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LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SEN1/C
04/24/2013 10:14 AM	.	04/24/2013 03:09 PM
	.	

Senator Latvala moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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 Section 106.04, Florida Statutes, is repealed.

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

(2) Effective September 30, 2013, the certification of each committee of continuous existence is revoked and all committee



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14 accounts must have a zero balance. By July 15, 2013, the
15 Division of Elections of the Department of State shall notify
16 each committee of continuous existence of the revocation of its
17 certification pursuant to this subsection. Following the
18 revocation of certification, each committee of continuous
19 existence shall file any outstanding report as required by law.

20 (3) (a) A violation of this section or any other provision
21 of chapter 106, Florida Statutes, constitutes a violation of
22 chapter 106, Florida Statutes, regardless of whether the
23 committee of continuous existence is legally dissolved.

24 (b) A political committee or electioneering communications
25 organization that has received funds from a committee of
26 continuous existence whose certification has been revoked and
27 that is directly or indirectly established, maintained, or
28 controlled by the same individual or group as the former
29 committee of continuous existence, is responsible for any unpaid
30 fine or penalty incurred by the former committee of continuous
31 existence. If no such political committee or electioneering
32 communications organization exists, the principal officers of
33 the former committee of continuous existence shall be jointly
34 and severally liable for any fine or penalty.

35 (4) Notwithstanding any other provision of law, a committee
36 of continuous existence may make unlimited contributions to a
37 political committee.

38 (5) This section shall be effective upon this act becoming
39 a law.

40 Section 3. Section 106.011, Florida Statutes, is reordered
41 and amended to read:

42 106.011 Definitions.—As used in this chapter, the following



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43 terms have the following meanings unless the context clearly
44 indicates otherwise:

45 (16)~~(1)~~(a) "Political committee" means:

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

49 a. Accepts contributions for the purpose of making
50 contributions to any candidate, political committee, ~~committee~~
51 ~~of continuous existence~~, affiliated party committee, or
52 political party;

53 b. Accepts contributions for the purpose of expressly
54 advocating the election or defeat of a candidate or the passage
55 or defeat of an issue;

56 c. Makes expenditures that expressly advocate the election
57 or defeat of a candidate or the passage or defeat of an issue;
58 or

59 d. Makes contributions to a common fund, other than a joint
60 checking account between spouses, from which contributions are
61 made to any candidate, political committee, ~~committee of~~
62 ~~continuous existence~~, affiliated party committee, or political
63 party;

64 2. The sponsor of a proposed constitutional amendment by
65 initiative who intends to seek the signatures of registered
66 electors.

67 (b) Notwithstanding paragraph (a), the following entities
68 are not considered political committees for purposes of this
69 chapter:

70 1. ~~Organizations which are certified by the Department of~~
71 ~~State as committees of continuous existence pursuant to s.~~



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72 ~~106.04~~, National political parties, the state and county
73 executive committees of political parties, and affiliated party
74 committees regulated by chapter 103.

75 2. Corporations regulated by chapter 607 or chapter 617 or
76 other business entities formed for purposes other than to
77 support or oppose issues or candidates, if their political
78 activities are limited to contributions to candidates, political
79 parties, affiliated party committees, or political committees or
80 expenditures in support of or opposition to an issue from
81 corporate or business funds and if no contributions are received
82 by such corporations or business entities.

83 3. Electioneering communications organizations as defined
84 in subsection (9) ~~(19)~~.

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

88 (5) ~~(3)~~ "Contribution" means:

89 (a) A gift, subscription, conveyance, deposit, loan,
90 payment, or distribution of money or anything of value,
91 including contributions in kind having an attributable monetary
92 value in any form, made for the purpose of influencing the
93 results of an election or making an electioneering
94 communication.

95 (b) A transfer of funds between political committees,
96 ~~between committees of continuous existence,~~ between
97 electioneering communications organizations, or between any
98 combination of these groups.

99 (c) The payment, by a ~~any~~ person other than a candidate or
100 political committee, of compensation for the personal services



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101 of another person which are rendered to a candidate or political
102 committee without charge to the candidate or committee for such
103 services.

104 (d) The transfer of funds by a campaign treasurer or deputy
105 campaign treasurer between a primary depository and a separate
106 interest-bearing account or certificate of deposit, and the term
107 includes ~~any~~ interest earned on such account or certificate.
108

109 Notwithstanding the foregoing meanings of "contribution," the
110 term may not be construed to include services, including, but
111 not limited to, legal and accounting services, provided without
112 compensation by individuals volunteering a portion or all of
113 their time on behalf of a candidate or political committee or
114 editorial endorsements.

115 ~~(10)(4)~~(a) "Expenditure" means a purchase, payment,
116 distribution, loan, advance, transfer of funds by a campaign
117 treasurer or deputy campaign treasurer between a primary
118 depository and a separate interest-bearing account or
119 certificate of deposit, or gift of money or anything of value
120 made for the purpose of influencing the results of an election
121 or making an electioneering communication. However,
122 "expenditure" does not include a purchase, payment,
123 distribution, loan, advance, or gift of money or anything of
124 value made for the purpose of influencing the results of an
125 election when made by an organization, in existence before ~~prior~~
126 ~~to~~ the time during which a candidate qualifies or an issue is
127 placed on the ballot for that election, for the purpose of
128 printing or distributing such organization's newsletter,
129 containing a statement by such organization in support of or



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130 opposition to a candidate or issue, which newsletter is
131 distributed only to members of such organization.

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

135 1. A person enters into a contract for applicable goods or
136 services;

137 2. A person makes payment, in whole or in part, for the
138 production or public dissemination of applicable goods or
139 services; or

140 3. The electioneering communication is publicly
141 disseminated.

142 ~~(12)~~~~(5)~~(a) "Independent expenditure" means an expenditure
143 by a person for the purpose of expressly advocating the election
144 or defeat of a candidate or the approval or rejection of an
145 issue, which expenditure is not controlled by, coordinated with,
146 or made upon consultation with, any candidate, political
147 committee, or agent of such candidate or committee. An
148 expenditure for such purpose by a person having a contract with
149 the candidate, political committee, or agent of such candidate
150 or committee in a given election period is ~~shall not be deemed~~
151 an independent expenditure.

152 (b) An expenditure for the purpose of expressly advocating
153 the election or defeat of a candidate which is made by the
154 national, state, or county executive committee of a political
155 party, including any subordinate committee of the political
156 party, an affiliated party committee, a political committee, a
157 ~~committee of continuous existence,~~ or any other person is ~~shall~~
158 not ~~be~~ considered an independent expenditure if the committee or



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159 person:

160 1. Communicates with the candidate, the candidate's
161 campaign, or an agent of the candidate acting on behalf of the
162 candidate, including a ~~any~~ pollster, media consultant,
163 advertising agency, vendor, advisor, or staff member, concerning
164 the preparation of, use of, or payment for, the specific
165 expenditure or advertising campaign at issue; ~~or~~

166 2. Makes a payment in cooperation, consultation, or concert
167 with, at the request or suggestion of, or pursuant to a ~~any~~
168 general or particular understanding with the candidate, the
169 candidate's campaign, a political committee supporting the
170 candidate, or an agent of the candidate relating to the specific
171 expenditure or advertising campaign at issue; ~~or~~

172 3. Makes a payment for the dissemination, distribution, or
173 republication, in whole or in part, of a ~~any~~ broadcast or a ~~any~~
174 written, graphic, or other form of campaign material prepared by
175 the candidate, the candidate's campaign, or an agent of the
176 candidate, including a ~~any~~ pollster, media consultant,
177 advertising agency, vendor, advisor, or staff member; ~~or~~

178 4. Makes a payment based on information about the
179 candidate's plans, projects, or needs communicated to a member
180 of the committee or person by the candidate or an agent of the
181 candidate, provided the committee or person uses the information
182 in any way, in whole or in part, either directly or indirectly,
183 to design, prepare, or pay for the specific expenditure or
184 advertising campaign at issue; ~~or~~

185 5. After the last day of the qualifying period prescribed
186 for the candidate, consults about the candidate's plans,
187 projects, or needs in connection with the candidate's pursuit of



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188 election to office and the information is used in any way to
189 plan, create, design, or prepare an independent expenditure or
190 advertising campaign, with:

191 a. An ~~Any~~ officer, director, employee, or agent of a
192 national, state, or county executive committee of a political
193 party or an affiliated party committee that has made or intends
194 to make expenditures in connection with or contributions to the
195 candidate; or

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

201 6. After the last day of the qualifying period prescribed
202 for the candidate, retains the professional services of a ~~any~~
203 person also providing those services to the candidate in
204 connection with the candidate's pursuit of election to office;
205 or

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

208 ~~(7)-(6)~~ "Election" means a ~~any~~ primary election, special
209 primary election, general election, special election, or
210 municipal election held in this state for the purpose of
211 nominating or electing candidates to public office, choosing
212 delegates to the national nominating conventions of political
213 parties, selecting a member of a political party executive
214 committee, or submitting an issue to the electors for their
215 approval or rejection.

216 ~~(13)-(7)~~ "Issue" means a ~~any~~ proposition that ~~which~~ is



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217 required by the State Constitution, by law or resolution of the
218 Legislature, or by the charter, ordinance, or resolution of a
219 ~~any~~ political subdivision of this state to be submitted to the
220 electors for their approval or rejection at an election, or a
221 ~~any~~ proposition for which a petition is circulated in order to
222 have such proposition placed on the ballot at an ~~any~~ election.

223 (14)~~(8)~~ "Person" means an individual or a corporation,
224 association, firm, partnership, joint venture, joint stock
225 company, club, organization, estate, trust, business trust,
226 syndicate, or other combination of individuals having collective
227 capacity. The term includes a political party, affiliated party
228 committee, or political committee, ~~or committee of continuous~~
229 ~~existence.~~

230 (2)~~(9)~~ "Campaign treasurer" means an individual appointed
231 by a candidate or political committee as provided in this
232 chapter.

233 (17)~~(10)~~ "Public office" means a ~~any~~ state, county,
234 municipal, or school or other district office or position that
235 ~~which~~ is filled by vote of the electors.

236 (1)~~(11)~~ "Campaign fund raiser" means an ~~any~~ affair held to
237 raise funds to be used in a campaign for public office.

238 (6)~~(12)~~ "Division" means the Division of Elections of the
239 Department of State.

240 (4)~~(13)~~ "Communications media" means broadcasting stations,
241 newspapers, magazines, outdoor advertising facilities, printers,
242 direct mail, advertising agencies, the Internet, and telephone
243 companies; but with respect to telephones, an expenditure is
244 ~~shall be~~ deemed to be an expenditure for the use of
245 communications media only if made for the costs of telephones,



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246 paid telephonists, or automatic telephone equipment to be used
247 by a candidate or a political committee to communicate with
248 potential voters but excluding the ~~any~~ costs of telephones
249 incurred by a volunteer for use of telephones by such volunteer;
250 however, with respect to the Internet, an expenditure is ~~shall~~
251 ~~be~~ deemed an expenditure for use of communications media only if
252 made for the cost of creating or disseminating a message on a
253 computer information system accessible by more than one person
254 but excluding internal communications of a campaign or of any
255 group.

256 (11) ~~(14)~~ "Filing officer" means the person before whom a
257 candidate qualifies or, the agency or officer with whom a
258 political committee or an electioneering communications
259 organization registers, ~~or the agency by whom a committee of~~
260 ~~continuous existence is certified.~~

261 (18) ~~(15)~~ "Unopposed candidate" means a candidate for
262 nomination or election to an office who, after the last day on
263 which a ~~any~~ person, including a write-in candidate, may qualify,
264 is without opposition in the election at which the office is to
265 be filled or who is without such opposition after such date as a
266 result of a ~~any~~ primary election or of withdrawal by other
267 candidates seeking the same office. A candidate is not an
268 unopposed candidate if there is a vacancy to be filled under s.
269 100.111(3), if there is a legal proceeding pending regarding the
270 right to a ballot position for the office sought by the
271 candidate, or if the candidate is seeking retention as a justice
272 or judge.

273 (3) ~~(16)~~ "Candidate" means a ~~any~~ person to whom any ~~one or~~
274 ~~more~~ of the following applies ~~apply~~:



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

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

279 (c) A ~~Any~~ person who receives contributions or makes
280 expenditures, or consents for any other person to receive
281 contributions or make expenditures, with a view to bring about
282 his or her nomination or election to, or retention in, public
283 office.

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

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

288
289 However, this definition does not include any candidate for a
290 political party executive committee. Expenditures related to
291 potential candidate polls as provided in s. 106.17 are not
292 contributions or expenditures for purposes of this subsection.

293 ~~(15)-(17)~~ "Political advertisement" means a paid expression
294 in a any ~~any~~ communications media prescribed in subsection (4) ~~(13)~~,
295 whether radio, television, newspaper, magazine, periodical,
296 campaign literature, direct mail, or display or by means other
297 than the spoken word in direct conversation, which expressly
298 advocates the election or defeat of a candidate or the approval
299 or rejection of an issue. However, political advertisement does
300 not include:

301 (a) A statement by an organization, in existence before
302 ~~prior to~~ the time during which a candidate qualifies or an issue
303 is placed on the ballot for that election, in support of or



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304 opposition to a candidate or issue, in that organization's
305 newsletter, which newsletter is distributed only to the members
306 of that organization.

307 (b) Editorial endorsements by a ~~any~~ newspaper, a radio or
308 television station, or any other recognized news medium.

309 (8) ~~(18)~~ (a) "Electioneering communication" means ~~any~~
310 communication that is publicly distributed by a television
311 station, radio station, cable television system, satellite
312 system, newspaper, magazine, direct mail, or telephone and that:

313 1. Refers to or depicts a clearly identified candidate for
314 office without expressly advocating the election or defeat of a
315 candidate but that is susceptible of no reasonable
316 interpretation other than an appeal to vote for or against a
317 specific candidate;

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

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

323 (b) The term "electioneering communication" does not
324 include:

325 1. A communication disseminated through a means of
326 communication other than a television station, radio station,
327 cable television system, satellite system, newspaper, magazine,
328 direct mail, telephone, or statement or depiction by an
329 organization, in existence before ~~prior to~~ the time during which
330 a candidate named or depicted qualifies for that election, made
331 in that organization's newsletter, which newsletter is
332 distributed only to members of that organization.



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333 2. A communication in a news story, commentary, or
334 editorial distributed through the facilities of a ~~any~~ radio
335 station, television station, cable television system, or
336 satellite system, unless the facilities are owned or controlled
337 by a ~~any~~ political party, political committee, or candidate. A
338 news story distributed through the facilities owned or
339 controlled by a ~~any~~ political party, political committee, or
340 candidate may nevertheless be exempt if it represents a bona
341 fide news account communicated through a licensed broadcasting
342 facility and the communication is part of a general pattern of
343 campaign-related news accounts that give reasonably equal
344 coverage to all opposing candidates in the area.

