

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: State Affairs Committee
 2 Representative Schenck offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

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 Section 106.04, Florida Statutes, is repealed.

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

13 (2) Effective September 30, 2013, the certification of
 14 each committee of continuous existence is revoked. By July 15,
 15 2013, the Division of Elections of the Department of State shall
 16 notify each committee of continuous existence of the revocation
 17 of its certification pursuant to this subsection. Following such
 18 revocation of certification, each committee of continuous
 19 existence shall file any outstanding report as required by law.

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20 (3) This section shall take effect upon this act becoming
21 a law.

22 Section 3. Subsection (3) of section 101.62, Florida
23 Statutes, is amended to read:

24 101.62 Request for absentee ballots.-

25 (3) For each request for an absentee ballot received, the
26 supervisor shall record the date the request was made, the date
27 the absentee ballot was delivered to the voter or the voter's
28 designee or the date the absentee ballot was delivered to the
29 post office or other carrier, the date the ballot was received
30 by the supervisor, and such other information he or she may deem
31 necessary. This information shall be provided in electronic
32 format as provided by rule adopted by the division. The
33 information shall be updated and made available no later than 8
34 a.m. of each day, including weekends, beginning 60 days before
35 the primary until 15 days after the general election and shall
36 be contemporaneously provided to the division. This information
37 shall be confidential and exempt from the provisions of s.
38 119.07(1) and shall be made available to or reproduced only for
39 the voter requesting the ballot, a canvassing board, an election
40 official, a political party or official thereof, a candidate who
41 has filed qualification papers and is opposed in an upcoming
42 election, and registered political committees ~~or registered~~
43 ~~committees of continuous existence~~, for political purposes only.

44 Section 4. Paragraph (a) of subsection (4) of section
45 102.031, Florida Statutes, is amended to read:

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46 102.031 Maintenance of good order at polls; authorities;
47 persons allowed in polling rooms and early voting areas;
48 unlawful solicitation of voters.-

49 (4) (a) No person, political committee, ~~committee of~~
50 ~~continuous existence~~, or other group or organization may solicit
51 voters inside the polling place or within 100 feet of the
52 entrance to any polling place, or polling room where the polling
53 place is also a polling room, or early voting site. Before the
54 opening of the polling place or early voting site, the clerk or
55 supervisor shall designate the no-solicitation zone and mark the
56 boundaries.

57 Section 5. Section 111.075, Florida Statutes, is amended
58 to read:

59 111.075 Elected officials; prohibition concerning certain
60 committees.-Elected officials are prohibited from being employed
61 by, or acting as a consultant for compensation to, a political
62 committee ~~or committee of continuous existence~~.

63 Section 6. Section 106.011, Florida Statutes, is reordered
64 and amended to read:

65 106.011 Definitions.-As used in this chapter, the
66 following terms have the following meanings unless the context
67 clearly indicates otherwise:

68 (1) ~~(11)~~ "Campaign fund raiser" means any affair held to
69 raise funds to be used in a campaign for public office.

70 (2) ~~(9)~~ "Campaign treasurer" means an individual appointed
71 by a candidate or political committee as provided in this
72 chapter.

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73 ~~(3)-(16)~~ "Candidate" means any person to whom any one or
74 more of the following apply:

75 (a) Any person who seeks to qualify for nomination or
76 election by means of the petitioning process.

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

79 (c) Any person who receives contributions or makes
80 expenditures, or consents for any other person to receive
81 contributions or make expenditures, with a view to bring about
82 his or her nomination or election to, or retention in, public
83 office.

84 (d) Any person who appoints a treasurer and designates a
85 primary depository.

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

88
89 ~~However, this definition does not include any candidate for a~~
90 ~~political party executive committee.~~ Expenditures related to
91 potential candidate polls as provided in s. 106.17 are not
92 contributions or expenditures for purposes of this subsection.

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

96 ~~(4)-(13)~~ "Communications media" means broadcasting
97 stations, newspapers, magazines, outdoor advertising facilities,
98 printers, direct mail, advertising agencies, the Internet, and
99 telephone companies; but with respect to telephones, an
100 expenditure shall be deemed to be an expenditure for the use of

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101 communications media only if made for the costs of telephones,
102 paid telephonists, or automatic telephone equipment to be used
103 by a candidate or a political committee to communicate with
104 potential voters but excluding any costs of telephones incurred
105 by a volunteer for use of telephones by such volunteer; however,
106 with respect to the Internet, an expenditure shall be deemed an
107 expenditure for use of communications media only if made for the
108 cost of creating or disseminating a message on a computer
109 information system accessible by more than one person but
110 excluding internal communications of a campaign or of any group.

111 (5)~~(3)~~ "Contribution" means:

112 (a) A gift, subscription, conveyance, deposit, loan,
113 payment, or distribution of money or anything of value,
114 including contributions in kind having an attributable monetary
115 value in any form, made for the purpose of influencing the
116 results of an election or making an electioneering
117 communication.

118 (b) A transfer of funds between political committees,
119 ~~between committees of continuous existence,~~ between
120 electioneering communications organizations, or between any
121 combination of these groups.

122 (c) The payment, by any person other than a candidate or
123 political committee, of compensation for the personal services
124 of another person which are rendered to a candidate or political
125 committee without charge to the candidate or committee for such
126 services.

127 (d) The transfer of funds by a campaign treasurer or
128 deputy campaign treasurer between a primary depository and a

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129 separate interest-bearing account or certificate of deposit, and
130 the term includes any interest earned on such account or
131 certificate.

132

133 Notwithstanding the foregoing meanings of "contribution," the
134 term may not be construed to include services, including, but
135 not limited to, legal and accounting services, provided without
136 compensation by individuals volunteering a portion or all of
137 their time on behalf of a candidate or political committee or
138 editorial endorsements.

139 ~~(6)-(12)~~ "Division" means the Division of Elections of the
140 Department of State.

141 ~~(7)-(6)~~ "Election" means any primary election, special
142 primary election, general election, special election, or
143 municipal election held in this state for the purpose of
144 nominating or electing candidates to public office, choosing
145 delegates to the national nominating conventions of political
146 parties, or submitting an issue to the electors for their
147 approval or rejection.

148 ~~(8)-(18)~~ (a) "Electioneering communication" means any
149 communication that is publicly distributed by a television
150 station, radio station, cable television system, satellite
151 system, newspaper, magazine, direct mail, or telephone and that:

152 1. Refers to or depicts a clearly identified candidate for
153 office without expressly advocating the election or defeat of a
154 candidate but that is susceptible of no reasonable
155 interpretation other than an appeal to vote for or against a
156 specific candidate;

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

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

162 (b) The term "electioneering communication" does not
163 include:

164 1. A communication disseminated through a means of
165 communication other than a television station, radio station,
166 cable television system, satellite system, newspaper, magazine,
167 direct mail, telephone, or statement or depiction by an
168 organization, in existence prior to the time during which a
169 candidate named or depicted qualifies for that election, made in
170 that organization's newsletter, which newsletter is distributed
171 only to members of that organization.

