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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
03/13/2013	.	
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The Committee on Ethics and Elections (Clemens) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (16) of section 106.011, Florida  
Statutes, is amended to read:

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

(16) "Candidate" means any person to whom any one or more  
of the following apply:

(a) Any person who seeks to qualify for nomination or



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13 election by means of the petitioning process.

14 (b) Any person who seeks to qualify for election as a  
15 write-in candidate.

16 (c) Any person who receives contributions or makes  
17 expenditures, or consents for any other person to receive  
18 contributions or make expenditures, with a view to bring about  
19 his or her nomination or election to, or retention in, public  
20 office.

21 (d) Any person who appoints a treasurer and designates a  
22 primary depository.

23 (e) Any person who files qualification papers and  
24 subscribes to a candidate's oath as required by law.

25  
26 ~~However, this definition does not include any candidate for a~~  
27 ~~political party executive committee.~~ Expenditures related to  
28 potential candidate polls as provided in s. 106.17 are not  
29 contributions or expenditures for purposes of this subsection.

30 Section 2. Paragraph (a) of subsection (1) of section  
31 106.021, Florida Statutes, is amended to read:

32 106.021 Campaign treasurers; deputies; primary and  
33 secondary depositories.—

34 (1)(a) Each candidate for nomination or election to office  
35 and each political committee shall appoint a campaign treasurer.  
36 Each person who seeks to qualify for nomination or election to,  
37 or retention in, office shall appoint a campaign treasurer and  
38 designate a primary campaign depository before ~~prior to~~  
39 qualifying for office. Any person who seeks to qualify for  
40 election or nomination to any office by means of the petitioning  
41 process shall appoint a treasurer and designate a primary



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42 depository on or before the date he or she obtains the  
43 petitions. ~~Each candidate shall~~ At the same time a candidate ~~he~~  
44 ~~or she~~ designates a campaign depository and appoints a  
45 treasurer, the candidate shall also designate the office for  
46 which he or she is a candidate. If the candidate is running for  
47 an office that ~~which~~ will be grouped on the ballot with two or  
48 more similar offices to be filled at the same election, the  
49 candidate must indicate for which group or district office he or  
50 she is running. ~~Nothing in~~ This subsection does not ~~shall~~  
51 prohibit a candidate, at a later date, from changing the  
52 designation of the office for which he or she is a candidate.  
53 However, if a candidate changes the designated office for which  
54 he or she is a candidate, the candidate must notify all  
55 contributors in writing of the intent to seek a different office  
56 and offer to return pro rata, upon their request, those  
57 contributions given in support of the original office sought.  
58 This notification shall be given within 15 days after the filing  
59 of the change of designation and shall include a standard form  
60 developed by the Division of Elections for requesting the return  
61 of contributions. The notice requirement does ~~shall~~ not apply to  
62 any change in a numerical designation resulting solely from  
63 redistricting. If, within 30 days after being notified by the  
64 candidate of the intent to seek a different office, the  
65 contributor notifies the candidate in writing that the  
66 contributor wishes his or her contribution to be returned, the  
67 candidate shall return the contribution, on a pro rata basis,  
68 calculated as of the date the change of designation is filed. Up  
69 to a maximum of the contribution limits specified in s. 106.08,  
70 a candidate who runs for an office other than the office



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71 originally designated may use any contribution that a donor does  
72 not request ~~Any contributions not requested to be returned~~  
73 within the 30-day period for the newly designated office,  
74 provided the candidate disposes of any amount exceeding the  
75 contribution limit pursuant to the options in s. 106.11(5)(b)  
76 and (c) or s. 106.141(4)(a)1., s. 106.141(4)(a)2., or s.  
77 106.141(4)(a)4.; notwithstanding, the full amount of the  
78 contribution for the original office shall count toward the  
79 contribution limits specified in s. 106.08 for the newly  
80 designated office may be used by the candidate for the newly  
81 ~~designated office. A~~ No person may not shall accept any  
82 contribution or make any expenditure with a view to bringing  
83 about his or her nomination, election, or retention in public  
84 office, or authorize another to accept such contributions or  
85 make such expenditure on the person's behalf, unless such person  
86 has appointed a campaign treasurer and designated a primary  
87 campaign depository. A candidate for an office voted upon  
88 statewide may appoint not more than 15 deputy campaign  
89 treasurers, and any other candidate or political committee may  
90 appoint not more than 3 deputy campaign treasurers. The names  
91 and addresses of the campaign treasurer and deputy campaign  
92 treasurers so appointed shall be filed with the officer before  
93 whom such candidate is required to qualify or with whom such  
94 political committee is required to register pursuant to s.  
95 106.03.

96 Section 3. Subsection (2) of section 106.03, Florida  
97 Statutes, is amended to read:

98 106.03 Registration of political committees and  
99 electioneering communications organizations.-



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- 100 (2) The statement of organization shall include:
- 101 (a) The name, mailing address, and street address of the  
102 committee or electioneering communications organization;
- 103 (b) The names, street addresses, and relationships of  
104 affiliated or connected organizations, including any affiliated  
105 sponsors;
- 106 (c) The area, scope, or jurisdiction of the committee or  
107 electioneering communications organization;
- 108 (d) The name, mailing address, street address, and position  
109 of the custodian of books and accounts;
- 110 (e) The name, mailing address, street address, and position  
111 of other principal officers, including the treasurer and deputy  
112 treasurer, if any;
- 113 (f) The name, address, office sought, and party affiliation  
114 of:
- 115 1. Each candidate whom the committee is supporting;
- 116 2. Any other individual, if any, whom the committee is  
117 supporting for nomination for election, or election, to any  
118 public office whatever;
- 119 (g) Any issue or issues the committee is supporting or  
120 opposing;
- 121 (h) If the committee is supporting the entire ticket of any  
122 party, a statement to that effect and the name of the party;
- 123 (i) A statement of whether the committee is a continuing  
124 one;
- 125 (j) Plans for the disposition of residual funds which will  
126 be made in the event of dissolution;
- 127 (k) A listing of all banks, safe-deposit boxes, or other  
128 depositories used for committee or electioneering communications



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129 organization funds;

130 (l) A statement of the reports required to be filed by the  
131 committee or the electioneering communications organization with  
132 federal officials, if any, and the names, addresses, and  
133 positions of such officials; and

134 (m) A statement of whether the electioneering  
135 communications organization was formed as a newly created  
136 organization during the current calendar quarter or was formed  
137 from an organization existing prior to the current calendar  
138 quarter. For purposes of this subsection, calendar quarters end  
139 the last day of March, June, September, and December.

140 Section 4. Section 106.07, Florida Statutes, is reenacted  
141 and amended to read:

142 106.07 Reports; certification and filing.—

143 (1) Each campaign treasurer designated by a candidate or  
144 political committee pursuant to s. 106.021 shall file regular  
145 reports of all contributions received, and all expenditures  
146 made, by or on behalf of such candidate or political committee.  
147 Except as provided in paragraphs (a) and (b) for the third  
148 calendar quarter immediately preceding a general election,  
149 reports shall be filed on the 10th day following the end of each  
150 calendar month ~~quarter~~ from the time the campaign treasurer is  
151 appointed, except that, if the 10th day following the end of a  
152 calendar month ~~quarter~~ occurs on a Saturday, Sunday, or legal  
153 holiday, the report shall be filed on the next following day  
154 that ~~which~~ is not a Saturday, Sunday, or legal holiday. Monthly  
155 Quarterly reports shall include all contributions received and  
156 expenditures made during the calendar month ~~quarter~~ which have  
157 not otherwise been reported pursuant to this section.



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158           (a) The following reports must be filed if the candidate,  
159 political committee, or committee of continuous existence is  
160 required to file reports with the division:

161           1. On the 60th day immediately preceding the primary  
162 election, and each week thereafter, with the last weekly report  
163 being filed on the 11th day immediately preceding the general  
164 election.

