

**FOR CONSIDERATION By** the Committee on Rules Subcommittee on  
Ethics and Elections

582-02319B-11

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1                                   A bill to be entitled  
2           An act relating to elections; amending s. 101.161,  
3           F.S.; specifying a time period to initiate an action  
4           to challenge an amendment to the State Constitution  
5           proposed by the Legislature; requiring the court,  
6           including an appellate court, to accord the case  
7           priority over other cases; requiring the Attorney  
8           General to revise a ballot title or ballot summary for  
9           an amendment proposed by the Legislature under certain  
10          circumstances; requiring the Department of State to  
11          furnish a designating number and the revised ballot  
12          title and substance to the supervisors of elections;  
13          providing that a defect in a ballot title or ballot  
14          summary in an amendment proposed by the Legislature is  
15          not grounds to remove the amendment from the ballot;  
16          amending s. 106.011, F.S.; revising the definition of  
17          the term "independent expenditure"; amending s.  
18          106.022, F.S.; requiring a political committee,  
19          committee of continuous existence, or electioneering  
20          communications organization to file a statement of  
21          appointment with the filing officer rather than with  
22          the Division of Elections; authorizing an entity to  
23          change its appointment of registered agent or  
24          registered office by filing a written statement with  
25          the filing officer; requiring a registered agent who  
26          resigns to execute a written statement of resignation  
27          and file it with the filing officer; amending s.  
28          106.023, F.S.; revising the form of the statement of  
29          candidate to require a candidate to acknowledge that

582-02319B-11

20117220\_\_

30 he or she has been provided access to and understands  
31 the requirements of ch. 106, F.S.; amending s. 106.04,  
32 F.S.; requiring a committee of continuous existence  
33 that makes a contribution or expenditure in connection  
34 with certain county or municipal elections to file  
35 specified reports; subjecting a committee of  
36 continuous existence that fails to file a report or to  
37 timely file a report with the Division of Elections or  
38 a county or municipal filing officer to a fine;  
39 requiring a committee of continuous existence to  
40 include transaction information from credit card  
41 purchases in a report filed with the Division of  
42 Elections; requiring a committee of continuous  
43 existence to report changes in information previously  
44 reported to the Division of Elections within 10 days  
45 after the change; requiring the Division of Elections  
46 to revoke the certification of a committee of  
47 continuous existence that fails to file or report  
48 certain information; requiring the division to adopt  
49 rules to prescribe the manner in which the  
50 certification is revoked; increasing the amount of a  
51 fine to be levied on a committee of continuous  
52 existence that fails to timely file certain reports;  
53 providing for the deposit of the proceeds of the  
54 fines; including the registered agent of a committee  
55 of continuous existence as a person whom the filing  
56 officer may notify that a report has not been filed;  
57 providing criteria for deeming delivery complete of a  
58 notice of fine; requiring a committee of continuous

582-02319B-11

20117220\_\_

59 existence that appeals a fine to file a copy of the  
60 appeal with the filing officer; defining the term  
61 "repeated late filing"; requiring the Elections  
62 Commission to treat the late filings addressed in a  
63 single notice of repeated late filings as a single  
64 violation; amending s. 106.07, F.S.; creating an  
65 exception for reports due in the third calendar  
66 quarter immediately preceding a general election from  
67 a requirement that the campaign treasurer report  
68 contributions received and expenditures made on the  
69 10th day following the end of each calendar quarter;  
70 revising reporting requirements for a statewide  
71 candidate who receives funding under the Florida  
72 Election Campaign Financing Act and candidates in a  
73 race with a candidate who has requested funding under  
74 that act; deleting a requirement for a committee of  
75 continuous existence to file a campaign treasurer's  
76 report relating to contributions or expenditures to  
77 influence the results of a special election; revising  
78 the methods by which a campaign treasurer may be  
79 notified of the determination that a report is  
80 incomplete to include certified mail and other methods  
81 using a common carrier that provides proof of delivery  
82 of the notice; extending the time the campaign  
83 treasurer has to file an addendum to the report after  
84 receipt of notice of why the report is incomplete;  
85 providing criteria for deeming delivery complete of a  
86 notice of incomplete report; deleting a provision  
87 allowing for notification by telephone of an

582-02319B-11

20117220\_\_

88 incomplete report; requiring political committees that  
89 make a contribution or expenditure in connection with  
90 certain county or municipal elections to file campaign  
91 finance reports with the county or municipal filing  
92 officer and to include its contributions and  
93 expenditures in a report to the Division of Elections;  
94 revising the information that must be included in a  
95 report to include transaction information for credit  
96 card purchases; deleting a requirement for a campaign  
97 depository to return checks drawn on the account to  
98 the campaign treasurer; deleting a provision providing  
99 that the failure to file a copy of a report is not  
100 subject to a separate fine; specifying the amount of a  
101 fine for the failure to timely file reports after a  
102 special primary election or special election;  
103 specifying that the registered agent of a political  
104 committee is a person whom a filing officer may notify  
105 of the amount of the fine for filing a late report;  
106 providing criteria for deeming delivery complete of a  
107 notice of late report and resulting fine; defining the  
108 term "repeated late filing"; requiring the Elections  
109 Commission to treat the late filings addressed in a  
110 single notice of repeated late filings as a single  
111 violation; amending s. 106.0703, F.S.; defining the  
112 term "repeated late filing"; requiring the Elections  
113 Commission to treat the late filings addressed in a  
114 single notice of repeated late filings as a single  
115 violation; amending s. 106.0705, F.S.; requiring  
116 certain individuals to electronically file certain

582-02319B-11

20117220\_\_

117 reports with the Division of Elections; conforming a  
118 cross-reference to changes made by the act; deleting  
119 an obsolete provision; amending s. 106.08, F.S.;  
120 deleting a requirement for the Department of State to  
121 notify candidates as to whether an independent or  
122 minor party candidate has obtained the required number  
123 of petition signatures; deleting a requirement for  
124 certain unopposed candidates to return contributions;  
125 specifying the entities with which a political party's  
126 state executive committee and county executive  
127 committees must file a written acceptance of an in-  
128 kind contribution; amending s. 106.09, F.S.;  
129 specifying that the limitations on contributions by  
130 cash or cashier's check apply to the aggregate amount  
131 of contributions to a candidate or committee per  
132 election; amending s. 106.11, F.S.; revising the  
133 statement that must be contained on checks from a  
134 campaign account; deleting requirements relating to  
135 the use of debit cards; authorizing a campaign for a  
136 candidate to reimburse the candidate's loan to the  
137 campaign when the campaign account has sufficient  
138 funds; amending s. 106.141, F.S.; requiring candidates  
139 receiving public financing to return all surplus funds  
140 to the General Revenue Fund after paying certain  
141 monetary obligations and expenses; amending s.  
142 106.143, F.S.; specifying disclosure statements that  
143 must be included in political advertisements paid for  
144 by a write-in candidate; prohibiting the inclusion of  
145 a person's political affiliation in advertisements for

