

By the Committee on Ethics and Elections; and Senator Latvala

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1                                   A bill to be entitled  
2           An act relating to campaign finance; repealing s.  
3           106.04, F.S., relating to the certification and  
4           political activities of committees of continuous  
5           existence; prohibiting a committee of continuous  
6           existence from accepting a contribution after a  
7           certain date; providing for revocation of the  
8           certification of each committee of continuous  
9           existence on a certain date; requiring the Division of  
10          Elections to provide certain notifications to  
11          committees of continuous existence; providing  
12          procedures for disposition of funds and closing of the  
13          committee account; providing penalties; providing for  
14          the applicability of penalties incurred by the  
15          committee of continuous existence; amending and  
16          reordering s. 106.011, F.S., relating to definitions  
17          applicable to provisions governing campaign financing;  
18          deleting the definition of the term "committee of  
19          continuous existence" to conform to changes made by  
20          the act; revising the definition of the term  
21          "candidate" to include a candidate for a political  
22          party executive committee; conforming cross-  
23          references; amending s. 106.021, F.S.; providing  
24          requirements and restrictions on the use of  
25          contributions received before a candidate changes his  
26          or her candidacy to a different office; amending s.  
27          106.022, F.S.; conforming a provision to changes made  
28          by the act; amending s. 106.025, F.S.; providing that  
29          tickets or advertising for a campaign fundraiser must

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30           comply with the requirements of political  
31           advertisements circulated before an election; amending  
32           s. 106.03, F.S.; conforming provisions and cross-  
33           references to changes made by the act; amending s.  
34           106.05, F.S.; revising the information that is  
35           required to appear on a bank account for deposit of  
36           funds; reenacting and amending s. 106.07, F.S.,  
37           relating to reports by campaign treasurers; revising  
38           reporting requirements for candidates and political  
39           committees; conforming a cross-reference; amending s.  
40           106.0703, F.S.; revising reporting requirements for  
41           electioneering communications organizations;  
42           reenacting and amending s. 106.0705, F.S., relating to  
43           the electronic filing of campaign treasurer's reports;  
44           conforming provisions and cross-references to changes  
45           made by the act; amending s. 106.08, F.S.; increasing  
46           the limitations on contributions made to certain  
47           candidates and political committees; removing a  
48           limitation on contributions made by specified minors;  
49           revising limitations on contributions to non-statewide  
50           candidates from specified political party committees;  
51           conforming provisions and cross-references to changes  
52           made by the act; reenacting and amending s. 106.11,  
53           F.S.; specifying restrictions on expenditures by  
54           political committees; providing a penalty; revising  
55           the information that is required to appear on bank  
56           account checks of candidates or political committees;  
57           revising information used to determine when debit  
58           cards are considered bank checks; amending s. 106.141,

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59 F.S.; prohibiting a candidate from giving more than a  
60 specified amount of surplus funds to an affiliated  
61 party committee or political party; increasing the  
62 amount of funds that certain candidates may transfer  
63 to an office account; specifying permissible expenses  
64 with office account funds; defining the term "same  
65 office"; modifying requirements and conditions for  
66 disposing of and transferring surplus funds;  
67 authorizing certain candidates to retain a specified  
68 amount of funds for reelection to the same office;  
69 establishing requirements and conditions for retained  
70 funds; providing procedures for disposition of  
71 retained funds in certain circumstances; making  
72 changes to conform to the act; reenacting and amending  
73 s. 106.29, F.S.; revising reporting requirements for  
74 political parties and affiliated party committees;  
75 requiring the Division of Elections to submit a  
76 proposal for a mandatory statewide electronic filing  
77 system for certain state and local candidates to the  
78 Legislature by a specified date; amending ss. 101.62,  
79 102.031, 106.087, 106.12, 106.147, 106.17, 106.23,  
80 106.265, 106.27, 106.32, 106.33, 111.075, 112.3148,  
81 112.3149, 1004.28, 1004.70, and 1004.71, F.S.;  
82 conforming provisions and cross-references to changes  
83 made by the act; reenacting s. 106.075(2), F.S.,  
84 relating to contributions made to pay back campaign  
85 loans incurred, to incorporate the amendment made to  
86 s. 106.08, F.S., in a reference thereto; reenacting s.  
87 106.19, F.S., relating to criminal and enhanced civil

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88 penalties for certain campaign finance violations, to  
89 incorporate the amendments made to ss. 106.08 and  
90 106.11, F.S., in references thereto; providing  
91 effective dates.

92

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

94

95 Section 1. Section 106.04, Florida Statutes, is repealed.

96 Section 2. (1) Effective August 1, 2013, a committee of  
97 continuous existence may not accept a contribution as defined in  
98 s. 106.011, Florida Statutes. By July 15, 2013, the Division of  
99 Elections of the Department of State shall notify each committee  
100 of continuous existence of the prohibition on accepting such a  
101 contribution as provided under this subsection.

102 (2) Effective September 30, 2013, the certification of each  
103 committee of continuous existence is revoked and all committee  
104 accounts must have a zero balance. By July 15, 2013, the  
105 Division of Elections of the Department of State shall notify  
106 each committee of continuous existence of the revocation of its  
107 certification pursuant to this subsection. Following the  
108 revocation of certification, each committee of continuous  
109 existence shall file any outstanding report as required by law.

110 (3) (a) A violation of this section or any other provision  
111 of chapter 106 constitutes a violation of chapter 106 regardless  
112 of whether the committee of continuous existence is legally  
113 dissolved.

114 (b) A political committee or electioneering communications  
115 organization that has received funds from a committee of  
116 continuous existence whose certification has been revoked and

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117 that is directly or indirectly established, maintained, or  
118 controlled by the same individual or group as the former  
119 committee of continuous existence, is responsible for any unpaid  
120 fine or penalty incurred by the former committee of continuous  
121 existence. If no such political committee or electioneering  
122 communications organization exists, the principal officers of  
123 the former committee of continuous existence shall be jointly  
124 and severally liable for any fine or penalty.

125 (4) This section shall be effective upon this act becoming  
126 a law.

127 Section 3. Section 106.011, Florida Statutes, is reordered  
128 and amended to read:

129 106.011 Definitions.—As used in this chapter, the following  
130 terms have the following meanings unless the context clearly  
131 indicates otherwise:

132 (16)~~(1)~~ (a) "Political committee" means:

133 1. A combination of two or more individuals, or a person  
134 other than an individual, that, in an aggregate amount in excess  
135 of \$500 during a single calendar year:

136 a. Accepts contributions for the purpose of making  
137 contributions to any candidate, political committee, ~~committee~~  
138 ~~of continuous existence~~, affiliated party committee, or  
139 political party;

140 b. Accepts contributions for the purpose of expressly  
141 advocating the election or defeat of a candidate or the passage  
142 or defeat of an issue;

143 c. Makes expenditures that expressly advocate the election  
144 or defeat of a candidate or the passage or defeat of an issue;  
145 or

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146 d. Makes contributions to a common fund, other than a joint  
147 checking account between spouses, from which contributions are  
148 made to any candidate, political committee, ~~committee of~~  
149 ~~continuous existence~~, affiliated party committee, or political  
150 party;

151 2. The sponsor of a proposed constitutional amendment by  
152 initiative who intends to seek the signatures of registered  
153 electors.

154 (b) Notwithstanding paragraph (a), the following entities  
155 are not considered political committees for purposes of this  
156 chapter:

157 1. ~~Organizations which are certified by the Department of~~  
158 ~~State as committees of continuous existence pursuant to s.~~  
159 ~~106.04~~, National political parties, the state and county  
160 executive committees of political parties, and affiliated party  
161 committees regulated by chapter 103.

162 2. Corporations regulated by chapter 607 or chapter 617 or  
163 other business entities formed for purposes other than to  
164 support or oppose issues or candidates, if their political  
165 activities are limited to contributions to candidates, political  
166 parties, affiliated party committees, or political committees or  
167 expenditures in support of or opposition to an issue from  
168 corporate or business funds and if no contributions are received  
169 by such corporations or business entities.

170 3. Electioneering communications organizations as defined  
171 in subsection (9) ~~(19)~~.

172 ~~(2) "Committee of continuous existence" means any group,~~  
173 ~~organization, association, or other such entity which is~~  
174 ~~certified pursuant to the provisions of s. 106.04.~~

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175        (5)~~(3)~~ "Contribution" means:

176            (a) A gift, subscription, conveyance, deposit, loan,  
177 payment, or distribution of money or anything of value,  
178 including contributions in kind having an attributable monetary  
179 value in any form, made for the purpose of influencing the  
180 results of an election or making an electioneering  
181 communication.

182            (b) A transfer of funds between political committees,  
183 ~~between committees of continuous existence,~~ between  
184 electioneering communications organizations, or between any  
185 combination of these groups.

186            (c) The payment, by a ~~any~~ person other than a candidate or  
187 political committee, of compensation for the personal services  
188 of another person which are rendered to a candidate or political  
189 committee without charge to the candidate or committee for such  
190 services.

191            (d) The transfer of funds by a campaign treasurer or deputy  
192 campaign treasurer between a primary depository and a separate  
193 interest-bearing account or certificate of deposit, and the term  
194 includes ~~any~~ interest earned on such account or certificate.

195  
196 Notwithstanding the foregoing meanings of "contribution," the  
197 term may not be construed to include services, including, but  
198 not limited to, legal and accounting services, provided without  
199 compensation by individuals volunteering a portion or all of  
200 their time on behalf of a candidate or political committee or  
201 editorial endorsements.

202            (10)~~(4)~~ (a) "Expenditure" means a purchase, payment,  
203 distribution, loan, advance, transfer of funds by a campaign

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204 treasurer or deputy campaign treasurer between a primary  
205 depository and a separate interest-bearing account or  
206 certificate of deposit, or gift of money or anything of value  
207 made for the purpose of influencing the results of an election  
208 or making an electioneering communication. However,  
209 "expenditure" does not include a purchase, payment,  
210 distribution, loan, advance, or gift of money or anything of  
211 value made for the purpose of influencing the results of an  
212 election when made by an organization, in existence before ~~prior~~  
213 ~~to~~ the time during which a candidate qualifies or an issue is  
214 placed on the ballot for that election, for the purpose of  
215 printing or distributing such organization's newsletter,  
216 containing a statement by such organization in support of or  
217 opposition to a candidate or issue, which newsletter is  
218 distributed only to members of such organization.

219 (b) As used in this chapter, an "expenditure" for an  
220 electioneering communication is made when the earliest of the  
221 following occurs:

222 1. A person enters into a contract for applicable goods or  
223 services;

224 2. A person makes payment, in whole or in part, for the  
225 production or public dissemination of applicable goods or  
226 services; or

227 3. The electioneering communication is publicly  
228 disseminated.

229 (12) ~~(5)~~ (a) "Independent expenditure" means an expenditure  
230 by a person for the purpose of expressly advocating the election  
231 or defeat of a candidate or the approval or rejection of an  
232 issue, which expenditure is not controlled by, coordinated with,



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233 or made upon consultation with, any candidate, political  
234 committee, or agent of such candidate or committee. An  
235 expenditure for such purpose by a person having a contract with  
236 the candidate, political committee, or agent of such candidate  
237 or committee in a given election period is ~~shall~~ not ~~be deemed~~  
238 an independent expenditure.

239 (b) An expenditure for the purpose of expressly advocating  
240 the election or defeat of a candidate which is made by the  
241 national, state, or county executive committee of a political  
242 party, including any subordinate committee of the political  
243 party, an affiliated party committee, a political committee, a  
244 ~~committee of continuous existence,~~ or any other person is ~~shall~~  
245 not ~~be~~ considered an independent expenditure if the committee or  
246 person:

247 1. Communicates with the candidate, the candidate's  
248 campaign, or an agent of the candidate acting on behalf of the  
249 candidate, including a ~~any~~ pollster, media consultant,  
250 advertising agency, vendor, advisor, or staff member, concerning  
251 the preparation of, use of, or payment for, the specific  
252 expenditure or advertising campaign at issue; ~~or~~

253 2. Makes a payment in cooperation, consultation, or concert  
254 with, at the request or suggestion of, or pursuant to a ~~any~~  
255 general or particular understanding with the candidate, the  
256 candidate's campaign, a political committee supporting the  
257 candidate, or an agent of the candidate relating to the specific  
258 expenditure or advertising campaign at issue; ~~or~~

259 3. Makes a payment for the dissemination, distribution, or  
260 republication, in whole or in part, of a ~~any~~ broadcast or a ~~any~~  
261 written, graphic, or other form of campaign material prepared by

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262 the candidate, the candidate's campaign, or an agent of the  
263 candidate, including a ~~any~~ pollster, media consultant,  
264 advertising agency, vendor, advisor, or staff member; ~~or~~

265 4. Makes a payment based on information about the  
266 candidate's plans, projects, or needs communicated to a member  
267 of the committee or person by the candidate or an agent of the  
268 candidate, provided the committee or person uses the information  
269 in any way, in whole or in part, either directly or indirectly,  
270 to design, prepare, or pay for the specific expenditure or  
271 advertising campaign at issue; ~~or~~

272 5. After the last day of the qualifying period prescribed  
273 for the candidate, consults about the candidate's plans,  
274 projects, or needs in connection with the candidate's pursuit of  
275 election to office and the information is used in any way to  
276 plan, create, design, or prepare an independent expenditure or  
277 advertising campaign, with:

278 a. An ~~Any~~ officer, director, employee, or agent of a  
279 national, state, or county executive committee of a political  
280 party or an affiliated party committee that has made or intends  
281 to make expenditures in connection with or contributions to the  
282 candidate; or

283 b. A ~~Any~~ person whose professional services have been  
284 retained by a national, state, or county executive committee of  
285 a political party or an affiliated party committee that has made  
286 or intends to make expenditures in connection with or  
287 contributions to the candidate; ~~or~~

288 6. After the last day of the qualifying period prescribed  
289 for the candidate, retains the professional services of a ~~any~~  
290 person also providing those services to the candidate in

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291 connection with the candidate's pursuit of election to office;  
292 or

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

295 (7)~~(6)~~ "Election" means a ~~any~~ primary election, special  
296 primary election, general election, special election, or  
297 municipal election held in this state for the purpose of  
298 nominating or electing candidates to public office, choosing  
299 delegates to the national nominating conventions of political  
300 parties, or submitting an issue to the electors for their  
301 approval or rejection.

302 (13)~~(7)~~ "Issue" means a ~~any~~ proposition that ~~which~~ is  
303 required by the State Constitution, by law or resolution of the  
304 Legislature, or by the charter, ordinance, or resolution of a  
305 ~~any~~ political subdivision of this state to be submitted to the  
306 electors for their approval or rejection at an election, or a  
307 ~~any~~ proposition for which a petition is circulated in order to  
308 have such proposition placed on the ballot at an ~~any~~ election.