172 2. A communication in a news story, commentary, or
173 editorial distributed through the facilities of any radio
174 station, television station, cable television system, or
175 satellite system, unless the facilities are owned or controlled
176 by any political party, political committee, or candidate. A
177 news story distributed through the facilities owned or
178 controlled by any political party, political committee, or
179 candidate may nevertheless be exempt if it represents a bona
180 fide news account communicated through a licensed broadcasting
181 facility and the communication is part of a general pattern of
182 campaign-related news accounts that give reasonably equal
183 coverage to all opposing candidates in the area.

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184 3. A communication that constitutes a public debate or
185 forum that includes at least two opposing candidates for an
186 office or one advocate and one opponent of an issue, or that
187 solely promotes such a debate or forum and is made by or on
188 behalf of the person sponsoring the debate or forum, provided
189 that:

190 a. The staging organization is either:

191 (I) A charitable organization that does not make other
192 electioneering communications and does not otherwise support or
193 oppose any political candidate or political party; or

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

196 b. The staging organization does not structure the debate
197 to promote or advance one candidate or issue position over
198 another.

199 (c) For purposes of this chapter, an expenditure made for,
200 or in furtherance of, an electioneering communication shall not
201 be considered a contribution to or on behalf of any candidate.

202 (d) For purposes of this chapter, an electioneering
203 communication shall not constitute an independent expenditure
204 nor be subject to the limitations applicable to independent
205 expenditures.

206 ~~(9)-(19)~~ "Electioneering communications organization" means
207 any group, other than a political party, affiliated party
208 committee, or political committee, ~~or committee of continuous~~
209 ~~existence~~, whose election-related activities are limited to
210 making expenditures for electioneering communications or
211 accepting contributions for the purpose of making electioneering

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212 communications and whose activities would not otherwise require
213 the group to register as a political party or, political
214 committee, ~~or committee of continuous existence~~ under this
215 chapter.

216 (10)-(4)(a) "Expenditure" means a purchase, payment,
217 distribution, loan, advance, transfer of funds by a campaign
218 treasurer or deputy campaign treasurer between a primary
219 depository and a separate interest-bearing account or
220 certificate of deposit, or gift of money or anything of value
221 made for the purpose of influencing the results of an election
222 or making an electioneering communication. However,
223 "expenditure" does not include a purchase, payment,
224 distribution, loan, advance, or gift of money or anything of
225 value made for the purpose of influencing the results of an
226 election when made by an organization, in existence prior to the
227 time during which a candidate qualifies or an issue is placed on
228 the ballot for that election, for the purpose of printing or
229 distributing such organization's newsletter, containing a
230 statement by such organization in support of or opposition to a
231 candidate or issue, which newsletter is distributed only to
232 members of such organization.

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

236 1. A person enters into a contract for applicable goods or
237 services;

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238 2. A person makes payment, in whole or in part, for the
239 production or public dissemination of applicable goods or
240 services; or

241 3. The electioneering communication is publicly
242 disseminated.

243 ~~(11)-(14)~~ "Filing officer" means the person before whom a
244 candidate qualifies or the agency or officer with whom a
245 political committee or an electioneering communications
246 organization registers, ~~or the agency by whom a committee of~~
247 ~~continuous existence is certified.~~

248 ~~(12)-(5)~~ (a) "Independent expenditure" means an expenditure
249 by a person for the purpose of expressly advocating the election
250 or defeat of a candidate or the approval or rejection of an
251 issue, which expenditure is not controlled by, coordinated with,
252 or made upon consultation with, any candidate, political
253 committee, or agent of such candidate or committee. An
254 expenditure for such purpose by a person having a contract with
255 the candidate, political committee, or agent of such candidate
256 or committee in a given election period shall not be deemed an
257 independent expenditure.

258 (b) An expenditure for the purpose of expressly advocating
259 the election or defeat of a candidate which is made by the
260 national, state, or county executive committee of a political
261 party, including any subordinate committee of the political
262 party, an affiliated party committee, a political committee, a
263 ~~committee of continuous existence,~~ or any other person shall not
264 be considered an independent expenditure if the committee or
265 person:

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266 1. Communicates with the candidate, the candidate's
267 campaign, or an agent of the candidate acting on behalf of the
268 candidate, including any pollster, media consultant, advertising
269 agency, vendor, advisor, or staff member, concerning the
270 preparation of, use of, or payment for, the specific expenditure
271 or advertising campaign at issue; or

272 2. Makes a payment in cooperation, consultation, or
273 concert with, at the request or suggestion of, or pursuant to
274 any general or particular understanding with the candidate, the
275 candidate's campaign, a political committee supporting the
276 candidate, or an agent of the candidate relating to the specific
277 expenditure or advertising campaign at issue; or

278 3. Makes a payment for the dissemination, distribution, or
279 republication, in whole or in part, of any broadcast or any
280 written, graphic, or other form of campaign material prepared by
281 the candidate, the candidate's campaign, or an agent of the
282 candidate, including any pollster, media consultant, advertising
283 agency, vendor, advisor, or staff member; or

284 4. Makes a payment based on information about the
285 candidate's plans, projects, or needs communicated to a member
286 of the committee or person by the candidate or an agent of the
287 candidate, provided the committee or person uses the information
288 in any way, in whole or in part, either directly or indirectly,
289 to design, prepare, or pay for the specific expenditure or
290 advertising campaign at issue; or

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

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

297 a. Any officer, director, employee, or agent of a
298 national, state, or county executive committee of a political
299 party or an affiliated party committee that has made or intends
300 to make expenditures in connection with or contributions to the
301 candidate; or

302 b. Any person whose professional services have been
303 retained by a national, state, or county executive committee of
304 a political party or an affiliated party committee that has made
305 or intends to make expenditures in connection with or
306 contributions to the candidate; or

307 6. After the last day of the qualifying period prescribed
308 for the candidate, retains the professional services of any
309 person also providing those services to the candidate in
310 connection with the candidate's pursuit of election to office;
311 or

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

314 ~~(13)-(7)~~ "Issue" means any proposition which is required by
315 the State Constitution, by law or resolution of the Legislature,
316 or by the charter, ordinance, or resolution of any political
317 subdivision of this state to be submitted to the electors for
318 their approval or rejection at an election, or any proposition
319 for which a petition is circulated in order to have such
320 proposition placed on the ballot at any election.