582-02319B-11

20117220\_\_

146 a nonpartisan office; clarifying the type of political  
147 advertisements that must be approved in advance by a  
148 candidate; deleting an exemption from the requirement  
149 to obtain a candidate's approval for messages designed  
150 to be worn; amending s. 106.18, F.S.; deleting a  
151 provision providing that a candidate will not be  
152 prevented from receiving a certificate of election for  
153 failing to file a report; amending s. 106.19, F.S.;  
154 providing that a candidate's failure to comply with  
155 ch. 106, F.S., has no effect on whether the candidate  
156 has qualified for office; amending s. 106.29, F.S.;  
157 requiring state and county executive committees that  
158 make contributions or expenditures to influence the  
159 results of a special election or special primary  
160 election to file campaign treasurer's reports;  
161 amending campaign finance reporting dates, to conform;  
162 deleting a requirement that each state executive  
163 committee file the original and one copy of its  
164 reports with the Division of Elections; deleting a  
165 provision prohibiting the assessment of a separate  
166 fine for failing to file a copy of a report, to  
167 conform; revising the due date for filing a report;  
168 providing criteria for deeming delivery complete of a  
169 notice of fine; defining the term "repeated late  
170 filing"; requiring the Elections Commission to treat  
171 the late filings addressed in a single notice of  
172 repeated late filings as a single violation; amending  
173 s. 106.35, F.S.; deleting a requirement that the  
174 Division of Election adopt rules relating to the

582-02319B-11

20117220\_\_

175 format and filing of certain printed campaign  
176 treasurer's reports; providing an effective date.

177

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

179

180 Section 1. Subsection (2) of section 101.161, Florida  
181 Statutes, is amended to read:

182 101.161 Referenda; ballots.—

183 (2) (a) The substance and ballot title of a constitutional  
184 amendment proposed by initiative shall be prepared by the  
185 sponsor and approved by the Secretary of State in accordance  
186 with rules adopted pursuant to s. 120.54. The Department of  
187 State shall give each proposed constitutional amendment a  
188 designating number for convenient reference. This number  
189 designation shall appear on the ballot. Designating numbers  
190 shall be assigned in the order of filing or certification and in  
191 accordance with rules adopted by the Department of State. The  
192 Department of State shall furnish the designating number, the  
193 ballot title, and the substance of each amendment to the  
194 supervisor of elections of each county in which such amendment  
195 is to be voted on.

196 (b) Any action for a judicial determination that the ballot  
197 title or substance embodied in a joint resolution is inaccurate,  
198 misleading, or otherwise defective must be commenced within 30  
199 days after the joint resolution is filed with the Secretary of  
200 State or at least 150 days before the election at which the  
201 amendment will appear on the ballot, whichever occurs later. The  
202 court, including any appellate court, shall accord the case  
203 priority over other pending cases and render a decision as

582-02319B-11

20117220\_\_

204 expeditiously as possible. If the court determines that the  
205 ballot title or substance embodied in the joint resolution is  
206 defective and further appeals are declined, abandoned, or  
207 exhausted, the Attorney General shall promptly prepare a revised  
208 ballot title and substance that correct the deficiencies  
209 identified by the court, and the Department of State shall  
210 furnish a designating number and the revised ballot title and  
211 substance to the supervisors of elections for placement on the  
212 ballot. A defect in the ballot title or substance embodied in  
213 the joint resolution is not grounds to remove the proposed  
214 amendment from the ballot.

215 Section 2. Paragraph (b) of subsection (5) of section  
216 106.011, Florida Statutes, is amended to read:

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

220 (5)

221 (b) An expenditure for the purpose of expressly advocating  
222 the election or defeat of a candidate which is made by the  
223 national, state, or county executive committee of a political  
224 party, including any subordinate committee of a national, state,  
225 or county committee of a political party, or by any political  
226 committee or committee of continuous existence, or any other  
227 person, shall not be considered an independent expenditure if  
228 the committee or person:

229 1. Communicates with the candidate, the candidate's  
230 campaign, or an agent of the candidate acting on behalf of the  
231 candidate, including any pollster, media consultant, advertising  
232 agency, vendor, advisor, or staff member, concerning the



582-02319B-11

20117220\_\_

233 preparation of, use of, or payment for, the specific expenditure  
234 or advertising campaign at issue; or

235 2. Makes a payment in cooperation, consultation, or concert  
236 with, at the request or suggestion of, or pursuant to any  
237 general or particular understanding with the candidate, the  
238 candidate's campaign, a political committee supporting the  
239 candidate, or an agent of the candidate relating to the specific  
240 expenditure or advertising campaign at issue; or

241 3. Makes a payment for the dissemination, distribution, or  
242 republication, in whole or in part, of any broadcast or any  
243 written, graphic, or other form of campaign material prepared by  
244 the candidate, the candidate's campaign, or an agent of the  
245 candidate, including any pollster, media consultant, advertising  
246 agency, vendor, advisor, or staff member; or

247 4. Makes a payment based on information about the  
248 candidate's plans, projects, or needs communicated to a member  
249 of the committee or person by the candidate or an agent of the  
250 candidate, provided the committee or person uses the information  
251 in any way, in whole or in part, either directly or indirectly,  
252 to design, prepare, or pay for the specific expenditure or  
253 advertising campaign at issue; or

254 5. After the last day of the qualifying period prescribed  
255 for the candidate ~~for statewide or legislative office~~, consults  
256 about the candidate's plans, projects, or needs in connection  
257 with the candidate's pursuit of election to office and the  
258 information is used in any way to plan, create, design, or  
259 prepare an independent expenditure or advertising campaign,  
260 with:

261 a. Any officer, director, employee, or agent of a national,

582-02319B-11

20117220\_\_

262 state, or county executive committee of a political party that  
263 has made or intends to make expenditures in connection with or  
264 contributions to the candidate; or

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

269 6. After the last day of the qualifying period prescribed  
270 for the candidate ~~for statewide or legislative office~~, retains  
271 the professional services of any person also providing those  
272 services to the candidate in connection with the candidate's  
273 pursuit of election to office; or

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

276 Section 3. Section 106.022, Florida Statutes, is amended to  
277 read:

278 106.022 Appointment of a registered agent; duties.—

279 (1) Each political committee, committee of continuous  
280 existence, or electioneering communications organization shall  
281 have and continuously maintain in this state a registered office  
282 and a registered agent and must file with the filing officer  
283 ~~division~~ a statement of appointment for the registered office  
284 and registered agent. The statement of appointment must:

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

287 (b) Identify the entity for whom the registered agent  
288 serves;

289 (c) Designate the address the registered agent wishes to  
290 use to receive mail;

582-02319B-11

20117220\_\_

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

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

297 (f) Contain the signature of the registered agent and the  
298 entity engaging the registered agent.

299 (2) An entity may change its appointment of registered  
300 agent and registered office under this section by executing a  
301 written statement of change and filing it with the filing  
302 officer. ~~The statement must satisfy that identifies the former~~  
303 ~~registered agent and registered address and also satisfies all~~  
304 of the requirements of subsection (1).

305 (3) A registered agent may resign his or her appointment as  
306 registered agent by executing a written statement of resignation  
307 and filing it with the filing officer ~~division~~. An entity  
308 without a registered agent may not make expenditures or accept  
309 contributions until it files a written statement of change as  
310 required in subsection (2).