309 (14)~~(8)~~ "Person" means an individual or a corporation,  
310 association, firm, partnership, joint venture, joint stock  
311 company, club, organization, estate, trust, business trust,  
312 syndicate, or other combination of individuals having collective  
313 capacity. The term includes a political party, affiliated party  
314 committee, or political committee, ~~or committee of continuous~~  
315 ~~existence.~~

316 (2)~~(9)~~ "Campaign treasurer" means an individual appointed  
317 by a candidate or political committee as provided in this  
318 chapter.

319 (17)~~(10)~~ "Public office" means a ~~any~~ state, county,

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320 municipal, or school or other district office or position that  
321 ~~which~~ is filled by vote of the electors.

322 (1) ~~(11)~~ "Campaign fund raiser" means an ~~any~~ affair held to  
323 raise funds to be used in a campaign for public office.

324 (6) ~~(12)~~ "Division" means the Division of Elections of the  
325 Department of State.

326 (4) ~~(13)~~ "Communications media" means broadcasting stations,  
327 newspapers, magazines, outdoor advertising facilities, printers,  
328 direct mail, advertising agencies, the Internet, and telephone  
329 companies; but with respect to telephones, an expenditure is  
330 ~~shall be~~ deemed to be an expenditure for the use of  
331 communications media only if made for the costs of telephones,  
332 paid telephonists, or automatic telephone equipment to be used  
333 by a candidate or a political committee to communicate with  
334 potential voters but excluding the ~~any~~ costs of telephones  
335 incurred by a volunteer for use of telephones by such volunteer;  
336 however, with respect to the Internet, an expenditure is ~~shall~~  
337 ~~be~~ deemed an expenditure for use of communications media only if  
338 made for the cost of creating or disseminating a message on a  
339 computer information system accessible by more than one person  
340 but excluding internal communications of a campaign or of any  
341 group.

342 (11) ~~(14)~~ "Filing officer" means the person before whom a  
343 candidate qualifies, or the agency or officer with whom a  
344 political committee or an electioneering communications  
345 organization registers, ~~or the agency by whom a committee of~~  
346 ~~continuous existence is certified.~~

347 (18) ~~(15)~~ "Unopposed candidate" means a candidate for  
348 nomination or election to an office who, after the last day on

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349 which a ~~any~~ person, including a write-in candidate, may qualify,  
350 is without opposition in the election at which the office is to  
351 be filled or who is without such opposition after such date as a  
352 result of a ~~any~~ primary election or of withdrawal by other  
353 candidates seeking the same office. A candidate is not an  
354 unopposed candidate if there is a vacancy to be filled under s.  
355 100.111(3), if there is a legal proceeding pending regarding the  
356 right to a ballot position for the office sought by the  
357 candidate, or if the candidate is seeking retention as a justice  
358 or judge.

359 ~~(3)~~ ~~(16)~~ "Candidate" means a ~~any~~ person to whom any ~~one or~~  
360 ~~more~~ of the following applies ~~apply~~:

361 (a) A ~~Any~~ person who seeks to qualify for nomination or  
362 election by means of the petitioning process.

363 (b) A ~~Any~~ person who seeks to qualify for election as a  
364 write-in candidate.

365 (c) A ~~Any~~ person who receives contributions or makes  
366 expenditures, or consents for any other person to receive  
367 contributions or make expenditures, with a view to bring about  
368 his or her nomination or election to, or retention in, public  
369 office.

370 (d) A ~~Any~~ person who appoints a treasurer and designates a  
371 primary depository.

372 (e) A ~~Any~~ person who files qualification papers and  
373 subscribes to a candidate's oath as required by law.

374  
375 ~~However, this definition does not include any candidate for a~~  
376 ~~political party executive committee.~~ Expenditures related to  
377 potential candidate polls as provided in s. 106.17 are not

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378 contributions or expenditures for purposes of this subsection.

379 (15)~~(17)~~ "Political advertisement" means a paid expression  
380 in a any communications media prescribed in subsection (4) ~~(13)~~,  
381 whether radio, television, newspaper, magazine, periodical,  
382 campaign literature, direct mail, or display or by means other  
383 than the spoken word in direct conversation, which expressly  
384 advocates the election or defeat of a candidate or the approval  
385 or rejection of an issue. However, political advertisement does  
386 not include:

387 (a) A statement by an organization, in existence before  
388 ~~prior to~~ the time during which a candidate qualifies or an issue  
389 is placed on the ballot for that election, in support of or  
390 opposition to a candidate or issue, in that organization's  
391 newsletter, which newsletter is distributed only to the members  
392 of that organization.

393 (b) Editorial endorsements by a any newspaper, a radio or  
394 television station, or any other recognized news medium.

395 (8)~~(18)~~(a) "Electioneering communication" means any  
396 communication that is publicly distributed by a television  
397 station, radio station, cable television system, satellite  
398 system, newspaper, magazine, direct mail, or telephone and that:

399 1. Refers to or depicts a clearly identified candidate for  
400 office without expressly advocating the election or defeat of a  
401 candidate but that is susceptible of no reasonable  
402 interpretation other than an appeal to vote for or against a  
403 specific candidate;

404 2. Is made within 30 days before a primary or special  
405 primary election or 60 days before any other election for the  
406 office sought by the candidate; and

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407           3. Is targeted to the relevant electorate in the geographic  
408 area the candidate would represent if elected.

409           (b) The term "electioneering communication" does not  
410 include:

411           1. A communication disseminated through a means of  
412 communication other than a television station, radio station,  
413 cable television system, satellite system, newspaper, magazine,  
414 direct mail, telephone, or statement or depiction by an  
415 organization, in existence before ~~prior to~~ the time during which  
416 a candidate named or depicted qualifies for that election, made  
417 in that organization's newsletter, which newsletter is  
418 distributed only to members of that organization.

419           2. A communication in a news story, commentary, or  
420 editorial distributed through the facilities of a ~~any~~ radio  
421 station, television station, cable television system, or  
422 satellite system, unless the facilities are owned or controlled  
423 by a ~~any~~ political party, political committee, or candidate. A  
424 news story distributed through the facilities owned or  
425 controlled by a ~~any~~ political party, political committee, or  
426 candidate may nevertheless be exempt if it represents a bona  
427 fide news account communicated through a licensed broadcasting  
428 facility and the communication is part of a general pattern of  
429 campaign-related news accounts that give reasonably equal  
430 coverage to all opposing candidates in the area.

431           3. A communication that constitutes a public debate or  
432 forum that includes at least two opposing candidates for an  
433 office or one advocate and one opponent of an issue, or that  
434 solely promotes such a debate or forum and is made by or on  
435 behalf of the person sponsoring the debate or forum, provided

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436 that:

437 a. The staging organization is either:

438 (I) A charitable organization that does not make other  
439 electioneering communications and does not otherwise support or  
440 oppose any political candidate or political party; or

441 (II) A newspaper, radio station, television station, or  
442 other recognized news medium; and

443 b. The staging organization does not structure the debate  
444 to promote or advance one candidate or issue position over  
445 another.

446 (c) For purposes of this chapter, an expenditure made for,  
447 or in furtherance of, an electioneering communication is ~~shall~~  
448 not ~~be~~ considered a contribution to or on behalf of any  
449 candidate.

450 (d) For purposes of this chapter, an electioneering  
451 communication does ~~shall~~ not constitute an independent  
452 expenditure and is not ~~nor be~~ subject to the limitations  
453 applicable to independent expenditures.

454 ~~(9)(19)~~ "Electioneering communications organization" means  
455 any group, other than a political party, affiliated party  
456 committee, or political committee, ~~or committee of continuous~~  
457 ~~existence~~, whose election-related activities are limited to  
458 making expenditures for electioneering communications or  
459 accepting contributions for the purpose of making electioneering  
460 communications and whose activities would not otherwise require  
461 the group to register as a political party, or political  
462 committee, ~~or committee of continuous existence~~ under this  
463 chapter.

464 Section 4. Paragraph (a) of subsection (1) of section



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465 106.021, Florida Statutes, is amended to read:

466 106.021 Campaign treasurers; deputies; primary and  
467 secondary depositories.-

468 (1) (a) Each candidate for nomination or election to office  
469 and each political committee shall appoint a campaign treasurer.  
470 Each person who seeks to qualify for nomination or election to,  
471 or retention in, office shall appoint a campaign treasurer and  
472 designate a primary campaign depository before ~~prior to~~  
473 qualifying for office. Any person who seeks to qualify for  
474 election or nomination to any office by means of the petitioning  
475 process shall appoint a treasurer and designate a primary  
476 depository on or before the date he or she obtains the  
477 petitions. ~~Each candidate shall~~ At the same time a candidate ~~he~~  
478 ~~or she~~ designates a campaign depository and appoints a  
479 treasurer, the candidate shall also designate the office for  
480 which he or she is a candidate. If the candidate is running for  
481 an office that ~~which~~ will be grouped on the ballot with two or  
482 more similar offices to be filled at the same election, the  
483 candidate must indicate for which group or district office he or  
484 she is running. ~~Nothing in~~ This subsection does not ~~shall~~  
485 prohibit a candidate, at a later date, from changing the  
486 designation of the office for which he or she is a candidate.  
487 However, if a candidate changes the designated office for which  
488 he or she is a candidate, the candidate must notify all  
489 contributors in writing of the intent to seek a different office  
490 and offer to return pro rata, upon their request, those  
491 contributions given in support of the original office sought.  
492 This notification shall be given within 15 days after the filing  
493 of the change of designation and shall include a standard form

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494 developed by the Division of Elections for requesting the return  
495 of contributions. The notice requirement does ~~shall~~ not apply to  
496 any change in a numerical designation resulting solely from  
497 redistricting. If, within 30 days after being notified by the  
498 candidate of the intent to seek a different office, the  
499 contributor notifies the candidate in writing that the  
500 contributor wishes his or her contribution to be returned, the  
501 candidate shall return the contribution, on a pro rata basis,  
502 calculated as of the date the change of designation is filed. Up  
503 to a maximum of the contribution limits specified in s. 106.08,  
504 a candidate who runs for an office other than the office  
505 originally designated may use any contribution that a donor does  
506 not request ~~Any contributions not requested to~~ be returned  
507 within the 30-day period for the newly designated office,  
508 provided the candidate disposes of any amount exceeding the  
509 contribution limit pursuant to the options in s. 106.11(5)(b)  
510 and (c) or s. 106.141(4)(a)1., s. 106.141(4)(a)2., or s.  
511 106.141(4)(a)4.; notwithstanding, the full amount of the  
512 contribution for the original office shall count toward the  
513 contribution limits specified in s. 106.08 for the newly  
514 designated office ~~may be used by the candidate for the newly~~  
515 ~~designated office.~~ A ~~No~~ person may not ~~shall~~ accept any  
516 contribution or make any expenditure with a view to bringing  
517 about his or her nomination, election, or retention in public  
518 office, or authorize another to accept such contributions or  
519 make such expenditure on the person's behalf, unless such person  
520 has appointed a campaign treasurer and designated a primary  
521 campaign depository. A candidate for an office voted upon  
522 statewide may appoint not more than 15 deputy campaign

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523 treasurers, and any other candidate or political committee may  
524 appoint not more than 3 deputy campaign treasurers. The names  
525 and addresses of the campaign treasurer and deputy campaign  
526 treasurers so appointed shall be filed with the officer before  
527 whom such candidate is required to qualify or with whom such  
528 political committee is required to register pursuant to s.  
529 106.03.

530 Section 5. Subsection (1) of section 106.022, Florida  
531 Statutes, is amended to read:

532 106.022 Appointment of a registered agent; duties.—

533 (1) Each political committee, ~~committee of continuous~~  
534 ~~existence~~, or electioneering communications organization shall  
535 have and continuously maintain in this state a registered office  
536 and a registered agent and must file with the filing officer a  
537 statement of appointment for the registered office and  
538 registered agent. The statement of appointment must:

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

541 (b) Identify the entity for whom the registered agent  
542 serves;

543 (c) Designate the address the registered agent wishes to  
544 use to receive mail;

545 (d) Include the entity's undertaking to inform the filing  
546 officer of any change in such designated address;

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

551 (f) Contain the signature of the registered agent and the

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552 entity engaging the registered agent.

553 Section 6. Paragraph (c) of subsection (1) of section  
554 106.025, Florida Statutes, is amended to read:

555 106.025 Campaign fund raisers.—

556 (1)

557 (c) Any tickets or advertising for ~~such~~ a campaign fund  
558 raiser must comply with ~~is exempt from~~ the requirements of s.  
559 106.143.

560 Section 7. Paragraph (b) of subsection (1) and subsection  
561 (2) of section 106.03, Florida Statutes, are amended to read:

562 106.03 Registration of political committees and  
563 electioneering communications organizations.—

564 (1)

565 (b)1. Each group shall file a statement of organization as  
566 an electioneering communications organization within 24 hours  
567 after the date on which it makes expenditures for an  
568 electioneering communication in excess of \$5,000, if such  
569 expenditures are made within the timeframes specified in s.  
570 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes expenditures  
571 for an electioneering communication in excess of \$5,000 before  
572 the timeframes specified in s. 106.011(8)(a)2. ~~106.011(18)(a)2.~~,  
573 it shall file the statement of organization within 24 hours  
574 after the 30th day before a primary or special primary election,  
575 or within 24 hours after the 60th day before any other election,  
576 whichever is applicable.

577 2.a. In a statewide, legislative, or multicounty election,  
578 an electioneering communications organization shall file a  
579 statement of organization with the Division of Elections.

580 b. In a countywide election or any election held on less

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581 than a countywide basis, except as described in sub-subparagraph  
582 c., an electioneering communications organization shall file a  
583 statement of organization with the supervisor of elections of  
584 the county in which the election is being held.

585 c. In a municipal election, an electioneering  
586 communications organization shall file a statement of  
587 organization with the officer before whom municipal candidates  
588 qualify.

589 d. Any electioneering communications organization that  
590 would be required to file a statement of organization in two or  
591 more locations need only file a statement of organization with  
592 the Division of Elections.