165           2. On the 10th day immediately preceding the general  
166 election, and each day thereafter, with the last daily report  
167 being filed the 4th day before the general election ~~Except as~~  
168 ~~provided in paragraph (b), the reports shall also be filed on~~  
169 ~~the 32nd, 18th, and 4th days immediately preceding the primary~~  
170 ~~and on the 46th, 32nd, 18th, and 4th days immediately preceding~~  
171 ~~the election, for a candidate who is opposed in seeking~~  
172 ~~nomination or election to any office, for a political committee,~~  
173 ~~or for a committee of continuous existence.~~

174           (b) If the candidate, political committee, or committee of  
175 continuous existence is required to file reports with a filing  
176 officer other than the division, reports must be filed on the  
177 60th day immediately preceding the primary election, and each  
178 week thereafter, with the last weekly report being filed on the  
179 4th day immediately preceding the general election ~~Any statewide~~  
180 ~~candidate who has requested to receive contributions pursuant to~~  
181 ~~the Florida Election Campaign Financing Act or any statewide~~  
182 ~~candidate in a race with a candidate who has requested to~~  
183 ~~receive contributions pursuant to the act shall also file~~  
184 ~~reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the~~  
185 ~~primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th,~~  
186 ~~46th, and 53rd days prior to the general election.~~



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187 (c) Following the last day of qualifying for office, any  
188 unopposed candidate need only file a report within 90 days after  
189 the date such candidate became unopposed. Such report shall  
190 contain all previously unreported contributions and expenditures  
191 as required by this section and shall reflect disposition of  
192 funds as required by s. 106.141.

193 (d)1. When a special election is called to fill a vacancy  
194 in office, all political committees making contributions or  
195 expenditures to influence the results of such special election  
196 or the preceding special primary election shall file campaign  
197 treasurers' reports with the filing officer on the dates set by  
198 the Department of State pursuant to s. 100.111.

199 2. When an election is called for an issue to appear on the  
200 ballot at a time when no candidates are scheduled to appear on  
201 the ballot, all political committees making contributions or  
202 expenditures in support of or in opposition to such issue shall  
203 file reports on the 18th and 4th days before ~~prior to~~ such  
204 election.

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

208 (2) (a)1. All reports required of a candidate by this  
209 section shall be filed with the officer before whom the  
210 candidate is required by law to qualify. All candidates who file  
211 with the Department of State shall file their reports pursuant  
212 to s. 106.0705. Except as provided in s. 106.0705, reports shall  
213 be filed not later than 5 p.m. of the day designated; however,  
214 any report postmarked by the United States Postal Service no  
215 later than midnight of the day designated is ~~shall be~~ deemed to





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216 have been filed in a timely manner. Any report received by the  
217 filing officer within 5 days after the designated due date that  
218 was delivered by the United States Postal Service is ~~shall be~~  
219 deemed timely filed unless it has a postmark that indicates that  
220 the report was mailed after the designated due date. A  
221 certificate of mailing obtained from and dated by the United  
222 States Postal Service at the time of mailing, or a receipt from  
223 an established courier company, which bears a date on or before  
224 the date on which the report is due, suffices as ~~shall be~~ proof  
225 of mailing in a timely manner. Reports must ~~shall~~ contain  
226 information on ~~of~~ all previously unreported contributions  
227 received and expenditures made as of the preceding Friday,  
228 except that the report filed on the Friday immediately preceding  
229 the election must ~~shall~~ contain information on ~~of~~ all previously  
230 unreported contributions received and expenditures made as of  
231 the day preceding that designated due date. All such reports are  
232 ~~shall be~~ open to public inspection.

233 2. This subsection does not prohibit the governing body of  
234 a political subdivision, by ordinance or resolution, from  
235 imposing upon its own officers and candidates electronic filing  
236 requirements not in conflict with s. 106.0705. Expenditure of  
237 public funds for such purpose is deemed to be for a valid public  
238 purpose.

239 (b)1. Any report that is deemed to be incomplete by the  
240 officer with whom the candidate qualifies must ~~shall~~ be accepted  
241 on a conditional basis. The campaign treasurer shall be notified  
242 by certified mail or by another method using a common carrier  
243 that provides a proof of delivery of the notice as to why the  
244 report is incomplete and within 7 days after receipt of such



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245 notice must file an addendum to the report providing all  
246 information necessary to complete the report in compliance with  
247 this section. Failure to file a complete report after such  
248 notice constitutes a violation of this chapter.

249 2. Notice is deemed complete upon proof of delivery of a  
250 written notice to the mailing or street address of the campaign  
251 treasurer or registered agent of record with the filing officer.

252 (3) Reports required of a political committee shall be  
253 filed with the agency or officer before whom such committee  
254 registers pursuant to s. 106.03(3) and shall be subject to the  
255 same filing conditions as established for candidates' reports.  
256 Incomplete reports by political committees shall be treated in  
257 the manner provided for incomplete reports by candidates in  
258 subsection (2).

259 (4) (a) Except as provided in paragraph (b), each report  
260 required by this section must contain:

261 1. The full name, address, and occupation, if any of each  
262 person who has made one or more contributions to or for such  
263 committee or candidate within the reporting period, together  
264 with the amount and date of such contributions. For  
265 corporations, the report must provide as clear a description as  
266 practicable of the principal type of business conducted by the  
267 corporation. However, if the contribution is \$100 or less or is  
268 from a relative, as defined in s. 112.312, provided that the  
269 relationship is reported, the occupation of the contributor or  
270 the principal type of business need not be listed.

271 2. The name and address of each political committee from  
272 which the reporting committee or the candidate received, or to  
273 which the reporting committee or candidate made, any transfer of



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274 funds, together with the amounts and dates of all transfers.

275 3. Each loan for campaign purposes to or from any person or  
276 political committee within the reporting period, together with  
277 the full names, addresses, and occupations, and principal places  
278 of business, if any, of the lender and endorsers, if any, and  
279 the date and amount of such loans.

280 4. A statement of each contribution, rebate, refund, or  
281 other receipt not otherwise listed under subparagraphs 1.  
282 through 3.

283 5. The total sums of all loans, in-kind contributions, and  
284 other receipts by or for such committee or candidate during the  
285 reporting period. The reporting forms shall be designed to  
286 elicit separate totals for in-kind contributions, loans, and  
287 other receipts.

288 6. The full name and address of each person to whom  
289 expenditures have been made by or on behalf of the committee or  
290 candidate within the reporting period; the amount, date, and  
291 purpose of each such expenditure; and the name and address of,  
292 and office sought by, each candidate on whose behalf such  
293 expenditure was made. However, expenditures made from the petty  
294 cash fund provided by s. 106.12 need not be reported  
295 individually.

296 7. The full name and address of each person to whom an  
297 expenditure for personal services, salary, or reimbursement for  
298 authorized expenses as provided in s. 106.021(3) has been made  
299 and which is not otherwise reported, including the amount, date,  
300 and purpose of such expenditure. However, expenditures made from  
301 the petty cash fund provided for in s. 106.12 need not be  
302 reported individually. Receipts for reimbursement for authorized



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303 expenditures shall be retained by the treasurer along with the  
304 records for the campaign account.

305 8. The total amount withdrawn and the total amount spent  
306 for petty cash purposes pursuant to this chapter during the  
307 reporting period.

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

310 10. The amount and nature of debts and obligations owed by  
311 or to the committee or candidate, which relate to the conduct of  
312 any political campaign.

313 11. Transaction information for each credit card purchase.  
314 Receipts for each credit card purchase shall be retained by the  
315 treasurer with the records for the campaign account.

316 12. The amount and nature of any separate interest-bearing  
317 accounts or certificates of deposit and identification of the  
318 financial institution in which such accounts or certificates of  
319 deposit are located.