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321 ~~(14)(8)~~ "Person" means an individual or a corporation,
322 association, firm, partnership, joint venture, joint stock
323 company, club, organization, estate, trust, business trust,
324 syndicate, or other combination of individuals having collective
325 capacity. The term includes a political party, affiliated party
326 committee, or political committee, ~~or committee of continuous~~
327 ~~existence.~~

328 ~~(15)(17)~~ "Political advertisement" means a paid expression
329 in any communications media prescribed in subsection (4) ~~(13)~~,
330 whether radio, television, newspaper, magazine, periodical,
331 campaign literature, direct mail, or display or by means other
332 than the spoken word in direct conversation, which expressly
333 advocates the election or defeat of a candidate or the approval
334 or rejection of an issue. However, political advertisement does
335 not include:

336 (a) A statement by an organization, in existence prior to
337 the time during which a candidate qualifies or an issue is
338 placed on the ballot for that election, in support of or
339 opposition to a candidate or issue, in that organization's
340 newsletter, which newsletter is distributed only to the members
341 of that organization.

342 (b) Editorial endorsements by any newspaper, radio or
343 television station, or other recognized news medium.

344 ~~(16)(1)~~(a) "Political committee" means:

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

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348 a. Accepts contributions for the purpose of making
349 contributions to any candidate, political committee, ~~committee~~
350 ~~of continuous existence~~, affiliated party committee, or
351 political party;

352 b. Accepts contributions for the purpose of expressly
353 advocating the election or defeat of a candidate or the passage
354 or defeat of an issue;

355 c. Makes expenditures that expressly advocate the election
356 or defeat of a candidate or the passage or defeat of an issue;
357 or

358 d. Makes contributions to a common fund, other than a
359 joint checking account between spouses, from which contributions
360 are made to any candidate, political committee, ~~committee of~~
361 ~~continuous existence~~, affiliated party committee, or political
362 party;

363 2. The sponsor of a proposed constitutional amendment by
364 initiative who intends to seek the signatures of registered
365 electors.

366 (b) Notwithstanding paragraph (a), the following entities
367 are not considered political committees for purposes of this
368 chapter:

369 1. ~~Organizations which are certified by the Department of~~
370 ~~State as committees of continuous existence pursuant to s.~~
371 ~~106.04~~, National political parties, the state and county
372 executive committees of political parties, and affiliated party
373 committees regulated by chapter 103.

374 2. Corporations regulated by chapter 607 or chapter 617 or
375 other business entities formed for purposes other than to

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376 support or oppose issues or candidates, if their political
377 activities are limited to contributions to candidates, political
378 parties, affiliated party committees, or political committees or
379 expenditures in support of or opposition to an issue from
380 corporate or business funds and if no contributions are received
381 by such corporations or business entities.

382 3. Electioneering communications organizations as defined
383 in subsection (9) ~~(19)~~.

384 (17) ~~(10)~~ "Public office" means any state, county,
385 municipal, or school or other district office or position which
386 is filled by vote of the electors.

387 (18) ~~(15)~~ "Unopposed candidate" means a candidate for
388 nomination or election to an office who, after the last day on
389 which any person, including a write-in candidate, may qualify,
390 is without opposition in the election at which the office is to
391 be filled or who is without such opposition after such date as a
392 result of any primary election or of withdrawal by other
393 candidates seeking the same office. A candidate is not an
394 unopposed candidate if there is a vacancy to be filled under s.
395 100.111(3), if there is a legal proceeding pending regarding the
396 right to a ballot position for the office sought by the
397 candidate, or if the candidate is seeking retention as a justice
398 or judge.

399 Section 7. Subsection (1) of section 106.022, Florida
400 Statutes, is amended to read:

401 106.022 Appointment of a registered agent; duties.-

402 (1) Each political committee, ~~committee of continuous~~
403 ~~existence,~~ or electioneering communications organization shall

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404 have and continuously maintain in this state a registered office
405 and a registered agent and must file with the filing officer a
406 statement of appointment for the registered office and
407 registered agent. The statement of appointment must:

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

410 (b) Identify the entity for whom the registered agent
411 serves;

412 (c) Designate the address the registered agent wishes to
413 use to receive mail;

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

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

420 (f) Contain the signature of the registered agent and the
421 entity engaging the registered agent.

422 Section 8. Paragraph (c) of subsection (1) of section
423 106.025, Florida Statutes, is amended to read:

424 106.025 Campaign fund raisers.—

425 (1)

426 (c) Any tickets or advertising for ~~such~~ a campaign fund
427 raiser must comply with ~~is exempt from~~ the requirements of s.
428 106.143.

429 Section 9. Paragraph (b) of subsection (1) of section
430 106.03, Florida Statutes, is amended to read:

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431 106.03 Registration of political committees and
432 electioneering communications organizations.—

433 (1)

434 (b)1. Each group shall file a statement of organization as
435 an electioneering communications organization within 24 hours
436 after the date on which it makes expenditures for an
437 electioneering communication in excess of \$5,000, if such
438 expenditures are made within the timeframes specified in s.
439 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes
440 expenditures for an electioneering communication in excess of
441 \$5,000 before the timeframes specified in s. 106.011(8)(a)2.
442 ~~106.011(18)(a)2.~~, it shall file the statement of organization
443 within 24 hours after the 30th day before a primary or special
444 primary election, or within 24 hours after the 60th day before
445 any other election, whichever is applicable.

446 2.a. In a statewide, legislative, or multicounty election,
447 an electioneering communications organization shall file a
448 statement of organization with the Division of Elections.

449 b. In a countywide election or any election held on less
450 than a countywide basis, except as described in sub-subparagraph
451 c., an electioneering communications organization shall file a
452 statement of organization with the supervisor of elections of
453 the county in which the election is being held.

454 c. In a municipal election, an electioneering
455 communications organization shall file a statement of
456 organization with the officer before whom municipal candidates
457 qualify.

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458 d. Any electioneering communications organization that
459 would be required to file a statement of organization in two or
460 more locations need only file a statement of organization with
461 the Division of Elections.

462 Section 10. Section 106.05, Florida Statutes, is amended
463 to read:

464 106.05 Deposit of contributions; statement of campaign
465 treasurer.—All funds received by the campaign treasurer of any
466 candidate or political committee shall, prior to the end of the
467 5th business day following the receipt thereof, Saturdays,
468 Sundays, and legal holidays excluded, be deposited in a campaign
469 depository designated pursuant to s. 106.021, in an account that
470 contains the designated "... (name of the candidate or
471 committee.) ... Campaign Account." Except for contributions to
472 political committees made by payroll deduction, all deposits
473 shall be accompanied by a bank deposit slip containing the name
474 of each contributor and the amount contributed by each. If a
475 contribution is deposited in a secondary campaign depository,
476 the depository shall forward the full amount of the deposit,
477 along with a copy of the deposit slip accompanying the deposit,
478 to the primary campaign depository prior to the end of the 1st
479 business day following the deposit.