593 (2) The statement of organization shall include:

594 (a) The name, mailing address, and street address of the  
595 committee or electioneering communications organization;

596 (b) The names, street addresses, and relationships of  
597 affiliated or connected organizations, including any affiliated  
598 sponsors;

599 (c) The area, scope, or jurisdiction of the committee or  
600 electioneering communications organization;

601 (d) The name, mailing address, street address, and position  
602 of the custodian of books and accounts;

603 (e) The name, mailing address, street address, and position  
604 of other principal officers, including the treasurer and deputy  
605 treasurer, if any;

606 (f) The name, address, office sought, and party affiliation  
607 of:

608 1. Each candidate whom the committee is supporting;

609 2. Any other individual, if any, whom the committee is

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610 supporting for nomination for election, or election, to any  
611 public office whatever;

612 (g) Any issue or issues the committee is supporting or  
613 opposing;

614 (h) If the committee is supporting the entire ticket of any  
615 party, a statement to that effect and the name of the party;

616 (i) A statement of whether the committee is a continuing  
617 one;

618 (j) Plans for the disposition of residual funds which will  
619 be made in the event of dissolution;

620 (k) A listing of all banks, safe-deposit boxes, or other  
621 depositories used for committee or electioneering communications  
622 organization funds;

623 (l) A statement of the reports required to be filed by the  
624 committee or the electioneering communications organization with  
625 federal officials, if any, and the names, addresses, and  
626 positions of such officials; and

627 (m) A statement of whether the electioneering  
628 communications organization was formed as a newly created  
629 organization during the current calendar quarter or was formed  
630 from an organization existing prior to the current calendar  
631 quarter. For purposes of this subsection, calendar quarters end  
632 the last day of March, June, September, and December.

633 Section 8. Section 106.05, Florida Statutes, is amended to  
634 read:

635 106.05 Deposit of contributions; statement of campaign  
636 treasurer.—All funds received by the campaign treasurer of any  
637 candidate or political committee shall, prior to the end of the  
638 5th business day following the receipt thereof, Saturdays,

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639 Sundays, and legal holidays excluded, be deposited in a campaign  
640 depository designated pursuant to s. 106.021, in an account that  
641 contains the designated "... (name of the candidate or  
642 committee.) ... ~~Campaign Account.~~" Except for contributions to  
643 political committees made by payroll deduction, all deposits  
644 shall be accompanied by a bank deposit slip containing the name  
645 of each contributor and the amount contributed by each. If a  
646 contribution is deposited in a secondary campaign depository,  
647 the depository shall forward the full amount of the deposit,  
648 along with a copy of the deposit slip accompanying the deposit,  
649 to the primary campaign depository prior to the end of the 1st  
650 business day following the deposit.

651 Section 9. Section 106.07, Florida Statutes, is reenacted  
652 and amended to read:

653 106.07 Reports; certification and filing.-

654 (1) Each campaign treasurer designated by a candidate or  
655 political committee pursuant to s. 106.021 shall file regular  
656 reports of all contributions received, and all expenditures  
657 made, by or on behalf of such candidate or political committee.  
658 Except as provided in paragraphs (a) and (b) for the third  
659 calendar quarter immediately preceding a general election,  
660 reports shall be filed on the 10th day following the end of each  
661 calendar month ~~quarter~~ from the time the campaign treasurer is  
662 appointed, except that, if the 10th day following the end of a  
663 calendar month ~~quarter~~ occurs on a Saturday, Sunday, or legal  
664 holiday, the report shall be filed on the next following day  
665 that which is not a Saturday, Sunday, or legal holiday. Monthly  
666 ~~Quarterly~~ reports shall include all contributions received and  
667 expenditures made during the calendar month ~~quarter~~ which have

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668 not otherwise been reported pursuant to this section.

669 (a) A statewide candidate or a political committee required  
670 to file reports with the division must file reports:

671 1. On the 60th day immediately preceding the primary  
672 election, and each week thereafter, with the last weekly report  
673 being filed on the 11th day immediately preceding the general  
674 election.

675 2. On the 10th day immediately preceding the general  
676 election, and each day thereafter, with the last daily report  
677 being filed the 4th day before the general election ~~Except as~~  
678 ~~provided in paragraph (b), the reports shall also be filed on~~  
679 ~~the 32nd, 18th, and 4th days immediately preceding the primary~~  
680 ~~and on the 46th, 32nd, 18th, and 4th days immediately preceding~~  
681 ~~the election, for a candidate who is opposed in seeking~~  
682 ~~nomination or election to any office, for a political committee,~~  
683 ~~or for a committee of continuous existence.~~

684 (b) Any other candidate or a political committee required  
685 to file reports with a filing officer other than the division  
686 must file reports on the 60th day immediately preceding the  
687 primary election, and each week thereafter, with the last weekly  
688 report being filed on the 4th day immediately preceding the  
689 general election ~~Any statewide candidate who has requested to~~  
690 ~~receive contributions pursuant to the Florida Election Campaign~~  
691 ~~Financing Act or any statewide candidate in a race with a~~  
692 ~~candidate who has requested to receive contributions pursuant to~~  
693 ~~the act shall also file reports on the 4th, 11th, 18th, 25th,~~  
694 ~~and 32nd days prior to the primary election, and on the 4th,~~  
695 ~~11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the~~  
696 ~~general election.~~



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

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

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

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

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

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

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

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

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

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

762 (3) Reports required of a political committee shall be  
763 filed with the agency or officer before whom such committee  
764 registers pursuant to s. 106.03(3) and shall be subject to the  
765 same filing conditions as established for candidates' reports.  
766 Incomplete reports by political committees shall be treated in  
767 the manner provided for incomplete reports by candidates in  
768 subsection (2).

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

771 1. The full name, address, and occupation, if any of each  
772 person who has made one or more contributions to or for such  
773 committee or candidate within the reporting period, together  
774 with the amount and date of such contributions. For  
775 corporations, the report must provide as clear a description as  
776 practicable of the principal type of business conducted by the  
777 corporation. However, if the contribution is \$100 or less or is  
778 from a relative, as defined in s. 112.312, provided that the  
779 relationship is reported, the occupation of the contributor or  
780 the principal type of business need not be listed.

781 2. The name and address of each political committee from  
782 which the reporting committee or the candidate received, or to  
783 which the reporting committee or candidate made, any transfer of

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

785 3. Each loan for campaign purposes to or from any person or  
786 political committee within the reporting period, together with  
787 the full names, addresses, and occupations, and principal places  
788 of business, if any, of the lender and endorsers, if any, and  
789 the date and amount of such loans.

790 4. A statement of each contribution, rebate, refund, or  
791 other receipt not otherwise listed under subparagraphs 1.  
792 through 3.

793 5. The total sums of all loans, in-kind contributions, and  
794 other receipts by or for such committee or candidate during the  
795 reporting period. The reporting forms shall be designed to  
796 elicit separate totals for in-kind contributions, loans, and  
797 other receipts.

798 6. The full name and address of each person to whom  
799 expenditures have been made by or on behalf of the committee or  
800 candidate within the reporting period; the amount, date, and  
801 purpose of each such expenditure; and the name and address of,  
802 and office sought by, each candidate on whose behalf such  
803 expenditure was made. However, expenditures made from the petty  
804 cash fund provided by s. 106.12 need not be reported  
805 individually.

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

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813 expenditures shall be retained by the treasurer along with the  
814 records for the campaign account.

815 8. The total amount withdrawn and the total amount spent  
816 for petty cash purposes pursuant to this chapter during the  
817 reporting period.

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

820 10. The amount and nature of debts and obligations owed by  
821 or to the committee or candidate, which relate to the conduct of  
822 any political campaign.

823 11. Transaction information for each credit card purchase.  
824 Receipts for each credit card purchase shall be retained by the  
825 treasurer with the records for the campaign account.

826 12. The amount and nature of any separate interest-bearing  
827 accounts or certificates of deposit and identification of the  
828 financial institution in which such accounts or certificates of  
829 deposit are located.

830 13. The primary purposes of an expenditure made indirectly  
831 through a campaign treasurer pursuant to s. 106.021(3) for goods  
832 and services such as communications media placement or  
833 procurement services, campaign signs, insurance, and other  
834 expenditures that include multiple components as part of the  
835 expenditure. The primary purpose of an expenditure shall be that  
836 purpose, including integral and directly related components,  
837 that comprises 80 percent of such expenditure.

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

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842 aggregate amount listing the number of contributors together  
843 with the amount contributed by each and the total amount  
844 contributed during the reporting period. The identity of each  
845 person making such uniform contribution must be reported to the  
846 filing officer as provided in subparagraph (a)1. by July 1 of  
847 each calendar year, or, in a general election year, no later  
848 than the 60th day immediately preceding the primary election.

849 (c) ~~(b)~~ The filing officer shall make available to any  
850 candidate or committee a reporting form which the candidate or  
851 committee may use to indicate contributions received by the  
852 candidate or committee but returned to the contributor before  
853 deposit.

854 (5) The candidate and his or her campaign treasurer, in the  
855 case of a candidate, or the political committee chair and  
856 campaign treasurer of the committee, in the case of a political  
857 committee, shall certify as to the correctness of each report;  
858 and each person so certifying shall bear the responsibility for  
859 the accuracy and veracity of each report. Any campaign  
860 treasurer, candidate, or political committee chair who willfully  
861 certifies the correctness of any report while knowing that such  
862 report is incorrect, false, or incomplete commits a misdemeanor  
863 of the first degree, punishable as provided in s. 775.082 or s.  
864 775.083.

865 (6) The records maintained by the campaign depository with  
866 respect to any campaign account regulated by this chapter are  
867 subject to inspection by an agent of the Division of Elections  
868 or the Florida Elections Commission at any time during normal  
869 banking hours, and such depository shall furnish certified  
870 copies of any of such records to the Division of Elections or

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871 Florida Elections Commission upon request.

872 (7) Notwithstanding any other provisions of this chapter,  
873 in any reporting period during which a candidate or political  
874 committee, ~~or committee of continuous existence~~ has not received  
875 funds, made any contributions, or expended any reportable funds,  
876 the filing of the required report for that period is waived.  
877 However, the next report filed must specify that the report  
878 covers the entire period between the last submitted report and  
879 the report being filed, and any candidate or political  
880 committee, ~~or committee of continuous existence~~ not reporting by  
881 virtue of this subsection on dates prescribed elsewhere in this  
882 chapter shall notify the filing officer in writing on the  
883 prescribed reporting date that no report is being filed on that  
884 date.

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

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

894 2. In the general revenue fund of the political  
895 subdivision, in the case of a candidate for an office of a  
896 political subdivision or a political committee that registers  
897 with an officer of a political subdivision.

898

899 No separate fine shall be assessed for failure to file a copy of

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900 any report required by this section.

901 (b) Upon determining that a report is late, the filing  
902 officer shall immediately notify the candidate or chair of the  
903 political committee as to the failure to file a report by the  
904 designated due date and that a fine is being assessed for each  
905 late day. The fine is ~~shall be~~ \$50 per day for the first 3 days  
906 late and, thereafter, \$500 per day for each late day, not to  
907 exceed 25 percent of the total receipts or expenditures,  
908 whichever is greater, for the period covered by the late report.  
909 However, for the reports immediately preceding each special  
910 primary election, special election, primary election, and  
911 general election, the fine is ~~shall be~~ \$500 per day for each  
912 late day, not to exceed 25 percent of the total receipts or  
913 expenditures, whichever is greater, for the period covered by  
914 the late report. For reports required under s. 106.141(8)  
915 ~~106.141(7)~~, the fine is \$50 per day for each late day, not to  
916 exceed 25 percent of the total receipts or expenditures,  
917 whichever is greater, for the period covered by the late report.  
918 Upon receipt of the report, the filing officer shall determine  
919 the amount of the fine which is due and shall notify the  
920 candidate or chair or registered agent of the political  
921 committee. The filing officer shall determine the amount of the  
922 fine due based upon the earliest of the following:

- 923 1. When the report is actually received by such officer.
- 924 2. When the report is postmarked.
- 925 3. When the certificate of mailing is dated.
- 926 4. When the receipt from an established courier company is  
927 dated.
- 928 5. When the electronic receipt issued pursuant to s.



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929 106.0705 or other electronic filing system authorized in this  
930 section is dated.

931

932 Such fine shall be paid to the filing officer within 20 days  
933 after receipt of the notice of payment due, unless appeal is  
934 made to the Florida Elections Commission pursuant to paragraph  
935 (c). Notice is deemed complete upon proof of delivery of written  
936 notice to the mailing or street address on record with the  
937 filing officer. In the case of a candidate, such fine is ~~shall~~  
938 not ~~be~~ an allowable campaign expenditure and shall be paid only  
939 from personal funds of the candidate. An officer or member of a  
940 political committee is ~~shall~~ not ~~be~~ personally liable for such  
941 fine.

942 (c) Any candidate or chair of a political committee may  
943 appeal or dispute the fine, based upon, but not limited to,  
944 unusual circumstances surrounding the failure to file on the  
945 designated due date, and may request and shall be entitled to a  
946 hearing before the Florida Elections Commission, which shall  
947 have the authority to waive the fine in whole or in part. The  
948 Florida Elections Commission must consider the mitigating and  
949 aggravating circumstances contained in s. 106.265(2) when  
950 determining the amount of a fine, if any, to be waived. Any such  
951 request shall be made within 20 days after receipt of the notice  
952 of payment due. In such case, the candidate or chair of the  
953 political committee shall, within the 20-day period, notify the  
954 filing officer in writing of his or her intention to bring the  
955 matter before the commission.

956 (d) The appropriate filing officer shall notify the Florida  
957 Elections Commission of the repeated late filing by a candidate

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958 or political committee, the failure of a candidate or political  
959 committee to file a report after notice, or the failure to pay  
960 the fine imposed. The commission shall investigate only those  
961 alleged late filing violations specifically identified by the  
962 filing officer and as set forth in the notification. Any other  
963 alleged violations must be separately stated and reported by the  
964 division to the commission under s. 106.25(2).

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

968 Section 10. Section 106.0703, Florida Statutes, is  
969 reenacted and amended to read:

970 106.0703 Electioneering communications organizations;  
971 reporting requirements; certification and filing; penalties.—

972 (1) (a) Each electioneering communications organization  
973 shall file regular reports of all contributions received and all  
974 expenditures made by or on behalf of the organization. Except as  
975 provided in paragraphs (b) and (c), reports must ~~shall~~ be filed  
976 on the 10th day following the end of each calendar month ~~quarter~~  
977 from the time the organization is registered. However, if the  
978 10th day following the end of a calendar month ~~quarter~~ occurs on  
979 a Saturday, Sunday, or legal holiday, the report must ~~shall~~ be  
980 filed on the next following day that is not a Saturday, Sunday,  
981 or legal holiday. Monthly ~~Quarterly~~ reports must ~~shall~~ include  
982 all contributions received and expenditures made during the  
983 calendar month ~~quarter~~ that have not otherwise been reported  
984 pursuant to this section.

985 (b) For an electioneering communications organization  
986 required to file reports with the division, reports must be

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987 filed:

988 1. On the 60th day immediately preceding the primary  
989 election, and each week thereafter, with the last weekly report  
990 being filed on the 11th day immediately preceding the general  
991 election.