320 13. The primary purposes of an expenditure made indirectly  
321 through a campaign treasurer pursuant to s. 106.021(3) for goods  
322 and services such as communications media placement or  
323 procurement services, campaign signs, insurance, and other  
324 expenditures that include multiple components as part of the  
325 expenditure. The primary purpose of an expenditure shall be that  
326 purpose, including integral and directly related components,  
327 that comprises 80 percent of such expenditure.

328 (b) Multiple uniform contributions from the same person,  
329 aggregating no more than \$250 per calendar year, collected by an  
330 organization that is the affiliated sponsor of a political  
331 committee, may be reported by the political committee in an



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332 aggregate amount listing the number of contributors together  
333 with the amount contributed by each and the total amount  
334 contributed during the reporting period. The identity of each  
335 person making such uniform contribution must be reported to the  
336 filing officer as provided in subparagraph (a)1. by July 1 of  
337 each calendar year, or, in a general election year, no later  
338 than the 60th day immediately preceding the primary election.

339 (c) ~~(b)~~ The filing officer shall make available to any  
340 candidate or committee a reporting form which the candidate or  
341 committee may use to indicate contributions received by the  
342 candidate or committee but returned to the contributor before  
343 deposit.

344 (5) The candidate and his or her campaign treasurer, in the  
345 case of a candidate, or the political committee chair and  
346 campaign treasurer of the committee, in the case of a political  
347 committee, shall certify as to the correctness of each report;  
348 and each person so certifying shall bear the responsibility for  
349 the accuracy and veracity of each report. Any campaign  
350 treasurer, candidate, or political committee chair who willfully  
351 certifies the correctness of any report while knowing that such  
352 report is incorrect, false, or incomplete commits a misdemeanor  
353 of the first degree, punishable as provided in s. 775.082 or s.  
354 775.083.

355 (6) The records maintained by the campaign depository with  
356 respect to any campaign account regulated by this chapter are  
357 subject to inspection by an agent of the Division of Elections  
358 or the Florida Elections Commission at any time during normal  
359 banking hours, and such depository shall furnish certified  
360 copies of any of such records to the Division of Elections or



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361 Florida Elections Commission upon request.

362 (7) Notwithstanding any other provisions of this chapter,  
363 in any reporting period during which a candidate, political  
364 committee, or committee of continuous existence has not received  
365 funds, made any contributions, or expended any reportable funds,  
366 the filing of the required report for that period is waived.  
367 However, the next report filed must specify that the report  
368 covers the entire period between the last submitted report and  
369 the report being filed, and any candidate , political committee,  
370 or committee of continuous existence not reporting by virtue of  
371 this subsection on dates prescribed elsewhere in this chapter  
372 shall notify the filing officer in writing on the prescribed  
373 reporting date that no report is being filed on that date.

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

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

383 2. In the general revenue fund of the political  
384 subdivision, in the case of a candidate for an office of a  
385 political subdivision or a political committee that registers  
386 with an officer of a political subdivision.

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



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390 (b) Upon determining that a report is late, the filing  
391 officer shall immediately notify the candidate or chair of the  
392 political committee as to the failure to file a report by the  
393 designated due date and that a fine is being assessed for each  
394 late day. The fine is ~~shall be~~ \$50 per day for the first 3 days  
395 late and, thereafter, \$500 per day for each late day, not to  
396 exceed 25 percent of the total receipts or expenditures,  
397 whichever is greater, for the period covered by the late report.  
398 However, for the reports immediately preceding each special  
399 primary election, special election, primary election, and  
400 general election, the fine is ~~shall be~~ \$500 per day for each  
401 late day, not to exceed 25 percent of the total receipts or  
402 expenditures, whichever is greater, for the period covered by  
403 the late report. For reports required under s. 106.141(8)  
404 ~~106.141(7)~~, the fine is \$50 per day for each late day, not to  
405 exceed 25 percent of the total receipts or expenditures,  
406 whichever is greater, for the period covered by the late report.  
407 Upon receipt of the report, the filing officer shall determine  
408 the amount of the fine which is due and shall notify the  
409 candidate or chair or registered agent of the political  
410 committee. The filing officer shall determine the amount of the  
411 fine due based upon the earliest of the following:  
412 1. When the report is actually received by such officer.  
413 2. When the report is postmarked.  
414 3. When the certificate of mailing is dated.  
415 4. When the receipt from an established courier company is  
416 dated.  
417 5. When the electronic receipt issued pursuant to s.  
418 106.0705 or other electronic filing system authorized in this



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419 section is dated.

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421 Such fine shall be paid to the filing officer within 20 days  
422 after receipt of the notice of payment due, unless appeal is  
423 made to the Florida Elections Commission pursuant to paragraph  
424 (c). Notice is deemed complete upon proof of delivery of written  
425 notice to the mailing or street address on record with the  
426 filing officer. In the case of a candidate, such fine is ~~shall~~  
427 not ~~be~~ an allowable campaign expenditure and shall be paid only  
428 from personal funds of the candidate. An officer or member of a  
429 political committee is ~~shall~~ not ~~be~~ personally liable for such  
430 fine.

431 (c) Any candidate or chair of a political committee may  
432 appeal or dispute the fine, based upon, but not limited to,  
433 unusual circumstances surrounding the failure to file on the  
434 designated due date, and may request and shall be entitled to a  
435 hearing before the Florida Elections Commission, which shall  
436 have the authority to waive the fine in whole or in part. The  
437 Florida Elections Commission must consider the mitigating and  
438 aggravating circumstances contained in s. 106.265(2) when  
439 determining the amount of a fine, if any, to be waived. Any such  
440 request shall be made within 20 days after receipt of the notice  
441 of payment due. In such case, the candidate or chair of the  
442 political committee shall, within the 20-day period, notify the  
443 filing officer in writing of his or her intention to bring the  
444 matter before the commission.

445 (d) The appropriate filing officer shall notify the Florida  
446 Elections Commission of the repeated late filing by a candidate  
447 or political committee, the failure of a candidate or political





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448 committee to file a report after notice, or the failure to pay  
449 the fine imposed. The commission shall investigate only those  
450 alleged late filing violations specifically identified by the  
451 filing officer and as set forth in the notification. Any other  
452 alleged violations must be separately stated and reported by the  
453 division to the commission under s. 106.25(2).

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

457 Section 5. Section 106.0703, Florida Statutes, is reenacted  
458 and amended to read:

459 106.0703 Electioneering communications organizations;  
460 reporting requirements; certification and filing; penalties.-

461 (1) (a) Each electioneering communications organization  
462 shall file regular reports of all contributions received and all  
463 expenditures made by or on behalf of the organization. Except as  
464 provided in paragraphs (b) and (c), reports must shall be filed  
465 on the 10th day following the end of each calendar month quarter  
466 from the time the organization is registered. However, if the  
467 10th day following the end of a calendar month quarter occurs on  
468 a Saturday, Sunday, or legal holiday, the report must shall be  
469 filed on the next following day that is not a Saturday, Sunday,  
470 or legal holiday. Monthly Quarterly reports must shall include  
471 all contributions received and expenditures made during the  
472 calendar month quarter that have not otherwise been reported  
473 pursuant to this section.

474 (b) For an electioneering communications organization  
475 required to file reports with the division, reports must be  
476 filed:



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477           1. On the 60th day immediately preceding the primary  
478 election, and each week thereafter, with the last weekly report  
479 being filed on the 11th day immediately preceding the general  
480 election.

481           2. On the 10th day immediately preceding the general  
482 election, and every day thereafter, with the last daily report  
483 being filed the day before the general election ~~Following the~~  
484 ~~last day of candidates qualifying for office, the reports shall~~  
485 ~~be filed on the 32nd, 18th, and 4th days immediately preceding~~  
486 ~~the primary election and on the 46th, 32nd, 18th, and 4th days~~  
487 ~~immediately preceding the general election.~~

488           (c) For an electioneering communications organization  
489 required to file reports with a filing officer other than the  
490 division, reports must be filed on the 60th day immediately  
491 preceding the primary election, and each week thereafter, with  
492 the last weekly report being filed on the 4th day immediately  
493 preceding the general election.