345 3. A communication that constitutes a public debate or
346 forum that includes at least two opposing candidates for an
347 office or one advocate and one opponent of an issue, or that
348 solely promotes such a debate or forum and is made by or on
349 behalf of the person sponsoring the debate or forum, provided
350 that:

351 a. The staging organization is either:

352 (I) A charitable organization that does not make other
353 electioneering communications and does not otherwise support or
354 oppose any political candidate or political party; or

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

357 b. The staging organization does not structure the debate
358 to promote or advance one candidate or issue position over
359 another.

360 (c) For purposes of this chapter, an expenditure made for,
361 or in furtherance of, an electioneering communication is ~~shall~~



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362 not ~~be~~ considered a contribution to or on behalf of any
363 candidate.

364 (d) For purposes of this chapter, an electioneering
365 communication does ~~shall~~ not constitute an independent
366 expenditure and is not ~~nor be~~ subject to the limitations
367 applicable to independent expenditures.

368 (9) ~~(19)~~ "Electioneering communications organization" means
369 any group, other than a political party, affiliated party
370 committee, or political committee, ~~or committee of continuous~~
371 ~~existence~~, whose election-related activities are limited to
372 making expenditures for electioneering communications or
373 accepting contributions for the purpose of making electioneering
374 communications and whose activities would not otherwise require
375 the group to register as a political party or, political
376 committee, ~~or committee of continuous existence~~ under this
377 chapter.

378 Section 4. Paragraph (a) of subsection (1) and paragraph
379 (d) of subsection (3) of section 106.021, Florida Statutes, are
380 amended to read:

381 106.021 Campaign treasurers; deputies; primary and
382 secondary depositories.-

383 (1) (a) Each candidate for nomination or election to office
384 and each political committee shall appoint a campaign treasurer.
385 Each person who seeks to qualify for nomination or election to,
386 or retention in, office shall appoint a campaign treasurer and
387 designate a primary campaign depository before ~~prior to~~
388 qualifying for office. Any person who seeks to qualify for
389 election or nomination to any office by means of the petitioning
390 process shall appoint a treasurer and designate a primary



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391 depository on or before the date he or she obtains the
392 petitions. ~~Each candidate shall~~ At the same time a candidate ~~he~~
393 ~~or she~~ designates a campaign depository and appoints a
394 treasurer, the candidate shall also designate the office for
395 which he or she is a candidate. If the candidate is running for
396 an office that ~~which~~ will be grouped on the ballot with two or
397 more similar offices to be filled at the same election, the
398 candidate must indicate for which group or district office he or
399 she is running. ~~Nothing in~~ This subsection does not ~~shall~~
400 prohibit a candidate, at a later date, from changing the
401 designation of the office for which he or she is a candidate.
402 However, if a candidate changes the designated office for which
403 he or she is a candidate, the candidate must notify all
404 contributors in writing of the intent to seek a different office
405 and offer to return pro rata, upon their request, those
406 contributions given in support of the original office sought.
407 This notification shall be given within 15 days after the filing
408 of the change of designation and shall include a standard form
409 developed by the Division of Elections for requesting the return
410 of contributions. The notice requirement does ~~shall~~ not apply to
411 any change in a numerical designation resulting solely from
412 redistricting. If, within 30 days after being notified by the
413 candidate of the intent to seek a different office, the
414 contributor notifies the candidate in writing that the
415 contributor wishes his or her contribution to be returned, the
416 candidate shall return the contribution, on a pro rata basis,
417 calculated as of the date the change of designation is filed. Up
418 to a maximum of the contribution limits specified in s. 106.08,
419 a candidate who runs for an office other than the office



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420 originally designated may use any contribution that a donor does
421 not request ~~Any contributions not requested to be returned~~
422 within the 30-day period for the newly designated office,
423 provided the candidate disposes of any amount exceeding the
424 contribution limit pursuant to the options in s. 106.11(5)(b)
425 and (c) or s. 106.141(4)(a)1., s. 106.141(4)(a)2., or s.
426 106.141(4)(a)4.; notwithstanding, the full amount of the
427 contribution for the original office shall count toward the
428 contribution limits specified in s. 106.08 for the newly
429 designated office ~~may be used by the candidate for the newly~~
430 ~~designated office.~~ A ~~No~~ person may not shall accept any
431 contribution or make any expenditure with a view to bringing
432 about his or her nomination, election, or retention in public
433 office, or authorize another to accept such contributions or
434 make such expenditure on the person's behalf, unless such person
435 has appointed a campaign treasurer and designated a primary
436 campaign depository. A candidate for an office voted upon
437 statewide may appoint not more than 15 deputy campaign
438 treasurers, and any other candidate or political committee may
439 appoint not more than 3 deputy campaign treasurers. The names
440 and addresses of the campaign treasurer and deputy campaign
441 treasurers so appointed shall be filed with the officer before
442 whom such candidate is required to qualify or with whom such
443 political committee is required to register pursuant to s.
444 106.03.

445 (3) No contribution or expenditure, including contributions
446 or expenditures of a candidate or of the candidate's family,
447 shall be directly or indirectly made or received in furtherance
448 of the candidacy of any person for nomination or election to



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449 political office in the state or on behalf of any political
450 committee except through the duly appointed campaign treasurer
451 of the candidate or political committee, subject to the
452 following exceptions:

453 (d) Expenditures made directly by any ~~political committee,~~
454 ~~affiliated party committee,~~ or political party regulated by
455 chapter 103 for obtaining time, space, or services in or by any
456 communications medium for the purpose of jointly endorsing three
457 or more candidates, and any such expenditure may ~~shall~~ not be
458 considered a contribution or expenditure to or on behalf of any
459 such candidates for the purposes of this chapter.

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

462 106.022 Appointment of a registered agent; duties.-

463 (1) Each political committee, ~~committee of continuous~~
464 ~~existence,~~ or electioneering communications organization shall
465 have and continuously maintain in this state a registered office
466 and a registered agent and must file with the filing officer a
467 statement of appointment for the registered office and
468 registered agent. The statement of appointment must:

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

471 (b) Identify the entity for whom the registered agent
472 serves;

473 (c) Designate the address the registered agent wishes to
474 use to receive mail;

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

477 (e) Provide for the registered agent's acceptance of the



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478 appointment, which must confirm that the registered agent is
479 familiar with and accepts the obligations of the position as set
480 forth in this section; and

481 (f) Contain the signature of the registered agent and the
482 entity engaging the registered agent.

483 Section 6. Paragraph (c) of subsection (1) of section
484 106.025, Florida Statutes, is amended to read:

485 106.025 Campaign fund raisers.—

486 (1)

487 (c) Any tickets or advertising for ~~such~~ a campaign fund
488 raiser must comply with ~~is exempt from~~ the requirements of s.
489 106.143.

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

492 106.03 Registration of political committees and
493 electioneering communications organizations.—

494 (1)

495 (b)1. Each group shall file a statement of organization as
496 an electioneering communications organization within 24 hours
497 after the date on which it makes expenditures for an
498 electioneering communication in excess of \$5,000, if such
499 expenditures are made within the timeframes specified in s.
500 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes expenditures
501 for an electioneering communication in excess of \$5,000 before
502 the timeframes specified in s. 106.011(8)(a)2. ~~106.011(18)(a)2.~~,
503 it shall file the statement of organization within 24 hours
504 after the 30th day before a primary or special primary election,
505 or within 24 hours after the 60th day before any other election,
506 whichever is applicable.



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507 2.a. In a statewide, legislative, or multicounty election,
508 an electioneering communications organization shall file a
509 statement of organization with the Division of Elections.

510 b. In a countywide election or any election held on less
511 than a countywide basis, except as described in sub-subparagraph
512 c., an electioneering communications organization shall file a
513 statement of organization with the supervisor of elections of
514 the county in which the election is being held.

515 c. In a municipal election, an electioneering
516 communications organization shall file a statement of
517 organization with the officer before whom municipal candidates
518 qualify.

519 d. Any electioneering communications organization that
520 would be required to file a statement of organization in two or
521 more locations need only file a statement of organization with
522 the Division of Elections.

523 (2) The statement of organization shall include:

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

526 (b) The names, street addresses, and relationships of
527 affiliated or connected organizations, including any affiliated
528 sponsors;

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

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

533 (e) The name, mailing address, street address, and position
534 of other principal officers, including the treasurer and deputy
535 treasurer, if any;



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536 (f) The name, address, office sought, and party affiliation
537 of:

538 1. Each candidate whom the committee is supporting;

539 2. Any other individual, if any, whom the committee is
540 supporting for nomination for election, or election, to any
541 public office whatever;

542 (g) Any issue or issues the committee is supporting or
543 opposing;

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

546 (i) A statement of whether the committee is a continuing
547 one;

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

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

553 (l) A statement of the reports required to be filed by the
554 committee or the electioneering communications organization with
555 federal officials, if any, and the names, addresses, and
556 positions of such officials; and

557 (m) A statement of whether the electioneering
558 communications organization was formed as a newly created
559 organization during the current calendar quarter or was formed
560 from an organization existing prior to the current calendar
561 quarter. For purposes of this subsection, calendar quarters end
562 the last day of March, June, September, and December.

563 Section 8. Section 106.05, Florida Statutes, is amended to
564 read:



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565 106.05 Deposit of contributions; statement of campaign
566 treasurer.—All funds received by the campaign treasurer of any
567 candidate or political committee shall, prior to the end of the
568 5th business day following the receipt thereof, Saturdays,
569 Sundays, and legal holidays excluded, be deposited in a campaign
570 depository designated pursuant to s. 106.021, in an account that
571 contains the designated “... (name of the candidate or
572 committee.) ... ~~Campaign Account.~~” Except for contributions to
573 political committees made by payroll deduction, all deposits
574 shall be accompanied by a bank deposit slip containing the name
575 of each contributor and the amount contributed by each. If a
576 contribution is deposited in a secondary campaign depository,
577 the depository shall forward the full amount of the deposit,
578 along with a copy of the deposit slip accompanying the deposit,
579 to the primary campaign depository prior to the end of the 1st
580 business day following the deposit.

581 Section 9. Section 106.07, Florida Statutes, is reenacted
582 and amended to read:

583 106.07 Reports; certification and filing.—

584 (1) Each campaign treasurer designated by a candidate or
585 political committee pursuant to s. 106.021 shall file regular
586 reports of all contributions received, and all expenditures
587 made, by or on behalf of such candidate or political committee.
588 Except as provided in paragraphs (a) and (b) for the third
589 calendar quarter immediately preceding a general election,
590 reports shall be filed on the 10th day following the end of each
591 calendar month ~~quarter~~ from the time the campaign treasurer is
592 appointed, except that, if the 10th day following the end of a
593 calendar month ~~quarter~~ occurs on a Saturday, Sunday, or legal



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594 holiday, the report shall be filed on the next following day
595 that ~~which~~ is not a Saturday, Sunday, or legal holiday. Monthly
596 ~~Quarterly~~ reports shall include all contributions received and
597 expenditures made during the calendar month ~~quarter~~ which have
598 not otherwise been reported pursuant to this section.

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

601 1. On the 60th day immediately preceding the primary
602 election, and each week thereafter, with the last weekly report
603 being filed on the 4th day immediately preceding the general
604 election.

605 2. On the 10th day immediately preceding the general
606 election, and each day thereafter, with the last daily report
607 being filed the 5th day immediately preceding the general
608 election ~~Except as provided in paragraph (b), the reports shall~~
609 ~~also be filed on the 32nd, 18th, and 4th days immediately~~
610 ~~preceding the primary and on the 46th, 32nd, 18th, and 4th days~~
611 ~~immediately preceding the election, for a candidate who is~~
612 ~~opposed in seeking nomination or election to any office, for a~~
613 ~~political committee, or for a committee of continuous existence.~~

614 (b) Any other candidate or a political committee required
615 to file reports with a filing officer other than the division
616 must file reports on the 60th day immediately preceding the
617 primary election, and biweekly on each Friday thereafter through
618 and including the 4th day immediately preceding the general
619 election, with additional reports due on the 25th and 11th days
620 before the primary election and the general election ~~Any~~
621 ~~statewide candidate who has requested to receive contributions~~
622 ~~pursuant to the Florida Election Campaign Financing Act or any~~



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623 ~~statewide candidate in a race with a candidate who has requested~~
624 ~~to receive contributions pursuant to the act shall also file~~
625 ~~reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the~~
626 ~~primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th,~~
627 ~~46th, and 53rd days prior to the general election.~~

628 (c) Following the last day of qualifying for office, any
629 unopposed candidate need only file a report within 90 days after
630 the date such candidate became unopposed. Such report shall
631 contain all previously unreported contributions and expenditures
632 as required by this section and shall reflect disposition of
633 funds as required by s. 106.141.

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

640 2. When an election is called for an issue to appear on the
641 ballot at a time when no candidates are scheduled to appear on
642 the ballot, all political committees making contributions or
643 expenditures in support of or in opposition to such issue shall
644 file reports on the 18th and 4th days before ~~prior to~~ such
645 election.

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

649 (2) (a)1. All reports required of a candidate by this
650 section shall be filed with the officer before whom the
651 candidate is required by law to qualify. All candidates who file



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652 with the Department of State shall file their reports pursuant
653 to s. 106.0705. Except as provided in s. 106.0705, reports shall
654 be filed not later than 5 p.m. of the day designated; however,
655 any report postmarked by the United States Postal Service no
656 later than midnight of the day designated is ~~shall be~~ deemed to
657 have been filed in a timely manner. Any report received by the
658 filing officer within 5 days after the designated due date that
659 was delivered by the United States Postal Service is ~~shall be~~
660 deemed timely filed unless it has a postmark that indicates that
661 the report was mailed after the designated due date. A
662 certificate of mailing obtained from and dated by the United
663 States Postal Service at the time of mailing, or a receipt from
664 an established courier company, which bears a date on or before
665 the date on which the report is due, suffices as ~~shall be~~ proof
666 of mailing in a timely manner. Reports other than daily reports
667 must ~~shall~~ contain information on ~~of~~ all previously unreported
668 contributions received and expenditures made as of the preceding
669 Friday, except that the report filed on the Friday immediately
670 preceding the election must ~~shall~~ contain information on ~~of~~ all
671 previously unreported contributions received and expenditures
672 made as of the day preceding that designated due date; daily
673 reports must contain information on all previously unreported
674 contributions received as of the preceding day. All such reports
675 are ~~shall be~~ open to public inspection.