992 2. On the 10th day immediately preceding the general  
993 election, and every day thereafter, with the last daily report  
994 being filed the day before the general election ~~Following the~~  
995 ~~last day of candidates qualifying for office, the reports shall~~  
996 ~~be filed on the 32nd, 18th, and 4th days immediately preceding~~  
997 ~~the primary election and on the 46th, 32nd, 18th, and 4th days~~  
998 ~~immediately preceding the general election.~~

999 (c) For an electioneering communications organization  
1000 required to file reports with a filing officer other than the  
1001 division, reports must be filed on the 60th day immediately  
1002 preceding the primary election, and each week thereafter, with  
1003 the last weekly report being filed on the 4th day immediately  
1004 preceding the general election.

1005 (d) ~~(e)~~ When a special election is called to fill a vacancy  
1006 in office, all electioneering communications organizations  
1007 making contributions or expenditures to influence the results of  
1008 the special election shall file reports with the filing officer  
1009 on the dates set by the Department of State pursuant to s.  
1010 100.111.

1011 (e) ~~(d)~~ In addition to the reports required by paragraph  
1012 (a), an electioneering communications organization that is  
1013 registered with the Department of State and that makes a  
1014 contribution or expenditure to influence the results of a county  
1015 or municipal election that is not being held at the same time as

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1016 a state or federal election must file reports with the county or  
1017 municipal filing officer on the same dates as county or  
1018 municipal candidates or committees for that election. The  
1019 electioneering communications organization must also include the  
1020 expenditure in the next report filed with the Division of  
1021 Elections pursuant to this section following the county or  
1022 municipal election.

1023 (f)~~(e)~~ The filing officer shall make available to each  
1024 electioneering communications organization a schedule  
1025 designating the beginning and end of reporting periods as well  
1026 as the corresponding designated due dates.

1027 (2) (a) Except as provided in s. 106.0705, the reports  
1028 required of an electioneering communications organization shall  
1029 be filed with the filing officer not later than 5 p.m. of the  
1030 day designated. However, any report postmarked by the United  
1031 States Postal Service no later than midnight of the day  
1032 designated shall be deemed to have been filed in a timely  
1033 manner. Any report received by the filing officer within 5 days  
1034 after the designated due date that was delivered by the United  
1035 States Postal Service shall be deemed timely filed unless it has  
1036 a postmark that indicates that the report was mailed after the  
1037 designated due date. A certificate of mailing obtained from and  
1038 dated by the United States Postal Service at the time of  
1039 mailing, or a receipt from an established courier company, which  
1040 bears a date on or before the date on which the report is due,  
1041 shall be proof of mailing in a timely manner. Reports shall  
1042 contain information of all previously unreported contributions  
1043 received and expenditures made as of the preceding Friday,  
1044 except that the report filed on the Friday immediately preceding

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1045 the election shall contain information of all previously  
1046 unreported contributions received and expenditures made as of  
1047 the day preceding the designated due date. All such reports  
1048 shall be open to public inspection.

1049 (b)1. Any report that is deemed to be incomplete by the  
1050 officer with whom the electioneering communications organization  
1051 files shall be accepted on a conditional basis. The treasurer of  
1052 the electioneering communications organization shall be  
1053 notified, by certified mail or other common carrier that can  
1054 establish proof of delivery for the notice, as to why the report  
1055 is incomplete. Within 7 days after receipt of such notice, the  
1056 treasurer must file an addendum to the report providing all  
1057 information necessary to complete the report in compliance with  
1058 this section. Failure to file a complete report after such  
1059 notice constitutes a violation of this chapter.

1060 2. Notice is deemed sufficient upon proof of delivery of  
1061 written notice to the mailing or street address of the treasurer  
1062 or registered agent of the electioneering communication  
1063 organization on record with the filing officer.

1064 (3) (a) Each report required by this section must contain:

1065 1. The full name, address, and occupation, if any, of each  
1066 person who has made one or more contributions to or for such  
1067 electioneering communications organization within the reporting  
1068 period, together with the amount and date of such contributions.  
1069 For corporations, the report must provide as clear a description  
1070 as practicable of the principal type of business conducted by  
1071 the corporation. However, if the contribution is \$100 or less,  
1072 the occupation of the contributor or the principal type of  
1073 business need not be listed.

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1074           2. The name and address of each political committee from  
1075 which or to which the reporting electioneering communications  
1076 organization made any transfer of funds, together with the  
1077 amounts and dates of all transfers.

1078           3. Each loan for electioneering communication purposes to  
1079 or from any person or political committee within the reporting  
1080 period, together with the full names, addresses, and occupations  
1081 and principal places of business, if any, of the lender and  
1082 endorsers, if any, and the date and amount of such loans.

1083           4. A statement of each contribution, rebate, refund, or  
1084 other receipt not otherwise listed under subparagraphs 1.-3.

1085           5. The total sums of all loans, in-kind contributions, and  
1086 other receipts by or for such electioneering communications  
1087 organization during the reporting period. The reporting forms  
1088 shall be designed to elicit separate totals for in-kind  
1089 contributions, loans, and other receipts.

1090           6. The full name and address of each person to whom  
1091 expenditures have been made by or on behalf of the  
1092 electioneering communications organization within the reporting  
1093 period and the amount, date, and purpose of each expenditure.

1094           7. The full name and address of each person to whom an  
1095 expenditure for personal services, salary, or reimbursement for  
1096 expenses has been made and that is not otherwise reported,  
1097 including the amount, date, and purpose of the expenditure.

1098           8. The total sum of expenditures made by the electioneering  
1099 communications organization during the reporting period.

1100           9. The amount and nature of debts and obligations owed by  
1101 or to the electioneering communications organization that relate  
1102 to the conduct of any electioneering communication.

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1103           10. Transaction information for each credit card purchase.  
1104 Receipts for each credit card purchase shall be retained by the  
1105 electioneering communications organization.

1106           11. The amount and nature of any separate interest-bearing  
1107 accounts or certificates of deposit and identification of the  
1108 financial institution in which such accounts or certificates of  
1109 deposit are located.

1110           12. The primary purposes of an expenditure made indirectly  
1111 through an electioneering communications organization for goods  
1112 and services, such as communications media placement or  
1113 procurement services and other expenditures that include  
1114 multiple components as part of the expenditure. The primary  
1115 purpose of an expenditure shall be that purpose, including  
1116 integral and directly related components, that comprises 80  
1117 percent of such expenditure.

1118           (b) The filing officer shall make available to any  
1119 electioneering communications organization a reporting form  
1120 which the electioneering communications organization may use to  
1121 indicate contributions received by the electioneering  
1122 communications organization but returned to the contributor  
1123 before deposit.

1124           (4) The treasurer of the electioneering communications  
1125 organization shall certify as to the correctness of each report,  
1126 and each person so certifying shall bear the responsibility for  
1127 the accuracy and veracity of each report. Any treasurer who  
1128 willfully certifies the correctness of any report while knowing  
1129 that such report is incorrect, false, or incomplete commits a  
1130 misdemeanor of the first degree, punishable as provided in s.  
1131 775.082 or s. 775.083.

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1132 (5) The electioneering communications organization  
1133 depository shall provide statements reflecting deposits and  
1134 expenditures from the account to the treasurer, who shall retain  
1135 the records pursuant to s. 106.06. The records maintained by the  
1136 depository with respect to the account shall be subject to  
1137 inspection by an agent of the Division of Elections or the  
1138 Florida Elections Commission at any time during normal banking  
1139 hours, and such depository shall furnish certified copies of any  
1140 such records to the Division of Elections or the Florida  
1141 Elections Commission upon request.

1142 (6) Notwithstanding any other provisions of this chapter,  
1143 in any reporting period during which an electioneering  
1144 communications organization has not received funds, made any  
1145 contributions, or expended any reportable funds, the treasurer  
1146 shall file a written report with the filing officer by the  
1147 prescribed reporting date that no reportable contributions or  
1148 expenditures were made during the reporting period.

1149 (7) (a) Any electioneering communications organization  
1150 failing to file a report on the designated due date shall be  
1151 subject to a fine as provided in paragraph (b) for each late  
1152 day. The fine shall be assessed by the filing officer, and the  
1153 moneys collected shall be deposited:

1154 1. In the General Revenue Fund, in the case of an  
1155 electioneering communications organization that registers with  
1156 the Division of Elections; or

1157 2. In the general revenue fund of the political  
1158 subdivision, in the case of an electioneering communications  
1159 organization that registers with an officer of a political  
1160 subdivision.



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1161  
1162 No separate fine shall be assessed for failure to file a copy of  
1163 any report required by this section.

1164 (b) Upon determining that a report is late, the filing  
1165 officer shall immediately notify the electioneering  
1166 communications organization as to the failure to file a report  
1167 by the designated due date and that a fine is being assessed for  
1168 each late day. The fine shall be \$50 per day for the first 3  
1169 days late and, thereafter, \$500 per day for each late day, not  
1170 to exceed 25 percent of the total receipts or expenditures,  
1171 whichever is greater, for the period covered by the late report.  
1172 However, for the reports immediately preceding each primary and  
1173 general election, the fine shall be \$500 per day for each late  
1174 day, not to exceed 25 percent of the total receipts or  
1175 expenditures, whichever is greater, for the period covered by  
1176 the late report. Upon receipt of the report, the filing officer  
1177 shall determine the amount of the fine which is due and shall  
1178 notify the electioneering communications organization. The  
1179 filing officer shall determine the amount of the fine due based  
1180 upon the earliest of the following:

- 1181 1. When the report is actually received by such officer.
- 1182 2. When the report is postmarked.
- 1183 3. When the certificate of mailing is dated.
- 1184 4. When the receipt from an established courier company is  
1185 dated.
- 1186 5. When the electronic receipt issued pursuant to s.  
1187 106.0705 or other electronic filing system authorized in this  
1188 section is dated.

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1190 Such fine shall be paid to the filing officer within 20 days  
1191 after receipt of the notice of payment due, unless appeal is  
1192 made to the Florida Elections Commission pursuant to paragraph  
1193 (c). Notice is deemed sufficient upon proof of delivery of  
1194 written notice to the mailing or street address on record with  
1195 the filing officer. An officer or member of an electioneering  
1196 communications organization shall not be personally liable for  
1197 such fine.

1198 (c) The treasurer of an electioneering communications  
1199 organization may appeal or dispute the fine, based upon, but not  
1200 limited to, unusual circumstances surrounding the failure to  
1201 file on the designated due date, and may request and shall be  
1202 entitled to a hearing before the Florida Elections Commission,  
1203 which shall have the authority to waive the fine in whole or in  
1204 part. The Florida Elections Commission must consider the  
1205 mitigating and aggravating circumstances contained in s.  
1206 106.265(2) when determining the amount of a fine, if any, to be  
1207 waived. Any such request shall be made within 20 days after  
1208 receipt of the notice of payment due. In such case, the  
1209 treasurer of the electioneering communications organization  
1210 shall, within the 20-day period, notify the filing officer in  
1211 writing of his or her intention to bring the matter before the  
1212 commission.

1213 (d) The appropriate filing officer shall notify the Florida  
1214 Elections Commission of the repeated late filing by an  
1215 electioneering communications organization, the failure of an  
1216 electioneering communications organization to file a report  
1217 after notice, or the failure to pay the fine imposed. The  
1218 commission shall investigate only those alleged late filing

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1219 violations specifically identified by the filing officer and as  
1220 set forth in the notification. Any other alleged violations must  
1221 be stated separately and reported by the division to the  
1222 commission under s. 106.25(2).

1223 (8) Electioneering communications organizations shall not  
1224 use credit cards.

1225 Section 11. Section 106.0705, Florida Statutes, is  
1226 reenacted and amended to read:

1227 106.0705 Electronic filing of campaign treasurer's  
1228 reports.—

1229 (1) As used in this section, "electronic filing system"  
1230 means an Internet system for recording and reporting campaign  
1231 finance activity by reporting period.

1232 (2) (a) Each individual who is required to file reports with  
1233 the division pursuant to s. 106.07 or s. 106.141 must file such  
1234 reports by means of the division's electronic filing system.

1235 (b) Each political committee, ~~committee of continuous~~  
1236 ~~existence~~, electioneering communications organization,  
1237 affiliated party committee, or state executive committee that is  
1238 required to file reports with the division under ~~s. 106.04~~, s.  
1239 106.07, s. 106.0703, or s. 106.29, as applicable, must file such  
1240 reports with the division by means of the division's electronic  
1241 filing system.

1242 (c) Each person or organization that is required to file  
1243 reports with the division under s. 106.071 must file such  
1244 reports by means of the division's electronic filing system.

1245 (3) Reports filed pursuant to this section shall be  
1246 completed and filed through the electronic filing system not  
1247 later than midnight of the day designated. Reports not filed by

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1248 midnight of the day designated are late filed and are subject to  
1249 the penalties under ~~s. 106.04(9)~~, s. 106.07(8), s. 106.0703(7),  
1250 or s. 106.29(3), as applicable.

1251 (4) Each report filed pursuant to this section is  
1252 considered to be under oath by the candidate and treasurer, the  
1253 chair and treasurer, the treasurer under s. 106.0703, or the  
1254 leader and treasurer under s. 103.092, whichever is applicable,  
1255 and such persons are subject to the provisions of ~~s.~~  
1256 ~~106.04(4)(d)~~, s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as  
1257 applicable. Persons given a secure sign-on to the electronic  
1258 filing system are responsible for protecting such from  
1259 disclosure and are responsible for all filings using such  
1260 credentials, unless they have notified the division that their  
1261 credentials have been compromised.

1262 (5) The electronic filing system developed by the division  
1263 must:

1264 (a) Be based on access by means of the Internet.

1265 (b) Be accessible by anyone with Internet access using  
1266 standard web-browsing software.

1267 (c) Provide for direct entry of campaign finance  
1268 information as well as upload of such information from campaign  
1269 finance software certified by the division.

1270 (d) Provide a method that prevents unauthorized access to  
1271 electronic filing system functions.

1272 (6) The division shall adopt rules ~~pursuant to ss.~~  
1273 ~~120.536(1) and 120.54~~ to administer this section and provide for  
1274 the reports required to be filed pursuant to this section. Such  
1275 rules shall, at a minimum, provide:

1276 (a) Alternate filing procedures in case the division's

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1277 electronic filing system is not operable.

1278 (b) For the issuance of an electronic receipt to the person  
1279 submitting the report indicating and verifying that the report  
1280 has been filed.

