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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 lines 1477 - 1707
and insert:

(1) Each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate may ~~shall~~ not accept any contributions, nor may ~~shall~~ any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes



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13 unopposed, or is eliminated or elected. However, if a candidate
14 receives a refund check after all surplus funds have been
15 disposed of, the check may be endorsed by the candidate and the
16 refund disposed of under this section. An amended report must be
17 filed showing the refund and subsequent disposition.

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

22 (3) The campaign treasurer of a candidate who withdraws his
23 or her candidacy, becomes unopposed, or is eliminated as a
24 candidate or elected to office and who has funds on deposit in a
25 separate interest-bearing account or certificate of deposit
26 shall, within 7 days after the date of becoming unopposed or the
27 date of such withdrawal, elimination, or election, transfer such
28 funds and the accumulated interest earned thereon to the
29 campaign account of the candidate for disposal under this
30 section. However, if the funds are in an account in which
31 penalties will apply for withdrawal within the 7-day period, the
32 campaign treasurer shall transfer such funds and the accumulated
33 interest earned thereon as soon as the funds can be withdrawn
34 without penalty, or within 90 days after the candidate becomes
35 unopposed, withdraws his or her candidacy, or is eliminated or
36 elected, whichever comes first.

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

41 1. Return pro rata to each contributor the funds that have



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42 not been spent or obligated.

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

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

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

50 a. In the case of a candidate for state office, to the
51 state, to be deposited in either the Election Campaign Financing
52 Trust Fund or the General Revenue Fund, as designated by the
53 candidate; or

54 b. In the case of a candidate for an office of a political
55 subdivision, to such political subdivision, to be deposited in
56 the general fund thereof.

57 (b) Any candidate required to dispose of funds pursuant to
58 this section who has received contributions pursuant to the
59 Florida Election Campaign Financing Act shall, after all
60 monetary commitments pursuant to s. 106.11(5)(b) and (c) have
61 been met, return all surplus campaign funds to the General
62 Revenue Fund.

63 (5) A candidate elected to office or a candidate who will
64 be elected to office by virtue of his or her being unopposed
65 may, in addition to the disposition methods provided in
66 subsection (4), transfer from the campaign account to an office
67 account any amount of the funds on deposit in such campaign
68 account up to:

69 (a) Fifty ~~Twenty~~ thousand dollars, for a candidate for
70 statewide office. The Governor and Lieutenant Governor shall be



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71 considered separate candidates for the purpose of this section.

72 (b) Ten ~~Five~~ thousand dollars, for a candidate for
73 multicounty office.

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

77 (d) Five thousand ~~Two thousand five hundred~~ dollars
78 multiplied by the number of years in the term of office for
79 which elected, for a candidate for county office or for a
80 candidate in any election conducted on less than a countywide
81 basis.

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

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

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

88

89 The office account established pursuant to this subsection shall
90 be separate from any personal or other account. Any funds so
91 transferred by a candidate shall be used only for legitimate
92 expenses in connection with the candidate's public office. Such
93 expenses may include travel expenses incurred by the officer or
94 a staff member; personal taxes payable on office account funds
95 by the candidate or elected public official; professional
96 services provided by a certified public accountant for
97 preparation of the elected public official's financial
98 disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs
99 to prepare, print, produce, and mail holiday cards or



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100 newsletters about the elected public official's public business
101 to constituents, if such correspondence does not constitute a
102 political advertisement, independent expenditure, or
103 electioneering communication as provided in s. 106.011; fees or
104 dues to religious, civic, or charitable organizations of which
105 the elected public official is a member; items of modest value
106 such as flowers, greeting cards, or personal notes given as a
107 substitute for, or in association with, an elected public
108 official's personal attendance at a constituent's special event
109 or family occasion, such as the birth of a child, graduation,
110 wedding, or funeral; personal expenses incurred by the elected
111 public official in connection with attending a constituent
112 meeting or event where public policy is discussed, if such
113 meetings or events are limited to no more than once a week; ~~T~~ or
114 expenses incurred in the operation of the elected public
115 official's ~~his or her~~ office, including the employment of
116 additional staff. The funds may be deposited in a savings
117 account; however, all deposits, withdrawals, and interest earned
118 thereon shall be reported at the appropriate reporting period.
119 If a candidate is reelected to office or elected to another
120 office and has funds remaining in his or her office account, he
121 or she may transfer surplus campaign funds to the office
122 account. At no time may the funds in the office account exceed
123 the limitation imposed by this subsection. Upon leaving public
124 office, any person who has funds in an office account pursuant
125 to this subsection remaining on deposit shall give such funds to
126 a charitable organization that meets ~~or organizations which meet~~
127 the requirements of s. 501(c)(3) of the Internal Revenue Code
128 or, in the case of a state officer, to the state to be deposited



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129 in the General Revenue Fund or, in the case of an officer of a
130 political subdivision, to the political subdivision to be
131 deposited in the general fund thereof.

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

135 And the title is amended as follows:

136 Delete lines 51 - 57

137 and insert:

138 with office account funds; reenacting and amending