480 Section 11. Paragraphs (a) and (b) of subsection (1),
481 subsection (7), and paragraph (b) of subsection (8) of section
482 106.07, Florida Statutes, are amended to read:

483 106.07 Reports; certification and filing.—

484 (1) Each campaign treasurer designated by a candidate or
485 political committee pursuant to s. 106.021 shall file regular

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486 reports of all contributions received, and all expenditures
487 made, by or on behalf of such candidate or political committee.
488 Except as provided in paragraphs (a) and (b) ~~Except for the~~
489 ~~third calendar quarter immediately preceding a general election,~~
490 reports shall be filed on the 10th day following the end of each
491 calendar month ~~quarter~~ from the time the campaign treasurer is
492 appointed, except that, if the 10th day following the end of a
493 month ~~calendar quarter~~ occurs on a Saturday, Sunday, or legal
494 holiday, the report shall be filed on the next following day
495 which is not a Saturday, Sunday, or legal holiday. Monthly
496 ~~Quarterly~~ reports shall include all contributions received and
497 expenditures made during the calendar month ~~quarter~~ which have
498 not otherwise been reported pursuant to this section.

499 (a) For a candidate who is opposed in seeking nomination
500 or election to an office or for a political committee, the
501 following reports shall also be filed if the candidate or
502 political committee is required by law to file reports with the
503 division:

504 1. On the 60th day immediately preceding the primary
505 election, and each week thereafter, with the last weekly report
506 being filed on the 11th day immediately preceding the general
507 election.

508 2. On the 10th day immediately preceding the general
509 election, and each day thereafter, with the last daily report
510 being filed the day before the general election ~~Except as~~
511 ~~provided in paragraph (b), the reports shall also be filed on~~
512 ~~the 32nd, 18th, and 4th days immediately preceding the primary~~
513 ~~and on the 46th, 32nd, 18th, and 4th days immediately preceding~~

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514 ~~the election, for a candidate who is opposed in seeking~~
515 ~~nomination or election to any office, for a political committee,~~
516 ~~or for a committee of continuous existence.~~

517 (b) For a candidate who is opposed in seeking nomination
518 or election to an office or for a political committee, reports
519 shall also be filed on the 60th day immediately preceding the
520 primary election, and each week thereafter, with the last weekly
521 report being filed on the 4th day immediately preceding the
522 general election, if the candidate or political committee is
523 required by law to file reports with a supervisor of elections
524 or municipal officer ~~Any statewide candidate who has requested~~
525 ~~to receive contributions pursuant to the Florida Election~~
526 ~~Campaign Financing Act or any statewide candidate in a race with~~
527 ~~a candidate who has requested to receive contributions pursuant~~
528 ~~to the act shall also file reports on the 4th, 11th, 18th, 25th,~~
529 ~~and 32nd days prior to the primary election, and on the 4th,~~
530 ~~11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the~~
531 ~~general election.~~

532 (7) Notwithstanding any other provisions of this chapter,
533 in any reporting period during which a candidate or political
534 committee, ~~or committee of continuous existence~~ has not received
535 funds, made any contributions, or expended any reportable funds,
536 the filing of the required report for that period is waived.
537 However, the next report filed must specify that the report
538 covers the entire period between the last submitted report and
539 the report being filed, and any candidate or political
540 committee, ~~or committee of continuous existence~~ not reporting by
541 virtue of this subsection on dates prescribed elsewhere in this

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542 chapter shall notify the filing officer in writing on the
543 prescribed reporting date that no report is being filed on that
544 date.

545 (8)

546 (b) Upon determining that a report is late, the filing
547 officer shall immediately notify the candidate or chair of the
548 political committee as to the failure to file a report by the
549 designated due date and that a fine is being assessed for each
550 late day. The fine shall be \$50 per day for the first 3 days
551 late and, thereafter, \$500 per day for each late day, not to
552 exceed 25 percent of the total receipts or expenditures,
553 whichever is greater, for the period covered by the late report.
554 However, for the reports immediately preceding each special
555 primary election, special election, primary election, and
556 general election, the fine shall be \$500 per day for each late
557 day, not to exceed 25 percent of the total receipts or
558 expenditures, whichever is greater, for the period covered by
559 the late report. For reports required under s. 106.141(8)
560 ~~106.141(7)~~, the fine is \$50 per day for each late day, not to
561 exceed 25 percent of the total receipts or expenditures,
562 whichever is greater, for the period covered by the late report.
563 Upon receipt of the report, the filing officer shall determine
564 the amount of the fine which is due and shall notify the
565 candidate or chair or registered agent of the political
566 committee. The filing officer shall determine the amount of the
567 fine due based upon the earliest of the following:

- 568 1. When the report is actually received by such officer.
569 2. When the report is postmarked.

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570 3. When the certificate of mailing is dated.

571 4. When the receipt from an established courier company is
572 dated.

573 5. When the electronic receipt issued pursuant to s.
574 106.0705 or other electronic filing system authorized in this
575 section is dated.

576
577 Such fine shall be paid to the filing officer within 20 days
578 after receipt of the notice of payment due, unless appeal is
579 made to the Florida Elections Commission pursuant to paragraph
580 (c). Notice is deemed complete upon proof of delivery of written
581 notice to the mailing or street address on record with the
582 filing officer. In the case of a candidate, such fine shall not
583 be an allowable campaign expenditure and shall be paid only from
584 personal funds of the candidate. An officer or member of a
585 political committee shall not be personally liable for such
586 fine.

587 Section 12. Subsection (1) of section 106.0703, Florida
588 Statutes, is amended to read:

589 106.0703 Electioneering communications organizations;
590 reporting requirements; certification and filing; penalties.—

591 (1) (a) Each electioneering communications organization
592 shall file regular reports of all contributions received and all
593 expenditures made by or on behalf of the organization. Except as
594 provided in paragraphs (b) and (c), reports shall be filed on
595 the 10th day following the end of each calendar month ~~quarter~~
596 from the time the organization is registered. However, if the
597 10th day following the end of a calendar month ~~quarter~~ occurs on

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

604 (b) For an electioneering communications organization
605 required by law to file reports with the division, reports shall
606 also be filed:

607 1. On the 60th day immediately preceding the primary
608 election, and each week thereafter, with the last weekly report
609 being filed on the 11th day immediately preceding the general
610 election.

611 2. On the 10th day immediately preceding the general
612 election, and every day thereafter, with the last daily report
613 being filed the day before the general election ~~Following the~~
614 ~~last day of candidates qualifying for office, the reports shall~~
615 ~~be filed on the 32nd, 18th, and 4th days immediately preceding~~
616 ~~the primary election and on the 46th, 32nd, 18th, and 4th days~~
617 ~~immediately preceding the general election.~~

618 (c) For an electioneering communications organization
619 required by law to file reports with a supervisor of elections
620 or municipal officer, reports shall also be filed on the 60th
621 day immediately preceding the primary election, and each week
622 thereafter, with the last weekly report being filed on the 4th
623 day immediately preceding the general election.