1281 Section 12. Section 106.08, Florida Statutes, is amended to  
1282 read:

1283 106.08 Contributions; limitations on.-

1284 (1) (a) Except for political parties or affiliated party  
1285 committees, no person or, political committee, ~~or committee of~~  
1286 ~~continuous existence~~ may, in any election, make contributions in  
1287 excess of the following amounts: in excess of \$500 to any  
1288 ~~candidate for election to or retention in office or to any~~  
1289 ~~political committee supporting or opposing one or more~~  
1290 ~~candidates.~~

1291 1. To a candidate for statewide office or for retention as  
1292 a justice of the Supreme Court, \$3,000. Candidates for the  
1293 offices of Governor and Lieutenant Governor on the same ticket  
1294 are considered a single candidate for the purpose of this  
1295 subparagraph section.

1296 2. To a candidate for retention as a judge of a district  
1297 court of appeal, \$2,000.

1298 3. To a candidate for legislative or multicounty office; a  
1299 candidate for countywide office or in any election conducted on  
1300 less than a countywide basis; or a candidate for county court  
1301 judge or circuit judge, \$500.

1302 (b) ~~1.~~ The contribution limits provided in this subsection  
1303 do not apply to contributions made by a state or county  
1304 executive committee of a political party or affiliated party  
1305 committee regulated by chapter 103 or to amounts contributed by

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1306 a candidate to his or her own campaign.

1307 ~~2. Notwithstanding the limits provided in this subsection,~~  
1308 ~~an unemancipated child under the age of 18 years of age may not~~  
1309 ~~make a contribution in excess of \$100 to any candidate or to any~~  
1310 ~~political committee supporting one or more candidates.~~

1311 (c) The contribution limits of this subsection apply to  
1312 each election. For purposes of this subsection, the primary  
1313 election and general election are separate elections so long as  
1314 the candidate is not an unopposed candidate as defined in s.  
1315 106.011 ~~106.011(15)~~. However, for the purpose of contribution  
1316 limits with respect to candidates for retention as a justice or  
1317 judge, there is only one election, which is the general  
1318 election.

1319 (2) (a) A candidate may not accept contributions from a  
1320 county executive committee of a political party whose  
1321 contributions in the aggregate exceed \$50,000, or from the  
1322 national, or state, or county executive committees of a  
1323 political party, including any subordinate committee of such  
1324 political party or affiliated party committees, whose ~~which~~  
1325 contributions in the aggregate exceed \$50,000.

1326 (b) A candidate for statewide office may not accept  
1327 contributions from national, state, or county executive  
1328 committees of a political party, including any subordinate  
1329 committee of the political party, or affiliated party  
1330 committees, which contributions in the aggregate exceed  
1331 \$250,000. Polling services, research services, costs for  
1332 campaign staff, professional consulting services, and telephone  
1333 calls are not contributions to be counted toward the  
1334 contribution limits of paragraph (a) or this paragraph. Any item

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1335 not expressly identified in this paragraph as nonallocable is a  
1336 contribution in an amount equal to the fair market value of the  
1337 item and must be counted as allocable toward the contribution  
1338 limits of paragraph (a) or this paragraph. Nonallocable, in-kind  
1339 contributions must be reported by the candidate under s. 106.07  
1340 and by the political party or affiliated party committee under  
1341 s. 106.29.

1342 (3) (a) Any contribution received by a candidate with  
1343 opposition in an election or by the campaign treasurer or a  
1344 deputy campaign treasurer of such a candidate on the day of that  
1345 election or less than 5 days before ~~prior to~~ the day of that  
1346 election must be returned by him or her to the person or  
1347 committee contributing it and may not be used or expended by or  
1348 on behalf of the candidate.

1349 (b) Any contribution received by a candidate or by the  
1350 campaign treasurer or a deputy campaign treasurer of a candidate  
1351 after the date at which the candidate withdraws his or her  
1352 candidacy, or after the date the candidate is defeated, becomes  
1353 unopposed, or is elected to office must be returned to the  
1354 person or committee contributing it and may not be used or  
1355 expended by or on behalf of the candidate.

1356 (4) Any contribution received by the chair, campaign  
1357 treasurer, or deputy campaign treasurer of a political committee  
1358 supporting or opposing a candidate with opposition in an  
1359 election or supporting or opposing an issue on the ballot in an  
1360 election on the day of that election or less than 5 days before  
1361 ~~prior to~~ the day of that election may not be obligated or  
1362 expended by the committee until after the date of the election.

1363 (5) (a) A person may not make any contribution through or in

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1364 the name of another, directly or indirectly, in any election.

1365 (b) Candidates, political committees, affiliated party  
1366 committees, and political parties may not solicit contributions  
1367 from any religious, charitable, civic, or other causes or  
1368 organizations established primarily for the public good.

1369 (c) Candidates, political committees, affiliated party  
1370 committees, and political parties may not make contributions, in  
1371 exchange for political support, to any religious, charitable,  
1372 civic, or other cause or organization established primarily for  
1373 the public good. It is not a violation of this paragraph for:

1374 1. A candidate, political committee, affiliated party  
1375 committee, or political party executive committee to make gifts  
1376 of money in lieu of flowers in memory of a deceased person;

1377 2. A candidate to continue membership in, or make regular  
1378 donations from personal or business funds to, religious,  
1379 political party, affiliated party committee, civic, or  
1380 charitable groups of which the candidate is a member or to which  
1381 the candidate has been a regular donor for more than 6 months;  
1382 or

1383 3. A candidate to purchase, with campaign funds, tickets,  
1384 admission to events, or advertisements from religious, civic,  
1385 political party, affiliated party committee, or charitable  
1386 groups.

1387 (6) (a) A political party or affiliated party committee may  
1388 not accept any contribution that has been specifically  
1389 designated for the partial or exclusive use of a particular  
1390 candidate. Any contribution so designated must be returned to  
1391 the contributor and may not be used or expended by or on behalf  
1392 of the candidate. Funds contributed to an affiliated party



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1393 committee may ~~shall~~ not be ~~deemed as~~ designated for the partial  
1394 or exclusive use of a leader as defined in s. 103.092.

1395 (b)1. A political party or affiliated party committee may  
1396 not accept any in-kind contribution that fails to provide a  
1397 direct benefit to the political party or affiliated party  
1398 committee. A "direct benefit" includes, but is not limited to,  
1399 fundraising or furthering the objectives of the political party  
1400 or affiliated party committee.

1401 2.a. An in-kind contribution to a state political party may  
1402 be accepted only by the chairperson of the state political party  
1403 or by the chairperson's designee or designees whose names are on  
1404 file with the division in a form acceptable to the division  
1405 before ~~prior to~~ the date of the written notice required in sub-  
1406 subparagraph b. An in-kind contribution to a county political  
1407 party may be accepted only by the chairperson of the county  
1408 political party or by the county chairperson's designee or  
1409 designees whose names are on file with the supervisor of  
1410 elections of the respective county before ~~prior to~~ the date of  
1411 the written notice required in sub-subparagraph b. An in-kind  
1412 contribution to an affiliated party committee may be accepted  
1413 only by the leader of the affiliated party committee as defined  
1414 in s. 103.092 or by the leader's designee or designees whose  
1415 names are on file with the division in a form acceptable to the  
1416 division before ~~prior to~~ the date of the written notice required  
1417 in sub-subparagraph b.

1418 b. A person making an in-kind contribution to a state or  
1419 county political party or affiliated party committee must  
1420 provide prior written notice of the contribution to a person  
1421 described in sub-subparagraph a. The prior written notice must

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1422 be signed and dated and may be provided by an electronic or  
1423 facsimile message. However, prior written notice is not required  
1424 for an in-kind contribution that consists of food and beverage  
1425 in an aggregate amount not exceeding \$1,500 which is consumed at  
1426 a single sitting or event if such in-kind contribution is  
1427 accepted in advance by a person specified in sub-subparagraph a.

1428 c. A person described in sub-subparagraph a. may accept an  
1429 in-kind contribution requiring prior written notice only in a  
1430 writing that is dated before the in-kind contribution is made.  
1431 Failure to obtain the required written acceptance of an in-kind  
1432 contribution to a state or county political party or affiliated  
1433 party committee constitutes a refusal of the contribution.

1434 d. A copy of each prior written acceptance required under  
1435 sub-subparagraph c. must be filed at the time the regular  
1436 reports of contributions and expenditures required under s.  
1437 106.29 are filed by the state executive committee, county  
1438 executive committee, and affiliated party committee. A state  
1439 executive committee and an affiliated party committee must file  
1440 with the division. A county executive committee must file with  
1441 the county's supervisor of elections.

1442 e. An in-kind contribution may not be given to a state or  
1443 county political party or affiliated party committee unless the  
1444 in-kind contribution is made as provided in this subparagraph.

1445 (7) (a) Any person who knowingly and willfully makes or  
1446 accepts no more than one contribution in violation of subsection  
1447 (1) or subsection (5), or any person who knowingly and willfully  
1448 fails or refuses to return any contribution as required in  
1449 subsection (3), commits a misdemeanor of the first degree,  
1450 punishable as provided in s. 775.082 or s. 775.083. If any

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1451 corporation, partnership, or other business entity or any  
1452 political party, affiliated party committee, political  
1453 committee, ~~committee of continuous existence~~, or electioneering  
1454 communications organization is convicted of knowingly and  
1455 willfully violating any provision punishable under this  
1456 paragraph, it shall be fined not less than \$1,000 and not more  
1457 than \$10,000. If it is a domestic entity, it may be ordered  
1458 dissolved by a court of competent jurisdiction; if it is a  
1459 foreign or nonresident business entity, its right to do business  
1460 in this state may be forfeited. Any officer, partner, agent,  
1461 attorney, or other representative of a corporation, partnership,  
1462 or other business entity, or of a political party, affiliated  
1463 party committee, political committee, ~~committee of continuous~~  
1464 ~~existence~~, electioneering communications organization, or  
1465 organization exempt from taxation under s. 527 or s. 501(c)(4)  
1466 of the Internal Revenue Code, who aids, abets, advises, or  
1467 participates in a violation of any provision punishable under  
1468 this paragraph commits a misdemeanor of the first degree,  
1469 punishable as provided in s. 775.082 or s. 775.083.

1470 (b) Any person who knowingly and willfully makes or accepts  
1471 two or more contributions in violation of subsection (1) or  
1472 subsection (5) commits a felony of the third degree, punishable  
1473 as provided in s. 775.082, s. 775.083, or s. 775.084. If any  
1474 corporation, partnership, or other business entity or any  
1475 political party, affiliated party committee, political  
1476 committee, ~~committee of continuous existence~~, or electioneering  
1477 communications organization is convicted of knowingly and  
1478 willfully violating any provision punishable under this  
1479 paragraph, it shall be fined not less than \$10,000 and not more

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1480 than \$50,000. If it is a domestic entity, it may be ordered  
1481 dissolved by a court of competent jurisdiction; if it is a  
1482 foreign or nonresident business entity, its right to do business  
1483 in this state may be forfeited. Any officer, partner, agent,  
1484 attorney, or other representative of a corporation, partnership,  
1485 or other business entity, or of a political committee, ~~committee~~  
1486 ~~of continuous existence~~, political party, affiliated party  
1487 committee, or electioneering communications organization, or  
1488 organization exempt from taxation under s. 527 or s. 501(c)(4)  
1489 of the Internal Revenue Code, who aids, abets, advises, or  
1490 participates in a violation of any provision punishable under  
1491 this paragraph commits a felony of the third degree, punishable  
1492 as provided in s. 775.082, s. 775.083, or s. 775.084.

1493 (8) Except when otherwise provided in subsection (7), any  
1494 person who knowingly and willfully violates any provision of  
1495 this section shall, in addition to any other penalty prescribed  
1496 by this chapter, pay to the state a sum equal to twice the  
1497 amount contributed in violation of this chapter. Each campaign  
1498 treasurer shall pay all amounts contributed in violation of this  
1499 section to the state for deposit in the General Revenue Fund.

1500 (9) This section does not apply to the transfer of funds  
1501 between a primary campaign depository and a savings account or  
1502 certificate of deposit or to any interest earned on such account  
1503 or certificate.

1504 (10) Contributions to a political committee ~~or committee of~~  
1505 ~~continuous existence~~ may be received by an affiliated  
1506 organization and transferred to the bank account of the  
1507 political committee ~~or committee of continuous existence~~ via  
1508 check written from the affiliated organization if such

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1509 contributions are specifically identified as intended to be  
1510 contributed to the political committee ~~or committee of~~  
1511 ~~continuous existence~~. All contributions received in this manner  
1512 shall be reported pursuant to s. 106.07 by the political  
1513 committee ~~or committee of continuous existence~~ as having been  
1514 made by the original contributor.

1515 Section 13. Section 106.11, Florida Statutes, is reenacted  
1516 and amended to read:

1517 106.11 Expenses of and expenditures by candidates and  
1518 political committees.—Each candidate and each political  
1519 committee which designates a primary campaign depository  
1520 pursuant to s. 106.021(1) shall make expenditures from funds on  
1521 deposit in such primary campaign depository only in the  
1522 following manner, with the exception of expenditures made from  
1523 petty cash funds provided by s. 106.12:

1524 (1) (a) 1. The campaign treasurer or deputy campaign  
1525 treasurer of a candidate or political committee shall make  
1526 expenditures from funds on deposit in the primary campaign  
1527 depository only by means of a bank check drawn upon the campaign  
1528 account of the candidate or political committee. The campaign  
1529 account shall be separate from any personal or other account and  
1530 shall be used only for the purpose of depositing contributions  
1531 and making expenditures for the candidate or political  
1532 committee.

1533 2. An expenditure by a political committee must also be  
1534 primarily related to raising or making a contribution,  
1535 influencing the results of an election, making an electioneering  
1536 communication, or other political activity authorized by this  
1537 chapter. A violation of this subparagraph is punishable solely

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1538 as provided in s. 106.19(2).

1539 (b) The checks for such account shall contain, as a  
1540 minimum, the following information:

1541 1. The ~~statement~~ "... (name of the campaign account of the  
1542 candidate or political committee.) ... Campaign Account."

1543 2. The account number and the name of the bank.

1544 3. The exact amount of the expenditure.

1545 4. The signature of the campaign treasurer or deputy  
1546 treasurer.

1547 5. The exact purpose for which the expenditure is  
1548 authorized.

1549 6. The name of the payee.

1550 (2) (a) For purposes of this section, debit cards are  
1551 considered bank checks, if:

1552 1. Debit cards are obtained from the same bank that has  
1553 been designated as the candidate's or political committee's  
1554 primary campaign depository.

1555 2. Debit cards are issued in the name of the treasurer,  
1556 deputy treasurer, or authorized user and contain the state  
1557 "... (name of the campaign account of the candidate or political  
1558 committee.) ... Campaign Account."

1559 3. No more than three debit cards are requested and issued.

1560 4. The person using the debit card does not receive cash as  
1561 part of, or independent of, any transaction for goods or  
1562 services.

1563 5. All receipts for debit card transactions contain:

1564 a. The last four digits of the debit card number.

1565 b. The exact amount of the expenditure.