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



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681 purpose.

682 (b)1. Any report that is deemed to be incomplete by the
683 officer with whom the candidate qualifies must ~~shall~~ be accepted
684 on a conditional basis. The campaign treasurer shall be notified
685 by certified mail or by another method using a common carrier
686 that provides a proof of delivery of the notice as to why the
687 report is incomplete and within 7 days after receipt of such
688 notice must file an addendum to the report providing all
689 information necessary to complete the report in compliance with
690 this section. Failure to file a complete report after such
691 notice constitutes a violation of this chapter.

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

695 (3) Reports required of a political committee shall be
696 filed with the agency or officer before whom such committee
697 registers pursuant to s. 106.03(3) and shall be subject to the
698 same filing conditions as established for candidates' reports.
699 Incomplete reports by political committees shall be treated in
700 the manner provided for incomplete reports by candidates in
701 subsection (2).

702 (4) (a) Except for daily reports, to which only the
703 contributions provisions below apply, and except as provided in
704 paragraph (b), each report required by this section must
705 contain:

706 1. The full name, address, and occupation, if any of each
707 person who has made one or more contributions to or for such
708 committee or candidate within the reporting period, together
709 with the amount and date of such contributions. For



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710 corporations, the report must provide as clear a description as
711 practicable of the principal type of business conducted by the
712 corporation. However, if the contribution is \$100 or less or is
713 from a relative, as defined in s. 112.312, provided that the
714 relationship is reported, the occupation of the contributor or
715 the principal type of business need not be listed.

716 2. The name and address of each political committee from
717 which the reporting committee or the candidate received, or to
718 which the reporting committee or candidate made, any transfer of
719 funds, together with the amounts and dates of all transfers.

720 3. Each loan for campaign purposes to or from any person or
721 political committee within the reporting period, together with
722 the full names, addresses, and occupations, and principal places
723 of business, if any, of the lender and endorsers, if any, and
724 the date and amount of such loans.

725 4. A statement of each contribution, rebate, refund, or
726 other receipt not otherwise listed under subparagraphs 1.
727 through 3.

728 5. The total sums of all loans, in-kind contributions, and
729 other receipts by or for such committee or candidate during the
730 reporting period. The reporting forms shall be designed to
731 elicit separate totals for in-kind contributions, loans, and
732 other receipts.

733 6. The full name and address of each person to whom
734 expenditures have been made by or on behalf of the committee or
735 candidate within the reporting period; the amount, date, and
736 purpose of each such expenditure; and the name and address of,
737 and office sought by, each candidate on whose behalf such
738 expenditure was made. However, expenditures made from the petty



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739 cash fund provided by s. 106.12 need not be reported
740 individually.

741 7. The full name and address of each person to whom an
742 expenditure for personal services, salary, or reimbursement for
743 authorized expenses as provided in s. 106.021(3) has been made
744 and which is not otherwise reported, including the amount, date,
745 and purpose of such expenditure. However, expenditures made from
746 the petty cash fund provided for in s. 106.12 need not be
747 reported individually. Receipts for reimbursement for authorized
748 expenditures shall be retained by the treasurer along with the
749 records for the campaign account.

750 8. The total amount withdrawn and the total amount spent
751 for petty cash purposes pursuant to this chapter during the
752 reporting period.

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

755 10. The amount and nature of debts and obligations owed by
756 or to the committee or candidate, which relate to the conduct of
757 any political campaign.

758 11. Transaction information for each credit card purchase.
759 Receipts for each credit card purchase shall be retained by the
760 treasurer with the records for the campaign account.

761 12. The amount and nature of any separate interest-bearing
762 accounts or certificates of deposit and identification of the
763 financial institution in which such accounts or certificates of
764 deposit are located.

765 13. The primary purposes of an expenditure made indirectly
766 through a campaign treasurer pursuant to s. 106.021(3) for goods
767 and services such as communications media placement or



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768 procurement services, campaign signs, insurance, and other
769 expenditures that include multiple components as part of the
770 expenditure. The primary purpose of an expenditure shall be that
771 purpose, including integral and directly related components,
772 that comprises 80 percent of such expenditure.

773 (b) Multiple uniform contributions from the same person,
774 aggregating no more than \$250 per calendar year, collected by an
775 organization that is the affiliated sponsor of a political
776 committee, may be reported by the political committee in an
777 aggregate amount listing the number of contributors together
778 with the amount contributed by each and the total amount
779 contributed during the reporting period. The identity of each
780 person making such uniform contribution must be reported to the
781 filing officer as provided in subparagraph (a)1. by July 1 of
782 each calendar year, or, in a general election year, no later
783 than the 60th day immediately preceding the primary election.

784 (c) ~~(b)~~ The filing officer shall make available to any
785 candidate or committee a reporting form which the candidate or
786 committee may use to indicate contributions received by the
787 candidate or committee but returned to the contributor before
788 deposit.

789 (5) The candidate and his or her campaign treasurer, in the
790 case of a candidate, or the political committee chair and
791 campaign treasurer of the committee, in the case of a political
792 committee, shall certify as to the correctness of each report;
793 and each person so certifying shall bear the responsibility for
794 the accuracy and veracity of each report. Any campaign
795 treasurer, candidate, or political committee chair who willfully
796 certifies the correctness of any report while knowing that such



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797 report is incorrect, false, or incomplete commits a misdemeanor
798 of the first degree, punishable as provided in s. 775.082 or s.
799 775.083.

800 (6) The records maintained by the campaign depository with
801 respect to any campaign account regulated by this chapter are
802 subject to inspection by an agent of the Division of Elections
803 or the Florida Elections Commission at any time during normal
804 banking hours, and such depository shall furnish certified
805 copies of any of such records to the Division of Elections or
806 Florida Elections Commission upon request.

807 (7) Notwithstanding any other provisions of this chapter,
808 in any reporting period during which a candidate or political
809 committee, ~~or committee of continuous existence~~ has not received
810 funds, made any contributions, or expended any reportable funds,
811 the filing of the required report for that period is waived.
812 However, the next report filed must specify that the report
813 covers the entire period between the last submitted report and
814 the report being filed, and any candidate or political
815 committee, ~~or committee of continuous existence~~ not reporting by
816 virtue of this subsection on dates prescribed elsewhere in this
817 chapter shall notify the filing officer in writing on the
818 prescribed reporting date that no report is being filed on that
819 date.

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



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

829 2. In the general revenue fund of the political
830 subdivision, in the case of a candidate for an office of a
831 political subdivision or a political committee that registers
832 with an officer of a political subdivision.

833

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

836 (b) Upon determining that a report is late, the filing
837 officer shall immediately notify the candidate or chair of the
838 political committee as to the failure to file a report by the
839 designated due date and that a fine is being assessed for each
840 late day. The fine is ~~shall be~~ \$50 per day for the first 3 days
841 late and, thereafter, \$500 per day for each late day, not to
842 exceed 25 percent of the total receipts or expenditures,
843 whichever is greater, for the period covered by the late report.
844 However, for the reports immediately preceding each special
845 primary election, special election, primary election, and
846 general election, the fine is ~~shall be~~ \$500 per day for each
847 late day, not to exceed 25 percent of the total receipts or
848 expenditures, whichever is greater, for the period covered by
849 the late report. For reports required under s. 106.141(8)
850 ~~106.141(7)~~, the fine is \$50 per day for each late day, not to
851 exceed 25 percent of the total receipts or expenditures,
852 whichever is greater, for the period covered by the late report.
853 Upon receipt of the report, the filing officer shall determine
854 the amount of the fine which is due and shall notify the



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855 candidate or chair or registered agent of the political
856 committee. The filing officer shall determine the amount of the
857 fine due based upon the earliest of the following:

- 858 1. When the report is actually received by such officer.
- 859 2. When the report is postmarked.
- 860 3. When the certificate of mailing is dated.
- 861 4. When the receipt from an established courier company is
862 dated.
- 863 5. When the electronic receipt issued pursuant to s.
864 106.0705 or other electronic filing system authorized in this
865 section is dated.

866
867 Such fine shall be paid to the filing officer within 20 days
868 after receipt of the notice of payment due, unless appeal is
869 made to the Florida Elections Commission pursuant to paragraph
870 (c). Notice is deemed complete upon proof of delivery of written
871 notice to the mailing or street address on record with the
872 filing officer. In the case of a candidate, such fine is ~~shall~~
873 not ~~be~~ an allowable campaign expenditure and shall be paid only
874 from personal funds of the candidate. An officer or member of a
875 political committee is ~~shall~~ not ~~be~~ personally liable for such
876 fine.

877 (c) Any candidate or chair of a political committee may
878 appeal or dispute the fine, based upon, but not limited to,
879 unusual circumstances surrounding the failure to file on the
880 designated due date, and may request and shall be entitled to a
881 hearing before the Florida Elections Commission, which shall
882 have the authority to waive the fine in whole or in part. The
883 Florida Elections Commission must consider the mitigating and



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884 aggravating circumstances contained in s. 106.265(2) when
885 determining the amount of a fine, if any, to be waived. Any such
886 request shall be made within 20 days after receipt of the notice
887 of payment due. In such case, the candidate or chair of the
888 political committee shall, within the 20-day period, notify the
889 filing officer in writing of his or her intention to bring the
890 matter before the commission.

891 (d) The appropriate filing officer shall notify the Florida
892 Elections Commission of the repeated late filing by a candidate
893 or political committee, the failure of a candidate or political
894 committee to file a report after notice, or the failure to pay
895 the fine imposed. The commission shall investigate only those
896 alleged late filing violations specifically identified by the
897 filing officer and as set forth in the notification. Any other
898 alleged violations must be separately stated and reported by the
899 division to the commission under s. 106.25(2).

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

903 Section 10. Section 106.0702, Florida Statutes, is created
904 to read:

905 106.0702 Reporting; political party executive committee
906 candidates.-

907 (1) An individual seeking a publicly elected position on a
908 political party executive committee who receives a contribution
909 or makes an expenditure shall file a report of all contributions
910 received and all expenditures made. The report shall be filed on
911 the 4th day immediately preceding the primary election.

912 (2) (a) The report shall be filed with the supervisor of



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913 elections of the appropriate county. Reports shall be filed no
914 later than 5 p.m. of the day designated; however, any report
915 postmarked by the United States Postal Service by the day
916 designated shall be deemed to have been filed in a timely
917 manner. Any report received by the filing officer within 5 days
918 after the designated due date shall be deemed timely filed
919 unless it has a postmark that indicates that the report was
920 mailed after the designated due date. A certificate of mailing
921 obtained from and dated by the United States Postal Service at
922 the time of mailing, or a receipt from an established courier
923 company, which bears a date on or before the date on which the
924 report is due is proof of mailing in a timely manner. The report
925 filed must contain information of all contributions received and
926 expenditures made as of the day preceding the designated due
927 date. All such reports must be open to public inspection.

928 (b) A reporting individual may submit the report required
929 under this section through an electronic filing system, if used
930 by the supervisor for other candidates, in order to satisfy the
931 filing requirement. Such reports shall be completed and filed
932 through the electronic filing system not later than midnight on
933 the 4th day immediately preceding the primary election.

934 (3) (a) A report that is deemed to be incomplete by the
935 supervisor shall be accepted on a conditional basis. The
936 supervisor shall send a notice to the reporting individual by
937 certified mail or by another method using a common carrier that
938 provides proof of delivery as to why the report is incomplete.
939 Within 7 days after receipt of such notice, the reporting
940 individual must file an addendum to the report providing all
941 information necessary to complete the report in compliance with



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942 this section. Failure to file a complete report after such
943 notice constitutes a violation of this chapter.

944 (b) Notice is deemed complete upon proof of delivery of a
945 written notice to the mailing or street address that is on
946 record with the supervisor.

947 (4) (a) Each report required by this section must contain:

948 1. The full name, address, and occupation of each person
949 who has made one or more contributions to or for the reporting
950 individual within the reporting period, together with the amount
951 and date of such contributions. For corporations, the report
952 must provide as clear a description as practicable of the
953 principal type of business conducted by the corporations.
954 However, if the contribution is \$100 or less or is from a
955 relative, as defined in s. 112.312, provided that the
956 relationship is reported, the occupation of the contributor or
957 the principal type of business need not be listed.

958 2. The name and address of each political committee from
959 which the reporting individual has received, or to which the
960 reporting individual has made, any transfer of funds within the
961 reporting period, together with the amounts and dates of all
962 transfers.

963 3. Each loan for campaign purposes from any person or
964 political committee within the reporting period, together with
965 the full name, address, and occupation, and principal place of
966 business, if any, of the lender and endorser, if any, and the
967 date and amount of such loans.

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

970 5. The total sums of all loans, in-kind contributions, and



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971 other receipts by or for such reporting individual during the
972 reporting period. The reporting forms shall be designed to
973 elicit separate totals for in-kind contributions, loans, and
974 other receipts.

975 6. The full name and address of each person to whom
976 expenditures have been made by or on behalf of the reporting
977 individual within the reporting period; the amount, date, and
978 purpose of each such expenditure; and the name and address of,
979 and office sought by, each reporting individual on whose behalf
980 such expenditure was made.

981 7. The amount and nature of debts and obligations owed by
982 or to the reporting individual which relate to the conduct of
983 any political campaign.

984 8. Transaction information for each credit card purchase.
985 Receipts for each credit card purchase shall be retained by the
986 reporting individual.

987 9. The amount and nature of any separate interest-bearing
988 accounts or certificates of deposit and identification of the
989 financial institution in which such accounts or certificates of
990 deposit are located.

991 (b) The supervisor shall make available to any reporting
992 individual a reporting form that the reporting individual may
993 use to indicate contributions received by the reporting
994 individual but returned to the contributor before deposit.

995 (5) The reporting individual shall certify as to the
996 correctness of the report and shall bear the responsibility for
997 the accuracy and veracity of each report. Any reporting
998 individual who willfully certifies the correctness of the report
999 while knowing that such report is incorrect, false, or



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1000 incomplete commits a misdemeanor of the first degree, punishable
1001 as provided in s. 775.082 or s. 775.083.

1002 (6) Notwithstanding any other provisions of this chapter,
1003 the filing of the required report is waived if the reporting
1004 individual has not received contributions or expended any
1005 reportable funds.

1006 (7) (a) A reporting individual who fails to file a report on
1007 the designated due date is subject to a fine, and such fine
1008 shall be paid only from personal funds of the reporting
1009 individual. The fine shall be \$50 per day for the first 3 days
1010 late and, thereafter, \$500 per day for each late day, not to
1011 exceed 25 percent of the total receipts or expenditures,
1012 whichever is greater. The fine shall be assessed by the
1013 supervisor, and the moneys collected shall be deposited into the
1014 general revenue fund of the political subdivision.

