

1153 2. Debit cards are issued in the name of the treasurer,
1154 deputy treasurer, or authorized user and state "~~Campaign Account~~
1155 ~~of~~ ... (name of candidate or political committee)... Campaign
1156 Account."

1157 3. No more than three debit cards are requested and issued.

1158 ~~4. Before a debit card is used, a list of all persons~~
1159 ~~authorized to use the card is filed with the division.~~

1160 ~~5. All debit cards issued to a candidate's campaign or a~~

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1161 ~~political committee expire no later than midnight of the last~~
1162 ~~day of the month of the general election.~~

1163 ~~4.6.~~ The person using the debit card does not receive cash
1164 as part of, or independent of, any transaction for goods or
1165 services.

1166 ~~5.7.~~ All receipts for debit card transactions contain:

1167 a. The last four digits of the debit card number.

1168 b. The exact amount of the expenditure.

1169 c. The name of the payee.

1170 d. The signature of the campaign treasurer, deputy
1171 treasurer, or authorized user.

1172 e. The exact purpose for which the expenditure is
1173 authorized.

1174
1175 Any information required by this subparagraph but not included
1176 on the debit card transaction receipt may be handwritten on, or
1177 attached to, the receipt by the authorized user before
1178 submission to the treasurer.

1179 (6) A candidate who makes a loan to his or her campaign and
1180 reports the loan as required by s. 106.07 may be reimbursed for
1181 the loan at any time the campaign account has sufficient funds
1182 to repay the loan and satisfy its other obligations.

1183 Section 18. Paragraph (b) of subsection (4) of section
1184 106.141, Florida Statutes, is amended to read:

1185 106.141 Disposition of surplus funds by candidates.—

1186 (4)

1187 (b) Any candidate required to dispose of funds pursuant to
1188 this section who has received contributions pursuant to ~~from~~ the
1189 Florida Election Campaign Financing Act Trust Fund shall, after

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1190 all monetary commitments pursuant to s. 106.11(5)(b) and (c)
1191 have been met, return all surplus campaign funds to the General
1192 Revenue ~~Election Campaign Financing Trust~~ Fund.

1193 Section 19. Subsections (1), (2), and (4) of section
1194 106.143, Florida Statutes, are amended to read:

1195 106.143 Political advertisements circulated prior to
1196 election; requirements.—

1197 (1) (a) Any political advertisement that is paid for by a
1198 candidate, except a write-in candidate, and that is published,
1199 displayed, or circulated before, or on the day of, any election
1200 must prominently state:

1201 1. "Political advertisement paid for and approved by
1202 ... (name of candidate) ..., ... (party affiliation) ..., for
1203 ... (office sought) ..."; or

1204 2. "Paid by ... (name of candidate) ..., ... (party
1205 affiliation) ..., for ... (office sought)"

1206 (b) Any political advertisement that is paid for by a
1207 write-in candidate and that is published, displayed, or
1208 circulated before, or on the day of, any election must
1209 prominently state:

1210 1. "Political advertisement paid for and approved by
1211 ... (name of candidate) ..., write-in candidate, for ... (office
1212 sought) ..."; or

1213 2. "Paid by ... (name of candidate) ..., write-in candidate,
1214 for ... (office sought)"

1215 (c) ~~(b)~~ Any other political advertisement published,
1216 displayed, or circulated before, or on the day of, any election
1217 must prominently:

1218 1. Be marked "paid political advertisement" or with the

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1219 abbreviation "pd. pol. adv."

1220 2. State the name and address of the persons sponsoring the
1221 advertisement.

1222 3.a.(I) State whether the advertisement and the cost of
1223 production is paid for or provided in kind by or at the expense
1224 of the entity publishing, displaying, broadcasting, or
1225 circulating the political advertisement; or

1226 (II) State who provided or paid for the advertisement and
1227 cost of production, if different from the source of sponsorship.

1228 b. This subparagraph does not apply if the source of the
1229 sponsorship is patently clear from the content or format of the
1230 political advertisement.