494           ~~(d)-(e)~~ When a special election is called to fill a vacancy  
495 in office, all electioneering communications organizations  
496 making contributions or expenditures to influence the results of  
497 the special election shall file reports with the filing officer  
498 on the dates set by the Department of State pursuant to s.  
499 100.111.

500           ~~(e)-(d)~~ In addition to the reports required by paragraph  
501 (a), an electioneering communications organization that is  
502 registered with the Department of State and that makes a  
503 contribution or expenditure to influence the results of a county  
504 or municipal election that is not being held at the same time as  
505 a state or federal election must file reports with the county or



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506 municipal filing officer on the same dates as county or  
507 municipal candidates or committees for that election. The  
508 electioneering communications organization must also include the  
509 expenditure in the next report filed with the Division of  
510 Elections pursuant to this section following the county or  
511 municipal election.

512 (f)~~(e)~~ The filing officer shall make available to each  
513 electioneering communications organization a schedule  
514 designating the beginning and end of reporting periods as well  
515 as the corresponding designated due dates.

516 (2) (a) Except as provided in s. 106.0705, the reports  
517 required of an electioneering communications organization shall  
518 be filed with the filing officer not later than 5 p.m. of the  
519 day designated. However, any report postmarked by the United  
520 States Postal Service no later than midnight of the day  
521 designated shall be deemed to have been filed in a timely  
522 manner. Any report received by the filing officer within 5 days  
523 after the designated due date that was delivered by the United  
524 States Postal Service shall be deemed timely filed unless it has  
525 a postmark that indicates that the report was mailed after the  
526 designated due date. A certificate of mailing obtained from and  
527 dated by the United States Postal Service at the time of  
528 mailing, or a receipt from an established courier company, which  
529 bears a date on or before the date on which the report is due,  
530 shall be proof of mailing in a timely manner. Reports shall  
531 contain information of all previously unreported contributions  
532 received and expenditures made as of the preceding Friday,  
533 except that the report filed on the Friday immediately preceding  
534 the election shall contain information of all previously



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535 unreported contributions received and expenditures made as of  
536 the day preceding the designated due date. All such reports  
537 shall be open to public inspection.

538 (b)1. Any report that is deemed to be incomplete by the  
539 officer with whom the electioneering communications organization  
540 files shall be accepted on a conditional basis. The treasurer of  
541 the electioneering communications organization shall be  
542 notified, by certified mail or other common carrier that can  
543 establish proof of delivery for the notice, as to why the report  
544 is incomplete. Within 7 days after receipt of such notice, the  
545 treasurer must file an addendum to the report providing all  
546 information necessary to complete the report in compliance with  
547 this section. Failure to file a complete report after such  
548 notice constitutes a violation of this chapter.

549 2. Notice is deemed sufficient upon proof of delivery of  
550 written notice to the mailing or street address of the treasurer  
551 or registered agent of the electioneering communication  
552 organization on record with the filing officer.

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

554 1. The full name, address, and occupation, if any, of each  
555 person who has made one or more contributions to or for such  
556 electioneering communications organization within the reporting  
557 period, together with the amount and date of such contributions.  
558 For corporations, the report must provide as clear a description  
559 as practicable of the principal type of business conducted by  
560 the corporation. However, if the contribution is \$100 or less,  
561 the occupation of the contributor or the principal type of  
562 business need not be listed.

563 2. The name and address of each political committee from



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564 which or to which the reporting electioneering communications  
565 organization made any transfer of funds, together with the  
566 amounts and dates of all transfers.

567 3. Each loan for electioneering communication purposes to  
568 or from any person or political committee within the reporting  
569 period, together with the full names, addresses, and occupations  
570 and principal places of business, if any, of the lender and  
571 endorsers, if any, and the date and amount of such loans.

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

574 5. The total sums of all loans, in-kind contributions, and  
575 other receipts by or for such electioneering communications  
576 organization during the reporting period. The reporting forms  
577 shall be designed to elicit separate totals for in-kind  
578 contributions, loans, and other receipts.

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

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

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

589 9. The amount and nature of debts and obligations owed by  
590 or to the electioneering communications organization that relate  
591 to the conduct of any electioneering communication.

592 10. Transaction information for each credit card purchase.



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593 Receipts for each credit card purchase shall be retained by the  
594 electioneering communications organization.

595 11. The amount and nature of any separate interest-bearing  
596 accounts or certificates of deposit and identification of the  
597 financial institution in which such accounts or certificates of  
598 deposit are located.

599 12. The primary purposes of an expenditure made indirectly  
600 through an electioneering communications organization for goods  
601 and services, such as communications media placement or  
602 procurement services and other expenditures that include  
603 multiple components as part of the expenditure. The primary  
604 purpose of an expenditure shall be that purpose, including  
605 integral and directly related components, that comprises 80  
606 percent of such expenditure.

607 (b) The filing officer shall make available to any  
608 electioneering communications organization a reporting form  
609 which the electioneering communications organization may use to  
610 indicate contributions received by the electioneering  
611 communications organization but returned to the contributor  
612 before deposit.

613 (4) The treasurer of the electioneering communications  
614 organization shall certify as to the correctness of each report,  
615 and each person so certifying shall bear the responsibility for  
616 the accuracy and veracity of each report. Any treasurer who  
617 willfully certifies the correctness of any report while knowing  
618 that such report is incorrect, false, or incomplete commits a  
619 misdemeanor of the first degree, punishable as provided in s.  
620 775.082 or s. 775.083.

621 (5) The electioneering communications organization



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622 depository shall provide statements reflecting deposits and  
623 expenditures from the account to the treasurer, who shall retain  
624 the records pursuant to s. 106.06. The records maintained by the  
625 depository with respect to the account shall be subject to  
626 inspection by an agent of the Division of Elections or the  
627 Florida Elections Commission at any time during normal banking  
628 hours, and such depository shall furnish certified copies of any  
629 such records to the Division of Elections or the Florida  
630 Elections Commission upon request.

631 (6) Notwithstanding any other provisions of this chapter,  
632 in any reporting period during which an electioneering  
633 communications organization has not received funds, made any  
634 contributions, or expended any reportable funds, the treasurer  
635 shall file a written report with the filing officer by the  
636 prescribed reporting date that no reportable contributions or  
637 expenditures were made during the reporting period.

638 (7) (a) Any electioneering communications organization  
639 failing to file a report on the designated due date shall be  
640 subject to a fine as provided in paragraph (b) for each late  
641 day. The fine shall be assessed by the filing officer, and the  
642 moneys collected shall be deposited:

643 1. In the General Revenue Fund, in the case of an  
644 electioneering communications organization that registers with  
645 the Division of Elections; or

646 2. In the general revenue fund of the political  
647 subdivision, in the case of an electioneering communications  
648 organization that registers with an officer of a political  
649 subdivision.

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

653 (b) Upon determining that a report is late, the filing  
654 officer shall immediately notify the electioneering  
655 communications organization as to the failure to file a report  
656 by the designated due date and that a fine is being assessed for  
657 each late day. The fine shall be \$50 per day for the first 3  
658 days late and, thereafter, \$500 per day for each late day, not  
659 to exceed 25 percent of the total receipts or expenditures,  
660 whichever is greater, for the period covered by the late report.  
661 However, for the reports immediately preceding each primary and  
662 general election, the fine shall be \$500 per day for each late  
663 day, not to exceed 25 percent of the total receipts or  
664 expenditures, whichever is greater, for the period covered by  
665 the late report. Upon receipt of the report, the filing officer  
666 shall determine the amount of the fine which is due and shall  
667 notify the electioneering communications organization. The  
668 filing officer shall determine the amount of the fine due based  
669 upon the earliest of the following:

- 670 1. When the report is actually received by such officer.
- 671 2. When the report is postmarked.
- 672 3. When the certificate of mailing is dated.
- 673 4. When the receipt from an established courier company is  
674 dated.
- 675 5. When the electronic receipt issued pursuant to s.  
676 106.0705 or other electronic filing system authorized in this  
677 section is dated.