1015 (b) The supervisor shall determine the amount of the fine
1016 due based upon the earliest of the following:

- 1017 1. When the report is actually received by the supervisor;
1018 2. When the report is postmarked;
1019 3. When the certificate of mailing is dated;
1020 4. When the receipt from an established courier company is
1021 dated; or

1022 5. When the report is completed and filed through the
1023 electronic filing system, if applicable.

1024
1025 Such fine shall be paid to the supervisor within 20 days after
1026 receipt of the notice of payment due unless appeal is made to
1027 the Florida Elections Commission pursuant to paragraph (c).
1028 Notice is deemed complete upon proof of delivery of written



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1029 notice to the mailing or street address on record with the
1030 supervisor. Such fine may not be an allowable campaign
1031 expenditure and shall be paid only from personal funds of the
1032 reporting individual.

1033 (c) A reporting individual may appeal or dispute the fine,
1034 based upon, but not limited to, unusual circumstances
1035 surrounding the failure to file on the designated due date, and
1036 may request and is entitled to a hearing before the Florida
1037 Elections Commission, which has the authority to waive the fine
1038 in whole or in part. The Florida Elections Commission must
1039 consider the mitigating and aggravating circumstances contained
1040 in s. 106.265(2) when determining the amount of a fine, if any,
1041 to be waived. Any such request shall be made within 20 days
1042 after receipt of the notice of payment due. In such case, the
1043 reporting individual must, within 20 days after receipt of the
1044 notice, notify the supervisor in writing of his or her intention
1045 to bring the matter before the commission.

1046 (d) The appropriate supervisor shall notify the Florida
1047 Elections Commission of the late filing by a reporting
1048 individual, the failure of a reporting individual to file a
1049 report after notice, or the failure to pay the fine imposed. The
1050 commission shall investigate only those alleged late filing
1051 violations specifically identified by the supervisor and as set
1052 forth in the notification. Any other alleged violations must be
1053 separately stated and reported by the division to the commission
1054 under s. 106.25(2).

1055 Section 11. Section 106.0703, Florida Statutes, is
1056 reenacted and amended to read:

1057 106.0703 Electioneering communications organizations;



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1058 reporting requirements; certification and filing; penalties.-

1059 (1) (a) Each electioneering communications organization
1060 shall file regular reports of all contributions received and all
1061 expenditures made by or on behalf of the organization. Except as
1062 provided in paragraphs (b) and (c), reports must shall be filed
1063 on the 10th day following the end of each calendar month quarter
1064 from the time the organization is registered. However, if the
1065 10th day following the end of a calendar month quarter occurs on
1066 a Saturday, Sunday, or legal holiday, the report must shall be
1067 filed on the next following day that is not a Saturday, Sunday,
1068 or legal holiday. Monthly Quarterly reports must shall include
1069 all contributions received and expenditures made during the
1070 calendar month quarter that have not otherwise been reported
1071 pursuant to this section.

1072 (b) For an electioneering communications organization
1073 required to file reports with the division, reports must be
1074 filed:

1075 1. On the 60th day immediately preceding the primary
1076 election, and each week thereafter, with the last weekly report
1077 being filed on the 4th day immediately preceding the general
1078 election.

1079 2. On the 10th day immediately preceding the general
1080 election, and every day thereafter excluding the 4th day
1081 immediately preceding the general election, with the last daily
1082 report being filed the day before the general election ~~Following~~
1083 ~~the last day of candidates qualifying for office, the reports~~
1084 ~~shall be filed on the 32nd, 18th, and 4th days immediately~~
1085 ~~preceding the primary election and on the 46th, 32nd, 18th, and~~
1086 ~~4th days immediately preceding the general election.~~



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1087 (c) For an electioneering communications organization
1088 required to file reports with a filing officer other than the
1089 division, reports must be filed on the 60th day immediately
1090 preceding the primary election, and biweekly on each Friday
1091 thereafter through and including the 4th day immediately
1092 preceding the general election, with additional reports due on
1093 the 25th and 11th days before the primary election and the
1094 general election.

1095 (d)~~(e)~~ When a special election is called to fill a vacancy
1096 in office, all electioneering communications organizations
1097 making contributions or expenditures to influence the results of
1098 the special election shall file reports with the filing officer
1099 on the dates set by the Department of State pursuant to s.
1100 100.111.

1101 (e)~~(d)~~ In addition to the reports required by paragraph
1102 (a), an electioneering communications organization that is
1103 registered with the Department of State and that makes a
1104 contribution or expenditure to influence the results of a county
1105 or municipal election that is not being held at the same time as
1106 a state or federal election must file reports with the county or
1107 municipal filing officer on the same dates as county or
1108 municipal candidates or committees for that election. The
1109 electioneering communications organization must also include the
1110 expenditure in the next report filed with the Division of
1111 Elections pursuant to this section following the county or
1112 municipal election.

1113 (f)~~(e)~~ The filing officer shall make available to each
1114 electioneering communications organization a schedule
1115 designating the beginning and end of reporting periods as well



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1116 as the corresponding designated due dates.

1117 (2) (a) Except as provided in s. 106.0705, the reports
1118 required of an electioneering communications organization shall
1119 be filed with the filing officer not later than 5 p.m. of the
1120 day designated. However, any report postmarked by the United
1121 States Postal Service no later than midnight of the day
1122 designated is ~~shall be~~ deemed to have been filed in a timely
1123 manner. Any report received by the filing officer within 5 days
1124 after the designated due date that was delivered by the United
1125 States Postal Service is ~~shall~~ be deemed timely filed unless it
1126 has a postmark that indicates that the report was mailed after
1127 the designated due date. A certificate of mailing obtained from
1128 and dated by the United States Postal Service at the time of
1129 mailing, or a receipt from an established courier company, which
1130 bears a date on or before the date on which the report is due,
1131 suffices as ~~shall be~~ proof of mailing in a timely manner.
1132 Reports other than daily reports must ~~shall~~ contain information
1133 on ~~of~~ all previously unreported contributions received and
1134 expenditures made as of the preceding Friday, except that the
1135 report filed on the Friday immediately preceding the election
1136 must ~~shall~~ contain information on ~~of~~ all previously unreported
1137 contributions received and expenditures made as of the day
1138 preceding the designated due date; daily reports must contain
1139 information on all previously unreported contributions received
1140 as of the preceding day. All such reports are ~~shall be~~ open to
1141 public inspection.

1142 (b)1. Any report that is deemed to be incomplete by the
1143 officer with whom the electioneering communications organization
1144 files shall be accepted on a conditional basis. The treasurer of



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1145 the electioneering communications organization shall be
1146 notified, by certified mail or other common carrier that can
1147 establish proof of delivery for the notice, as to why the report
1148 is incomplete. Within 7 days after receipt of such notice, the
1149 treasurer must file an addendum to the report providing all
1150 information necessary to complete the report in compliance with
1151 this section. Failure to file a complete report after such
1152 notice constitutes a violation of this chapter.

1153 2. Notice is deemed sufficient upon proof of delivery of
1154 written notice to the mailing or street address of the treasurer
1155 or registered agent of the electioneering communication
1156 organization on record with the filing officer.

1157 (3) (a) Except for daily reports, to which only the
1158 contribution provisions below apply, each report required by
1159 this section must contain:

1160 1. The full name, address, and occupation, if any, of each
1161 person who has made one or more contributions to or for such
1162 electioneering communications organization within the reporting
1163 period, together with the amount and date of such contributions.
1164 For corporations, the report must provide as clear a description
1165 as practicable of the principal type of business conducted by
1166 the corporation. However, if the contribution is \$100 or less,
1167 the occupation of the contributor or the principal type of
1168 business need not be listed.

1169 2. The name and address of each political committee from
1170 which or to which the reporting electioneering communications
1171 organization made any transfer of funds, together with the
1172 amounts and dates of all transfers.

1173 3. Each loan for electioneering communication purposes to



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1174 or from any person or political committee within the reporting
1175 period, together with the full names, addresses, and occupations
1176 and principal places of business, if any, of the lender and
1177 endorsers, if any, and the date and amount of such loans.

1178 4. A statement of each contribution, rebate, refund, or
1179 other receipt not otherwise listed under subparagraphs 1.-3.

1180 5. The total sums of all loans, in-kind contributions, and
1181 other receipts by or for such electioneering communications
1182 organization during the reporting period. The reporting forms
1183 shall be designed to elicit separate totals for in-kind
1184 contributions, loans, and other receipts.

1185 6. The full name and address of each person to whom
1186 expenditures have been made by or on behalf of the
1187 electioneering communications organization within the reporting
1188 period and the amount, date, and purpose of each expenditure.

1189 7. The full name and address of each person to whom an
1190 expenditure for personal services, salary, or reimbursement for
1191 expenses has been made and that is not otherwise reported,
1192 including the amount, date, and purpose of the expenditure.

1193 8. The total sum of expenditures made by the electioneering
1194 communications organization during the reporting period.

1195 9. The amount and nature of debts and obligations owed by
1196 or to the electioneering communications organization that relate
1197 to the conduct of any electioneering communication.

1198 10. Transaction information for each credit card purchase.
1199 Receipts for each credit card purchase shall be retained by the
1200 electioneering communications organization.

1201 11. The amount and nature of any separate interest-bearing
1202 accounts or certificates of deposit and identification of the



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1203 financial institution in which such accounts or certificates of
1204 deposit are located.

1205 12. The primary purposes of an expenditure made indirectly
1206 through an electioneering communications organization for goods
1207 and services, such as communications media placement or
1208 procurement services and other expenditures that include
1209 multiple components as part of the expenditure. The primary
1210 purpose of an expenditure shall be that purpose, including
1211 integral and directly related components, that comprises 80
1212 percent of such expenditure.

1213 (b) The filing officer shall make available to any
1214 electioneering communications organization a reporting form
1215 which the electioneering communications organization may use to
1216 indicate contributions received by the electioneering
1217 communications organization but returned to the contributor
1218 before deposit.

1219 (4) The treasurer of the electioneering communications
1220 organization shall certify as to the correctness of each report,
1221 and each person so certifying shall bear the responsibility for
1222 the accuracy and veracity of each report. Any treasurer who
1223 willfully certifies the correctness of any report while knowing
1224 that such report is incorrect, false, or incomplete commits a
1225 misdemeanor of the first degree, punishable as provided in s.
1226 775.082 or s. 775.083.

1227 (5) The electioneering communications organization
1228 depository shall provide statements reflecting deposits and
1229 expenditures from the account to the treasurer, who shall retain
1230 the records pursuant to s. 106.06. The records maintained by the
1231 depository with respect to the account shall be subject to



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1232 inspection by an agent of the Division of Elections or the
1233 Florida Elections Commission at any time during normal banking
1234 hours, and such depository shall furnish certified copies of any
1235 such records to the Division of Elections or the Florida
1236 Elections Commission upon request.

1237 (6) Notwithstanding any other provisions of this chapter,
1238 in any reporting period during which an electioneering
1239 communications organization has not received funds, made any
1240 contributions, or expended any reportable funds, the treasurer
1241 shall file a written report with the filing officer by the
1242 prescribed reporting date that no reportable contributions or
1243 expenditures were made during the reporting period.

1244 (7) (a) Any electioneering communications organization
1245 failing to file a report on the designated due date shall be
1246 subject to a fine as provided in paragraph (b) for each late
1247 day. The fine shall be assessed by the filing officer, and the
1248 moneys collected shall be deposited:

1249 1. In the General Revenue Fund, in the case of an
1250 electioneering communications organization that registers with
1251 the Division of Elections; or

1252 2. In the general revenue fund of the political
1253 subdivision, in the case of an electioneering communications
1254 organization that registers with an officer of a political
1255 subdivision.

1256
1257 No separate fine shall be assessed for failure to file a copy of
1258 any report required by this section.

1259 (b) Upon determining that a report is late, the filing
1260 officer shall immediately notify the electioneering



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1261 communications organization as to the failure to file a report
1262 by the designated due date and that a fine is being assessed for
1263 each late day. The fine shall be \$50 per day for the first 3
1264 days late and, thereafter, \$500 per day for each late day, not
1265 to exceed 25 percent of the total receipts or expenditures,
1266 whichever is greater, for the period covered by the late report.
1267 However, for the reports immediately preceding each primary and
1268 general election, the fine shall be \$500 per day for each late
1269 day, not to exceed 25 percent of the total receipts or
1270 expenditures, whichever is greater, for the period covered by
1271 the late report. Upon receipt of the report, the filing officer
1272 shall determine the amount of the fine which is due and shall
1273 notify the electioneering communications organization. The
1274 filing officer shall determine the amount of the fine due based
1275 upon the earliest of the following:

- 1276 1. When the report is actually received by such officer.
- 1277 2. When the report is postmarked.
- 1278 3. When the certificate of mailing is dated.
- 1279 4. When the receipt from an established courier company is
1280 dated.
- 1281 5. When the electronic receipt issued pursuant to s.
1282 106.0705 or other electronic filing system authorized in this
1283 section is dated.

1284
1285 Such fine shall be paid to the filing officer within 20 days
1286 after receipt of the notice of payment due, unless appeal is
1287 made to the Florida Elections Commission pursuant to paragraph
1288 (c). Notice is deemed sufficient upon proof of delivery of
1289 written notice to the mailing or street address on record with



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1290 the filing officer. An officer or member of an electioneering
1291 communications organization shall not be personally liable for
1292 such fine.

1293 (c) The treasurer of an electioneering communications
1294 organization may appeal or dispute the fine, based upon, but not
1295 limited to, unusual circumstances surrounding the failure to
1296 file on the designated due date, and may request and shall be
1297 entitled to a hearing before the Florida Elections Commission,
1298 which shall have the authority to waive the fine in whole or in
1299 part. The Florida Elections Commission must consider the
1300 mitigating and aggravating circumstances contained in s.
1301 106.265(2) when determining the amount of a fine, if any, to be
1302 waived. Any such request shall be made within 20 days after
1303 receipt of the notice of payment due. In such case, the
1304 treasurer of the electioneering communications organization
1305 shall, within the 20-day period, notify the filing officer in
1306 writing of his or her intention to bring the matter before the
1307 commission.

1308 (d) The appropriate filing officer shall notify the Florida
1309 Elections Commission of the repeated late filing by an
1310 electioneering communications organization, the failure of an
1311 electioneering communications organization to file a report
1312 after notice, or the failure to pay the fine imposed. The
1313 commission shall investigate only those alleged late filing
1314 violations specifically identified by the filing officer and as
1315 set forth in the notification. Any other alleged violations must
1316 be stated separately and reported by the division to the
1317 commission under s. 106.25(2).