1231 (d)~~(e)~~ Any political advertisement made pursuant to s.
1232 106.021(3)(d) must be marked "paid political advertisement" or
1233 with the abbreviation "pd. pol. adv." and must prominently
1234 state, "Paid for and sponsored by ...(name of person paying for
1235 political advertisement).... Approved by ...(names of persons,
1236 party affiliation, and offices sought in the political
1237 advertisement)...."

1238 (2) Any political advertisement of a candidate running for
1239 partisan office shall express the name of the political party of
1240 which the candidate is seeking nomination or is the nominee. If
1241 the candidate for partisan office is running as a candidate with
1242 no party affiliation, any political advertisement of the
1243 candidate must state that the candidate has no party
1244 affiliation. Any political advertisement of a candidate running
1245 for nonpartisan office may not state the candidate's political
1246 party affiliation. A candidate for nonpartisan office is
1247 prohibited from campaigning based on party affiliation.

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1248 (4) (a) Any political advertisement not paid for by a
1249 candidate, including those paid for by a political party, other
1250 than an independent expenditure, offered ~~by or~~ on behalf of a
1251 candidate must be approved in advance by the candidate. Such
1252 political advertisement must expressly state that the content of
1253 the advertisement was approved by the candidate and must state
1254 who paid for the advertisement. The candidate shall provide a
1255 written statement of authorization to the newspaper, radio
1256 station, television station, or other medium for each such
1257 advertisement submitted for publication, display, broadcast, or
1258 other distribution.

1259 (b) Any person who makes an independent expenditure for a
1260 political advertisement shall provide a written statement that
1261 no candidate has approved the advertisement to the newspaper,
1262 radio station, television station, or other medium for each such
1263 advertisement submitted for publication, display, broadcast, or
1264 other distribution. The advertisement must also contain a
1265 statement that no candidate has approved the advertisement.

1266 ~~(c) This subsection does not apply to campaign messages~~
1267 ~~used by a candidate and his or her supporters if those messages~~
1268 ~~are designed to be worn by a person.~~

1269 Section 20. Subsection (3) of section 106.18, Florida
1270 Statutes, is amended to read:

1271 106.18 When a candidate's name to be omitted from ballot.-

1272 (3) No certificate of election shall be granted to any
1273 candidate until all preelection reports required by s. 106.07
1274 have been filed in accordance with the provisions of such
1275 section. ~~However, no candidate shall be prevented from receiving~~
1276 ~~a certificate of election for failure to file any copy of a~~

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1277 ~~report required by this chapter.~~

1278 Section 21. Subsection (4) is added to section 106.19,
1279 Florida Statutes, to read:

1280 106.19 Violations by candidates, persons connected with
1281 campaigns, and political committees.—

1282 (4) Except as otherwise expressly stated, the failure by a
1283 candidate to comply with the requirements of this chapter has no
1284 effect upon whether the candidate has qualified for the office
1285 the candidate is seeking.

1286 Section 22. Subsection (1) and paragraphs (b) and (d) of
1287 subsection (3) of section 106.29, Florida Statutes, are amended
1288 to read:

1289 106.29 Reports by political parties; restrictions on
1290 contributions and expenditures; penalties.—

1291 (1) The state executive committee and each county executive
1292 committee of each political party regulated by chapter 103 shall
1293 file regular reports of all contributions received and all
1294 expenditures made by such committee. In addition, when a special
1295 election is called to fill a vacancy in office, each state
1296 executive committee and each county executive committee making
1297 contributions or expenditures to influence the results of the
1298 special election or the preceding special primary election must
1299 file campaign treasurers' reports on the dates set by the
1300 Department of State pursuant to s. 100.111. Such reports shall
1301 contain the same information as do reports required of
1302 candidates by s. 106.07 and shall be filed on the 10th day
1303 following the end of each calendar quarter, except that, during
1304 the period from the last day for candidate qualifying until the
1305 general election, such reports shall be filed on the Friday