678  
679 Such fine shall be paid to the filing officer within 20 days





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680 after receipt of the notice of payment due, unless appeal is  
681 made to the Florida Elections Commission pursuant to paragraph  
682 (c). Notice is deemed sufficient upon proof of delivery of  
683 written notice to the mailing or street address on record with  
684 the filing officer. An officer or member of an electioneering  
685 communications organization shall not be personally liable for  
686 such fine.

687 (c) The treasurer of an electioneering communications  
688 organization may appeal or dispute the fine, based upon, but not  
689 limited to, unusual circumstances surrounding the failure to  
690 file on the designated due date, and may request and shall be  
691 entitled to a hearing before the Florida Elections Commission,  
692 which shall have the authority to waive the fine in whole or in  
693 part. The Florida Elections Commission must consider the  
694 mitigating and aggravating circumstances contained in s.  
695 106.265(2) when determining the amount of a fine, if any, to be  
696 waived. Any such request shall be made within 20 days after  
697 receipt of the notice of payment due. In such case, the  
698 treasurer of the electioneering communications organization  
699 shall, within the 20-day period, notify the filing officer in  
700 writing of his or her intention to bring the matter before the  
701 commission.

702 (d) The appropriate filing officer shall notify the Florida  
703 Elections Commission of the repeated late filing by an  
704 electioneering communications organization, the failure of an  
705 electioneering communications organization to file a report  
706 after notice, or the failure to pay the fine imposed. The  
707 commission shall investigate only those alleged late filing  
708 violations specifically identified by the filing officer and as



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709 set forth in the notification. Any other alleged violations must  
710 be stated separately and reported by the division to the  
711 commission under s. 106.25(2).

712 (8) Electioneering communications organizations shall not  
713 use credit cards.

714 Section 6. Section 106.08, Florida Statutes, is amended to  
715 read:

716 106.08 Contributions; limitations on.-

717 (1)(a) Except for political parties or affiliated party  
718 committees, no person, political committee, or committee of  
719 continuous existence may, in any election, make contributions in  
720 excess of the following amounts: ~~in excess of \$500 to any~~  
721 ~~candidate for election to or retention in office or to any~~  
722 ~~political committee supporting or opposing one or more~~  
723 ~~candidates.~~

724 1. To a candidate for statewide office or for retention as  
725 a justice of the Supreme Court, \$3,000. Candidates for the  
726 offices of Governor and Lieutenant Governor on the same ticket  
727 are considered a single candidate for the purpose of this  
728 subparagraph ~~section.~~

729 2. To a candidate for retention as a judge of a district  
730 court of appeal, \$2,000.

731 3. To a candidate for legislative or multicounty office; a  
732 candidate for countywide office or in any election conducted on  
733 less than a countywide basis; or a candidate for county court  
734 judge or circuit judge, \$500.

735 (b)~~1~~. The contribution limits provided in this subsection  
736 do not apply to contributions made by a state or county  
737 executive committee of a political party or affiliated party



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738 committee regulated by chapter 103 or to amounts contributed by  
739 a candidate to his or her own campaign.

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

744 (c) The contribution limits of this subsection apply to  
745 each election. For purposes of this subsection, the primary  
746 election and general election are separate elections so long as  
747 the candidate is not an unopposed candidate as defined in s.  
748 106.011 ~~106.011(15)~~. However, for the purpose of contribution  
749 limits with respect to candidates for retention as a justice or  
750 judge, there is only one election, which is the general  
751 election.

752 (2) (a) A candidate may not accept contributions from a  
753 county executive committee of a political party whose  
754 contributions in the aggregate exceed \$50,000, or from the  
755 national, or state, or county executive committees of a  
756 political party, including any subordinate committee of such  
757 political party or affiliated party committees, whose ~~which~~  
758 contributions in the aggregate exceed \$50,000.

759 (b) A candidate for statewide office may not accept  
760 contributions from national, state, or county executive  
761 committees of a political party, including any subordinate  
762 committee of the political party, or affiliated party  
763 committees, which contributions in the aggregate exceed  
764 \$250,000. Polling services, research services, costs for  
765 campaign staff, professional consulting services, and telephone  
766 calls are not contributions to be counted toward the



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767 contribution limits of paragraph (a) or this paragraph. Any item  
768 not expressly identified in this paragraph as nonallocable is a  
769 contribution in an amount equal to the fair market value of the  
770 item and must be counted as allocable toward the contribution  
771 limits of paragraph (a) or this paragraph. Nonallocable, in-kind  
772 contributions must be reported by the candidate under s. 106.07  
773 and by the political party or affiliated party committee under  
774 s. 106.29.

775 (3) (a) Any contribution received by a candidate with  
776 opposition in an election or by the campaign treasurer or a  
777 deputy campaign treasurer of such a candidate on the day of that  
778 election or less than 5 days before ~~prior to~~ the day of that  
779 election must be returned by him or her to the person or  
780 committee contributing it and may not be used or expended by or  
781 on behalf of the candidate.

782 (b) Any contribution received by a candidate or by the  
783 campaign treasurer or a deputy campaign treasurer of a candidate  
784 after the date at which the candidate withdraws his or her  
785 candidacy, or after the date the candidate is defeated, becomes  
786 unopposed, or is elected to office must be returned to the  
787 person or committee contributing it and may not be used or  
788 expended by or on behalf of the candidate.

789 (4) Any contribution received by the chair, campaign  
790 treasurer, or deputy campaign treasurer of a political committee  
791 supporting or opposing a candidate with opposition in an  
792 election or supporting or opposing an issue on the ballot in an  
793 election on the day of that election or less than 5 days before  
794 ~~prior to~~ the day of that election may not be obligated or  
795 expended by the committee until after the date of the election.



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796 Section 7. Section 106.141, Florida Statutes, is amended to  
797 read:

798 106.141 Disposition of surplus funds by candidates.—

799 (1) Except as provided in subsection (6), each candidate  
800 who withdraws his or her candidacy, becomes an unopposed  
801 candidate, or is eliminated as a candidate or elected to office  
802 shall, within 90 days, dispose of the funds on deposit in his or  
803 her campaign account and file a report reflecting the  
804 disposition of all remaining funds. Such candidate may ~~shall~~ not  
805 accept any contributions, nor may ~~shall~~ any person accept  
806 contributions on behalf of such candidate, after the candidate  
807 withdraws his or her candidacy, becomes unopposed, or is  
808 eliminated or elected. However, if a candidate receives a refund  
809 check after all surplus funds have been disposed of, the check  
810 may be endorsed by the candidate and the refund disposed of  
811 under this section. An amended report must be filed showing the  
812 refund and subsequent disposition.

813 (2) Any candidate required to dispose of funds pursuant to  
814 this section may, before ~~prior to~~ such disposition, be  
815 reimbursed by the campaign, in full or in part, for any reported  
816 contributions by the candidate to the campaign.

817 (3) The campaign treasurer of a candidate who withdraws his  
818 or her candidacy, becomes unopposed, or is eliminated as a  
819 candidate or elected to office and who has funds on deposit in a  
820 separate interest-bearing account or certificate of deposit  
821 shall, within 7 days after the date of becoming unopposed or the  
822 date of such withdrawal, elimination, or election, transfer such  
823 funds and the accumulated interest earned thereon to the  
824 campaign account of the candidate for disposal under this



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825 section. However, if the funds are in an account in which  
826 penalties will apply for withdrawal within the 7-day period, the  
827 campaign treasurer shall transfer such funds and the accumulated  
828 interest earned thereon as soon as the funds can be withdrawn  
829 without penalty, or within 90 days after the candidate becomes  
830 unopposed, withdraws his or her candidacy, or is eliminated or  
831 elected, whichever comes first.