311 Section 4. Subsection (1) of section 106.023, Florida  
312 Statutes, is amended to read:

313 106.023 Statement of candidate.—

314 (1) Each candidate must file a statement with the  
315 qualifying officer within 10 days after filing the appointment  
316 of campaign treasurer and designation of campaign depository,  
317 stating that the candidate has read and understands the  
318 requirements of this chapter. Such statement shall be provided  
319 by the filing officer and shall be in substantially the

582-02319B-11

20117220\_\_

320 following form:

321

322 STATEMENT OF CANDIDATE

323

324 I, ....., candidate for the office of ....., have been  
 325 provided access to ~~received~~, read, and understand the  
 326 requirements of Chapter 106, Florida Statutes.

327

328 ... (Signature of candidate) ... (Date) ...

329

330 Willful failure to file this form is a violation of ss.  
 331 106.19(1)(c) and 106.25(3), F.S.

332

333 Section 5. Subsection (4) of section 106.04, Florida  
 334 Statutes, is amended, present subsections (7) and (8) of that  
 335 section are amended and renumbered as subsections (8) and (9),  
 336 respectively, and a new subsection (7) is added to that section,  
 to read:

337

106.04 Committees of continuous existence.—

338

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

346

347 (b) 1. Each committee of continuous existence shall file  
 348 regular reports with the Division of Elections at the same times  
 and subject to the same filing conditions as are established by

582-02319B-11

20117220\_\_

349 s. 106.07(1) and (2) for candidates' reports.

350 2. A committee of continuous existence that makes a  
351 contribution or an expenditure in connection with a county or  
352 municipal election that is not being held at the same time as a  
353 state or federal election must also file campaign finance  
354 reports with the county or municipal filing officer on the same  
355 dates as county or municipal candidates or committees for that  
356 election. The committee of continuous existence must also  
357 include the contribution or expenditure in the next report filed  
358 with the Division of Elections pursuant to this section  
359 following the county or municipal election.

360 ~~3.2.~~ Any committee of continuous existence failing to so  
361 file a report with the Division of Elections or applicable  
362 filing officer pursuant to this paragraph on the designated due  
363 date shall be subject to a fine for late filing as provided by  
364 this section.

365 (c) All committees of continuous existence shall file their  
366 reports with the Division of Elections. Reports shall be filed  
367 in accordance with s. 106.0705 and shall contain the following  
368 information:

369 1. The full name, address, and occupation of each person  
370 who has made one or more contributions, including contributions  
371 that represent the payment of membership dues, to the committee  
372 during the reporting period, together with the amounts and dates  
373 of such contributions. For corporations, the report must provide  
374 as clear a description as practicable of the principal type of  
375 business conducted by the corporation. However, if the  
376 contribution is \$100 or less, the occupation of the contributor  
377 or principal type of business need not be listed. However, for

582-02319B-11

20117220\_\_

378 any contributions that represent the payment of dues by members  
379 in a fixed amount aggregating no more than \$250 per calendar  
380 year, pursuant to the schedule on file with the Division of  
381 Elections, only the aggregate amount of such contributions need  
382 be listed, together with the number of members paying such dues  
383 and the amount of the membership dues.

384 2. The name and address of each political committee or  
385 committee of continuous existence from which the reporting  
386 committee received, or the name and address of each political  
387 committee, committee of continuous existence, or political party  
388 to which it made, any transfer of funds, together with the  
389 amounts and dates of all transfers.

390 3. Any other receipt of funds not listed pursuant to  
391 subparagraph 1. or subparagraph 2., including the sources and  
392 amounts of all such funds.

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

397 5. The full name and address of each person to whom  
398 expenditures have been made by or on behalf of the committee  
399 within the reporting period; the amount, date, and purpose of  
400 each such expenditure; and the name and address, and office  
401 sought by, each candidate on whose behalf such expenditure was  
402 made.

403 6. The full name and address of each person to whom an  
404 expenditure for personal services, salary, or reimbursement for  
405 authorized expenses has been made, including the full name and  
406 address of each entity to whom the person made payment for which

582-02319B-11

20117220\_\_

407 reimbursement was made by check drawn upon the committee  
408 account, together with the amount and purpose of such payment.

409 7. Transaction information from each credit card purchase  
410 ~~statement that will be included in the next report following~~  
411 ~~receipt thereof by the committee.~~ Receipts for each credit card  
412 purchase shall be retained by the treasurer with the records for  
413 the committee account.

414 8. The total sum of expenditures made by the committee  
415 during the reporting period.

416 (d) The treasurer of each committee shall certify as to the  
417 correctness of each report and shall bear the responsibility for  
418 its accuracy and veracity. Any treasurer who willfully certifies  
419 to the correctness of a report while knowing that such report is  
420 incorrect, false, or incomplete commits a misdemeanor of the  
421 first degree, punishable as provided in s. 775.082 or s.  
422 775.083.

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

425 (8) ~~(7)~~ If a committee of continuous existence ceases to  
426 meet the criteria prescribed by subsection (1) or fails to file  
427 a report or information required pursuant to this chapter, the  
428 Division of Elections shall revoke its certification ~~until such~~  
429 ~~time as the criteria are again met.~~ The Division of Elections  
430 shall adopt promulgate rules to prescribe the manner in which  
431 the such certification of a committee of continuous existence  
432 shall be revoked. Such rules shall, at a minimum, provide for:

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

435 (b) Adequate opportunity to respond.

582-02319B-11

20117220\_\_

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

439 ~~(9)-(8)~~(a) Any committee of continuous existence failing to  
440 file a report on the designated due date is ~~shall be~~ subject to  
441 a fine. The fine shall be \$50 per day for the first 3 days late  
442 and, thereafter, \$500 per day for each late day, not to exceed  
443 25 percent of the total receipts or expenditures, whichever is  
444 greater, for the period covered by the late report. However, for  
445 the reports immediately preceding each primary and general  
446 election, including a special primary election and a special  
447 general election, the fine shall be \$500 per day for each late  
448 day, not to exceed 25 percent of the total receipts or  
449 expenditures, whichever is greater, for the period covered by  
450 the late report. The fine shall be assessed by the filing  
451 officer, and the moneys collected shall be deposited into:

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

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

458 (b) Upon determining that a report is late, the filing  
459 officer shall immediately notify the treasurer of the committee  
460 or the committee's registered agent as to the failure to file a  
461 report by the designated due date and that a fine is being  
462 assessed for each late day. Upon receipt of the report, the  
463 filing officer shall determine the amount of fine which is due  
464 and shall notify the treasurer of the committee. Notice is



582-02319B-11

20117220\_\_

465 deemed complete upon proof of delivery of written notice to the  
466 mailing or street address on record with the filing officer. The  
467 filing officer shall determine the amount of the fine due based  
468 upon the earliest of the following:

- 469 1. When the report is actually received by such officer.
- 470 2. When the report is postmarked.
- 471 3. When the certificate of mailing is dated.
- 472 4. When the receipt from an established courier company is  
473 dated.