1318 (8) Electioneering communications organizations shall not



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1319 use credit cards.

1320 Section 12. Section 106.0705, Florida Statutes, is
1321 reenacted and amended to read:

1322 106.0705 Electronic filing of campaign treasurer's
1323 reports.-

1324 (1) As used in this section, "electronic filing system"
1325 means an Internet system for recording and reporting campaign
1326 finance activity by reporting period.

1327 (2) (a) Each individual who is required to file reports with
1328 the division pursuant to s. 106.07 or s. 106.141 must file such
1329 reports by means of the division's electronic filing system.

1330 (b) Each political committee, ~~committee of continuous~~
1331 ~~existence~~, electioneering communications organization,
1332 affiliated party committee, or state executive committee that is
1333 required to file reports with the division under ~~s. 106.04~~, s.
1334 106.07, s. 106.0703, or s. 106.29, as applicable, must file such
1335 reports with the division by means of the division's electronic
1336 filing system.

1337 (c) Each person or organization that is required to file
1338 reports with the division under s. 106.071 must file such
1339 reports by means of the division's electronic filing system.

1340 (3) Reports filed pursuant to this section shall be
1341 completed and filed through the electronic filing system not
1342 later than midnight of the day designated. Reports not filed by
1343 midnight of the day designated are late filed and are subject to
1344 the penalties under ~~s. 106.04(9)~~, s. 106.07(8), s. 106.0703(7),
1345 or s. 106.29(3), as applicable.

1346 (4) Each report filed pursuant to this section is
1347 considered to be under oath by the candidate and treasurer, the



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1348 chair and treasurer, the treasurer under s. 106.0703, or the
1349 leader and treasurer under s. 103.092, whichever is applicable,
1350 and such persons are subject to the provisions of ~~s.~~
1351 ~~106.04(4)(d)~~, s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as
1352 applicable. Persons given a secure sign-on to the electronic
1353 filing system are responsible for protecting such from
1354 disclosure and are responsible for all filings using such
1355 credentials, unless they have notified the division that their
1356 credentials have been compromised.

1357 (5) The electronic filing system developed by the division
1358 must:

1359 (a) Be based on access by means of the Internet.

1360 (b) Be accessible by anyone with Internet access using
1361 standard web-browsing software.

1362 (c) Provide for direct entry of campaign finance
1363 information as well as upload of such information from campaign
1364 finance software certified by the division.

1365 (d) Provide a method that prevents unauthorized access to
1366 electronic filing system functions.

1367 (6) The division shall adopt rules ~~pursuant to ss.~~
1368 ~~120.536(1) and 120.54~~ to administer this section and provide for
1369 the reports required to be filed pursuant to this section. Such
1370 rules shall, at a minimum, provide:

1371 (a) Alternate filing procedures in case the division's
1372 electronic filing system is not operable.

1373 (b) For the issuance of an electronic receipt to the person
1374 submitting the report indicating and verifying that the report
1375 has been filed.

1376 Section 13. Section 106.08, Florida Statutes, is amended to



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1377 read:

1378 106.08 Contributions; limitations on.—

1379 (1) (a) Except for political parties or affiliated party
1380 committees, no person or, political committee, ~~or committee of~~
1381 ~~continuous existence~~ may, in any election, make contributions in
1382 excess of the following amounts: in excess of \$500 to any
1383 ~~candidate for election to or retention in office or to any~~
1384 ~~political committee supporting or opposing one or more~~
1385 ~~candidates.~~

1386 1. To a candidate for statewide office or for retention as
1387 a justice of the Supreme Court, \$3,000. Candidates for the
1388 offices of Governor and Lieutenant Governor on the same ticket
1389 are considered a single candidate for the purpose of this
1390 section.

1391 2. To a candidate for retention as a judge of a district
1392 court of appeal; a candidate for legislative office; a candidate
1393 for multicounty office; a candidate for countywide office or in
1394 any election conducted on less than a countywide basis; or a
1395 candidate for county court judge or circuit judge, \$1,000.

1396 (b) ~~1.~~ The contribution limits provided in this subsection
1397 do not apply to contributions made by a state or county
1398 executive committee of a political party or affiliated party
1399 committee regulated by chapter 103 or to amounts contributed by
1400 a candidate to his or her own campaign.

1401 ~~2. Notwithstanding the limits provided in this subsection,~~
1402 ~~an unemancipated child under the age of 18 years of age may not~~
1403 ~~make a contribution in excess of \$100 to any candidate or to any~~
1404 ~~political committee supporting one or more candidates.~~

1405 (c) The contribution limits of this subsection apply to



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1406 each election. For purposes of this subsection, the primary
1407 election and general election are separate elections so long as
1408 the candidate is not an unopposed candidate as defined in s.
1409 106.011 ~~106.011(15)~~. However, for the purpose of contribution
1410 limits with respect to candidates for retention as a justice or
1411 judge, there is only one election, which is the general
1412 election.

1413 (2) (a) A candidate may not accept contributions from a
1414 county executive committee of a political party whose
1415 contributions in the aggregate exceed \$50,000, or from the
1416 national ~~or~~ state, ~~or county~~ executive committees of a
1417 political party, including any subordinate committee of such
1418 political party or affiliated party committees, whose ~~which~~
1419 contributions in the aggregate exceed \$50,000.

1420 (b) A candidate for statewide office may not accept
1421 contributions from national, state, or county executive
1422 committees of a political party, including any subordinate
1423 committee of the political party, or affiliated party
1424 committees, which contributions in the aggregate exceed
1425 \$250,000. Polling services, research services, costs for
1426 campaign staff, professional consulting services, and telephone
1427 calls are not contributions to be counted toward the
1428 contribution limits of paragraph (a) or this paragraph. Any item
1429 not expressly identified in this paragraph as nonallocable is a
1430 contribution in an amount equal to the fair market value of the
1431 item and must be counted as allocable toward the contribution
1432 limits of paragraph (a) or this paragraph. Nonallocable, in-kind
1433 contributions must be reported by the candidate under s. 106.07
1434 and by the political party or affiliated party committee under



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1435 s. 106.29.

1436 (3) (a) Any contribution received by a candidate with
1437 opposition in an election or by the campaign treasurer or a
1438 deputy campaign treasurer of such a candidate on the day of that
1439 election or less than 5 days before ~~prior to~~ the day of that
1440 election must be returned by him or her to the person or
1441 committee contributing it and may not be used or expended by or
1442 on behalf of the candidate.

1443 (b) Any contribution received by a candidate or by the
1444 campaign treasurer or a deputy campaign treasurer of a candidate
1445 after the date at which the candidate withdraws his or her
1446 candidacy, or after the date the candidate is defeated, becomes
1447 unopposed, or is elected to office must be returned to the
1448 person or committee contributing it and may not be used or
1449 expended by or on behalf of the candidate.

1450 (4) Any contribution received by the chair, campaign
1451 treasurer, or deputy campaign treasurer of a political committee
1452 supporting or opposing a candidate with opposition in an
1453 election or supporting or opposing an issue on the ballot in an
1454 election on the day of that election or less than 5 days before
1455 ~~prior to~~ the day of that election may not be obligated or
1456 expended by the committee until after the date of the election.

1457 (5) (a) A person may not make any contribution through or in
1458 the name of another, directly or indirectly, in any election.

1459 (b) Candidates, political committees, affiliated party
1460 committees, and political parties may not solicit contributions
1461 from any religious, charitable, civic, or other causes or
1462 organizations established primarily for the public good.

1463 (c) Candidates, political committees, affiliated party



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1464 committees, and political parties may not make contributions, in
1465 exchange for political support, to any religious, charitable,
1466 civic, or other cause or organization established primarily for
1467 the public good. It is not a violation of this paragraph for:

1468 1. A candidate, political committee, affiliated party
1469 committee, or political party executive committee to make gifts
1470 of money in lieu of flowers in memory of a deceased person;

1471 2. A candidate to continue membership in, or make regular
1472 donations from personal or business funds to, religious,
1473 political party, affiliated party committee, civic, or
1474 charitable groups of which the candidate is a member or to which
1475 the candidate has been a regular donor for more than 6 months;
1476 or

1477 3. A candidate to purchase, with campaign funds, tickets,
1478 admission to events, or advertisements from religious, civic,
1479 political party, affiliated party committee, or charitable
1480 groups.

1481 (6) (a) A political party or affiliated party committee may
1482 not accept any contribution that has been specifically
1483 designated for the partial or exclusive use of a particular
1484 candidate. Any contribution so designated must be returned to
1485 the contributor and may not be used or expended by or on behalf
1486 of the candidate. Funds contributed to an affiliated party
1487 committee may ~~shall~~ not be ~~deemed as~~ designated for the partial
1488 or exclusive use of a leader as defined in s. 103.092.

1489 (b)1. A political party or affiliated party committee may
1490 not accept any in-kind contribution that fails to provide a
1491 direct benefit to the political party or affiliated party
1492 committee. A "direct benefit" includes, but is not limited to,



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1493 fundraising or furthering the objectives of the political party
1494 or affiliated party committee.

1495 2.a. An in-kind contribution to a state political party may
1496 be accepted only by the chairperson of the state political party
1497 or by the chairperson's designee or designees whose names are on
1498 file with the division in a form acceptable to the division
1499 before ~~prior to~~ the date of the written notice required in sub-
1500 subparagraph b. An in-kind contribution to a county political
1501 party may be accepted only by the chairperson of the county
1502 political party or by the county chairperson's designee or
1503 designees whose names are on file with the supervisor of
1504 elections of the respective county before ~~prior to~~ the date of
1505 the written notice required in sub-subparagraph b. An in-kind
1506 contribution to an affiliated party committee may be accepted
1507 only by the leader of the affiliated party committee as defined
1508 in s. 103.092 or by the leader's designee or designees whose
1509 names are on file with the division in a form acceptable to the
1510 division before ~~prior to~~ the date of the written notice required
1511 in sub-subparagraph b.

1512 b. A person making an in-kind contribution to a state or
1513 county political party or affiliated party committee must
1514 provide prior written notice of the contribution to a person
1515 described in sub-subparagraph a. The prior written notice must
1516 be signed and dated and may be provided by an electronic or
1517 facsimile message. However, prior written notice is not required
1518 for an in-kind contribution that consists of food and beverage
1519 in an aggregate amount not exceeding \$1,500 which is consumed at
1520 a single sitting or event if such in-kind contribution is
1521 accepted in advance by a person specified in sub-subparagraph a.



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1522 c. A person described in sub-subparagraph a. may accept an
1523 in-kind contribution requiring prior written notice only in a
1524 writing that is dated before the in-kind contribution is made.
1525 Failure to obtain the required written acceptance of an in-kind
1526 contribution to a state or county political party or affiliated
1527 party committee constitutes a refusal of the contribution.

1528 d. A copy of each prior written acceptance required under
1529 sub-subparagraph c. must be filed at the time the regular
1530 reports of contributions and expenditures required under s.
1531 106.29 are filed by the state executive committee, county
1532 executive committee, and affiliated party committee. A state
1533 executive committee and an affiliated party committee must file
1534 with the division. A county executive committee must file with
1535 the county's supervisor of elections.

1536 e. An in-kind contribution may not be given to a state or
1537 county political party or affiliated party committee unless the
1538 in-kind contribution is made as provided in this subparagraph.

1539 (7) (a) Any person who knowingly and willfully makes or
1540 accepts no more than one contribution in violation of subsection
1541 (1) or subsection (5), or any person who knowingly and willfully
1542 fails or refuses to return any contribution as required in
1543 subsection (3), commits a misdemeanor of the first degree,
1544 punishable as provided in s. 775.082 or s. 775.083. If any
1545 corporation, partnership, or other business entity or any
1546 political party, affiliated party committee, political
1547 committee, ~~committee of continuous existence~~, or electioneering
1548 communications organization is convicted of knowingly and
1549 willfully violating any provision punishable under this
1550 paragraph, it shall be fined not less than \$1,000 and not more



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1551 than \$10,000. If it is a domestic entity, it may be ordered
1552 dissolved by a court of competent jurisdiction; if it is a
1553 foreign or nonresident business entity, its right to do business
1554 in this state may be forfeited. Any officer, partner, agent,
1555 attorney, or other representative of a corporation, partnership,
1556 or other business entity, or of a political party, affiliated
1557 party committee, political committee, ~~committee of continuous~~
1558 ~~existence~~, electioneering communications organization, or
1559 organization exempt from taxation under s. 527 or s. 501(c)(4)
1560 of the Internal Revenue Code, who aids, abets, advises, or
1561 participates in a violation of any provision punishable under
1562 this paragraph commits a misdemeanor of the first degree,
1563 punishable as provided in s. 775.082 or s. 775.083.

1564 (b) Any person who knowingly and willfully makes or accepts
1565 two or more contributions in violation of subsection (1) or
1566 subsection (5) commits a felony of the third degree, punishable
1567 as provided in s. 775.082, s. 775.083, or s. 775.084. If any
1568 corporation, partnership, or other business entity or any
1569 political party, affiliated party committee, political
1570 committee, ~~committee of continuous existence~~, or electioneering
1571 communications organization is convicted of knowingly and
1572 willfully violating any provision punishable under this
1573 paragraph, it shall be fined not less than \$10,000 and not more
1574 than \$50,000. If it is a domestic entity, it may be ordered
1575 dissolved by a court of competent jurisdiction; if it is a
1576 foreign or nonresident business entity, its right to do business
1577 in this state may be forfeited. Any officer, partner, agent,
1578 attorney, or other representative of a corporation, partnership,
1579 or other business entity, or of a political committee, ~~committee~~



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1580 ~~of continuous existence,~~ political party, affiliated party
1581 committee, or electioneering communications organization, or
1582 organization exempt from taxation under s. 527 or s. 501(c)(4)
1583 of the Internal Revenue Code, who aids, abets, advises, or
1584 participates in a violation of any provision punishable under
1585 this paragraph commits a felony of the third degree, punishable
1586 as provided in s. 775.082, s. 775.083, or s. 775.084.

1587 (8) Except when otherwise provided in subsection (7), any
1588 person who knowingly and willfully violates any provision of
1589 this section shall, in addition to any other penalty prescribed
1590 by this chapter, pay to the state a sum equal to twice the
1591 amount contributed in violation of this chapter. Each campaign
1592 treasurer shall pay all amounts contributed in violation of this
1593 section to the state for deposit in the General Revenue Fund.