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1306 immediately preceding each special primary election, special
1307 election, ~~both the primary election,~~ and ~~the~~ general election.
1308 In addition to the reports filed under this section, the state
1309 executive committee and each county executive committee shall
1310 file a copy of each prior written acceptance of an in-kind
1311 contribution given by the committee during the preceding
1312 calendar quarter as required under s. 106.08(6). Each state
1313 executive committee shall file ~~the original and one copy of its~~
1314 reports with the Division of Elections. Each county executive
1315 committee shall file its reports with the supervisor of
1316 elections in the county in which such committee exists. Any
1317 state or county executive committee failing to file a report on
1318 the designated due date shall be subject to a fine as provided
1319 in subsection (3). ~~No separate fine shall be assessed for~~
1320 ~~failure to file a copy of any report required by this section.~~

1321 (3)

1322 (b) Upon determining that a report is late, the filing
1323 officer shall immediately notify the chair of the executive
1324 committee as to the failure to file a report by the designated
1325 due date and that a fine is being assessed for each late day.
1326 The fine shall be \$1,000 for a state executive committee, and
1327 \$50 for a county executive committee, per day for each late day,
1328 not to exceed 25 percent of the total receipts or expenditures,
1329 whichever is greater, for the period covered by the late report.
1330 However, if an executive committee fails to file a report on the
1331 Friday immediately preceding the special election or general
1332 election, the fine shall be \$10,000 per day for each day a state
1333 executive committee is late and \$500 per day for each day a
1334 county executive committee is late. Upon receipt of the report,

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1335 the filing officer shall determine the amount of the fine which
1336 is due and shall notify the chair. Notice is deemed complete
1337 upon proof of delivery of written notice to the mailing or
1338 street address on record with the filing officer. The filing
1339 officer shall determine the amount of the fine due based upon
1340 the earliest of the following:

- 1341 1. When the report is actually received by such officer.
- 1342 2. When the report is postmarked.
- 1343 3. When the certificate of mailing is dated.
- 1344 4. When the receipt from an established courier company is
1345 dated.
- 1346 5. When the electronic receipt issued pursuant to s.
1347 106.0705 is dated.

1348
1349 Such fine shall be paid to the filing officer within 20 days
1350 after receipt of the notice of payment due, unless appeal is
1351 made to the Florida Elections Commission pursuant to paragraph
1352 (c). An officer or member of an executive committee shall not be
1353 personally liable for such fine.

1354 (d) The appropriate filing officer shall notify the Florida
1355 Elections Commission of the repeated late filing by an executive
1356 committee, the failure of an executive committee to file a
1357 report after notice, or the failure to pay the fine imposed. As
1358 used in this paragraph, the term "repeated late filing" means at
1359 least three late filings occurring within any 2-year period. The
1360 commission shall treat notification of each repeated late filing
1361 as a separate violation of this section.

1362 Section 23. Subsection (5) of section 106.35, Florida
1363 Statutes, is amended to read:

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1364 106.35 Distribution of funds.—

1365 (5) The division shall adopt rules providing for the weekly
1366 reports and certification and distribution of funds pursuant
1367 thereto required by this section. Such rules shall, at a
1368 minimum, provide ~~for:~~

1369 ~~(a) Specifications for printed campaign treasurer's reports~~
1370 ~~outlining the format for such reports, including size of paper,~~
1371 ~~typeface, color of print, and placement of required information~~
1372 ~~on the form.~~

1373 ~~(b)1.~~ specifications for electronically transmitted
1374 campaign treasurer's reports outlining communication parameters
1375 and protocol, data record formats, and provisions for ensuring
1376 security of data and transmission.

1377 ~~2. All electronically transmitted campaign treasurer's~~
1378 ~~reports must also be filed in printed format. Printed format~~
1379 ~~shall not include campaign treasurer's reports submitted by~~
1380 ~~electronic facsimile transmission.~~

1381 Section 24. This act shall take effect July 1, 2011.