474

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

480 (c) Any treasurer of a committee may appeal or dispute the  
481 fine, based upon unusual circumstances surrounding the failure  
482 to file on the designated due date, and may request and is ~~shall~~  
483 ~~be~~ entitled to a hearing before the Florida Elections  
484 Commission, which may ~~shall have the authority to~~ waive the fine  
485 in whole or in part. Any such request must ~~shall~~ be made within  
486 20 days after receipt of the notice of payment due. ~~In such~~  
487 ~~case, the treasurer of~~ The committee shall file a copy of the  
488 appeal with, ~~within the 20-day period,~~ notify the filing officer  
489 ~~in writing of his or her intention to bring the matter before~~  
490 ~~the commission.~~

491 (d) The filing officer shall notify the Florida Elections  
492 Commission of the repeated late filing by a committee of  
493 continuous existence, the failure of a committee of continuous

582-02319B-11

20117220

494 existence to file a report after notice, or the failure to pay  
495 the fine imposed. As used in this paragraph, the term "repeated  
496 late filing" means at least three late filings occurring within  
497 any 2-year period. The commission shall treat notification of  
498 each repeated late filing as a separate violation of this  
499 section.

500 Section 6. Section 106.07, Florida Statutes, is amended to  
501 read:

502 106.07 Reports; certification and filing.—

503 (1) Each campaign treasurer designated by a candidate or  
504 political committee pursuant to s. 106.021 shall file regular  
505 reports of all contributions received, and all expenditures  
506 made, by or on behalf of such candidate or political committee.  
507 Except for the third calendar quarter immediately preceding a  
508 general election, reports shall be filed on the 10th day  
509 following the end of each calendar quarter from the time the  
510 campaign treasurer is appointed, except that, if the 10th day  
511 following the end of a calendar quarter occurs on a Saturday,  
512 Sunday, or legal holiday, the report shall be filed on the next  
513 following day which is not a Saturday, Sunday, or legal holiday.  
514 Quarterly reports shall include all contributions received and  
515 expenditures made during the calendar quarter which have not  
516 otherwise been reported pursuant to this section.

517 (a) Except as provided in paragraph (b), ~~following the last~~  
518 ~~day of qualifying for office,~~ the reports shall also be filed on  
519 the 32nd, 18th, and 4th days immediately preceding the primary  
520 and on the 46th, 32nd, 18th, and 4th days immediately preceding  
521 the election, for a candidate who is opposed in seeking  
522 nomination or election to any office, for a political committee,

582-02319B-11

20117220\_\_

523 or for a committee of continuous existence.

524 (b) ~~Following the last day of qualifying for office,~~ Any  
525 statewide candidate who has requested to receive contributions  
526 pursuant to ~~from~~ the Florida Election Campaign Financing Act  
527 ~~Trust Fund~~ or any statewide candidate in a race with a candidate  
528 who has requested to receive contributions pursuant to ~~from~~ the  
529 act ~~trust fund~~ shall also file reports on the 4th, 11th, 18th,  
530 25th, and 32nd days prior to the primary election, and on the  
531 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to  
532 the general election.

533 (c) Following the last day of qualifying for office, any  
534 unopposed candidate need only file a report within 90 days after  
535 the date such candidate became unopposed. Such report shall  
536 contain all previously unreported contributions and expenditures  
537 as required by this section and shall reflect disposition of  
538 funds as required by s. 106.141.

539 (d)1. When a special election is called to fill a vacancy  
540 in office, all political committees ~~and committees of continuous~~  
541 ~~existence~~ making contributions or expenditures to influence the  
542 results of such special election or the preceding special  
543 primary election shall file campaign treasurers' reports with  
544 the filing officer on the dates set by the Department of State  
545 pursuant to s. 100.111.

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

551 (e) The filing officer shall provide each candidate with a

582-02319B-11

20117220

552 schedule designating the beginning and end of reporting periods  
553 as well as the corresponding designated due dates.

554 (2) (a) 1. All reports required of a candidate by this  
555 section shall be filed with the officer before whom the  
556 candidate is required by law to qualify. All candidates who file  
557 with the Department of State shall file their reports pursuant  
558 to s. 106.0705. Except as provided in s. 106.0705, reports shall  
559 be filed not later than 5 p.m. of the day designated; however,  
560 any report postmarked by the United States Postal Service no  
561 later than midnight of the day designated shall be deemed to  
562 have been filed in a timely manner. Any report received by the  
563 filing officer within 5 days after the designated due date that  
564 was delivered by the United States Postal Service shall be  
565 deemed timely filed unless it has a postmark that indicates that  
566 the report was mailed after the designated due date. A  
567 certificate of mailing obtained from and dated by the United  
568 States Postal Service at the time of mailing, or a receipt from  
569 an established courier company, which bears a date on or before  
570 the date on which the report is due, shall be proof of mailing  
571 in a timely manner. Reports shall contain information of all  
572 previously unreported contributions received and expenditures  
573 made as of the preceding Friday, except that the report filed on  
574 the Friday immediately preceding the election shall contain  
575 information of all previously unreported contributions received  
576 and expenditures made as of the day preceding that designated  
577 due date. All such reports shall be open to public inspection.

578 2. This subsection does not prohibit the governing body of  
579 a political subdivision, by ordinance or resolution, from  
580 imposing upon its own officers and candidates electronic filing

582-02319B-11

20117220\_\_

581 requirements not in conflict with s. 106.0705. Expenditure of  
582 public funds for such purpose is deemed to be for a valid public  
583 purpose.

584 (b)1. Any report that ~~which~~ is deemed to be incomplete by  
585 the officer with whom the candidate qualifies shall be accepted  
586 on a conditional basis. ~~and~~ The campaign treasurer shall be  
587 notified by certified ~~registered~~ mail or by another method using  
588 a common carrier that provides a proof of delivery of the notice  
589 as to why the report is incomplete and within 7 ~~be given 3~~ days  
590 after ~~from~~ receipt of such notice must ~~to~~ file an addendum to  
591 the report providing all information necessary to complete the  
592 report in compliance with this section. Failure to file a  
593 complete report after such notice constitutes a violation of  
594 this chapter.

595 2. Notice is deemed complete upon proof of delivery of a  
596 written notice to the mailing or street address of the campaign  
597 treasurer or registered agent of record with the filing officer.  
598 ~~In lieu of the notice by registered mail as required in~~  
599 ~~subparagraph 1., the qualifying officer may notify the campaign~~  
600 ~~treasurer by telephone that the report is incomplete and request~~  
601 ~~the information necessary to complete the report. If, however,~~  
602 ~~such information is not received by the qualifying officer~~  
603 ~~within 3 days after the telephone request therefor, notice shall~~  
604 ~~be sent by registered mail as provided in subparagraph 1.~~

605 (3) (a) Reports required of a political committee shall be  
606 filed with the agency or officer before whom such committee  
607 registers pursuant to s. 106.03(3) and shall be subject to the  
608 same filing conditions as established for candidates' reports.  
609 Incomplete reports by political committees shall be treated in

582-02319B-11

20117220\_\_

610 the manner provided for incomplete reports by candidates in  
611 subsection (2).

612 (b) In addition to the reports required by paragraph (a), a  
613 political committee that is registered with the Department of  
614 State and that makes a contribution or expenditure in connection  
615 with a county or municipal election that is not being held at  
616 the same time as a state or federal election must file campaign  
617 finance reports with the county or municipal filing officer on  
618 the same dates as county or municipal candidates or committees  
619 for that election. The political committee must also include  
620 such contribution or expenditure in the next report filed with  
621 the Division of Elections pursuant to this section following the  
622 county or municipal election.