1594 (9) This section does not apply to the transfer of funds
1595 between a primary campaign depository and a savings account or
1596 certificate of deposit or to any interest earned on such account
1597 or certificate.

1598 (10) Contributions to a political committee ~~or committee of~~
1599 ~~continuous existence~~ may be received by an affiliated
1600 organization and transferred to the bank account of the
1601 political committee ~~or committee of continuous existence~~ via
1602 check written from the affiliated organization if such
1603 contributions are specifically identified as intended to be
1604 contributed to the political committee ~~or committee of~~
1605 ~~continuous existence~~. All contributions received in this manner
1606 shall be reported pursuant to s. 106.07 by the political
1607 committee ~~or committee of continuous existence~~ as having been
1608 made by the original contributor.



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1609 Section 14. Section 106.11, Florida Statutes, is reenacted
1610 and amended to read:

1611 106.11 Expenses of and expenditures by candidates and
1612 political committees.—Each candidate and each political
1613 committee which designates a primary campaign depository
1614 pursuant to s. 106.021(1) shall make expenditures from funds on
1615 deposit in such primary campaign depository only in the
1616 following manner, with the exception of expenditures made from
1617 petty cash funds provided by s. 106.12:

1618 (1) (a) The campaign treasurer or deputy campaign treasurer
1619 of a candidate or political committee shall make expenditures
1620 from funds on deposit in the primary campaign depository only by
1621 means of a bank check drawn upon the campaign account of the
1622 candidate or political committee. The campaign account shall be
1623 separate from any personal or other account and shall be used
1624 only for the purpose of depositing contributions and making
1625 expenditures for the candidate or political committee.

1626 (b) The checks for such account shall contain, as a
1627 minimum, the following information:

1628 1. The ~~statement "... (name of the campaign account of the~~
1629 ~~candidate or political committee.) ... Campaign Account."~~

1630 2. The account number and the name of the bank.

1631 3. The exact amount of the expenditure.

1632 4. The signature of the campaign treasurer or deputy
1633 treasurer.

1634 5. The exact purpose for which the expenditure is
1635 authorized.

1636 6. The name of the payee.

1637 (2) (a) For purposes of this section, debit cards are



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1638 considered bank checks, if:

1639 1. Debit cards are obtained from the same bank that has
1640 been designated as the candidate's or political committee's
1641 primary campaign depository.

1642 2. Debit cards are issued in the name of the treasurer,
1643 deputy treasurer, or authorized user and contain the state
1644 "... (name of the campaign account of the candidate or political
1645 committee.) ... Campaign Account."

1646 3. No more than three debit cards are requested and issued.

1647 4. The person using the debit card does not receive cash as
1648 part of, or independent of, any transaction for goods or
1649 services.

1650 5. All receipts for debit card transactions contain:

1651 a. The last four digits of the debit card number.

1652 b. The exact amount of the expenditure.

1653 c. The name of the payee.

1654 d. The signature of the campaign treasurer, deputy
1655 treasurer, or authorized user.

1656 e. The exact purpose for which the expenditure is
1657 authorized.

1658
1659 Any information required by this subparagraph but not included
1660 on the debit card transaction receipt may be handwritten on, or
1661 attached to, the receipt by the authorized user before
1662 submission to the treasurer.

1663 (b) Debit cards are not subject to the requirements of
1664 paragraph (1)(b).

1665 (3) The campaign treasurer, deputy treasurer, or authorized
1666 user who signs the check shall be responsible for the



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1667 completeness and accuracy of the information on such check and
1668 for insuring that such expenditure is an authorized expenditure.

1669 (4) No candidate, campaign manager, treasurer, deputy
1670 treasurer, or political committee or any officer or agent
1671 thereof, or any person acting on behalf of any of the foregoing,
1672 shall authorize any expenses, nor shall any campaign treasurer
1673 or deputy treasurer sign a check drawn on the primary campaign
1674 account for any purpose, unless there are sufficient funds on
1675 deposit in the primary depository account of the candidate or
1676 political committee to pay the full amount of the authorized
1677 expense, to honor all other checks drawn on such account, which
1678 checks are outstanding, and to meet all expenses previously
1679 authorized but not yet paid. However, an expense may be incurred
1680 for the purchase of goods or services if there are sufficient
1681 funds on deposit in the primary depository account to pay the
1682 full amount of the incurred expense, to honor all checks drawn
1683 on such account, which checks are outstanding, and to meet all
1684 other expenses previously authorized but not yet paid, provided
1685 that payment for such goods or services is made upon final
1686 delivery and acceptance of the goods or services; and an
1687 expenditure from petty cash pursuant to the provisions of s.
1688 106.12 may be authorized, if there is a sufficient amount of
1689 money in the petty cash fund to pay for such expenditure.
1690 Payment for credit card purchases shall be made pursuant to s.
1691 106.125. Any expense incurred or authorized in excess of such
1692 funds on deposit shall, in addition to other penalties provided
1693 by law, constitute a violation of this chapter. As used in this
1694 subsection, the term "sufficient funds on deposit in the primary
1695 depository account of the candidate or political committee"



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1696 means that the funds at issue have been delivered for deposit to
1697 the financial institution at which such account is maintained.
1698 The term shall not be construed to mean that such funds are
1699 available for withdrawal in accordance with the deposit rules or
1700 the funds availability policies of such financial institution.

1701 (5) A candidate who withdraws his or her candidacy, becomes
1702 an unopposed candidate, or is eliminated as a candidate or
1703 elected to office may expend funds from the campaign account to:

1704 (a) Purchase "thank you" advertising for up to 75 days
1705 after he or she withdraws, becomes unopposed, or is eliminated
1706 or elected.

1707 (b) Pay for items which were obligated before he or she
1708 withdrew, became unopposed, or was eliminated or elected.

1709 (c) Pay for expenditures necessary to close down the
1710 campaign office and to prepare final campaign reports.

1711 (d) Dispose of surplus funds as provided in s. 106.141.

1712 (6) A candidate who makes a loan to his or her campaign and
1713 reports the loan as required by s. 106.07 may be reimbursed for
1714 the loan at any time the campaign account has sufficient funds
1715 to repay the loan and satisfy its other obligations.

1716 Section 15. Section 106.141, Florida Statutes, is amended
1717 to read:

1718 106.141 Disposition of surplus funds by candidates.—

1719 (1) Except as provided in subsection (6), each candidate
1720 who withdraws his or her candidacy, becomes an unopposed
1721 candidate, or is eliminated as a candidate or elected to office
1722 shall, within 90 days, dispose of the funds on deposit in his or
1723 her campaign account and file a report reflecting the
1724 disposition of all remaining funds. Such candidate may ~~shall~~ not



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1725 accept any contributions, nor may ~~shall~~ any person accept
1726 contributions on behalf of such candidate, after the candidate
1727 withdraws his or her candidacy, becomes unopposed, or is
1728 eliminated or elected. However, if a candidate receives a refund
1729 check after all surplus funds have been disposed of, the check
1730 may be endorsed by the candidate and the refund disposed of
1731 under this section. An amended report must be filed showing the
1732 refund and subsequent disposition.

1733 (2) Any candidate required to dispose of funds pursuant to
1734 this section may, before ~~prior to~~ such disposition, be
1735 reimbursed by the campaign, in full or in part, for any reported
1736 contributions by the candidate to the campaign.

1737 (3) The campaign treasurer of a candidate who withdraws his
1738 or her candidacy, becomes unopposed, or is eliminated as a
1739 candidate or elected to office and who has funds on deposit in a
1740 separate interest-bearing account or certificate of deposit
1741 shall, within 7 days after the date of becoming unopposed or the
1742 date of such withdrawal, elimination, or election, transfer such
1743 funds and the accumulated interest earned thereon to the
1744 campaign account of the candidate for disposal under this
1745 section. However, if the funds are in an account in which
1746 penalties will apply for withdrawal within the 7-day period, the
1747 campaign treasurer shall transfer such funds and the accumulated
1748 interest earned thereon as soon as the funds can be withdrawn
1749 without penalty, or within 90 days after the candidate becomes
1750 unopposed, withdraws his or her candidacy, or is eliminated or
1751 elected, whichever comes first.

1752 (4) (a) Except as provided in paragraph (b), any candidate
1753 required to dispose of funds pursuant to this section shall, at



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1754 the option of the candidate, dispose of such funds by any of the
1755 following means, or any combination thereof:

1756 1. Return pro rata to each contributor the funds that have
1757 not been spent or obligated.

1758 2. Donate the funds that have not been spent or obligated
1759 to a charitable organization or organizations that meet the
1760 qualifications of s. 501(c)(3) of the Internal Revenue Code.

1761 3. Give not more than \$25,000 of the funds that have not
1762 been spent or obligated to the affiliated party committee or
1763 political party of which such candidate is a member.

1764 4. Give the funds that have not been spent or obligated:

1765 a. In the case of a candidate for state office, to the
1766 state, to be deposited in either the Election Campaign Financing
1767 Trust Fund or the General Revenue Fund, as designated by the
1768 candidate; or

1769 b. In the case of a candidate for an office of a political
1770 subdivision, to such political subdivision, to be deposited in
1771 the general fund thereof.

1772 (b) Any candidate required to dispose of funds pursuant to
1773 this section who has received contributions pursuant to the
1774 Florida Election Campaign Financing Act shall, after all
1775 monetary commitments pursuant to s. 106.11(5)(b) and (c) have
1776 been met, return all surplus campaign funds to the General
1777 Revenue Fund.

1778 (5) A candidate elected to office or a candidate who will
1779 be elected to office by virtue of his or her being unopposed
1780 may, in addition to the disposition methods provided in
1781 subsection (4), transfer from the campaign account to an office
1782 account any amount of the funds on deposit in such campaign



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1783 account up to:

1784 (a) Fifty ~~Twenty~~ thousand dollars, for a candidate for
1785 statewide office. The Governor and Lieutenant Governor shall be
1786 considered separate candidates for the purpose of this section.

1787 (b) Ten ~~Five~~ thousand dollars, for a candidate for
1788 multicounty office.

1789 (c) Ten ~~Five~~ thousand dollars multiplied by the number of
1790 years in the term of office for which elected, for a candidate
1791 for legislative office.

1792 (d) Five thousand ~~Two thousand five hundred~~ dollars
1793 multiplied by the number of years in the term of office for
1794 which elected, for a candidate for county office or for a
1795 candidate in any election conducted on less than a countywide
1796 basis.

1797 (e) Six thousand dollars, for a candidate for retention as
1798 a justice of the Supreme Court.

1799 (f) Three thousand dollars, for a candidate for retention
1800 as a judge of a district court of appeal.

1801 (g) Three thousand ~~One thousand five hundred~~ dollars, for a
1802 candidate for county court judge or circuit judge.

1803
1804 The office account established pursuant to this subsection shall
1805 be separate from any personal or other account. Any funds so
1806 transferred by a candidate shall be used only for legitimate
1807 expenses in connection with the candidate's public office. Such
1808 expenses may include travel expenses incurred by the officer or
1809 a staff member; ~~;~~ personal taxes payable on office account funds
1810 by the candidate or elected public official; professional
1811 services provided by a certified public accountant or attorney



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1812 for preparation of the elected public official's financial
1813 disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs
1814 to prepare, print, produce, and mail holiday cards or
1815 newsletters about the elected public official's public business
1816 to constituents if such correspondence does not constitute a
1817 political advertisement, independent expenditure, or
1818 electioneering communication as provided in s. 106.011; fees or
1819 dues to religious, civic, or charitable organizations of which
1820 the elected public official is a member; items of modest value
1821 such as flowers, greeting cards, or personal notes given as a
1822 substitute for, or in association with, an elected public
1823 official's personal attendance at a constituent's special event
1824 or family occasion, such as the birth of a child, graduation,
1825 wedding, or funeral; personal expenses incurred by the elected
1826 public official in connection with attending a constituent
1827 meeting or event where public policy is discussed, if such
1828 meetings or events are limited to no more than once a week; or
1829 expenses incurred in the operation of the elected public
1830 official's ~~his or her~~ office, including the employment of
1831 additional staff. The funds may be deposited in a savings
1832 account; however, all deposits, withdrawals, and interest earned
1833 thereon shall be reported at the appropriate reporting period.
1834 If a candidate is reelected to office or elected to another
1835 office and has funds remaining in his or her office account, he
1836 or she may transfer surplus campaign funds to the office
1837 account. At no time may the funds in the office account exceed
1838 the limitation imposed by this subsection. Upon leaving public
1839 office, any person who has funds in an office account pursuant
1840 to this subsection remaining on deposit shall use such funds to



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1841 pay for professional services provided by a certified public
1842 accountant or attorney for preparation of the elected public
1843 official's final financial disclosure filing pursuant to s.
1844 112.3144 or s. 112.3145, or give such funds to a charitable
1845 organization that meets ~~or organizations which meet~~ the
1846 requirements of s. 501(c)(3) of the Internal Revenue Code or, in
1847 the case of a state officer, to the state to be deposited in the
1848 General Revenue Fund or, in the case of an officer of a
1849 political subdivision, to the political subdivision to be
1850 deposited in the general fund thereof.

1851 (6) (a) For purposes of this subsection, the term "same
1852 office" with respect to legislative office means an office in
1853 the same legislative body, irrespective of district number or
1854 designation or geographic boundary.

1855 (b) A candidate elected to state office or a candidate who
1856 will be elected to state office by virtue of his or her being
1857 unopposed after candidate qualifying ends, may retain up to
1858 \$20,000 in his or her campaign account, or in an interest-
1859 bearing account or certificate of deposit, for use in his or her
1860 next campaign for the same office, in addition to the
1861 disposition methods provided in subsections (4) and (5). All
1862 requirements applicable to candidate campaign accounts under
1863 this chapter, including disclosure requirements applicable to
1864 candidate campaign accounts, limitations on expenditures, and
1865 limitations on contributions, apply to any retained funds.

1866 (c) If a candidate who has retained funds under this
1867 subsection does not qualify as a candidate for reelection to the
1868 same office, all retained funds shall be disposed of as
1869 otherwise required by this section or s. 106.11(5) within 90



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1870 days after the last day of candidate qualifying for that office.
1871 Requirements in this section applicable to the disposal of
1872 surplus funds, including reporting requirements, are applicable
1873 to the disposal of retained funds.