1566 c. The name of the payee.

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1567 d. The signature of the campaign treasurer, deputy  
1568 treasurer, or authorized user.

1569 e. The exact purpose for which the expenditure is  
1570 authorized.

1571  
1572 Any information required by this subparagraph but not included  
1573 on the debit card transaction receipt may be handwritten on, or  
1574 attached to, the receipt by the authorized user before  
1575 submission to the treasurer.

1576 (b) Debit cards are not subject to the requirements of  
1577 paragraph (1)(b).

1578 (3) The campaign treasurer, deputy treasurer, or authorized  
1579 user who signs the check shall be responsible for the  
1580 completeness and accuracy of the information on such check and  
1581 for insuring that such expenditure is an authorized expenditure.

1582 (4) No candidate, campaign manager, treasurer, deputy  
1583 treasurer, or political committee or any officer or agent  
1584 thereof, or any person acting on behalf of any of the foregoing,  
1585 shall authorize any expenses, nor shall any campaign treasurer  
1586 or deputy treasurer sign a check drawn on the primary campaign  
1587 account for any purpose, unless there are sufficient funds on  
1588 deposit in the primary depository account of the candidate or  
1589 political committee to pay the full amount of the authorized  
1590 expense, to honor all other checks drawn on such account, which  
1591 checks are outstanding, and to meet all expenses previously  
1592 authorized but not yet paid. However, an expense may be incurred  
1593 for the purchase of goods or services if there are sufficient  
1594 funds on deposit in the primary depository account to pay the  
1595 full amount of the incurred expense, to honor all checks drawn

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1596 on such account, which checks are outstanding, and to meet all  
1597 other expenses previously authorized but not yet paid, provided  
1598 that payment for such goods or services is made upon final  
1599 delivery and acceptance of the goods or services; and an  
1600 expenditure from petty cash pursuant to the provisions of s.  
1601 106.12 may be authorized, if there is a sufficient amount of  
1602 money in the petty cash fund to pay for such expenditure.

1603 Payment for credit card purchases shall be made pursuant to s.  
1604 106.125. Any expense incurred or authorized in excess of such  
1605 funds on deposit shall, in addition to other penalties provided  
1606 by law, constitute a violation of this chapter. As used in this  
1607 subsection, the term "sufficient funds on deposit in the primary  
1608 depository account of the candidate or political committee"  
1609 means that the funds at issue have been delivered for deposit to  
1610 the financial institution at which such account is maintained.  
1611 The term shall not be construed to mean that such funds are  
1612 available for withdrawal in accordance with the deposit rules or  
1613 the funds availability policies of such financial institution.

1614 (5) A candidate who withdraws his or her candidacy, becomes  
1615 an unopposed candidate, or is eliminated as a candidate or  
1616 elected to office may expend funds from the campaign account to:

1617 (a) Purchase "thank you" advertising for up to 75 days  
1618 after he or she withdraws, becomes unopposed, or is eliminated  
1619 or elected.

1620 (b) Pay for items which were obligated before he or she  
1621 withdrew, became unopposed, or was eliminated or elected.

1622 (c) Pay for expenditures necessary to close down the  
1623 campaign office and to prepare final campaign reports.

1624 (d) Dispose of surplus funds as provided in s. 106.141.



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1625 (6) A candidate who makes a loan to his or her campaign and  
1626 reports the loan as required by s. 106.07 may be reimbursed for  
1627 the loan at any time the campaign account has sufficient funds  
1628 to repay the loan and satisfy its other obligations.

1629 Section 14. Section 106.141, Florida Statutes, is amended  
1630 to read:

1631 106.141 Disposition of surplus funds by candidates.—

1632 (1) Except as provided in subsection (6), each candidate  
1633 who withdraws his or her candidacy, becomes an unopposed  
1634 candidate, or is eliminated as a candidate or elected to office  
1635 shall, within 90 days, dispose of the funds on deposit in his or  
1636 her campaign account and file a report reflecting the  
1637 disposition of all remaining funds. Such candidate may ~~shall~~ not  
1638 accept any contributions, nor may ~~shall~~ any person accept  
1639 contributions on behalf of such candidate, after the candidate  
1640 withdraws his or her candidacy, becomes unopposed, or is  
1641 eliminated or elected. However, if a candidate receives a refund  
1642 check after all surplus funds have been disposed of, the check  
1643 may be endorsed by the candidate and the refund disposed of  
1644 under this section. An amended report must be filed showing the  
1645 refund and subsequent disposition.

1646 (2) Any candidate required to dispose of funds pursuant to  
1647 this section may, before ~~prior to~~ such disposition, be  
1648 reimbursed by the campaign, in full or in part, for any reported  
1649 contributions by the candidate to the campaign.

1650 (3) The campaign treasurer of a candidate who withdraws his  
1651 or her candidacy, becomes unopposed, or is eliminated as a  
1652 candidate or elected to office and who has funds on deposit in a  
1653 separate interest-bearing account or certificate of deposit

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1654 shall, within 7 days after the date of becoming unopposed or the  
1655 date of such withdrawal, elimination, or election, transfer such  
1656 funds and the accumulated interest earned thereon to the  
1657 campaign account of the candidate for disposal under this  
1658 section. However, if the funds are in an account in which  
1659 penalties will apply for withdrawal within the 7-day period, the  
1660 campaign treasurer shall transfer such funds and the accumulated  
1661 interest earned thereon as soon as the funds can be withdrawn  
1662 without penalty, or within 90 days after the candidate becomes  
1663 unopposed, withdraws his or her candidacy, or is eliminated or  
1664 elected, whichever comes first.

1665 (4) (a) Except as provided in paragraph (b), any candidate  
1666 required to dispose of funds pursuant to this section shall, at  
1667 the option of the candidate, dispose of such funds by any of the  
1668 following means, or any combination thereof:

1669 1. Return pro rata to each contributor the funds that have  
1670 not been spent or obligated.

1671 2. Donate the funds that have not been spent or obligated  
1672 to a charitable organization or organizations that meet the  
1673 qualifications of s. 501(c)(3) of the Internal Revenue Code.

1674 3. Give not more than \$25,000 of the funds that have not  
1675 been spent or obligated to the affiliated party committee or  
1676 political party of which such candidate is a member.

1677 4. Give the funds that have not been spent or obligated:

1678 a. In the case of a candidate for state office, to the  
1679 state, to be deposited in either the Election Campaign Financing  
1680 Trust Fund or the General Revenue Fund, as designated by the  
1681 candidate; or

1682 b. In the case of a candidate for an office of a political

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1683 subdivision, to such political subdivision, to be deposited in  
1684 the general fund thereof.

1685 (b) Any candidate required to dispose of funds pursuant to  
1686 this section who has received contributions pursuant to the  
1687 Florida Election Campaign Financing Act shall, after all  
1688 monetary commitments pursuant to s. 106.11(5)(b) and (c) have  
1689 been met, return all surplus campaign funds to the General  
1690 Revenue Fund.

1691 (5) A candidate elected to office or a candidate who will  
1692 be elected to office by virtue of his or her being unopposed  
1693 may, in addition to the disposition methods provided in  
1694 subsection (4), transfer from the campaign account to an office  
1695 account any amount of the funds on deposit in such campaign  
1696 account up to:

1697 (a) Fifty ~~Twenty~~ thousand dollars, for a candidate for  
1698 statewide office. The Governor and Lieutenant Governor shall be  
1699 considered separate candidates for the purpose of this section.

1700 (b) Ten ~~Five~~ thousand dollars, for a candidate for  
1701 multicounty office.

1702 (c) Ten ~~Five~~ thousand dollars multiplied by the number of  
1703 years in the term of office for which elected, for a candidate  
1704 for legislative office.

1705 (d) Five thousand ~~Two thousand five hundred~~ dollars  
1706 multiplied by the number of years in the term of office for  
1707 which elected, for a candidate for county office or for a  
1708 candidate in any election conducted on less than a countywide  
1709 basis.

1710 (e) Six thousand dollars, for a candidate for retention as  
1711 a justice of the Supreme Court.

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1712 (f) Three thousand dollars, for a candidate for retention  
1713 as a judge of a district court of appeal.

1714 (g) Three thousand ~~One thousand five hundred~~ dollars, for a  
1715 candidate for county court judge or circuit judge.

1716

1717 The office account established pursuant to this subsection shall  
1718 be separate from any personal or other account. Any funds so  
1719 transferred by a candidate shall be used only for legitimate  
1720 expenses in connection with the candidate's public office. Such  
1721 expenses may include travel expenses incurred by the officer or  
1722 a staff member; personal taxes payable on office account funds  
1723 by the candidate or elected public official; professional  
1724 services provided by a certified public accountant or attorney  
1725 for preparation of the elected public official's financial  
1726 disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs  
1727 to prepare, print, produce, and mail holiday cards or  
1728 newsletters about the elected public official's public business  
1729 to constituents, if such correspondence does not constitute a  
1730 political advertisement, independent expenditure, or  
1731 electioneering communication as provided in s. 106.011; fees or  
1732 dues to religious, civic, or charitable organizations of which  
1733 the elected public official is a member; items of modest value  
1734 such as flowers, greeting cards, or personal notes given as a  
1735 substitute for, or in association with, an elected public  
1736 official's personal attendance at a constituent's special event  
1737 or family occasion, such as the birth of a child, graduation,  
1738 wedding, or funeral; personal expenses incurred by the elected  
1739 public official in connection with attending a constituent  
1740 meeting or event where public policy is discussed, if such

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1741 meetings or events are limited to no more than once a week; or  
1742 expenses incurred in the operation of the elected public  
1743 official's ~~his or her~~ office, including the employment of  
1744 additional staff. The funds may be deposited in a savings  
1745 account; however, all deposits, withdrawals, and interest earned  
1746 thereon shall be reported at the appropriate reporting period.  
1747 If a candidate is reelected to office or elected to another  
1748 office and has funds remaining in his or her office account, he  
1749 or she may transfer surplus campaign funds to the office  
1750 account. At no time may the funds in the office account exceed  
1751 the limitation imposed by this subsection. Upon leaving public  
1752 office, any person who has funds in an office account pursuant  
1753 to this subsection remaining on deposit shall give such funds to  
1754 a charitable organization that meets ~~or organizations which meet~~  
1755 the requirements of s. 501(c)(3) of the Internal Revenue Code  
1756 or, in the case of a state officer, to the state to be deposited  
1757 in the General Revenue Fund or, in the case of an officer of a  
1758 political subdivision, to the political subdivision to be  
1759 deposited in the general fund thereof.

1760 (6) (a) For purposes of this subsection, the term "same  
1761 office" with respect to legislative office means an office in  
1762 the same legislative body, irrespective of district number or  
1763 designation or geographic boundary.

1764 (b) A candidate elected to state office or a candidate who  
1765 will be elected to state office by virtue of his or her being  
1766 unopposed after candidate qualifying ends, may retain up to  
1767 \$20,000 in his or her campaign account, or in an interest-  
1768 bearing account or certificate of deposit, for use in his or her  
1769 next campaign for the same office, in addition to the

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1770 disposition methods provided in subsections (4) and (5). All  
1771 requirements applicable to candidate campaign accounts under  
1772 this chapter, including disclosure requirements applicable to  
1773 candidate campaign accounts, limitations on expenditures, and  
1774 limitations on contributions, apply to any retained funds.

1775 (c) If a candidate who has retained funds under this  
1776 subsection does not qualify as a candidate for reelection to the  
1777 same office, all retained funds shall be disposed of as  
1778 otherwise required by this section or s. 106.11(5) within 90  
1779 days after the last day of candidate qualifying for that office.  
1780 Requirements in this section applicable to the disposal of  
1781 surplus funds, including reporting requirements, are applicable  
1782 to the disposal of retained funds.

1783 (7) ~~(6)~~ Before ~~Prior to~~ disposing of funds pursuant to  
1784 subsection (4), ~~or~~ transferring funds into an office account  
1785 pursuant to subsection (5), or retaining funds for reelection  
1786 pursuant to subsection (6), any candidate who filed an oath  
1787 stating that he or she was unable to pay the ~~election assessment~~  
1788 ~~or~~ fee for verification of petition signatures without imposing  
1789 an undue burden on his or her personal resources or on resources  
1790 otherwise available to him or her, ~~or who filed both such oaths,~~  
1791 ~~or who qualified by the petition process and was not required to~~  
1792 ~~pay an election assessment,~~ shall reimburse the state or local  
1793 governmental entity, whichever is applicable, for such waived  
1794 ~~assessment or fee or both. Such reimbursement shall be made~~  
1795 ~~first for the cost of petition verification and then, if funds~~  
1796 ~~are remaining, for the amount of the election assessment. If~~  
1797 there are insufficient funds in the account to pay the full  
1798 amount of either ~~the assessment or the fee or both,~~ the

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1799 remaining funds shall be disbursed in the above manner until no  
1800 funds remain. All funds disbursed pursuant to this subsection  
1801 shall be remitted to the qualifying officer. Any reimbursement  
1802 for petition verification costs which are reimbursable by the  
1803 state shall be forwarded by the qualifying officer to the state  
1804 for deposit in the General Revenue Fund. ~~All reimbursements for~~  
1805 ~~the amount of the election assessment shall be forwarded by the~~  
1806 ~~qualifying officer to the Department of State for deposit in the~~  
1807 ~~General Revenue Fund.~~

1808 (8) (a) ~~(7) (a)~~ Any candidate required to dispose of campaign  
1809 funds pursuant to this section shall do so within the time  
1810 required by this section and ~~shall~~, on or before the date by  
1811 which such disposition is to have been made, shall file with the  
1812 officer with whom reports are required to be filed pursuant to  
1813 s. 106.07 a form prescribed by the Division of Elections  
1814 listing:

1815 1. The name and address of each person or unit of  
1816 government to whom any of the funds were distributed and the  
1817 amounts thereof;

1818 2. The name and address of each person to whom an  
1819 expenditure was made, together with the amount thereof and  
1820 purpose therefor; ~~and~~

1821 3. The amount of such funds transferred to an office  
1822 account by the candidate, together with the name and address of  
1823 the bank, savings and loan association, or credit union in which  
1824 the office account is located; and

1825 4. The amount of such funds retained pursuant to subsection  
1826 (6), together with the name and address of the bank, savings and  
1827 loan association, or credit union in which the retained funds

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1828 are located.

1829

1830 Such report shall be signed by the candidate and the campaign  
1831 treasurer and certified as true and correct pursuant to s.  
1832 106.07.

1833 (b) The filing officer shall notify each candidate at least  
1834 14 days before the date the report is due.

1835 (c) Any candidate failing to file a report on the  
1836 designated due date shall be subject to a fine as provided in s.  
1837 106.07 for submitting late termination reports.