623 (4) (a) Each report required by this section must ~~shall~~  
624 contain:

625 1. The full name, address, and occupation, if any of each  
626 person who has made one or more contributions to or for such  
627 committee or candidate within the reporting period, together  
628 with the amount and date of such contributions. For  
629 corporations, the report must provide as clear a description as  
630 practicable of the principal type of business conducted by the  
631 corporation. However, if the contribution is \$100 or less or is  
632 from a relative, as defined in s. 112.312, provided that the  
633 relationship is reported, the occupation of the contributor or  
634 the principal type of business need not be listed.

635 2. The name and address of each political committee from  
636 which the reporting committee or the candidate received, or to  
637 which the reporting committee or candidate made, any transfer of  
638 funds, together with the amounts and dates of all transfers.

582-02319B-11

20117220\_\_

639           3. Each loan for campaign purposes to or from any person or  
640 political committee within the reporting period, together with  
641 the full names, addresses, and occupations, and principal places  
642 of business, if any, of the lender and endorsers, if any, and  
643 the date and amount of such loans.

644           4. A statement of each contribution, rebate, refund, or  
645 other receipt not otherwise listed under subparagraphs 1.  
646 through 3.

647           5. The total sums of all loans, in-kind contributions, and  
648 other receipts by or for such committee or candidate during the  
649 reporting period. The reporting forms shall be designed to  
650 elicit separate totals for in-kind contributions, loans, and  
651 other receipts.

652           6. The full name and address of each person to whom  
653 expenditures have been made by or on behalf of the committee or  
654 candidate within the reporting period; the amount, date, and  
655 purpose of each such expenditure; and the name and address of,  
656 and office sought by, each candidate on whose behalf such  
657 expenditure was made. However, expenditures made from the petty  
658 cash fund provided by s. 106.12 need not be reported  
659 individually.

660           7. The full name and address of each person to whom an  
661 expenditure for personal services, salary, or reimbursement for  
662 authorized expenses as provided in s. 106.021(3) has been made  
663 and which is not otherwise reported, including the amount, date,  
664 and purpose of such expenditure. However, expenditures made from  
665 the petty cash fund provided for in s. 106.12 need not be  
666 reported individually.

667           8. The total amount withdrawn and the total amount spent

582-02319B-11

20117220\_\_

668 for petty cash purposes pursuant to this chapter during the  
669 reporting period.

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

672 10. The amount and nature of debts and obligations owed by  
673 or to the committee or candidate, which relate to the conduct of  
674 any political campaign.

675 11. Transaction information for each credit card purchase.  
676 ~~A copy of each credit card statement which shall be included in~~  
677 ~~the next report following receipt thereof by the candidate or~~  
678 ~~political committee.~~ Receipts for each credit card purchase  
679 shall be retained by the treasurer with the records for the  
680 campaign account.

681 12. The amount and nature of any separate interest-bearing  
682 accounts or certificates of deposit and identification of the  
683 financial institution in which such accounts or certificates of  
684 deposit are located.

685 13. The primary purposes of an expenditure made indirectly  
686 through a campaign treasurer pursuant to s. 106.021(3) for goods  
687 and services such as communications media placement or  
688 procurement services, campaign signs, insurance, and other  
689 expenditures that include multiple components as part of the  
690 expenditure. The primary purpose of an expenditure shall be that  
691 purpose, including integral and directly related components,  
692 that comprises 80 percent of such expenditure.

693 (b) The filing officer shall make available to any  
694 candidate or committee a reporting form which the candidate or  
695 committee may use to indicate contributions received by the  
696 candidate or committee but returned to the contributor before



582-02319B-11

20117220\_\_

697 deposit.

698 (5) The candidate and his or her campaign treasurer, in the  
699 case of a candidate, or the political committee chair and  
700 campaign treasurer of the committee, in the case of a political  
701 committee, shall certify as to the correctness of each report;  
702 and each person so certifying shall bear the responsibility for  
703 the accuracy and veracity of each report. Any campaign  
704 treasurer, candidate, or political committee chair who willfully  
705 certifies the correctness of any report while knowing that such  
706 report is incorrect, false, or incomplete commits a misdemeanor  
707 of the first degree, punishable as provided in s. 775.082 or s.  
708 775.083.

709 ~~(6) The campaign depository shall return all checks drawn~~  
710 ~~on the account to the campaign treasurer who shall retain the~~  
711 ~~records pursuant to s. 106.06.~~ The records maintained by the  
712 campaign depository with respect to any campaign account  
713 regulated by this chapter are ~~such account shall be~~ subject to  
714 inspection by an agent of the Division of Elections or the  
715 Florida Elections Commission at any time during normal banking  
716 hours, and such depository shall furnish certified copies of any  
717 of such records to the Division of Elections or Florida  
718 Elections Commission upon request.

719 (7) Notwithstanding any other provisions of this chapter,  
720 in any reporting period during which a candidate, political  
721 committee, or committee of continuous existence has not received  
722 funds, made any contributions, or expended any reportable funds,  
723 the filing of the required report for that period is waived.  
724 However, the next report filed must specify that the report  
725 covers the entire period between the last submitted report and

582-02319B-11

20117220\_\_

726 the report being filed, and any candidate, political committee,  
727 or committee of continuous existence not reporting by virtue of  
728 this subsection on dates prescribed elsewhere in this chapter  
729 shall notify the filing officer in writing on the prescribed  
730 reporting date that no report is being filed on that date.

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

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

740 2. In the general revenue fund of the political  
741 subdivision, in the case of a candidate for an office of a  
742 political subdivision or a political committee that registers  
743 with an officer of a political subdivision.

744  
745 ~~No separate fine shall be assessed for failure to file a copy of~~  
746 ~~any report required by this section.~~

747 (b) Upon determining that a report is late, the filing  
748 officer shall immediately notify the candidate or chair of the  
749 political committee as to the failure to file a report by the  
750 designated due date and that a fine is being assessed for each  
751 late day. The fine shall be \$50 per day for the first 3 days  
752 late and, thereafter, \$500 per day for each late day, not to  
753 exceed 25 percent of the total receipts or expenditures,  
754 whichever is greater, for the period covered by the late report.

582-02319B-11

20117220\_\_

755 However, for the reports immediately preceding each special  
756 primary election, special election, primary election, and  
757 general election, the fine shall be \$500 per day for each late  
758 day, not to exceed 25 percent of the total receipts or  
759 expenditures, whichever is greater, for the period covered by  
760 the late report. For reports required under s. 106.141(7), the  
761 fine is \$50 per day for each late day, not to exceed 25 percent  
762 of the total receipts or expenditures, whichever is greater, for  
763 the period covered by the late report. Upon receipt of the  
764 report, the filing officer shall determine the amount of the  
765 fine which is due and shall notify the candidate or chair or  
766 registered agent of the political committee. The filing officer  
767 shall determine the amount of the fine due based upon the  
768 earliest of the following:

- 769 1. When the report is actually received by such officer.
- 770 2. When the report is postmarked.
- 771 3. When the certificate of mailing is dated.
- 772 4. When the receipt from an established courier company is  
773 dated.
- 774 5. When the electronic receipt issued pursuant to s.  
775 106.0705 or other electronic filing system authorized in this  
776 section is dated.