624 (d) When a special election is called to fill a vacancy in
625 office, all electioneering communications organizations making

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626 contributions or expenditures to influence the results of the
627 special election shall file reports with the filing officer on
628 the dates set by the Department of State pursuant to s. 100.111.

629 (e)~~(d)~~ In addition to the reports required by paragraph
630 (a), an electioneering communications organization that is
631 registered with the Department of State and that makes a
632 contribution or expenditure to influence the results of a county
633 or municipal election that is not being held at the same time as
634 a state or federal election must file reports with the county or
635 municipal filing officer on the same dates as county or
636 municipal candidates or committees for that election. The
637 electioneering communications organization must also include the
638 expenditure in the next report filed with the Division of
639 Elections pursuant to this section following the county or
640 municipal election.

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

645 Section 13. Paragraph (b) of subsection (2) and
646 subsections (3) and (4) of section 106.0705, Florida Statutes,
647 are amended to read:

648 106.0705 Electronic filing of campaign treasurer's
649 reports.—

650 (2) (b) Each political committee, ~~committee of continuous~~
651 ~~existence~~, electioneering communications organization,
652 affiliated party committee, or state executive committee that is
653 required to file reports with the division under ~~s. 106.04~~, s.

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654 106.07, s. 106.0703, or s. 106.29, as applicable, must file such
655 reports with the division by means of the division's electronic
656 filing system.

657 (3) Reports filed pursuant to this section shall be
658 completed and filed through the electronic filing system not
659 later than midnight of the day designated. Reports not filed by
660 midnight of the day designated are late filed and are subject to
661 the penalties under ~~s. 106.04(9)~~, s. 106.07(8), s. 106.0703(7),
662 or s. 106.29(3), as applicable.

663 (4) Each report filed pursuant to this section is
664 considered to be under oath by the candidate and treasurer, the
665 chair and treasurer, the treasurer under s. 106.0703, or the
666 leader and treasurer under s. 103.092, whichever is applicable,
667 and such persons are subject to the provisions of ~~s.~~
668 ~~106.04(4)(d)~~, s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as
669 applicable. Persons given a secure sign-on to the electronic
670 filing system are responsible for protecting such from
671 disclosure and are responsible for all filings using such
672 credentials, unless they have notified the division that their
673 credentials have been compromised.

674 Section 14. Effective July 1, 2013, paragraph (a) of
675 subsection (1) of section 106.08, Florida Statutes, is amended
676 to read:

677 106.08 Contributions; limitations on.—

678 (1) (a) Except for political parties or affiliated party
679 committees, no person or, political committee, ~~or committee of~~
680 ~~continuous existence~~ may, in any election, make contributions in
681 excess of the following amounts: ~~\$500 to any candidate for~~

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682 ~~election to or retention in office or to any political committee~~
683 ~~supporting or opposing one or more candidates.~~

684 1. To a candidate for statewide office or for retention as
685 a justice of the Supreme Court, \$5,000. Candidates for the
686 offices of Governor and Lieutenant Governor on the same ticket
687 are considered a single candidate for the purpose of this
688 subparagraph section.

689 2. To a candidate for legislative or multicounty office; a
690 candidate for countywide office or in any election conducted on
691 less than a countywide basis; a candidate for retention as a
692 judge of a district court of appeal; or a candidate for county
693 court judge or circuit judge, \$3,000.

694 Section 15. Paragraph (c) of subsection (1) and
695 subsections (7) and (10) of section 106.08, Florida Statutes,
696 are amended to read:

697 106.08 Contributions; limitations on.—

698 (1)

699 (c) The contribution limits of this subsection apply to
700 each election. For purposes of this subsection, the primary
701 election and general election are separate elections so long as
702 the candidate is not an unopposed candidate as defined in s.
703 106.011 ~~106.011(15)~~. However, for the purpose of contribution
704 limits with respect to candidates for retention as a justice or
705 judge, there is only one election, which is the general
706 election.

707 (7) (a) Any person who knowingly and willfully makes or
708 accepts no more than one contribution in violation of subsection
709 (1) or subsection (5), or any person who knowingly and willfully

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710 fails or refuses to return any contribution as required in
711 subsection (3), commits a misdemeanor of the first degree,
712 punishable as provided in s. 775.082 or s. 775.083. If any
713 corporation, partnership, or other business entity or any
714 political party, affiliated party committee, political
715 committee, ~~committee of continuous existence~~, or electioneering
716 communications organization is convicted of knowingly and
717 willfully violating any provision punishable under this
718 paragraph, it shall be fined not less than \$1,000 and not more
719 than \$10,000. If it is a domestic entity, it may be ordered
720 dissolved by a court of competent jurisdiction; if it is a
721 foreign or nonresident business entity, its right to do business
722 in this state may be forfeited. Any officer, partner, agent,
723 attorney, or other representative of a corporation, partnership,
724 or other business entity, or of a political party, affiliated
725 party committee, political committee, ~~committee of continuous~~
726 ~~existence~~, electioneering communications organization, or
727 organization exempt from taxation under s. 527 or s. 501(c)(4)
728 of the Internal Revenue Code, who aids, abets, advises, or
729 participates in a violation of any provision punishable under
730 this paragraph commits a misdemeanor of the first degree,
731 punishable as provided in s. 775.082 or s. 775.083.

732 (b) Any person who knowingly and willfully makes or
733 accepts two or more contributions in violation of subsection (1)
734 or subsection (5) commits a felony of the third degree,
735 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
736 If any corporation, partnership, or other business entity or any
737 political party, affiliated party committee, political

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738 committee, ~~committee of continuous existence~~, or electioneering
739 communications organization is convicted of knowingly and
740 willfully violating any provision punishable under this
741 paragraph, it shall be fined not less than \$10,000 and not more
742 than \$50,000. If it is a domestic entity, it may be ordered
743 dissolved by a court of competent jurisdiction; if it is a
744 foreign or nonresident business entity, its right to do business
745 in this state may be forfeited. Any officer, partner, agent,
746 attorney, or other representative of a corporation, partnership,
747 or other business entity, or of a political committee, ~~committee~~
748 ~~of continuous existence~~, political party, affiliated party
749 committee, or electioneering communications organization, or
750 organization exempt from taxation under s. 527 or s. 501(c)(4)
751 of the Internal Revenue Code, who aids, abets, advises, or
752 participates in a violation of any provision punishable under
753 this paragraph commits a felony of the third degree, punishable
754 as provided in s. 775.082, s. 775.083, or s. 775.084.