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

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

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

841 3. Give not more than \$25,000 of the funds that have not  
842 been spent or obligated to the affiliated party committee or  
843 political party of which such candidate is a member.

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

845 a. In the case of a candidate for state office, to the  
846 state, to be deposited in either the Election Campaign Financing  
847 Trust Fund or the General Revenue Fund, as designated by the  
848 candidate; or

849 b. In the case of a candidate for an office of a political  
850 subdivision, to such political subdivision, to be deposited in  
851 the general fund thereof.

852 (b) Any candidate required to dispose of funds pursuant to  
853 this section who has received contributions pursuant to the



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854 Florida Election Campaign Financing Act shall, after all  
855 monetary commitments pursuant to s. 106.11(5)(b) and (c) have  
856 been met, return all surplus campaign funds to the General  
857 Revenue Fund.

858 (5) A candidate elected to office or a candidate who will  
859 be elected to office by virtue of his or her being unopposed  
860 may, in addition to the disposition methods provided in  
861 subsection (4), transfer from the campaign account to an office  
862 account any amount of the funds on deposit in such campaign  
863 account up to:

864 (a) Fifty ~~Twenty~~ thousand dollars, for a candidate for  
865 statewide office. The Governor and Lieutenant Governor shall be  
866 considered separate candidates for the purpose of this section.

867 (b) Ten ~~Five~~ thousand dollars, for a candidate for  
868 multicounty office.

869 (c) Ten ~~Five~~ thousand dollars multiplied by the number of  
870 years in the term of office for which elected, for a candidate  
871 for legislative office.

872 (d) Five thousand ~~Two thousand five hundred~~ dollars  
873 multiplied by the number of years in the term of office for  
874 which elected, for a candidate for county office or for a  
875 candidate in any election conducted on less than a countywide  
876 basis.

877 (e) Six thousand dollars, for a candidate for retention as  
878 a justice of the Supreme Court.

879 (f) Three thousand dollars, for a candidate for retention  
880 as a judge of a district court of appeal.

881 (g) Three thousand ~~One thousand five hundred~~ dollars, for a  
882 candidate for county court judge or circuit judge.



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883  
884 The office account established pursuant to this subsection shall  
885 be separate from any personal or other account. Any funds so  
886 transferred by a candidate shall be used only for legitimate  
887 expenses in connection with the candidate's public office. Such  
888 expenses may include travel expenses incurred by the officer or  
889 a staff member; personal taxes payable on office account funds  
890 by the candidate or elected public official; professional  
891 services provided by a certified public accountant for  
892 preparation of the elected public official's financial  
893 disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs  
894 to prepare, print, produce, and mail holiday cards or  
895 newsletters about the elected public official's public business  
896 to constituents, if such correspondence does not constitute a  
897 political advertisement, independent expenditure, or  
898 electioneering communication as provided in s. 106.011; fees or  
899 dues to religious, civic, or charitable organizations of which  
900 the elected public official is a member; items of modest value  
901 such as flowers, greeting cards, or personal notes given as a  
902 substitute for, or in association with, an elected public  
903 official's personal attendance at a constituent's special event  
904 or family occasion, such as the birth of a child, graduation,  
905 wedding, or funeral; personal expenses incurred by the elected  
906 public official in connection with attending a constituent  
907 meeting or event where public policy is discussed, if such  
908 meetings or events are limited to no more than once a week; or  
909 expenses incurred in the operation of the elected public  
910 official's ~~his or her~~ office, including the employment of  
911 additional staff. The funds may be deposited in a savings





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912 account; however, all deposits, withdrawals, and interest earned  
913 thereon shall be reported at the appropriate reporting period.  
914 If a candidate is reelected to office or elected to another  
915 office and has funds remaining in his or her office account, he  
916 or she may transfer surplus campaign funds to the office  
917 account. At no time may the funds in the office account exceed  
918 the limitation imposed by this subsection. Upon leaving public  
919 office, any person who has funds in an office account pursuant  
920 to this subsection remaining on deposit shall give such funds to  
921 a charitable organization that meets ~~or organizations which meet~~  
922 the requirements of s. 501(c)(3) of the Internal Revenue Code  
923 or, in the case of a state officer, to the state to be deposited  
924 in the General Revenue Fund or, in the case of an officer of a  
925 political subdivision, to the political subdivision to be  
926 deposited in the general fund thereof.

927 (6)(a) For purposes of this subsection, the term "same  
928 office" with respect to legislative office means an office in  
929 the same legislative body, irrespective of district number or  
930 designation or geographic boundary.

931 (b) A candidate elected to state office or a candidate who  
932 will be elected to state office by virtue of his or her being  
933 unopposed after candidate qualifying ends, may retain up to  
934 \$20,000 in his or her campaign account, or in an interest-  
935 bearing account or certificate of deposit, for use in his or her  
936 next campaign for the same office, in addition to the  
937 disposition methods provided in subsections (4) and (5). All  
938 requirements applicable to candidate campaign accounts under  
939 this chapter, including disclosure requirements applicable to  
940 candidate campaign accounts, limitations on expenditures, and



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941 limitations on contributions, apply to any retained funds.  
942 (c) If a candidate who has retained funds under this  
943 subsection does not qualify as a candidate for reelection to the  
944 same office, all retained funds shall be disposed of as  
945 otherwise required by this section or s. 106.11(5) within 90  
946 days after the last day of candidate qualifying for that office.  
947 Requirements in this section applicable to the disposal of  
948 surplus funds, including reporting requirements, are applicable  
949 to the disposal of retained funds.  
950 (7)(6) Before ~~Prior to~~ disposing of funds pursuant to  
951 subsection (4), ~~or~~ transferring funds into an office account  
952 pursuant to subsection (5), or retaining funds for reelection  
953 pursuant to subsection (6), any candidate who filed an oath  
954 stating that he or she was unable to pay the election assessment  
955 or fee for verification of petition signatures without imposing  
956 an undue burden on his or her personal resources or on resources  
957 otherwise available to him or her, or who filed both such oaths,  
958 or who qualified by the petition process and was not required to  
959 pay an election assessment, shall reimburse the state or local  
960 governmental entity, whichever is applicable, for such waived  
961 assessment or fee or both. Such reimbursement shall be made  
962 first for the cost of petition verification and then, if funds  
963 are remaining, for the amount of the election assessment. If  
964 there are insufficient funds in the account to pay the full  
965 amount of either the assessment or the fee or both, the  
966 remaining funds shall be disbursed in the above manner until no  
967 funds remain. All funds disbursed pursuant to this subsection  
968 shall be remitted to the qualifying officer. Any reimbursement  
969 for petition verification costs which are reimbursable by the



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970 state shall be forwarded by the qualifying officer to the state  
971 for deposit in the General Revenue Fund. All reimbursements for  
972 the amount of the election assessment shall be forwarded by the  
973 qualifying officer to the Department of State for deposit in the  
974 General Revenue Fund.

975 (8) (a) ~~(7) (a)~~ Any candidate required to dispose of campaign  
976 funds pursuant to this section shall do so within the time  
977 required by this section and ~~shall~~, on or before the date by  
978 which such disposition is to have been made, shall file with the  
979 officer with whom reports are required to be filed pursuant to  
980 s. 106.07 a form prescribed by the Division of Elections  
981 listing:

982 1. The name and address of each person or unit of  
983 government to whom any of the funds were distributed and the  
984 amounts thereof;

985 2. The name and address of each person to whom an  
986 expenditure was made, together with the amount thereof and  
987 purpose therefor; ~~and~~

988 3. The amount of such funds transferred to an office  
989 account by the candidate, together with the name and address of  
990 the bank, savings and loan association, or credit union in which  
991 the office account is located; and

992 4. The amount of such funds retained pursuant to subsection  
993 (6), together with the name and address of the bank, savings and  
994 loan association, or credit union in which the retained funds  
995 are located.