777  
778 Such fine shall be paid to the filing officer within 20 days  
779 after receipt of the notice of payment due, unless appeal is  
780 made to the Florida Elections Commission pursuant to paragraph  
781 (c). Notice is deemed complete upon proof of delivery of written  
782 notice to the mailing or street address of record with the  
783 filing officer. In the case of a candidate, such fine shall not

582-02319B-11

20117220\_\_

784 be an allowable campaign expenditure and shall be paid only from  
785 personal funds of the candidate. An officer or member of a  
786 political committee shall not be personally liable for such  
787 fine.

788 (c) Any candidate or chair of a political committee may  
789 appeal or dispute the fine, based upon, but not limited to,  
790 unusual circumstances surrounding the failure to file on the  
791 designated due date, and may request and shall be entitled to a  
792 hearing before the Florida Elections Commission, which shall  
793 have the authority to waive the fine in whole or in part. The  
794 Florida Elections Commission must consider the mitigating and  
795 aggravating circumstances contained in s. 106.265(1) when  
796 determining the amount of a fine, if any, to be waived. Any such  
797 request shall be made within 20 days after receipt of the notice  
798 of payment due. In such case, the candidate or chair of the  
799 political committee shall, within the 20-day period, notify the  
800 filing officer in writing of his or her intention to bring the  
801 matter before the commission.

802 (d) The appropriate filing officer shall notify the Florida  
803 Elections Commission of the repeated late filing by a candidate  
804 or political committee, the failure of a candidate or political  
805 committee to file a report after notice, or the failure to pay  
806 the fine imposed. The commission shall investigate only those  
807 alleged late filing violations specifically identified by the  
808 filing officer and as set forth in the notification. Any other  
809 alleged violations must be separately stated and reported by the  
810 division to the commission under s. 106.25(2). As used in this  
811 paragraph, the term "repeated late filing" means at least three  
812 late filings occurring within any 2-year period. The commission

582-02319B-11

20117220\_\_

813 shall treat notification of each repeated late filing as a  
814 separate violation of this section.

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

818 Section 7. Paragraph (d) of subsection (7) of section  
819 106.0703, Florida Statutes, is amended to read:

820 106.0703 Electioneering communications organizations;  
821 reporting requirements; certification and filing; penalties.-

822 (7)

823 (d) The appropriate filing officer shall notify the Florida  
824 Elections Commission of the repeated late filing by an  
825 electioneering communications organization, the failure of an  
826 electioneering communications organization to file a report  
827 after notice, or the failure to pay the fine imposed. The  
828 commission shall investigate only those alleged late filing  
829 violations specifically identified by the filing officer and as  
830 set forth in the notification. Any other alleged violations must  
831 be stated separately and reported by the division to the  
832 commission under s. 106.25(2). As used in this paragraph, the  
833 term "repeated late filing" means at least three late filings  
834 occurring within any 2-year period. The commission shall treat  
835 notification of each repeated late filing as a separate  
836 violation of this section.

837 Section 8. Paragraphs (a) and (c) of subsection (2) and  
838 subsections (3) and (7) of section 106.0705, Florida Statutes,  
839 are amended to read:

840 106.0705 Electronic filing of campaign treasurer's  
841 reports.-

582-02319B-11

20117220\_\_

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

846 (c) Each person or organization that is required to file  
847 reports with the division under s. 106.071 must file such  
848 reports ~~with the division~~ by means of the division's electronic  
849 filing system.

850 (3) Reports filed pursuant to this section shall be  
851 completed and filed through the electronic filing system not  
852 later than midnight of the day designated. Reports not filed by  
853 midnight of the day designated are late filed and are subject to  
854 the penalties under s. 106.04(9) ~~s. 106.04(8)~~, s. 106.07(8), s.  
855 106.0703(7), or s. 106.29(3), as applicable.

856 ~~(7) Notwithstanding anything in law to the contrary, any~~  
857 ~~report required to have been filed under this section for the~~  
858 ~~period ended March 31, 2005, shall be deemed to have been timely~~  
859 ~~filed if the report is filed under this section on or before~~  
860 ~~June 1, 2005.~~

861 Section 9. Subsections (3) and (6) of section 106.08,  
862 Florida Statutes, are amended to read:

863 106.08 Contributions; limitations on.-

864 (3) (a) Any contribution received by a candidate with  
865 opposition in an election or by the campaign treasurer or a  
866 deputy campaign treasurer of such a candidate on the day of that  
867 election or less than 5 days prior to the day of that election  
868 must be returned by him or her to the person or committee  
869 contributing it and may not be used or expended by or on behalf  
870 of the candidate.

582-02319B-11

20117220\_\_

871 (b) Except as otherwise provided in paragraph (c), any  
872 contribution received by a candidate or by the campaign  
873 treasurer or a deputy campaign treasurer of a candidate after  
874 the date at which the candidate withdraws his or her candidacy,  
875 or after the date the candidate is defeated, becomes unopposed,  
876 or is elected to office must be returned to the person or  
877 committee contributing it and may not be used or expended by or  
878 on behalf of the candidate.

879 ~~(c) With respect to any campaign for an office in which an~~  
880 ~~independent or minor party candidate has filed as required in s.~~  
881 ~~99.0955 or s. 99.096, but whose qualification is pending a~~  
882 ~~determination by the Department of State or supervisor of~~  
883 ~~elections as to whether or not the required number of petition~~  
884 ~~signatures was obtained:~~

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

888 ~~2. Any contribution received by a candidate or the campaign~~  
889 ~~treasurer or deputy campaign treasurer of a candidate after the~~  
890 ~~candidate has been notified in writing by the department or~~  
891 ~~supervisor that he or she has become unopposed as a result of an~~  
892 ~~independent or minor party candidate failing to obtain the~~  
893 ~~required number of petition signatures shall be returned to the~~  
894 ~~person, political committee, or committee of continuous~~  
895 ~~existence contributing it and shall not be used or expended by~~  
896 ~~or on behalf of the candidate.~~

897 (6) (a) A political party may not accept any contribution  
898 that has been specifically designated for the partial or  
899 exclusive use of a particular candidate. Any contribution so

582-02319B-11

20117220\_\_

900 designated must be returned to the contributor and may not be  
901 used or expended by or on behalf of the candidate.

902 (b)1. A political party may not accept any in-kind  
903 contribution that fails to provide a direct benefit to the  
904 political party. A "direct benefit" includes, but is not limited  
905 to, fundraising or furthering the objectives of the political  
906 party.

907 2.a. An in-kind contribution to a state political party may  
908 be accepted only by the chairperson of the state political party  
909 or by the chairperson's designee or designees whose names are on  
910 file with the division in a form acceptable to the division  
911 prior to the date of the written notice required in sub-  
912 subparagraph b. An in-kind contribution to a county political  
913 party may be accepted only by the chairperson of the county  
914 political party or by the county chairperson's designee or  
915 designees whose names are on file with the supervisor of  
916 elections of the respective county prior to the date of the  
917 written notice required in sub-subparagraph b.