1838 (9)~~(8)~~ Any candidate elected to office who transfers  
1839 surplus campaign funds into an office account pursuant to  
1840 subsection (5) shall file a report on the 10th day following the  
1841 end of each calendar quarter until the account is closed. Such  
1842 reports shall contain the name and address of each person to  
1843 whom any disbursement of funds was made, together with the  
1844 amount thereof and the purpose therefor, and the name and  
1845 address of any person from whom the elected candidate received  
1846 any refund or reimbursement and the amount thereof. Such reports  
1847 shall be on forms prescribed by the Division of Elections,  
1848 signed by the elected candidate, certified as true and correct,  
1849 and filed with the officer with whom campaign reports were filed  
1850 pursuant to s. 106.07(2).

1851 (10)~~(9)~~ Any candidate, or any person on behalf of a  
1852 candidate, who accepts contributions after such candidate has  
1853 withdrawn his or her candidacy, after the candidate has become  
1854 an unopposed candidate, or after the candidate has been  
1855 eliminated as a candidate or elected to office commits a  
1856 misdemeanor of the first degree, punishable as provided in s.



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1857 775.082 or s. 775.083.

1858 ~~(11)(10)~~ Any candidate who is required by the provisions of  
1859 this section to dispose of funds in his or her campaign account  
1860 and who fails to dispose of the funds in the manner provided in  
1861 this section commits a misdemeanor of the first degree,  
1862 punishable as provided in s. 775.082 or s. 775.083.

1863 Section 15. Section 106.29, Florida Statutes, is reenacted  
1864 and amended to read:

1865 106.29 Reports by political parties and affiliated party  
1866 committees; restrictions on contributions and expenditures;  
1867 penalties.—

1868 (1) (a) The state executive committee and each county  
1869 executive committee of each political party and any affiliated  
1870 party committee regulated by chapter 103 shall file regular  
1871 reports of all contributions received and all expenditures made  
1872 by such committee. However, the reports may ~~shall~~ not include  
1873 contributions and expenditures that are reported to the Federal  
1874 Election Commission.

1875 (b) Each state executive committee and affiliated party  
1876 committee shall file regular reports with the Division of  
1877 Elections. Such reports must contain the same information as  
1878 reports required of candidates by s. 106.07 and must be filed at  
1879 the same times and subject to the same filing conditions  
1880 established by s. 106.07(1) and (2) for statewide candidate  
1881 reports filed with the division. Each county executive committee  
1882 shall file reports with the supervisor of elections in the  
1883 county in which such committee exists. Such reports must contain  
1884 the same information as reports required of candidates by s.  
1885 106.07 and must be filed at the same times and subject to the

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1886 same filing conditions established by s. 106.07(1) and (2) for  
1887 county candidate reports filed with the supervisor of elections.  
1888 In addition, when a special election is called to fill a vacancy  
1889 in office, each state executive committee, each affiliated party  
1890 committee, and each county executive committee making  
1891 contributions or expenditures to influence the results of the  
1892 special election or the preceding special primary election must  
1893 file campaign treasurers' reports on the dates set by the  
1894 Department of State pursuant to s. 100.111. ~~Such reports shall~~  
1895 ~~contain the same information as do reports required of~~  
1896 ~~candidates by s. 106.07 and shall be filed on the 10th day~~  
1897 ~~following the end of each calendar quarter, except that, during~~  
1898 ~~the period from the last day for candidate qualifying until the~~  
1899 ~~general election, such reports shall be filed on the Friday~~  
1900 ~~immediately preceding each special primary election, special~~  
1901 ~~election, primary election, and general election.~~

1902 (c) In addition to the reports filed under this section,  
1903 the state executive committee, each county executive committee,  
1904 and each affiliated party committee shall file a copy of each  
1905 prior written acceptance of an in-kind contribution given by the  
1906 committee during the preceding calendar quarter as required  
1907 under s. 106.08(6). ~~Each state executive committee and~~  
1908 ~~affiliated party committee shall file its reports with the~~  
1909 ~~Division of Elections. Each county executive committee shall~~  
1910 ~~file its reports with the supervisor of elections in the county~~  
1911 ~~in which such committee exists.~~

1912 (d) Any state or county executive committee or affiliated  
1913 party committee failing to file a report on the designated due  
1914 date is ~~shall be~~ subject to a fine as provided in subsection

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1915 (3). A ~~No~~ separate fine may not ~~shall~~ be assessed for failure to  
1916 file a copy of any report required by this section.

1917 (2) The chair and treasurer of each state or county  
1918 executive committee shall certify as to the correctness of each  
1919 report filed by them on behalf of such committee. The leader and  
1920 treasurer of each affiliated party committee under s. 103.092  
1921 shall certify as to the correctness of each report filed by them  
1922 on behalf of such committee. Any committee chair, leader, or  
1923 treasurer who certifies the correctness of any report while  
1924 knowing that such report is incorrect, false, or incomplete  
1925 commits a felony of the third degree, punishable as provided in  
1926 s. 775.082, s. 775.083, or s. 775.084.

1927 (3) (a) A ~~Any~~ state or county executive committee or  
1928 affiliated party committee that fails ~~failing~~ to file a report  
1929 on the designated due date is ~~shall be~~ subject to a fine as  
1930 provided in paragraph (b) for each late day. The fine shall be  
1931 assessed by the filing officer, and the moneys collected shall  
1932 be deposited in the General Revenue Fund.

1933 (b) Upon determining that a report is late, the filing  
1934 officer shall immediately notify the chair of the executive  
1935 committee or the leader of the affiliated party committee as  
1936 defined in s. 103.092 as to the failure to file a report by the  
1937 designated due date and that a fine is being assessed for each  
1938 late day. The fine is ~~shall be~~ \$1,000 for a state executive  
1939 committee, \$1,000 for an affiliated party committee, and \$50 for  
1940 a county executive committee, per day for each late day, not to  
1941 exceed 25 percent of the total receipts or expenditures,  
1942 whichever is greater, for the period covered by the late report.  
1943 However, if an executive committee or an affiliated party

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1944 committee fails to file a report on the Friday immediately  
1945 preceding the special election or general election, the fine is  
1946 ~~shall be~~ \$10,000 per day for each day a state executive  
1947 committee is late, \$10,000 per day for each day an affiliated  
1948 party committee is late, and \$500 per day for each day a county  
1949 executive committee is late. Upon receipt of the report, the  
1950 filing officer shall determine the amount of the fine which is  
1951 due and shall notify the chair or leader as defined in s.  
1952 103.092. Notice is deemed complete upon proof of delivery of  
1953 written notice to the mailing or street address on record with  
1954 the filing officer. The filing officer shall determine the  
1955 amount of the fine due based upon the earliest of the following:

- 1956 1. When the report is actually received by such officer.
- 1957 2. When the report is postmarked.
- 1958 3. When the certificate of mailing is dated.
- 1959 4. When the receipt from an established courier company is  
1960 dated.
- 1961 5. When the electronic receipt issued pursuant to s.  
1962 106.0705 is dated.

1963  
1964 Such fine shall be paid to the filing officer within 20 days  
1965 after receipt of the notice of payment due, unless appeal is  
1966 made to the Florida Elections Commission pursuant to paragraph  
1967 (c). An officer or member of an executive committee is not ~~shall~~  
1968 ~~not be~~ personally liable for such fine.

1969 (c) The chair of an executive committee or the leader of an  
1970 affiliated party committee as defined in s. 103.092 may appeal  
1971 or dispute the fine, based upon unusual circumstances  
1972 surrounding the failure to file on the designated due date, and

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1973 may request and is ~~shall be~~ entitled to a hearing before the  
1974 Florida Elections Commission, which has ~~shall have~~ the authority  
1975 to waive the fine in whole or in part. Any such request shall be  
1976 made within 20 days after receipt of the notice of payment due.  
1977 In such case, the chair of the executive committee or the leader  
1978 of the affiliated party committee as defined in s. 103.092  
1979 shall, within the 20-day period, notify the filing officer in  
1980 writing of his or her intention to bring the matter before the  
1981 commission.

1982 (d) The appropriate filing officer shall notify the Florida  
1983 Elections Commission of the repeated late filing by an executive  
1984 committee or affiliated party committee, the failure of an  
1985 executive committee or affiliated party committee to file a  
1986 report after notice, or the failure to pay the fine imposed.

1987 (4) Any contribution received by a state or county  
1988 executive committee or affiliated party committee less than 5  
1989 days before an election may ~~shall~~ not be used or expended in  
1990 behalf of any candidate, issue, affiliated party committee, or  
1991 political party participating in such election.

1992 (5) A ~~No~~ state or county executive committee or affiliated  
1993 party committee, in the furtherance of any candidate or  
1994 political party, directly or indirectly, may not ~~shall~~ give,  
1995 pay, or expend any money, give or pay anything of value,  
1996 authorize any expenditure, or become pecuniarily liable for any  
1997 expenditure prohibited by this chapter. However, the  
1998 contribution of funds by one executive committee to another or  
1999 to established party organizations for legitimate party or  
2000 campaign purposes is not prohibited, but all such contributions  
2001 shall be recorded and accounted for in the reports of the

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2002 contributor and recipient.

2003 (6) (a) The national, state, and county executive committees  
2004 of a political party and affiliated party committees may not  
2005 contribute to any candidate any amount in excess of the limits  
2006 contained in s. 106.08(2), and all contributions required to be  
2007 reported under s. 106.08(2) by the national executive committee  
2008 of a political party shall be reported by the state executive  
2009 committee of that political party.

2010 (b) A violation of the contribution limits contained in s.  
2011 106.08(2) is a misdemeanor of the first degree, punishable as  
2012 provided in s. 775.082 or s. 775.083. A civil penalty equal to  
2013 three times the amount in excess of the limits contained in s.  
2014 106.08(2) shall be assessed against any executive committee  
2015 found in violation thereof.

2016 Section 16. By December 1, 2013, the Division of Elections  
2017 shall submit a proposal to the President of the Senate and the  
2018 Speaker of the House of Representatives for a mandatory  
2019 statewide electronic filing system for all state and local  
2020 campaign filings required by s. 106.07, s. 106.0703, or s.  
2021 106.29.

2022 Section 17. Subsection (3) of section 101.62, Florida  
2023 Statutes, is amended to read:

2024 101.62 Request for absentee ballots.—

2025 (3) For each request for an absentee ballot received, the  
2026 supervisor shall record the date the request was made, the date  
2027 the absentee ballot was delivered to the voter or the voter's  
2028 designee or the date the absentee ballot was delivered to the  
2029 post office or other carrier, the date the ballot was received  
2030 by the supervisor, and such other information he or she may deem

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2031 necessary. This information shall be provided in electronic  
2032 format as provided by rule adopted by the division. The  
2033 information shall be updated and made available no later than 8  
2034 a.m. of each day, including weekends, beginning 60 days before  
2035 the primary until 15 days after the general election and shall  
2036 be contemporaneously provided to the division. This information  
2037 shall be confidential and exempt from the provisions of s.  
2038 119.07(1) and shall be made available to or reproduced only for  
2039 the voter requesting the ballot, a canvassing board, an election  
2040 official, a political party or official thereof, a candidate who  
2041 has filed qualification papers and is opposed in an upcoming  
2042 election, and registered political committees ~~or registered~~  
2043 ~~committees of continuous existence~~, for political purposes only.

2044 Section 18. Paragraph (a) of subsection (4) of section  
2045 102.031, Florida Statutes, is amended to read:

2046 102.031 Maintenance of good order at polls; authorities;  
2047 persons allowed in polling rooms and early voting areas;  
2048 unlawful solicitation of voters.-

2049 (4) (a) No person, political committee, ~~committee of~~  
2050 ~~continuous existence~~, or other group or organization may solicit  
2051 voters inside the polling place or within 100 feet of the  
2052 entrance to any polling place, or polling room where the polling  
2053 place is also a polling room, or early voting site. Before the  
2054 opening of the polling place or early voting site, the clerk or  
2055 supervisor shall designate the no-solicitation zone and mark the  
2056 boundaries.

2057 Section 19. Subsection (2) of section 106.087, Florida  
2058 Statutes, is amended to read:

2059 106.087 Independent expenditures; contribution limits;

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2060 restrictions on political parties ~~and~~ political committees, ~~and~~  
2061 ~~committees of continuous existence.~~

2062 (2) (a) Any political committee ~~or committee of continuous~~  
2063 ~~existence~~ that accepts the use of public funds, equipment,  
2064 personnel, or other resources to collect dues from its members  
2065 agrees not to make independent expenditures in support of or  
2066 opposition to a candidate or elected public official. However,  
2067 expenditures may be made for the sole purpose of jointly  
2068 endorsing three or more candidates.

2069 (b) Any political committee ~~or committee of continuous~~  
2070 ~~existence~~ that violates this subsection is liable for a civil  
2071 fine of up to \$5,000 to be determined by the Florida Elections  
2072 Commission or the entire amount of the expenditures, whichever  
2073 is greater.

2074 Section 20. Subsection (3) of section 106.12, Florida  
2075 Statutes, is amended to read:

2076 106.12 Petty cash funds allowed.—

2077 (3) The petty cash fund so provided may ~~shall~~ be spent only  
2078 in amounts less than \$100 and only for office supplies,  
2079 transportation expenses, and other necessities. Petty cash may  
2080 ~~shall~~ not be used for the purchase of time, space, or services  
2081 from communications media as defined in s. 106.011 ~~106.011(13)~~.

2082 Section 21. Paragraph (b) of subsection (3) of section  
2083 106.147, Florida Statutes, is amended to read:

2084 106.147 Telephone solicitation; disclosure requirements;  
2085 prohibitions; exemptions; penalties.—

2086 (3)

2087 (b) For purposes of paragraph (a), the term "person"  
2088 includes any candidate; any officer of any political committee,



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2089 ~~committee of continuous existence,~~ affiliated party committee,  
2090 or political party executive committee; any officer, partner,  
2091 attorney, or other representative of a corporation, partnership,  
2092 or other business entity; and any agent or other person acting  
2093 on behalf of any candidate, political committee, ~~committee of~~  
2094 ~~continuous existence,~~ affiliated party committee, political  
2095 party executive committee, or corporation, partnership, or other  
2096 business entity.

2097 Section 22. Section 106.17, Florida Statutes, is amended to  
2098 read:

2099 106.17 Polls and surveys relating to candidacies.—Any  
2100 candidate, political committee, ~~committee of continuous~~  
2101 ~~existence,~~ electioneering communication organization, affiliated  
2102 party committee, or state or county executive committee of a  
2103 political party may authorize or conduct a political poll,  
2104 survey, index, or measurement of any kind relating to candidacy  
2105 for public office so long as the candidate, political committee,  
2106 ~~committee of continuous existence,~~ electioneering communication  
2107 organization, affiliated party committee, or political party  
2108 maintains complete jurisdiction over the poll in all its  
2109 aspects. State and county executive committees of a political  
2110 party or an affiliated party committee may authorize and conduct  
2111 political polls for the purpose of determining the viability of  
2112 potential candidates. Such poll results may be shared with  
2113 potential candidates, and expenditures incurred by state and  
2114 county executive committees or an affiliated party committee for  
2115 potential candidate polls are not contributions to the potential  
2116 candidates.