996  
997 Such report shall be signed by the candidate and the campaign  
998 treasurer and certified as true and correct pursuant to s.



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999 106.07.  
1000 (b) The filing officer shall notify each candidate at least  
1001 14 days before the date the report is due.  
1002 (c) Any candidate failing to file a report on the  
1003 designated due date shall be subject to a fine as provided in s.  
1004 106.07 for submitting late termination reports.  
1005 (9)~~(8)~~ Any candidate elected to office who transfers  
1006 surplus campaign funds into an office account pursuant to  
1007 subsection (5) shall file a report on the 10th day following the  
1008 end of each calendar quarter until the account is closed. Such  
1009 reports shall contain the name and address of each person to  
1010 whom any disbursement of funds was made, together with the  
1011 amount thereof and the purpose therefor, and the name and  
1012 address of any person from whom the elected candidate received  
1013 any refund or reimbursement and the amount thereof. Such reports  
1014 shall be on forms prescribed by the Division of Elections,  
1015 signed by the elected candidate, certified as true and correct,  
1016 and filed with the officer with whom campaign reports were filed  
1017 pursuant to s. 106.07(2).  
1018 (10)~~(9)~~ Any candidate, or any person on behalf of a  
1019 candidate, who accepts contributions after such candidate has  
1020 withdrawn his or her candidacy, after the candidate has become  
1021 an unopposed candidate, or after the candidate has been  
1022 eliminated as a candidate or elected to office commits a  
1023 misdemeanor of the first degree, punishable as provided in s.  
1024 775.082 or s. 775.083.  
1025 (11)~~(10)~~ Any candidate who is required by the provisions of  
1026 this section to dispose of funds in his or her campaign account  
1027 and who fails to dispose of the funds in the manner provided in



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1028 this section commits a misdemeanor of the first degree,  
1029 punishable as provided in s. 775.082 or s. 775.083.

1030 Section 8. Section 106.29, Florida Statutes, is reenacted  
1031 and amended to read:

1032 106.29 Reports by political parties and affiliated party  
1033 committees; restrictions on contributions and expenditures;  
1034 penalties.-

1035 (1) (a) The state executive committee and each county  
1036 executive committee of each political party and any affiliated  
1037 party committee regulated by chapter 103 shall file regular  
1038 reports of all contributions received and all expenditures made  
1039 by such committee. However, the reports may ~~shall~~ not include  
1040 contributions and expenditures that are reported to the Federal  
1041 Election Commission.

1042 (b) Each state executive committee and affiliated party  
1043 committee shall file regular reports with the Division of  
1044 Elections. Each county executive committee shall file reports  
1045 with the supervisor of elections in the county in which such  
1046 committee exists. Such reports must contain the same information  
1047 as do reports required of candidates by s. 106.07 and must be  
1048 filed at the same times and subject to the same filing  
1049 conditions established by s. 106.07(1) and (2) for candidates  
1050 reports filed with the division. In addition, when a special  
1051 election is called to fill a vacancy in office, each state  
1052 executive committee, each affiliated party committee, and each  
1053 county executive committee making contributions or expenditures  
1054 to influence the results of the special election or the  
1055 preceding special primary election must file campaign  
1056 treasurers' reports on the dates set by the Department of State



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1057 pursuant to s. 100.111. ~~Such reports shall contain the same~~  
1058 ~~information as do reports required of candidates by s. 106.07~~  
1059 ~~and shall be filed on the 10th day following the end of each~~  
1060 ~~calendar quarter, except that, during the period from the last~~  
1061 ~~day for candidate qualifying until the general election, such~~  
1062 ~~reports shall be filed on the Friday immediately preceding each~~  
1063 ~~special primary election, special election, primary election,~~  
1064 ~~and general election.~~

1065       (c) In addition to the reports filed under this section,  
1066 the state executive committee, each county executive committee,  
1067 and each affiliated party committee shall file a copy of each  
1068 prior written acceptance of an in-kind contribution given by the  
1069 committee during the preceding calendar quarter as required  
1070 under s. 106.08(6). ~~Each state executive committee and~~  
1071 ~~affiliated party committee shall file its reports with the~~  
1072 ~~Division of Elections. Each county executive committee shall~~  
1073 ~~file its reports with the supervisor of elections in the county~~  
1074 ~~in which such committee exists.~~

1075       (d) Any state or county executive committee or affiliated  
1076 party committee failing to file a report on the designated due  
1077 date ~~is shall be~~ subject to a fine as provided in subsection  
1078 (3). ~~A No~~ separate fine may not ~~shall~~ be assessed for failure to  
1079 file a copy of any report required by this section.

1080       (2) The chair and treasurer of each state or county  
1081 executive committee shall certify as to the correctness of each  
1082 report filed by them on behalf of such committee. The leader and  
1083 treasurer of each affiliated party committee under s. 103.092  
1084 shall certify as to the correctness of each report filed by them  
1085 on behalf of such committee. Any committee chair, leader, or



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1086 treasurer who certifies the correctness of any report while  
1087 knowing that such report is incorrect, false, or incomplete  
1088 commits a felony of the third degree, punishable as provided in  
1089 s. 775.082, s. 775.083, or s. 775.084.

1090 (3) (a) A ~~Any~~ state or county executive committee or  
1091 affiliated party committee that fails ~~failing~~ to file a report  
1092 on the designated due date is ~~shall be~~ subject to a fine as  
1093 provided in paragraph (b) for each late day. The fine shall be  
1094 assessed by the filing officer, and the moneys collected shall  
1095 be deposited in the General Revenue Fund.

1096 (b) Upon determining that a report is late, the filing  
1097 officer shall immediately notify the chair of the executive  
1098 committee or the leader of the affiliated party committee as  
1099 defined in s. 103.092 as to the failure to file a report by the  
1100 designated due date and that a fine is being assessed for each  
1101 late day. The fine is ~~shall be~~ \$1,000 for a state executive  
1102 committee, \$1,000 for an affiliated party committee, and \$50 for  
1103 a county executive committee, per day for each late day, not to  
1104 exceed 25 percent of the total receipts or expenditures,  
1105 whichever is greater, for the period covered by the late report.  
1106 However, if an executive committee or an affiliated party  
1107 committee fails to file a report on the Friday immediately  
1108 preceding the special election or general election, the fine is  
1109 ~~shall be~~ \$10,000 per day for each day a state executive  
1110 committee is late, \$10,000 per day for each day an affiliated  
1111 party committee is late, and \$500 per day for each day a county  
1112 executive committee is late. Upon receipt of the report, the  
1113 filing officer shall determine the amount of the fine which is  
1114 due and shall notify the chair or leader as defined in s.



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1115 103.092. Notice is deemed complete upon proof of delivery of  
1116 written notice to the mailing or street address on record with  
1117 the filing officer. The filing officer shall determine the  
1118 amount of the fine due based upon the earliest of the following:  
1119       1. When the report is actually received by such officer.  
1120       2. When the report is postmarked.  
1121       3. When the certificate of mailing is dated.  
1122       4. When the receipt from an established courier company is  
1123 dated.  
1124       5. When the electronic receipt issued pursuant to s.  
1125 106.0705 is dated.

1126  
1127 Such fine shall be paid to the filing officer within 20 days  
1128 after receipt of the notice of payment due, unless appeal is  
1129 made to the Florida Elections Commission pursuant to paragraph  
1130 (c). An officer or member of an executive committee is not ~~shall~~  
1131 ~~not be~~ personally liable for such fine.