1874 (7)(6) Before ~~Prior to~~ disposing of funds pursuant to
1875 subsection (4), ~~or~~ transferring funds into an office account
1876 pursuant to subsection (5), or retaining funds for reelection
1877 pursuant to subsection (6), any candidate who filed an oath
1878 stating that he or she was unable to pay the ~~election assessment~~
1879 ~~or~~ fee for verification of petition signatures without imposing
1880 an undue burden on his or her personal resources or on resources
1881 otherwise available to him or her, ~~or who filed both such oaths,~~
1882 ~~or who qualified by the petition process and was not required to~~
1883 ~~pay an election assessment,~~ shall reimburse the state or local
1884 governmental entity, whichever is applicable, for such waived
1885 ~~assessment or fee or both. Such reimbursement shall be made~~
1886 ~~first for the cost of petition verification and then, if funds~~
1887 ~~are remaining, for the amount of the election assessment. If~~
1888 there are insufficient funds in the account to pay the full
1889 amount of ~~either the assessment or the fee or both,~~ the
1890 remaining funds shall be disbursed in the above manner until no
1891 funds remain. All funds disbursed pursuant to this subsection
1892 shall be remitted to the qualifying officer. Any reimbursement
1893 for petition verification costs which are reimbursable by the
1894 state shall be forwarded by the qualifying officer to the state
1895 for deposit in the General Revenue Fund. ~~All reimbursements for~~
1896 ~~the amount of the election assessment shall be forwarded by the~~
1897 ~~qualifying officer to the Department of State for deposit in the~~
1898 ~~General Revenue Fund.~~



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1899 (8) (a) ~~(7) (a)~~ Any candidate required to dispose of campaign
1900 funds pursuant to this section shall do so within the time
1901 required by this section and ~~shall~~, on or before the date by
1902 which such disposition is to have been made, shall file with the
1903 officer with whom reports are required to be filed pursuant to
1904 s. 106.07 a form prescribed by the Division of Elections
1905 listing:

1906 1. The name and address of each person or unit of
1907 government to whom any of the funds were distributed and the
1908 amounts thereof;

1909 2. The name and address of each person to whom an
1910 expenditure was made, together with the amount thereof and
1911 purpose therefor; ~~and~~

1912 3. The amount of such funds transferred to an office
1913 account by the candidate, together with the name and address of
1914 the bank, savings and loan association, or credit union in which
1915 the office account is located; and

1916 4. The amount of such funds retained pursuant to subsection
1917 (6), together with the name and address of the bank, savings and
1918 loan association, or credit union in which the retained funds
1919 are located.

1920
1921 Such report shall be signed by the candidate and the campaign
1922 treasurer and certified as true and correct pursuant to s.
1923 106.07.

1924 (b) The filing officer shall notify each candidate at least
1925 14 days before the date the report is due.

1926 (c) Any candidate failing to file a report on the
1927 designated due date shall be subject to a fine as provided in s.



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1928 106.07 for submitting late termination reports.

1929 (9)~~(8)~~ Any candidate elected to office who transfers
1930 surplus campaign funds into an office account pursuant to
1931 subsection (5) shall file a report on the 10th day following the
1932 end of each calendar quarter until the account is closed. Such
1933 reports shall contain the name and address of each person to
1934 whom any disbursement of funds was made, together with the
1935 amount thereof and the purpose therefor, and the name and
1936 address of any person from whom the elected candidate received
1937 any refund or reimbursement and the amount thereof. Such reports
1938 shall be on forms prescribed by the Division of Elections,
1939 signed by the elected candidate, certified as true and correct,
1940 and filed with the officer with whom campaign reports were filed
1941 pursuant to s. 106.07(2).

1942 (10)~~(9)~~ Any candidate, or any person on behalf of a
1943 candidate, who accepts contributions after such candidate has
1944 withdrawn his or her candidacy, after the candidate has become
1945 an unopposed candidate, or after the candidate has been
1946 eliminated as a candidate or elected to office commits a
1947 misdemeanor of the first degree, punishable as provided in s.
1948 775.082 or s. 775.083.

1949 (11)~~(10)~~ Any candidate who is required by the provisions of
1950 this section to dispose of funds in his or her campaign account
1951 and who fails to dispose of the funds in the manner provided in
1952 this section commits a misdemeanor of the first degree,
1953 punishable as provided in s. 775.082 or s. 775.083.

1954 Section 16. By December 1, 2013, the Division of Elections
1955 shall submit a proposal to the President of the Senate and the
1956 Speaker of the House of Representatives for a mandatory



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1957 statewide electronic filing system for all state and local
1958 campaign filings required by s. 106.07, s. 106.0703, or s.
1959 106.29.

1960 Section 17. Subsection (3) of section 101.62, Florida
1961 Statutes, is amended to read:

1962 101.62 Request for absentee ballots.—

1963 (3) For each request for an absentee ballot received, the
1964 supervisor shall record the date the request was made, the date
1965 the absentee ballot was delivered to the voter or the voter's
1966 designee or the date the absentee ballot was delivered to the
1967 post office or other carrier, the date the ballot was received
1968 by the supervisor, and such other information he or she may deem
1969 necessary. This information shall be provided in electronic
1970 format as provided by rule adopted by the division. The
1971 information shall be updated and made available no later than 8
1972 a.m. of each day, including weekends, beginning 60 days before
1973 the primary until 15 days after the general election and shall
1974 be contemporaneously provided to the division. This information
1975 shall be confidential and exempt from the provisions of s.
1976 119.07(1) and shall be made available to or reproduced only for
1977 the voter requesting the ballot, a canvassing board, an election
1978 official, a political party or official thereof, a candidate who
1979 has filed qualification papers and is opposed in an upcoming
1980 election, and registered political committees ~~or registered~~
1981 ~~committees of continuous existence~~, for political purposes only.

1982 Section 18. Paragraph (a) of subsection (4) of section
1983 102.031, Florida Statutes, is amended to read:

1984 102.031 Maintenance of good order at polls; authorities;
1985 persons allowed in polling rooms and early voting areas;



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1986 unlawful solicitation of voters.-

1987 (4) (a) No person, political committee, ~~committee of~~
1988 ~~continuous existence~~, or other group or organization may solicit
1989 voters inside the polling place or within 100 feet of the
1990 entrance to any polling place, or polling room where the polling
1991 place is also a polling room, or early voting site. Before the
1992 opening of the polling place or early voting site, the clerk or
1993 supervisor shall designate the no-solicitation zone and mark the
1994 boundaries.

1995 Section 19. Subsection (2) of section 106.087, Florida
1996 Statutes, is amended to read:

1997 106.087 Independent expenditures; contribution limits;
1998 restrictions on political parties and, ~~political committees, and~~
1999 ~~committees of continuous existence.~~-

2000 (2) (a) Any political committee ~~or committee of continuous~~
2001 ~~existence~~ that accepts the use of public funds, equipment,
2002 personnel, or other resources to collect dues from its members
2003 agrees not to make independent expenditures in support of or
2004 opposition to a candidate or elected public official. However,
2005 expenditures may be made for the sole purpose of jointly
2006 endorsing three or more candidates.

2007 (b) Any political committee ~~or committee of continuous~~
2008 ~~existence~~ that violates this subsection is liable for a civil
2009 fine of up to \$5,000 to be determined by the Florida Elections
2010 Commission or the entire amount of the expenditures, whichever
2011 is greater.

2012 Section 20. Subsection (3) of section 106.12, Florida
2013 Statutes, is amended to read:

2014 106.12 Petty cash funds allowed.-



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2015 (3) The petty cash fund so provided may ~~shall~~ be spent only
2016 in amounts less than \$100 and only for office supplies,
2017 transportation expenses, and other necessities. Petty cash may
2018 ~~shall~~ not be used for the purchase of time, space, or services
2019 from communications media as defined in s. 106.011 ~~106.011(13)~~.

2020 Section 21. Paragraph (b) of subsection (3) of section
2021 106.147, Florida Statutes, is amended to read:

2022 106.147 Telephone solicitation; disclosure requirements;
2023 prohibitions; exemptions; penalties.—

2024 (3)

2025 (b) For purposes of paragraph (a), the term "person"
2026 includes any candidate; any officer of any political committee,
2027 ~~committee of continuous existence~~, affiliated party committee,
2028 or political party executive committee; any officer, partner,
2029 attorney, or other representative of a corporation, partnership,
2030 or other business entity; and any agent or other person acting
2031 on behalf of any candidate, political committee, ~~committee of~~
2032 ~~continuous existence~~, affiliated party committee, political
2033 party executive committee, or corporation, partnership, or other
2034 business entity.

2035 Section 22. Section 106.17, Florida Statutes, is amended to
2036 read:

2037 106.17 Polls and surveys relating to candidacies.—Any
2038 candidate, political committee, ~~committee of continuous~~
2039 ~~existence~~, electioneering communication organization, affiliated
2040 party committee, or state or county executive committee of a
2041 political party may authorize or conduct a political poll,
2042 survey, index, or measurement of any kind relating to candidacy
2043 for public office so long as the candidate, political committee,



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2044 ~~committee of continuous existence,~~ electioneering communication
2045 organization, affiliated party committee, or political party
2046 maintains complete jurisdiction over the poll in all its
2047 aspects. State and county executive committees of a political
2048 party or an affiliated party committee may authorize and conduct
2049 political polls for the purpose of determining the viability of
2050 potential candidates. Such poll results may be shared with
2051 potential candidates, and expenditures incurred by state and
2052 county executive committees or an affiliated party committee for
2053 potential candidate polls are not contributions to the potential
2054 candidates.

2055 Section 23. Subsection (2) of section 106.23, Florida
2056 Statutes, is amended to read:

2057 106.23 Powers of the Division of Elections.—

2058 (2) The Division of Elections shall provide advisory
2059 opinions when requested by any supervisor of elections,
2060 candidate, local officer having election-related duties,
2061 political party, affiliated party committee, political
2062 committee, ~~committee of continuous existence,~~ or other person or
2063 organization engaged in political activity, relating to any
2064 provisions or possible violations of Florida election laws with
2065 respect to actions such supervisor, candidate, local officer
2066 having election-related duties, political party, affiliated
2067 party committee, committee, person, or organization has taken or
2068 proposes to take. Requests for advisory opinions must be
2069 submitted in accordance with rules adopted by the Department of
2070 State. A written record of all such opinions issued by the
2071 division, sequentially numbered, dated, and indexed by subject
2072 matter, shall be retained. A copy shall be sent to said person



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2073 or organization upon request. Any such person or organization,
2074 acting in good faith upon such an advisory opinion, shall not be
2075 subject to any criminal penalty provided for in this chapter.
2076 The opinion, until amended or revoked, shall be binding on any
2077 person or organization who sought the opinion or with reference
2078 to whom the opinion was sought, unless material facts were
2079 omitted or misstated in the request for the advisory opinion.

2080 Section 24. Subsections (2) and (3) of section 106.265,
2081 Florida Statutes, are amended to read:

2082 106.265 Civil penalties.—

2083 (2) In determining the amount of such civil penalties, the
2084 commission or administrative law judge shall consider, among
2085 other mitigating and aggravating circumstances:

2086 (a) The gravity of the act or omission;

2087 (b) Any previous history of similar acts or omissions;

2088 (c) The appropriateness of such penalty to the financial
2089 resources of the person, political committee, ~~committee of~~
2090 ~~continuous existence~~, affiliated party committee, electioneering
2091 communications organization, or political party; and

2092 (d) Whether the person, political committee, ~~committee of~~
2093 ~~continuous existence~~, affiliated party committee, electioneering
2094 communications organization, or political party has shown good
2095 faith in attempting to comply with the provisions of this
2096 chapter or chapter 104.

2097 (3) If any person, political committee, ~~committee of~~
2098 ~~continuous existence~~, affiliated party committee, electioneering
2099 communications organization, or political party fails or refuses
2100 to pay to the commission any civil penalties assessed pursuant
2101 to the provisions of this section, the commission shall be



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2102 responsible for collecting the civil penalties resulting from
2103 such action.

2104 Section 25. Subsection (2) of section 106.27, Florida
2105 Statutes, is amended to read:

2106 106.27 Determinations by commission; legal disposition.—

2107 (2) Civil actions may be brought by the commission for
2108 relief, including permanent or temporary injunctions,
2109 restraining orders, or any other appropriate order for the
2110 imposition of civil penalties provided by this chapter. Such
2111 civil actions shall be brought by the commission in the
2112 appropriate court of competent jurisdiction, and the venue shall
2113 be in the county in which the alleged violation occurred or in
2114 which the alleged violator or violators are found, reside, or
2115 transact business. Upon a proper showing that such person,
2116 political committee, ~~committee of continuous existence,~~
2117 affiliated party committee, or political party has engaged, or
2118 is about to engage, in prohibited acts or practices, a permanent
2119 or temporary injunction, restraining order, or other order shall
2120 be granted without bond by such court, and the civil fines
2121 provided by this chapter may be imposed.

2122 Section 26. Subsection (3) of section 106.32, Florida
2123 Statutes, is amended to read:

2124 106.32 Election Campaign Financing Trust Fund.—

2125 (3) Proceeds from assessments pursuant to ss. ~~106.04,~~
2126 106.07~~7~~ and 106.29 shall be deposited into the Election Campaign
2127 Financing Trust Fund as designated in those sections.

2128 Section 27. Section 106.33, Florida Statutes, is amended to
2129 read:

2130 106.33 Election campaign financing; eligibility.—Each



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2131 candidate for the office of Governor or member of the Cabinet
2132 who desires to receive contributions from the Election Campaign
2133 Financing Trust Fund ~~shall~~, upon qualifying for office, shall
2134 file a request for such contributions with the filing officer on
2135 forms provided by the Division of Elections. If a candidate
2136 requesting contributions from the fund desires to have such
2137 funds distributed by electronic fund transfers, the request
2138 shall include information necessary to implement that procedure.
2139 For the purposes of ss. 106.30-106.36, the respective candidates
2140 running for Governor and Lieutenant Governor on the same ticket
2141 shall be considered as a single candidate. To be eligible to
2142 receive contributions from the fund, a candidate may not be an
2143 unopposed candidate as defined in s. 106.011 ~~106.011(15)~~ and
2144 must:

2145 (1) Agree to abide by the expenditure limits provided in s.
2146 106.34.

2147 (2) (a) Raise contributions as follows:

2148 1. One hundred fifty thousand dollars for a candidate for
2149 Governor.

2150 2. One hundred thousand dollars for a candidate for Cabinet
2151 office.

2152 (b) Contributions from individuals who at the time of
2153 contributing are not state residents may not be used to meet the
2154 threshold amounts in paragraph (a). For purposes of this
2155 paragraph, any person validly registered to vote in this state
2156 shall be considered a state resident.

2157 (3) Limit loans or contributions from the candidate's
2158 personal funds to \$25,000 and contributions from national,
2159 state, and county executive committees of a political party to



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2160 \$250,000 in the aggregate, which loans or contributions do ~~shall~~
2161 not qualify for meeting the threshold amounts in subsection (2).