755 (10) Contributions to a political committee ~~or committee~~
756 ~~of continuous existence~~ may be received by an affiliated
757 organization and transferred to the bank account of the
758 political committee ~~or committee of continuous existence~~ via
759 check written from the affiliated organization if such
760 contributions are specifically identified as intended to be
761 contributed to the political committee ~~or committee of~~
762 ~~continuous existence~~. All contributions received in this manner
763 shall be reported pursuant to s. 106.07 by the political
764 committee ~~or committee of continuous existence~~ as having been
765 made by the original contributor.

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766 Section 16. Subsection (2) of section 106.087, Florida
767 Statutes, is amended to read:

768 106.087 Independent expenditures; contribution limits;
769 restrictions on political parties and, political committees, ~~and~~
770 ~~committees of continuous existence.~~

771 (2) (a) Any political committee ~~or committee of continuous~~
772 ~~existence~~ that accepts the use of public funds, equipment,
773 personnel, or other resources to collect dues from its members
774 agrees not to make independent expenditures in support of or
775 opposition to a candidate or elected public official. However,
776 expenditures may be made for the sole purpose of jointly
777 endorsing three or more candidates.

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

783 Section 17. Paragraph (b) of subsection (1) and paragraph
784 (a) of subsection (2) of section 106.11, Florida Statutes, are
785 amended to read:

786 106.11 Expenses of and expenditures by candidates and
787 political committees.—Each candidate and each political
788 committee which designates a primary campaign depository
789 pursuant to s. 106.021(1) shall make expenditures from funds on
790 deposit in such primary campaign depository only in the
791 following manner, with the exception of expenditures made from
792 petty cash funds provided by s. 106.12:

793 (1)

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

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

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

799 3. The exact amount of the expenditure.

800 4. The signature of the campaign treasurer or deputy
801 treasurer.

802 5. The exact purpose for which the expenditure is
803 authorized.

804 6. The name of the payee.

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

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

810 2. Debit cards are issued in the name of the treasurer,
811 deputy treasurer, or authorized user and contain the state
812 "... (name of the campaign account of the candidate or political
813 committee.) ... Campaign Account."

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

816 4. The person using the debit card does not receive cash
817 as part of, or independent of, any transaction for goods or
818 services.

819 5. All receipts for debit card transactions contain:

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

821 b. The exact amount of the expenditure.

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822 c. The name of the payee.

823 d. The signature of the campaign treasurer, deputy
824 treasurer, or authorized user.

825 e. The exact purpose for which the expenditure is
826 authorized.

827 Any information required by this subparagraph but not included
828 on the debit card transaction receipt may be handwritten on, or
829 attached to, the receipt by the authorized user before
830 submission to the treasurer.

831 Section 18. Subsection (3) of section 106.12, Florida
832 Statutes, is amended to read:

833 106.12 Petty cash funds allowed.-

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

839 Section 19. Section 106.141, Florida Statutes, is amended
840 to read:

841 106.141 Disposition of surplus funds by candidates.-

842 (1) Except as provided in subsection (6), each candidate
843 who withdraws his or her candidacy, becomes an unopposed
844 candidate, or is eliminated as a candidate or elected to office
845 shall, within 90 days, dispose of the funds on deposit in his or
846 her campaign account and file a report reflecting the
847 disposition of all remaining funds. Such candidate shall not
848 accept any contributions, nor shall any person accept
849 contributions on behalf of such candidate, after the candidate

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850 withdraws his or her candidacy, becomes unopposed, or is
851 eliminated or elected. However, if a candidate receives a refund
852 check after all surplus funds have been disposed of, the check
853 may be endorsed by the candidate and the refund disposed of
854 under this section. An amended report must be filed showing the
855 refund and subsequent disposition.

856 (2) Any candidate required to dispose of funds pursuant to
857 this section may, prior to such disposition, be reimbursed by
858 the campaign, in full or in part, for any reported contributions
859 by the candidate to the campaign.

860 (3) The campaign treasurer of a candidate who withdraws
861 his or her candidacy, becomes unopposed, or is eliminated as a
862 candidate or elected to office and who has funds on deposit in a
863 separate interest-bearing account or certificate of deposit
864 shall, within 7 days after the date of becoming unopposed or the
865 date of such withdrawal, elimination, or election, transfer such
866 funds and the accumulated interest earned thereon to the
867 campaign account of the candidate for disposal under this
868 section. However, if the funds are in an account in which
869 penalties will apply for withdrawal within the 7-day period, the
870 campaign treasurer shall transfer such funds and the accumulated
871 interest earned thereon as soon as the funds can be withdrawn
872 without penalty, or within 90 days after the candidate becomes
873 unopposed, withdraws his or her candidacy, or is eliminated or
874 elected, whichever comes first.

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

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

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

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

884 3. Give not more than \$50,000 of the funds that have not
885 been spent or obligated to the affiliated party committee or
886 political party of which such candidate is a member.

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

888 a. In the case of a candidate for state office, to the
889 state, to be deposited in either the Election Campaign Financing
890 Trust Fund or the General Revenue Fund, as designated by the
891 candidate; or

892 b. In the case of a candidate for an office of a political
893 subdivision, to such political subdivision, to be deposited in
894 the general fund thereof.

895 (b) Any candidate required to dispose of funds pursuant to
896 this section who has received contributions pursuant to the
897 Florida Election Campaign Financing Act shall, after all
898 monetary commitments pursuant to s. 106.11(5)(b) and (c) have
899 been met, return all surplus campaign funds to the General
900 Revenue Fund.

901 (5) A candidate elected to office or a candidate who will
902 be elected to office by virtue of his or her being unopposed
903 may, in addition to the disposition methods provided in
904 subsection (4), transfer from the campaign account to an office

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905 account any amount of the funds on deposit in such campaign
906 account up to:

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

910 (b) Ten ~~Five~~ thousand dollars, for a candidate for
911 multicounty office.

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

915 (d) Five thousand ~~Two thousand five hundred~~ dollars
916 multiplied by the number of years in the term of office for
917 which elected, for a candidate for county office or for a
918 candidate in any election conducted on less than a countywide
919 basis.