1132       (c) The chair of an executive committee or the leader of an  
1133 affiliated party committee as defined in s. 103.092 may appeal  
1134 or dispute the fine, based upon unusual circumstances  
1135 surrounding the failure to file on the designated due date, and  
1136 may request and is ~~shall be~~ entitled to a hearing before the  
1137 Florida Elections Commission, which has ~~shall have~~ the authority  
1138 to waive the fine in whole or in part. Any such request shall be  
1139 made within 20 days after receipt of the notice of payment due.  
1140 In such case, the chair of the executive committee or the leader  
1141 of the affiliated party committee as defined in s. 103.092  
1142 shall, within the 20-day period, notify the filing officer in  
1143 writing of his or her intention to bring the matter before the





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1144 commission.

1145 (d) The appropriate filing officer shall notify the Florida  
1146 Elections Commission of the repeated late filing by an executive  
1147 committee or affiliated party committee, the failure of an  
1148 executive committee or affiliated party committee to file a  
1149 report after notice, or the failure to pay the fine imposed.

1150 (4) Any contribution received by a state or county  
1151 executive committee or affiliated party committee less than 5  
1152 days before an election may ~~shall~~ not be used or expended in  
1153 behalf of any candidate, issue, affiliated party committee, or  
1154 political party participating in such election.

1155 (5) A ~~No~~ state or county executive committee or affiliated  
1156 party committee, in the furtherance of any candidate or  
1157 political party, directly or indirectly, may not ~~shall~~ give,  
1158 pay, or expend any money, give or pay anything of value,  
1159 authorize any expenditure, or become pecuniarily liable for any  
1160 expenditure prohibited by this chapter. However, the  
1161 contribution of funds by one executive committee to another or  
1162 to established party organizations for legitimate party or  
1163 campaign purposes is not prohibited, but all such contributions  
1164 shall be recorded and accounted for in the reports of the  
1165 contributor and recipient.

1166 (6) (a) The national, state, and county executive committees  
1167 of a political party and affiliated party committees may not  
1168 contribute to any candidate any amount in excess of the limits  
1169 contained in s. 106.08(2), and all contributions required to be  
1170 reported under s. 106.08(2) by the national executive committee  
1171 of a political party shall be reported by the state executive  
1172 committee of that political party.



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1173 (b) A violation of the contribution limits contained in s.  
1174 106.08(2) is a misdemeanor of the first degree, punishable as  
1175 provided in s. 775.082 or s. 775.083. A civil penalty equal to  
1176 three times the amount in excess of the limits contained in s.  
1177 106.08(2) shall be assessed against any executive committee  
1178 found in violation thereof.

1179 Section 9. By December 1, 2013, the Division of Elections  
1180 shall submit a proposal to the President of the Senate and the  
1181 Speaker of the House of Representatives for a mandatory  
1182 statewide electronic filing system for all state and local  
1183 campaign filings required by s. 106.07, s. 106.0703, or s.  
1184 106.29.

1185 Section 10. For the purpose of incorporating the amendment  
1186 made by this act into section 106.08, Florida Statutes, in a  
1187 reference thereto, subsection (2) of section 106.075, Florida  
1188 Statutes, is reenacted to read:

1189 106.075 Elected officials; report of loans made in year  
1190 preceding election; limitation on contributions to pay loans.-

1191 (2) Any person who makes a contribution to an individual to  
1192 pay all or part of a loan incurred, in the 12 months preceding  
1193 the election, to be used for the individual's campaign, may not  
1194 contribute more than the amount which is allowed in s.  
1195 106.08(1).

1196 Section 11. For the purpose of incorporating the amendment  
1197 made by this act to section 106.08, Florida Statutes, in a  
1198 reference thereto, section 106.19, Florida Statutes, is  
1199 reenacted to read:

1200 106.19 Violations by candidates, persons connected with  
1201 campaigns, and political committees.-



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1202           (1) Any candidate; campaign manager, campaign treasurer, or  
1203 deputy treasurer of any candidate; committee chair, vice chair,  
1204 campaign treasurer, deputy treasurer, or other officer of any  
1205 political committee; agent or person acting on behalf of any  
1206 candidate or political committee; or other person who knowingly  
1207 and willfully:

1208           (a) Accepts a contribution in excess of the limits  
1209 prescribed by s. 106.08;

1210           (b) Fails to report any contribution required to be  
1211 reported by this chapter;

1212           (c) Falsely reports or deliberately fails to include any  
1213 information required by this chapter; or

1214           (d) Makes or authorizes any expenditure in violation of s.  
1215 106.11(4) or any other expenditure prohibited by this chapter;

1216  
1217 is guilty of a misdemeanor of the first degree, punishable as  
1218 provided in s. 775.082 or s. 775.083.

1219           (2) Any candidate, campaign treasurer, or deputy treasurer;  
1220 any chair, vice chair, or other officer of any political  
1221 committee; any agent or person acting on behalf of any candidate  
1222 or political committee; or any other person who violates  
1223 paragraph (1)(a), paragraph (1)(b), or paragraph (1)(d) shall be  
1224 subject to a civil penalty equal to three times the amount  
1225 involved in the illegal act. Such penalty may be in addition to  
1226 the penalties provided by subsection (1) and shall be paid into  
1227 the General Revenue Fund of this state.

1228           (3) A political committee sponsoring a constitutional  
1229 amendment proposed by initiative which submits a petition form  
1230 gathered by a paid petition circulator which does not provide



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1231 the name and address of the paid petition circulator on the form  
1232 is subject to the civil penalties prescribed in s. 106.265.

1233 (4) Except as otherwise expressly stated, the failure by a  
1234 candidate to comply with the requirements of this chapter has no  
1235 effect upon whether the candidate has qualified for the office  
1236 the candidate is seeking.

1237 Section 12. This act shall take effect July 1, 2013.

1238

1239 ===== T I T L E A M E N D M E N T =====

1240 And the title is amended as follows:

1241 Delete everything before the enacting clause  
1242 and insert:

1243

A bill to be entitled

1244 An act relating to campaign finance; amending s.  
1245 106.011, F.S.; revising the definition of the term  
1246 "candidate" to include a candidate for a political  
1247 party executive committee; amending s. 106.021, F.S.;  
1248 providing requirements and restrictions on the use of  
1249 contributions received before a candidate changes his  
1250 or her candidacy to a different office; amending s.  
1251 106.03, F.S.; conforming provisions to changes made by  
1252 the act; reenacting and amending s. 106.07, F.S.;  
1253 relating to reports by campaign treasurers; revising  
1254 reporting requirements; amending s. 106.0703, F.S.;  
1255 revising reporting requirements for electioneering  
1256 communications organizations; amending s. 106.08,  
1257 F.S.; increasing the limitations on contributions made  
1258 to certain candidates and political committees;  
1259 removing a limitation on contributions to non-



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1260 statewide candidates from specified political party  
1261 committees; amending s. 106.141, F.S.; prohibiting a  
1262 candidate from giving more than a specified amount of  
1263 surplus funds to an affiliated party committee or  
1264 political party; increasing the amount of funds that  
1265 certain candidates may transfer to an office account;  
1266 specifying permissible expenses with office account  
1267 funds; defining the term "same office"; authorizing  
1268 certain candidates to retain a specified amount of  
1269 funds for reelection to the same office; establishing  
1270 requirements and conditions for retained funds;  
1271 providing procedures for disposition of retained funds  
1272 in certain circumstances; reenacting and amending s.  
1273 106.29, F.S.; revising reporting requirements for  
1274 political parties and affiliated party committees;  
1275 requiring the Division of Elections to submit a  
1276 proposal for a mandatory statewide electronic filing  
1277 system for certain state and local candidates to the  
1278 Legislature by a specified date; reenacting ss.  
1279 106.075(2) and 106.19, F.S., relating to contributions  
1280 made to pay back campaign loans incurred, and relating  
1281 to criminal and enhanced civil penalties for certain  
1282 campaign finance violations, to incorporate the  
1283 amendments made to s. 106.08, F.S., in references  
1284 thereto; providing an effective date.