2162 (4) Submit to a postelection audit of the campaign account
2163 by the division.

2164 Section 28. Section 111.075, Florida Statutes, is amended
2165 to read:

2166 111.075 Elected officials; prohibition concerning certain
2167 committees.—Elected officials are prohibited from being employed
2168 by, or acting as a consultant for compensation to, a political
2169 committee ~~or committee of continuous existence.~~

2170 Section 29. Subsections (3) and (4) and paragraph (a) of
2171 subsection (5) of section 112.3148, Florida Statutes, are
2172 amended to read:

2173 112.3148 Reporting and prohibited receipt of gifts by
2174 individuals filing full or limited public disclosure of
2175 financial interests and by procurement employees.—

2176 (3) A reporting individual or procurement employee is
2177 prohibited from soliciting any gift from a political committee
2178 ~~or committee of continuous existence~~, as defined in s. 106.011,
2179 or from a lobbyist who lobbies the reporting individual's or
2180 procurement employee's agency, or the partner, firm, employer,
2181 or principal of such lobbyist, where such gift is for the
2182 personal benefit of the reporting individual or procurement
2183 employee, another reporting individual or procurement employee,
2184 or any member of the immediate family of a reporting individual
2185 or procurement employee.

2186 (4) A reporting individual or procurement employee or any
2187 other person on his or her behalf is prohibited from knowingly
2188 accepting, directly or indirectly, a gift from a political



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2189 ~~committee or committee of continuous existence~~, as defined in s.
2190 106.011, or from a lobbyist who lobbies the reporting
2191 individual's or procurement employee's agency, or directly or
2192 indirectly on behalf of the partner, firm, employer, or
2193 principal of a lobbyist, if he or she knows or reasonably
2194 believes that the gift has a value in excess of \$100; however,
2195 such a gift may be accepted by such person on behalf of a
2196 governmental entity or a charitable organization. If the gift is
2197 accepted on behalf of a governmental entity or charitable
2198 organization, the person receiving the gift shall not maintain
2199 custody of the gift for any period of time beyond that
2200 reasonably necessary to arrange for the transfer of custody and
2201 ownership of the gift.

2202 (5) (a) A political committee ~~or a committee of continuous~~
2203 ~~existence~~, as defined in s. 106.011; a lobbyist who lobbies a
2204 reporting individual's or procurement employee's agency; the
2205 partner, firm, employer, or principal of a lobbyist; or another
2206 on behalf of the lobbyist or partner, firm, principal, or
2207 employer of the lobbyist is prohibited from giving, either
2208 directly or indirectly, a gift that has a value in excess of
2209 \$100 to the reporting individual or procurement employee or any
2210 other person on his or her behalf; however, such person may give
2211 a gift having a value in excess of \$100 to a reporting
2212 individual or procurement employee if the gift is intended to be
2213 transferred to a governmental entity or a charitable
2214 organization.

2215 Section 30. Subsections (3) and (4) of section 112.3149,
2216 Florida Statutes, are amended to read:

2217 112.3149 Solicitation and disclosure of honoraria.—



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2218 (3) A reporting individual or procurement employee is
2219 prohibited from knowingly accepting an honorarium from a
2220 political committee ~~or committee of continuous existence~~, as
2221 defined in s. 106.011, from a lobbyist who lobbies the reporting
2222 individual's or procurement employee's agency, or from the
2223 employer, principal, partner, or firm of such a lobbyist.

2224 (4) A political committee ~~or committee of continuous~~
2225 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a
2226 reporting individual's or procurement employee's agency, or the
2227 employer, principal, partner, or firm of such a lobbyist is
2228 prohibited from giving an honorarium to a reporting individual
2229 or procurement employee.

2230 Section 31. Subsection (4) of section 1004.28, Florida
2231 Statutes, is amended to read:

2232 1004.28 Direct-support organizations; use of property;
2233 board of directors; activities; audit; facilities.—

2234 (4) ACTIVITIES; RESTRICTION.—A university direct-support
2235 organization is prohibited from giving, either directly or
2236 indirectly, any gift to a political committee ~~or committee of~~
2237 ~~continuous existence~~ as defined in s. 106.011 for any purpose
2238 other than those certified by a majority roll call vote of the
2239 governing board of the direct-support organization at a
2240 regularly scheduled meeting as being directly related to the
2241 educational mission of the university.

2242 Section 32. Paragraph (d) of subsection (4) of section
2243 1004.70, Florida Statutes, is amended to read:

2244 1004.70 Florida College System institution direct-support
2245 organizations.—

2246 (4) ACTIVITIES; RESTRICTIONS.—



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2247 (d) A Florida College System institution direct-support
2248 organization is prohibited from giving, either directly or
2249 indirectly, any gift to a political committee ~~or committee of~~
2250 ~~continuous existence~~ as defined in s. 106.011 for any purpose
2251 other than those certified by a majority roll call vote of the
2252 governing board of the direct-support organization at a
2253 regularly scheduled meeting as being directly related to the
2254 educational mission of the Florida College System institution.

2255 Section 33. Paragraph (c) of subsection (4) of section
2256 1004.71, Florida Statutes, is amended to read:

2257 1004.71 Statewide Florida College System institution
2258 direct-support organizations.—

2259 (4) RESTRICTIONS.—

2260 (c) A statewide Florida College System institution direct-
2261 support organization is prohibited from giving, either directly
2262 or indirectly, any gift to a political committee ~~or committee of~~
2263 ~~continuous existence~~ as defined in s. 106.011 for any purpose
2264 other than those certified by a majority roll call vote of the
2265 governing board of the direct-support organization at a
2266 regularly scheduled meeting as being directly related to the
2267 educational mission of the State Board of Education.

2268 Section 34. For the purpose of incorporating the amendment
2269 made by this act into section 106.08, Florida Statutes, in a
2270 reference thereto, subsection (2) of section 106.075, Florida
2271 Statutes, is reenacted to read:

2272 106.075 Elected officials; report of loans made in year
2273 preceding election; limitation on contributions to pay loans.—

2274 (2) Any person who makes a contribution to an individual to
2275 pay all or part of a loan incurred, in the 12 months preceding



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2276 the election, to be used for the individual's campaign, may not
2277 contribute more than the amount which is allowed in s.
2278 106.08(1).

2279 Section 35. For the purpose of incorporating the amendments
2280 made by this act to section 106.08, Florida Statutes, in
2281 references thereto, section 106.19, Florida Statutes, is
2282 reenacted to read:

2283 106.19 Violations by candidates, persons connected with
2284 campaigns, and political committees.—

2285 (1) Any candidate; campaign manager, campaign treasurer, or
2286 deputy treasurer of any candidate; committee chair, vice chair,
2287 campaign treasurer, deputy treasurer, or other officer of any
2288 political committee; agent or person acting on behalf of any
2289 candidate or political committee; or other person who knowingly
2290 and willfully:

2291 (a) Accepts a contribution in excess of the limits
2292 prescribed by s. 106.08;

2293 (b) Fails to report any contribution required to be
2294 reported by this chapter;

2295 (c) Falsely reports or deliberately fails to include any
2296 information required by this chapter; or

2297 (d) Makes or authorizes any expenditure in violation of s.
2298 106.11(4) or any other expenditure prohibited by this chapter;

2299
2300 is guilty of a misdemeanor of the first degree, punishable as
2301 provided in s. 775.082 or s. 775.083.

2302 (2) Any candidate, campaign treasurer, or deputy treasurer;
2303 any chair, vice chair, or other officer of any political
2304 committee; any agent or person acting on behalf of any candidate



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2305 or political committee; or any other person who violates
2306 paragraph (1)(a), paragraph (1)(b), or paragraph (1)(d) shall be
2307 subject to a civil penalty equal to three times the amount
2308 involved in the illegal act. Such penalty may be in addition to
2309 the penalties provided by subsection (1) and shall be paid into
2310 the General Revenue Fund of this state.

2311 (3) A political committee sponsoring a constitutional
2312 amendment proposed by initiative which submits a petition form
2313 gathered by a paid petition circulator which does not provide
2314 the name and address of the paid petition circulator on the form
2315 is subject to the civil penalties prescribed in s. 106.265.

2316 (4) Except as otherwise expressly stated, the failure by a
2317 candidate to comply with the requirements of this chapter has no
2318 effect upon whether the candidate has qualified for the office
2319 the candidate is seeking.

2320 Section 36. (1) For the 2013-2014 fiscal year, one full-
2321 time equivalent position, with associated salary rate of 33,000,
2322 is authorized, and \$42,900 in recurring funds from the Elections
2323 Commission Trust Fund within the Department of Legal Affairs is
2324 appropriated to the Florida Elections Commission to carry out
2325 the provisions of this act.

2326 (2) For the 2013-2014 fiscal year, two full-time equivalent
2327 positions, with associated salary rate of 57,297, are
2328 authorized, and \$85,000 in recurring funds from the General
2329 Revenue Fund is appropriated to the Division of Elections of the
2330 Department of State to carry out the provisions of this act.

2331 (3) This section shall take effect July 1, 2013.

2332 Section 37. Except as otherwise expressly provided in this
2333 act and except for this section, which shall take effect upon



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2334 becoming a law, this act shall take effect November 1, 2013.

2335

2336 ===== T I T L E A M E N D M E N T =====

2337 And the title is amended as follows:

2338 Delete everything before the enacting clause

2339 and insert:

2340 A bill to be entitled

2341 An act relating to campaign finance; repealing s.

2342 106.04, F.S., relating to the certification and

2343 political activities of committees of continuous

2344 existence; prohibiting a committee of continuous

2345 existence from accepting a contribution after a

2346 certain date; providing for revocation of the

2347 certification of each committee of continuous

2348 existence on a certain date; requiring the Division of

2349 Elections to provide certain notifications to

2350 committees of continuous existence; providing

2351 procedures for disposition of funds and closing of the

2352 committee account; providing penalties; providing for

2353 the applicability of penalties incurred by the

2354 committee of continuous existence; authorizing a

2355 committee of continuous existence to make unlimited

2356 contributions to a political committee; amending and

2357 reordering s. 106.011, F.S., relating to definitions

2358 applicable to provisions governing campaign financing;

2359 deleting the definition of the term "committee of

2360 continuous existence" to conform to changes made by

2361 the act; revising the definition of the term

2362 "election" to include the selection of members of



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2363 political party executive committees; conforming
2364 cross-references; amending s. 106.021, F.S.; providing
2365 requirements and restrictions on the use of
2366 contributions received before a candidate changes his
2367 or her candidacy to a different office; prohibiting a
2368 political committee from making an expenditure for the
2369 purpose of jointly endorsing three or more candidates
2370 outside the scope of the requirements of ch. 106,
2371 F.S.; amending s. 106.022, F.S.; conforming a
2372 provision to changes made by the act; amending s.
2373 106.025, F.S.; providing that tickets or advertising
2374 for a campaign fundraiser must comply with the
2375 requirements of political advertisements circulated
2376 before an election; amending s. 106.03, F.S.;
2377 conforming provisions and cross-references to changes
2378 made by the act; amending s. 106.05, F.S.; revising
2379 the information that is required to appear on a bank
2380 account for deposit of funds; reenacting and amending
2381 s. 106.07, F.S., relating to reports by campaign
2382 treasurers; revising reporting requirements for
2383 candidates and political committees; conforming a
2384 cross-reference; creating s. 106.0702, F.S.; requiring
2385 certain individuals seeking a publicly elected
2386 position on a political party executive committee to
2387 file a report with the supervisor of elections before
2388 the primary election; providing filing and notice
2389 requirements; specifying the contents of the report;
2390 requiring the supervisor to make a specified form
2391 available to a reporting individual; requiring the



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2392 reporting individual to certify to the correctness of
2393 the report; providing criminal penalties for a
2394 reporting individual who willfully files an incorrect,
2395 false, or incomplete report; providing for a fine
2396 under specified conditions; authorizing a reporting
2397 individual to appeal a fine to the Florida Elections
2398 Commission; requiring the supervisor to notify the
2399 commission of specified violations; amending s.
2400 106.0703, F.S.; revising reporting requirements for
2401 electioneering communications organizations;
2402 reenacting and amending s. 106.0705, F.S., relating to
2403 the electronic filing of campaign treasurer's reports;
2404 conforming provisions and cross-references to changes
2405 made by the act; amending s. 106.08, F.S.; increasing
2406 the limitations on contributions made to certain
2407 candidates; removing limitations on contributions made
2408 to political committees; removing a limitation on
2409 contributions made by specified minors; revising
2410 limitations on contributions to nonstatewide
2411 candidates from specified political party committees;
2412 conforming provisions and cross-references to changes
2413 made by the act; reenacting and amending s. 106.11,
2414 F.S.; revising the information that is required to
2415 appear on bank account checks of candidates or
2416 political committees; revising information used to
2417 determine when debit cards are considered bank checks;
2418 amending s. 106.141, F.S.; prohibiting a candidate
2419 from giving more than a specified amount of surplus
2420 funds to an affiliated party committee or political



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2421 party; increasing the amount of funds that certain
2422 candidates may transfer to an office account;
2423 specifying permissible expenses with office account
2424 funds; defining the term "same office"; modifying
2425 requirements and conditions for disposing of and
2426 transferring surplus funds; authorizing certain
2427 candidates to retain a specified amount of funds for
2428 reelection to the same office; establishing
2429 requirements and conditions for retained funds;
2430 providing procedures for disposition of retained funds
2431 in certain circumstances; making changes to conform to
2432 the act; requiring the Division of Elections to submit
2433 a proposal for a mandatory statewide electronic filing
2434 system for certain state and local candidates to the
2435 Legislature by a specified date; amending ss. 101.62,
2436 102.031, 106.087, 106.12, 106.147, 106.17, 106.23,
2437 106.265, 106.27, 106.32, 106.33, 111.075, 112.3148,
2438 112.3149, 1004.28, 1004.70, and 1004.71, F.S.;;
2439 conforming provisions and cross-references to changes
2440 made by the act; reenacting s. 106.075(2), F.S.,
2441 relating to contributions made to pay back campaign
2442 loans incurred, to incorporate the amendment made to
2443 s. 106.08, F.S., in a reference thereto; reenacting s.
2444 106.19, F.S., relating to criminal and enhanced civil
2445 penalties for certain campaign finance violations, to
2446 incorporate the amendments made to s. 106.08, F.S., in
2447 references thereto; providing appropriations;
2448 authorizing specified numbers of full-time equivalent
2449 positions with associated salary rates within the



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Florida Elections Commission and the Division of
Elections; providing effective dates.