2117 Section 23. Subsection (2) of section 106.23, Florida

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2118 Statutes, is amended to read:

2119       106.23 Powers of the Division of Elections.—

2120       (2) The Division of Elections shall provide advisory  
2121 opinions when requested by any supervisor of elections,  
2122 candidate, local officer having election-related duties,  
2123 political party, affiliated party committee, political  
2124 committee, ~~committee of continuous existence~~, or other person or  
2125 organization engaged in political activity, relating to any  
2126 provisions or possible violations of Florida election laws with  
2127 respect to actions such supervisor, candidate, local officer  
2128 having election-related duties, political party, affiliated  
2129 party committee, committee, person, or organization has taken or  
2130 proposes to take. Requests for advisory opinions must be  
2131 submitted in accordance with rules adopted by the Department of  
2132 State. A written record of all such opinions issued by the  
2133 division, sequentially numbered, dated, and indexed by subject  
2134 matter, shall be retained. A copy shall be sent to said person  
2135 or organization upon request. Any such person or organization,  
2136 acting in good faith upon such an advisory opinion, shall not be  
2137 subject to any criminal penalty provided for in this chapter.  
2138 The opinion, until amended or revoked, shall be binding on any  
2139 person or organization who sought the opinion or with reference  
2140 to whom the opinion was sought, unless material facts were  
2141 omitted or misstated in the request for the advisory opinion.

2142       Section 24. Subsections (2) and (3) of section 106.265,  
2143 Florida Statutes, are amended to read:

2144       106.265 Civil penalties.—

2145       (2) In determining the amount of such civil penalties, the  
2146 commission or administrative law judge shall consider, among

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2147 other mitigating and aggravating circumstances:

2148 (a) The gravity of the act or omission;

2149 (b) Any previous history of similar acts or omissions;

2150 (c) The appropriateness of such penalty to the financial  
2151 resources of the person, political committee, ~~committee of~~  
2152 ~~continuous existence~~, affiliated party committee, electioneering  
2153 communications organization, or political party; and

2154 (d) Whether the person, political committee, ~~committee of~~  
2155 ~~continuous existence~~, affiliated party committee, electioneering  
2156 communications organization, or political party has shown good  
2157 faith in attempting to comply with the provisions of this  
2158 chapter or chapter 104.

2159 (3) If any person, political committee, ~~committee of~~  
2160 ~~continuous existence~~, affiliated party committee, electioneering  
2161 communications organization, or political party fails or refuses  
2162 to pay to the commission any civil penalties assessed pursuant  
2163 to the provisions of this section, the commission shall be  
2164 responsible for collecting the civil penalties resulting from  
2165 such action.

2166 Section 25. Subsection (2) of section 106.27, Florida  
2167 Statutes, is amended to read:

2168 106.27 Determinations by commission; legal disposition.—

2169 (2) Civil actions may be brought by the commission for  
2170 relief, including permanent or temporary injunctions,  
2171 restraining orders, or any other appropriate order for the  
2172 imposition of civil penalties provided by this chapter. Such  
2173 civil actions shall be brought by the commission in the  
2174 appropriate court of competent jurisdiction, and the venue shall  
2175 be in the county in which the alleged violation occurred or in

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2176 which the alleged violator or violators are found, reside, or  
2177 transact business. Upon a proper showing that such person,  
2178 political committee, ~~committee of continuous existence,~~  
2179 affiliated party committee, or political party has engaged, or  
2180 is about to engage, in prohibited acts or practices, a permanent  
2181 or temporary injunction, restraining order, or other order shall  
2182 be granted without bond by such court, and the civil fines  
2183 provided by this chapter may be imposed.

2184 Section 26. Subsection (3) of section 106.32, Florida  
2185 Statutes, is amended to read:

2186 106.32 Election Campaign Financing Trust Fund.—

2187 (3) Proceeds from assessments pursuant to ss. ~~106.04,~~  
2188 106.07~~7~~ and 106.29 shall be deposited into the Election Campaign  
2189 Financing Trust Fund as designated in those sections.

2190 Section 27. Section 106.33, Florida Statutes, is amended to  
2191 read:

2192 106.33 Election campaign financing; eligibility.—Each  
2193 candidate for the office of Governor or member of the Cabinet  
2194 who desires to receive contributions from the Election Campaign  
2195 Financing Trust Fund ~~shall~~, upon qualifying for office, shall  
2196 file a request for such contributions with the filing officer on  
2197 forms provided by the Division of Elections. If a candidate  
2198 requesting contributions from the fund desires to have such  
2199 funds distributed by electronic fund transfers, the request  
2200 shall include information necessary to implement that procedure.  
2201 For the purposes of ss. 106.30-106.36, the respective candidates  
2202 running for Governor and Lieutenant Governor on the same ticket  
2203 shall be considered as a single candidate. To be eligible to  
2204 receive contributions from the fund, a candidate may not be an

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2205 unopposed candidate as defined in s. 106.011 ~~106.011(15)~~ and  
2206 must:

2207 (1) Agree to abide by the expenditure limits provided in s.  
2208 106.34.

2209 (2) (a) Raise contributions as follows:

2210 1. One hundred fifty thousand dollars for a candidate for  
2211 Governor.

2212 2. One hundred thousand dollars for a candidate for Cabinet  
2213 office.

2214 (b) Contributions from individuals who at the time of  
2215 contributing are not state residents may not be used to meet the  
2216 threshold amounts in paragraph (a). For purposes of this  
2217 paragraph, any person validly registered to vote in this state  
2218 shall be considered a state resident.

2219 (3) Limit loans or contributions from the candidate's  
2220 personal funds to \$25,000 and contributions from national,  
2221 state, and county executive committees of a political party to  
2222 \$250,000 in the aggregate, which loans or contributions do ~~shall~~  
2223 not qualify for meeting the threshold amounts in subsection (2).

2224 (4) Submit to a postelection audit of the campaign account  
2225 by the division.

2226 Section 28. Section 111.075, Florida Statutes, is amended  
2227 to read:

2228 111.075 Elected officials; prohibition concerning certain  
2229 committees.—Elected officials are prohibited from being employed  
2230 by, or acting as a consultant for compensation to, a political  
2231 committee ~~or committee of continuous existence.~~

2232 Section 29. Subsections (3) and (4) and paragraph (a) of  
2233 subsection (5) of section 112.3148, Florida Statutes, are

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2234 amended to read:

2235 112.3148 Reporting and prohibited receipt of gifts by  
2236 individuals filing full or limited public disclosure of  
2237 financial interests and by procurement employees.-

2238 (3) A reporting individual or procurement employee is  
2239 prohibited from soliciting any gift from a political committee  
2240 ~~or committee of continuous existence~~, as defined in s. 106.011,  
2241 or from a lobbyist who lobbies the reporting individual's or  
2242 procurement employee's agency, or the partner, firm, employer,  
2243 or principal of such lobbyist, where such gift is for the  
2244 personal benefit of the reporting individual or procurement  
2245 employee, another reporting individual or procurement employee,  
2246 or any member of the immediate family of a reporting individual  
2247 or procurement employee.

2248 (4) A reporting individual or procurement employee or any  
2249 other person on his or her behalf is prohibited from knowingly  
2250 accepting, directly or indirectly, a gift from a political  
2251 ~~committee or committee of continuous existence~~, as defined in s.  
2252 106.011, or from a lobbyist who lobbies the reporting  
2253 individual's or procurement employee's agency, or directly or  
2254 indirectly on behalf of the partner, firm, employer, or  
2255 principal of a lobbyist, if he or she knows or reasonably  
2256 believes that the gift has a value in excess of \$100; however,  
2257 such a gift may be accepted by such person on behalf of a  
2258 governmental entity or a charitable organization. If the gift is  
2259 accepted on behalf of a governmental entity or charitable  
2260 organization, the person receiving the gift shall not maintain  
2261 custody of the gift for any period of time beyond that  
2262 reasonably necessary to arrange for the transfer of custody and

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2263 ownership of the gift.

2264 (5) (a) A political committee ~~or a committee of continuous~~  
2265 ~~existence~~, as defined in s. 106.011; a lobbyist who lobbies a  
2266 reporting individual's or procurement employee's agency; the  
2267 partner, firm, employer, or principal of a lobbyist; or another  
2268 on behalf of the lobbyist or partner, firm, principal, or  
2269 employer of the lobbyist is prohibited from giving, either  
2270 directly or indirectly, a gift that has a value in excess of  
2271 \$100 to the reporting individual or procurement employee or any  
2272 other person on his or her behalf; however, such person may give  
2273 a gift having a value in excess of \$100 to a reporting  
2274 individual or procurement employee if the gift is intended to be  
2275 transferred to a governmental entity or a charitable  
2276 organization.

2277 Section 30. Subsections (3) and (4) of section 112.3149,  
2278 Florida Statutes, are amended to read:

2279 112.3149 Solicitation and disclosure of honoraria.—

2280 (3) A reporting individual or procurement employee is  
2281 prohibited from knowingly accepting an honorarium from a  
2282 political committee ~~or committee of continuous existence~~, as  
2283 defined in s. 106.011, from a lobbyist who lobbies the reporting  
2284 individual's or procurement employee's agency, or from the  
2285 employer, principal, partner, or firm of such a lobbyist.

2286 (4) A political committee ~~or committee of continuous~~  
2287 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a  
2288 reporting individual's or procurement employee's agency, or the  
2289 employer, principal, partner, or firm of such a lobbyist is  
2290 prohibited from giving an honorarium to a reporting individual  
2291 or procurement employee.

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2292 Section 31. Subsection (4) of section 1004.28, Florida  
2293 Statutes, is amended to read:

2294 1004.28 Direct-support organizations; use of property;  
2295 board of directors; activities; audit; facilities.—

2296 (4) ACTIVITIES; RESTRICTION.—A university direct-support  
2297 organization is prohibited from giving, either directly or  
2298 indirectly, any gift to a political committee ~~or committee of~~  
2299 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
2300 other than those certified by a majority roll call vote of the  
2301 governing board of the direct-support organization at a  
2302 regularly scheduled meeting as being directly related to the  
2303 educational mission of the university.

2304 Section 32. Paragraph (d) of subsection (4) of section  
2305 1004.70, Florida Statutes, is amended to read:

2306 1004.70 Florida College System institution direct-support  
2307 organizations.—

2308 (4) ACTIVITIES; RESTRICTIONS.—

2309 (d) A Florida College System institution direct-support  
2310 organization is prohibited from giving, either directly or  
2311 indirectly, any gift to a political committee ~~or committee of~~  
2312 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
2313 other than those certified by a majority roll call vote of the  
2314 governing board of the direct-support organization at a  
2315 regularly scheduled meeting as being directly related to the  
2316 educational mission of the Florida College System institution.

2317 Section 33. Paragraph (c) of subsection (4) of section  
2318 1004.71, Florida Statutes, is amended to read:

2319 1004.71 Statewide Florida College System institution  
2320 direct-support organizations.—



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2321 (4) RESTRICTIONS.—

2322 (c) A statewide Florida College System institution direct-  
2323 support organization is prohibited from giving, either directly  
2324 or indirectly, any gift to a political committee ~~or committee of~~  
2325 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
2326 other than those certified by a majority roll call vote of the  
2327 governing board of the direct-support organization at a  
2328 regularly scheduled meeting as being directly related to the  
2329 educational mission of the State Board of Education.

2330 Section 34. For the purpose of incorporating the amendment  
2331 made by this act into section 106.08, Florida Statutes, in a  
2332 reference thereto, subsection (2) of section 106.075, Florida  
2333 Statutes, is reenacted to read:

2334 106.075 Elected officials; report of loans made in year  
2335 preceding election; limitation on contributions to pay loans.—

2336 (2) Any person who makes a contribution to an individual to  
2337 pay all or part of a loan incurred, in the 12 months preceding  
2338 the election, to be used for the individual's campaign, may not  
2339 contribute more than the amount which is allowed in s.  
2340 106.08(1).

2341 Section 35. For the purpose of incorporating the amendments  
2342 made by this act to sections 106.08 and 106.11, Florida  
2343 Statutes, in references thereto, section 106.19, Florida  
2344 Statutes, is reenacted to read:

2345 106.19 Violations by candidates, persons connected with  
2346 campaigns, and political committees.—

2347 (1) Any candidate; campaign manager, campaign treasurer, or  
2348 deputy treasurer of any candidate; committee chair, vice chair,  
2349 campaign treasurer, deputy treasurer, or other officer of any

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2350 political committee; agent or person acting on behalf of any  
2351 candidate or political committee; or other person who knowingly  
2352 and willfully:

2353 (a) Accepts a contribution in excess of the limits  
2354 prescribed by s. 106.08;

2355 (b) Fails to report any contribution required to be  
2356 reported by this chapter;

2357 (c) Falsely reports or deliberately fails to include any  
2358 information required by this chapter; or

2359 (d) Makes or authorizes any expenditure in violation of s.  
2360 106.11(4) or any other expenditure prohibited by this chapter;

2361  
2362 is guilty of a misdemeanor of the first degree, punishable as  
2363 provided in s. 775.082 or s. 775.083.

2364 (2) Any candidate, campaign treasurer, or deputy treasurer;  
2365 any chair, vice chair, or other officer of any political  
2366 committee; any agent or person acting on behalf of any candidate  
2367 or political committee; or any other person who violates  
2368 paragraph (1)(a), paragraph (1)(b), or paragraph (1)(d) shall be  
2369 subject to a civil penalty equal to three times the amount  
2370 involved in the illegal act. Such penalty may be in addition to  
2371 the penalties provided by subsection (1) and shall be paid into  
2372 the General Revenue Fund of this state.

2373 (3) A political committee sponsoring a constitutional  
2374 amendment proposed by initiative which submits a petition form  
2375 gathered by a paid petition circulator which does not provide  
2376 the name and address of the paid petition circulator on the form  
2377 is subject to the civil penalties prescribed in s. 106.265.

2378 (4) Except as otherwise expressly stated, the failure by a

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2379 candidate to comply with the requirements of this chapter has no  
2380 effect upon whether the candidate has qualified for the office  
2381 the candidate is seeking.

2382       Section 36. Except as otherwise expressly provided in this  
2383 act and except for this section, which shall take effect upon  
2384 becoming a law, this act shall take effect November 1, 2013.