918 b. A person making an in-kind contribution to a state  
919 political party or county political party must provide prior  
920 written notice of the contribution to a person described in sub-  
921 subparagraph a. The prior written notice must be signed and  
922 dated and may be provided by an electronic or facsimile message.  
923 However, prior written notice is not required for an in-kind  
924 contribution that consists of food and beverage in an aggregate  
925 amount not exceeding \$1,500 which is consumed at a single  
926 sitting or event if such in-kind contribution is accepted in  
927 advance by a person specified in sub-subparagraph a.

928 c. A person described in sub-subparagraph a. may accept an



582-02319B-11

20117220\_\_

929 in-kind contribution requiring prior written notice only in a  
930 writing that is ~~signed and~~ dated before the in-kind contribution  
931 is made. Failure to obtain the required written acceptance of an  
932 in-kind contribution to a state or county political party  
933 constitutes a refusal of the contribution.

934 d. A copy of each prior written acceptance required under  
935 sub-subparagraph c. must be filed ~~with the division~~ at the time  
936 the regular reports of contributions and expenditures required  
937 under s. 106.29 are filed by the state executive committee and  
938 county executive committee. A state executive committee must  
939 file with the division. A county executive committee must file  
940 with the county's supervisor of elections.

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

944 Section 10. Section 106.09, Florida Statutes, is amended to  
945 read:

946 106.09 Cash contributions and contribution by cashier's  
947 checks.—

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

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

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

582-02319B-11

20117220\_\_

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

962 Section 11. Paragraph (b) of subsection (1) and paragraph  
963 (a) of subsection (2) of section 106.11, Florida Statutes, are  
964 amended, and subsection (6) is added to that section, to read:

965 106.11 Expenses of and expenditures by candidates and  
966 political committees.—Each candidate and each political  
967 committee which designates a primary campaign depository  
968 pursuant to s. 106.021(1) shall make expenditures from funds on  
969 deposit in such primary campaign depository only in the  
970 following manner, with the exception of expenditures made from  
971 petty cash funds provided by s. 106.12:

972 (1)

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

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

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

978 3. The exact amount of the expenditure.

979 4. The signature of the campaign treasurer or deputy  
980 treasurer.

981 5. The exact purpose for which the expenditure is  
982 authorized.

983 6. The name of the payee.

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

986 1. Debit cards are obtained from the same bank that has

582-02319B-11

20117220\_\_

987 been designated as the candidate's or political committee's  
988 primary campaign depository.

989 2. Debit cards are issued in the name of the treasurer,  
990 deputy treasurer, or authorized user and state "~~Campaign Account~~  
991 ~~of ... (name of candidate or political committee)...~~ Campaign  
992 Account."

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

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

996 ~~5. All debit cards issued to a candidate's campaign or a~~  
997 ~~political committee expire no later than midnight of the last~~  
998 ~~day of the month of the general election.~~

999 ~~4.6.~~ The person using the debit card does not receive cash  
1000 as part of, or independent of, any transaction for goods or  
1001 services.

1002 ~~5.7.~~ All receipts for debit card transactions contain:

1003 a. The last four digits of the debit card number.

1004 b. The exact amount of the expenditure.

1005 c. The name of the payee.

1006 d. The signature of the campaign treasurer, deputy  
1007 treasurer, or authorized user.

1008 e. The exact purpose for which the expenditure is  
1009 authorized.

1010  
1011 Any information required by this subparagraph but not included  
1012 on the debit card transaction receipt may be handwritten on, or  
1013 attached to, the receipt by the authorized user before  
1014 submission to the treasurer.

1015 (6) A candidate who makes a loan to his or her campaign and

582-02319B-11

20117220

1016 reports the loan as required by s. 106.07 may be reimbursed for  
1017 the loan at any time the campaign account has sufficient funds  
1018 to repay the loan and satisfy its other obligations.

1019 Section 12. Paragraph (b) of subsection (4) of section  
1020 106.141, Florida Statutes, is amended to read:

1021 106.141 Disposition of surplus funds by candidates.—

1022 (4)

1023 (b) Any candidate required to dispose of funds pursuant to  
1024 this section who has received contributions pursuant to ~~from~~ the  
1025 Florida Election Campaign Financing Act Trust Fund shall, after  
1026 all monetary commitments pursuant to s. 106.11(5)(b) and (c)  
1027 have been met, return all surplus campaign funds to the General  
1028 Revenue Election Campaign Financing Trust Fund.

1029 Section 13. Subsections (1), (2), and (4) of section  
1030 106.143, Florida Statutes, are amended to read:

1031 106.143 Political advertisements circulated prior to  
1032 election; requirements.—

1033 (1)(a) Any political advertisement that is paid for by a  
1034 candidate, except a write-in candidate, and that is published,  
1035 displayed, or circulated before, or on the day of, any election  
1036 must prominently state:

1037 1. "Political advertisement paid for and approved by  
1038 ... (name of candidate) ..., ... (party affiliation) ..., for  
1039 ... (office sought) ..."; or

1040 2. "Paid by ... (name of candidate) ..., ... (party  
1041 affiliation) ..., for ... (office sought) ..."

1042 (b) Any political advertisement that is paid for by a  
1043 write-in candidate and that is published, displayed, or  
1044 circulated before, or on the day of, any election must

582-02319B-11

20117220\_\_

1045 prominently state:

1046 1. "Political advertisement paid for and approved by  
1047 ...(name of candidate)..., write-in candidate, for ...(office  
1048 sought)..."; or

1049 2. "Paid by ...(name of candidate)..., write-in candidate,  
1050 for ...(office sought)...."

1051 (c) ~~(b)~~ Any other political advertisement published,  
1052 displayed, or circulated before, or on the day of, any election  
1053 must prominently:

1054 1. Be marked "paid political advertisement" or with the  
1055 abbreviation "pd. pol. adv."

1056 2. State the name and address of the persons sponsoring the  
1057 advertisement.

1058 3.a.(I) State whether the advertisement and the cost of  
1059 production is paid for or provided in kind by or at the expense  
1060 of the entity publishing, displaying, broadcasting, or  
1061 circulating the political advertisement; or

1062 (II) State who provided or paid for the advertisement and  
1063 cost of production, if different from the source of sponsorship.

1064 b. This subparagraph does not apply if the source of the  
1065 sponsorship is patently clear from the content or format of the  
1066 political advertisement.

1067 (d) ~~(e)~~ Any political advertisement made pursuant to s.  
1068 106.021(3)(d) must be marked "paid political advertisement" or  
1069 with the abbreviation "pd. pol. adv." and must prominently  
1070 state, "Paid for and sponsored by ...(name of person paying for  
1071 political advertisement).... Approved by ...(names of persons,  
1072 party affiliation, and offices sought in the political  
1073 advertisement)...."

582-02319B-11

20117220\_\_

1074 (2) Any political advertisement of a candidate running for  
1075 partisan office shall express the name of the political party of  
1076 which the candidate is seeking nomination or is the nominee. If  
1077 the candidate for partisan office is running as a candidate with  
1078 no party affiliation, any political advertisement of the  
1079 candidate must state that the candidate has no party  
1080 affiliation. Any political advertisement of a candidate running  
1081 for nonpartisan office may not state the candidate's political  
1082 party affiliation. A candidate for nonpartisan office is  
1083 prohibited from campaigning based on party affiliation.