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

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

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

926

927 The office account established pursuant to this subsection shall
928 be separate from any personal or other account. Any funds so
929 transferred by a candidate shall be used only for legitimate
930 expenses in connection with the candidate's public office. Such
931 expenses may include travel expenses incurred by the officer or
932 a staff member, personal taxes payable on office account funds

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933 by the candidate or elected public official; professional
934 services provided by a certified public accountant for
935 preparation of the elected public official's financial
936 disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs
937 to prepare, print, produce, and mail holiday cards or
938 newsletters about the elected public official's public business
939 to constituents, if such correspondence does not constitute a
940 political advertisement, independent expenditure, or
941 electioneering communication as provided in s. 106.011; fees or
942 dues to religious, civic, or charitable organizations of which
943 the elected public official is a member; items of modest value
944 such as flowers, greeting cards, or personal notes given as a
945 substitute for, or in association with, an elected public
946 official's personal attendance at a constituent's special event
947 or family occasion, such as the birth of a child, graduation,
948 wedding, or funeral; personal expenses incurred by the elected
949 public official in connection with attending a constituent
950 meeting or event where public policy is discussed, if such
951 meetings or events are limited to no more than once a week; or
952 expenses incurred in the operation of his or her office,
953 including the employment of additional staff. The funds may be
954 deposited in a savings account; however, all deposits,
955 withdrawals, and interest earned thereon shall be reported at
956 the appropriate reporting period. If a candidate is reelected to
957 office or elected to another office and has funds remaining in
958 his or her office account, he or she may transfer surplus
959 campaign funds to the office account. At no time may the funds
960 in the office account exceed the limitation imposed by this

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961 subsection. Upon leaving public office, any person who has funds
962 in an office account pursuant to this subsection remaining on
963 deposit shall give such funds to a charitable organization or
964 organizations which meet the requirements of s. 501(c)(3) of the
965 Internal Revenue Code or, in the case of a state officer, to the
966 state to be deposited in the General Revenue Fund or, in the
967 case of an officer of a political subdivision, to the political
968 subdivision to be deposited in the general fund thereof.

969 (6) (a) A candidate elected to state office or a candidate
970 who will be elected to state office by virtue of his or her
971 being unopposed may, in addition to the disposition methods
972 provided in subsections (4) and (5), retain up to \$50,000 in his
973 or her campaign account, or in an interest-bearing account or
974 certificate of deposit, for use in his or her next campaign for
975 the same office. All requirements applicable to candidate
976 campaign accounts under this chapter, including disclosure
977 requirements applicable to candidate campaign accounts,
978 limitations on expenditures, and limitations on contributions,
979 shall apply to any retained funds.

980 (b) If a candidate who retained funds under this
981 subsection does not qualify as a candidate for the same office
982 when the office is next on the ballot, all retained funds shall
983 be disposed of as otherwise required by this section within 90
984 days after the last day of qualifying for that office.
985 Requirements in this section applicable to the disposal of
986 surplus funds, including reporting requirements, are applicable
987 to the disposal of retained funds.

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988 (7)-(6) ~~Before~~ ~~Prior~~ to disposing of funds pursuant to
989 subsection (4), ~~or~~ transferring funds into an office account
990 pursuant to subsection (5), or retaining funds for reelection
991 pursuant to subsection (6), any candidate who filed an oath
992 stating that he or she was unable to pay the ~~election assessment~~
993 ~~or~~ fee for verification of petition signatures without imposing
994 an undue burden on his or her personal resources or on resources
995 otherwise available to him or her, ~~or who filed both such oaths,~~
996 ~~or who qualified by the petition process and was not required to~~
997 ~~pay an election assessment,~~ shall reimburse the state or local
998 governmental entity, whichever is applicable, for such waived
999 ~~assessment or fee or both. Such reimbursement shall be made~~
1000 ~~first for the cost of petition verification and then, if funds~~
1001 ~~are remaining, for the amount of the election assessment. If~~
1002 there are insufficient funds in the account to pay the full
1003 amount of ~~either the assessment or the fee or both,~~ the
1004 remaining funds shall be disbursed in the above manner until no
1005 funds remain. All funds disbursed pursuant to this subsection
1006 shall be remitted to the qualifying officer. Any reimbursement
1007 for petition verification costs which are reimbursable by the
1008 state shall be forwarded by the qualifying officer to the state
1009 for deposit in the General Revenue Fund. ~~All reimbursements for~~
1010 ~~the amount of the election assessment shall be forwarded by the~~
1011 ~~qualifying officer to the Department of State for deposit in the~~
1012 ~~General Revenue Fund.~~

1013 (8)-(7)(a) Any candidate required to dispose of campaign
1014 funds pursuant to this section shall do so within the time
1015 required by this section and shall, on or before the date by

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1016 which such disposition is to have been made, file with the
1017 officer with whom reports are required to be filed pursuant to
1018 s. 106.07 a form prescribed by the Division of Elections
1019 listing:

1020 1. The name and address of each person or unit of
1021 government to whom any of the funds were distributed and the
1022 amounts thereof;

1023 2. The name and address of each person to whom an
1024 expenditure was made, together with the amount thereof and
1025 purpose therefor; ~~and~~

1026 3. The amount of such funds transferred to an office
1027 account by the candidate, together with the name and address of
1028 the bank in which the office account is located; and

1029 4. The amount of such funds retained pursuant to
1030 subsection (6).

1031
1032 Such report shall be signed by the candidate and the campaign
1033 treasurer and certified as true and correct pursuant to s.
1034 106.07.

1035 (b) The filing officer shall notify each candidate at
1036 least 14 days before the date the report is due.

1037 (c) Any candidate failing to file a report on the
1038 designated due date shall be subject to a fine as provided in s.
1039 106.07 for submitting late termination reports.

1040 (9)~~(8)~~ Any candidate elected to office who transfers
1041 surplus campaign funds into an office account pursuant to
1042 subsection (5) shall file a report on the 10th day following the
1043 end of each calendar quarter until the account is closed. Such

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1044 reports shall contain the name and address of each person to
1045 whom any disbursement of funds was made, together with the
1046 amount thereof and the purpose therefor, and the name and
1047 address of any person from whom the elected candidate received
1048 any refund or reimbursement and the amount thereof. Such reports
1049 shall be on forms prescribed by the Division of Elections,
1050 signed by the elected candidate, certified as true and correct,
1051 and filed with the officer with whom campaign reports were filed
1052 pursuant to s. 106.07(2).

1053 ~~(10)~~(9) Any candidate, or any person on behalf of a
1054 candidate, who accepts contributions after such candidate has
1055 withdrawn his or her candidacy, after the candidate has become
1056 an unopposed candidate, or after the candidate has been
1057 eliminated as a candidate or elected to office commits a
1058 misdemeanor of the first degree, punishable as provided in s.
1059 775.082 or s. 775.083.

1060 ~~(11)~~(10) Any candidate who is required by the provisions
1061 of this section to dispose of funds in his or her campaign
1062 account and who fails to dispose of the funds in the manner
1063 provided in this section commits a misdemeanor of the first
1064 degree, punishable as provided in s. 775.082 or s. 775.083.

1065 Section 20. Paragraph (b) of subsection (3) of section
1066 106.147, Florida Statutes, is amended to read:

1067 106.147 Telephone solicitation; disclosure requirements;
1068 prohibitions; exemptions; penalties.—

1069 (3) (b) For purposes of paragraph (a), the term "person"
1070 includes any candidate; any officer of any political committee,
1071 ~~committee of continuous existence,~~ affiliated party committee,

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1072 or political party executive committee; any officer, partner,
1073 attorney, or other representative of a corporation, partnership,
1074 or other business entity; and any agent or other person acting
1075 on behalf of any candidate, political committee, ~~committee of~~
1076 ~~continuous existence~~, affiliated party committee, political
1077 party executive committee, or corporation, partnership, or other
1078 business entity.