1084 (4) (a) Any political advertisement not paid for by a  
1085 candidate, including those paid for by a political party, other  
1086 than an independent expenditure, offered ~~by or~~ on behalf of a  
1087 candidate must be approved in advance by the candidate. Such  
1088 political advertisement must expressly state that the content of  
1089 the advertisement was approved by the candidate and must state  
1090 who paid for the advertisement. The candidate shall provide a  
1091 written statement of authorization to the newspaper, radio  
1092 station, television station, or other medium for each such  
1093 advertisement submitted for publication, display, broadcast, or  
1094 other distribution.

1095 (b) Any person who makes an independent expenditure for a  
1096 political advertisement shall provide a written statement that  
1097 no candidate has approved the advertisement to the newspaper,  
1098 radio station, television station, or other medium for each such  
1099 advertisement submitted for publication, display, broadcast, or  
1100 other distribution. The advertisement must also contain a  
1101 statement that no candidate has approved the advertisement.

1102 ~~(c) This subsection does not apply to campaign messages~~

582-02319B-11

20117220\_\_

1103 ~~used by a candidate and his or her supporters if those messages~~  
1104 ~~are designed to be worn by a person.~~

1105 Section 14. Subsection (3) of section 106.18, Florida  
1106 Statutes, is amended to read:

1107 106.18 When a candidate's name to be omitted from ballot.-

1108 (3) No certificate of election shall be granted to any  
1109 candidate until all preelection reports required by s. 106.07  
1110 have been filed in accordance with the provisions of such  
1111 section. ~~However, no candidate shall be prevented from receiving~~  
1112 ~~a certificate of election for failure to file any copy of a~~  
1113 ~~report required by this chapter.~~

1114 Section 15. Subsection (4) is added to section 106.19,  
1115 Florida Statutes, to read:

1116 106.19 Violations by candidates, persons connected with  
1117 campaigns, and political committees.-

1118 (4) Except as otherwise expressly stated, the failure by a  
1119 candidate to comply with the requirements of this chapter has no  
1120 effect upon whether the candidate has qualified for the office  
1121 the candidate is seeking.

1122 Section 16. Subsection (1) and paragraphs (b) and (d) of  
1123 subsection (3) of section 106.29, Florida Statutes, are amended  
1124 to read:

1125 106.29 Reports by political parties; restrictions on  
1126 contributions and expenditures; penalties.-

1127 (1) The state executive committee and each county executive  
1128 committee of each political party regulated by chapter 103 shall  
1129 file regular reports of all contributions received and all  
1130 expenditures made by such committee. In addition, when a special  
1131 election is called to fill a vacancy in office, each state

582-02319B-11

20117220

1132 executive committee and each county executive committee making  
1133 contributions or expenditures to influence the results of the  
1134 special election or the preceding special primary election must  
1135 file campaign treasurers' reports on the dates set by the  
1136 Department of State pursuant to s. 100.111. Such reports shall  
1137 contain the same information as do reports required of  
1138 candidates by s. 106.07 and shall be filed on the 10th day  
1139 following the end of each calendar quarter, except that, during  
1140 the period from the last day for candidate qualifying until the  
1141 general election, such reports shall be filed on the Friday  
1142 immediately preceding each special primary election, special  
1143 election, ~~both the primary election,~~ and ~~the~~ general election.  
1144 In addition to the reports filed under this section, the state  
1145 executive committee and each county executive committee shall  
1146 file a copy of each prior written acceptance of an in-kind  
1147 contribution given by the committee during the preceding  
1148 calendar quarter as required under s. 106.08(6). Each state  
1149 executive committee shall file ~~the original and one copy of its~~  
1150 reports with the Division of Elections. Each county executive  
1151 committee shall file its reports with the supervisor of  
1152 elections in the county in which such committee exists. Any  
1153 state or county executive committee failing to file a report on  
1154 the designated due date shall be subject to a fine as provided  
1155 in subsection (3). ~~No separate fine shall be assessed for~~  
1156 ~~failure to file a copy of any report required by this section.~~

1157 (3)

1158 (b) Upon determining that a report is late, the filing  
1159 officer shall immediately notify the chair of the executive  
1160 committee as to the failure to file a report by the designated



582-02319B-11

20117220\_\_

1161 due date and that a fine is being assessed for each late day.  
1162 The fine shall be \$1,000 for a state executive committee, and  
1163 \$50 for a county executive committee, per day for each late day,  
1164 not to exceed 25 percent of the total receipts or expenditures,  
1165 whichever is greater, for the period covered by the late report.  
1166 However, if an executive committee fails to file a report on the  
1167 Friday immediately preceding the special election or general  
1168 election, the fine shall be \$10,000 per day for each day a state  
1169 executive committee is late and \$500 per day for each day a  
1170 county executive committee is late. Upon receipt of the report,  
1171 the filing officer shall determine the amount of the fine which  
1172 is due and shall notify the chair. Notice is deemed complete  
1173 upon proof of delivery of written notice to the mailing or  
1174 street address of record with the filing officer. The filing  
1175 officer shall determine the amount of the fine due based upon  
1176 the earliest of the following:

- 1177 1. When the report is actually received by such officer.
- 1178 2. When the report is postmarked.
- 1179 3. When the certificate of mailing is dated.
- 1180 4. When the receipt from an established courier company is  
1181 dated.
- 1182 5. When the electronic receipt issued pursuant to s.  
1183 106.0705 is dated.

1184  
1185 Such fine shall be paid to the filing officer within 20 days  
1186 after receipt of the notice of payment due, unless appeal is  
1187 made to the Florida Elections Commission pursuant to paragraph  
1188 (c). An officer or member of an executive committee shall not be  
1189 personally liable for such fine.

582-02319B-11

20117220\_\_

1190 (d) The appropriate filing officer shall notify the Florida  
1191 Elections Commission of the repeated late filing by an executive  
1192 committee, the failure of an executive committee to file a  
1193 report after notice, or the failure to pay the fine imposed. As  
1194 used in this paragraph, the term "repeated late filing" means at  
1195 least three late filings occurring within any 2-year period. The  
1196 commission shall treat notification of each repeated late filing  
1197 as a separate violation of this section.

1198 Section 17. Subsection (5) of section 106.35, Florida  
1199 Statutes, is amended to read:

1200 106.35 Distribution of funds.—

1201 (5) The division shall adopt rules providing for the weekly  
1202 reports and certification and distribution of funds pursuant  
1203 thereto required by this section. Such rules shall, at a  
1204 minimum, provide ~~for:~~

1205 ~~(a) Specifications for printed campaign treasurer's reports~~  
1206 ~~outlining the format for such reports, including size of paper,~~  
1207 ~~typeface, color of print, and placement of required information~~  
1208 ~~on the form.~~

1209 ~~(b) 1.~~ specifications for electronically transmitted  
1210 campaign treasurer's reports outlining communication parameters  
1211 and protocol, data record formats, and provisions for ensuring  
1212 security of data and transmission.

1213 ~~2. All electronically transmitted campaign treasurer's~~  
1214 ~~reports must also be filed in printed format. Printed format~~  
1215 ~~shall not include campaign treasurer's reports submitted by~~  
1216 ~~electronic facsimile transmission.~~

1217 Section 18. This act shall take effect July 1, 2011.