1079 Section 21. Section 106.17, Florida Statutes, is amended
1080 to read:

1081 106.17 Polls and surveys relating to candidacies.—Any
1082 candidate, political committee, ~~committee of continuous~~
1083 ~~existence~~, electioneering communication organization, affiliated
1084 party committee, or state or county executive committee of a
1085 political party may authorize or conduct a political poll,
1086 survey, index, or measurement of any kind relating to candidacy
1087 for public office so long as the candidate, political committee,
1088 ~~committee of continuous existence~~, electioneering communication
1089 organization, affiliated party committee, or political party
1090 maintains complete jurisdiction over the poll in all its
1091 aspects. State and county executive committees of a political
1092 party or an affiliated party committee may authorize and conduct
1093 political polls for the purpose of determining the viability of
1094 potential candidates. Such poll results may be shared with
1095 potential candidates, and expenditures incurred by state and
1096 county executive committees or an affiliated party committee for
1097 potential candidate polls are not contributions to the potential
1098 candidates.

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1099 Section 22. Subsection (2) of section 106.23, Florida
1100 Statutes, is amended to read:

1101 106.23 Powers of the Division of Elections.—

1102 (2) The Division of Elections shall provide advisory
1103 opinions when requested by any supervisor of elections,
1104 candidate, local officer having election-related duties,
1105 political party, affiliated party committee, political
1106 committee, ~~committee of continuous existence~~, or other person or
1107 organization engaged in political activity, relating to any
1108 provisions or possible violations of Florida election laws with
1109 respect to actions such supervisor, candidate, local officer
1110 having election-related duties, political party, affiliated
1111 party committee, committee, person, or organization has taken or
1112 proposes to take. Requests for advisory opinions must be
1113 submitted in accordance with rules adopted by the Department of
1114 State. A written record of all such opinions issued by the
1115 division, sequentially numbered, dated, and indexed by subject
1116 matter, shall be retained. A copy shall be sent to said person
1117 or organization upon request. Any such person or organization,
1118 acting in good faith upon such an advisory opinion, shall not be
1119 subject to any criminal penalty provided for in this chapter.
1120 The opinion, until amended or revoked, shall be binding on any
1121 person or organization who sought the opinion or with reference
1122 to whom the opinion was sought, unless material facts were
1123 omitted or misstated in the request for the advisory opinion.

1124 Section 23. Subsections (2) and (3) of section 106.265,
1125 Florida Statutes, are amended to read:

1126 106.265 Civil penalties.—

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1127 (2) In determining the amount of such civil penalties, the
1128 commission or administrative law judge shall consider, among
1129 other mitigating and aggravating circumstances:

1130 (a) The gravity of the act or omission;

1131 (b) Any previous history of similar acts or omissions;

1132 (c) The appropriateness of such penalty to the financial
1133 resources of the person, political committee, ~~committee of~~
1134 ~~continuous existence~~, affiliated party committee, electioneering
1135 communications organization, or political party; and

1136 (d) Whether the person, political committee, ~~committee of~~
1137 ~~continuous existence~~, affiliated party committee, electioneering
1138 communications organization, or political party has shown good
1139 faith in attempting to comply with the provisions of this
1140 chapter or chapter 104.

1141 (3) If any person, political committee, ~~committee of~~
1142 ~~continuous existence~~, affiliated party committee, electioneering
1143 communications organization, or political party fails or refuses
1144 to pay to the commission any civil penalties assessed pursuant
1145 to the provisions of this section, the commission shall be
1146 responsible for collecting the civil penalties resulting from
1147 such action.

1148 Section 24. Subsection (2) of section 106.27, Florida
1149 Statutes, is amended to read:

1150 106.27 Determinations by commission; legal disposition.—

1151 (2) Civil actions may be brought by the commission for
1152 relief, including permanent or temporary injunctions,
1153 restraining orders, or any other appropriate order for the
1154 imposition of civil penalties provided by this chapter. Such

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1155 civil actions shall be brought by the commission in the
1156 appropriate court of competent jurisdiction, and the venue shall
1157 be in the county in which the alleged violation occurred or in
1158 which the alleged violator or violators are found, reside, or
1159 transact business. Upon a proper showing that such person,
1160 political committee, ~~committee of continuous existence,~~
1161 affiliated party committee, or political party has engaged, or
1162 is about to engage, in prohibited acts or practices, a permanent
1163 or temporary injunction, restraining order, or other order shall
1164 be granted without bond by such court, and the civil fines
1165 provided by this chapter may be imposed.

1166 Section 25. Subsection (3) of section 106.32, Florida
1167 Statutes, is amended to read:

1168 106.32 Election Campaign Financing Trust Fund.—

1169 (3) Proceeds from assessments pursuant to ss. ~~106.04,~~
1170 ~~106.07,~~ and 106.29 shall be deposited into the Election Campaign
1171 Financing Trust Fund as designated in those sections.

1172 Section 26. Section 106.33, Florida Statutes, is amended
1173 to read:

1174 106.33 Election campaign financing; eligibility.—Each
1175 candidate for the office of Governor or member of the Cabinet
1176 who desires to receive contributions from the Election Campaign
1177 Financing Trust Fund shall, upon qualifying for office, file a
1178 request for such contributions with the filing officer on forms
1179 provided by the Division of Elections. If a candidate requesting
1180 contributions from the fund desires to have such funds
1181 distributed by electronic fund transfers, the request shall
1182 include information necessary to implement that procedure. For

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1183 the purposes of ss. 106.30-106.36, candidates for Governor and
1184 Lieutenant Governor on the same ticket shall be considered as a
1185 single candidate. To be eligible to receive contributions from
1186 the fund, a candidate may not be an unopposed candidate as
1187 defined in s. 106.011 ~~106.011(15)~~ and must:

1188 (1) Agree to abide by the expenditure limits provided in
1189 s. 106.34.

1190 (2) (a) Raise contributions as follows:

1191 1. One hundred fifty thousand dollars for a candidate for
1192 Governor.

1193 2. One hundred thousand dollars for a candidate for
1194 Cabinet office.

1195 (b) Contributions from individuals who at the time of
1196 contributing are not state residents may not be used to meet the
1197 threshold amounts in paragraph (a). For purposes of this
1198 paragraph, any person validly registered to vote in this state
1199 shall be considered a state resident.

1200 (3) Limit loans or contributions from the candidate's
1201 personal funds to \$25,000 and contributions from national,
1202 state, and county executive committees of a political party to
1203 \$250,000 in the aggregate, which loans or contributions shall
1204 not qualify for meeting the threshold amounts in subsection (2).

1205 (4) Submit to a postelection audit of the campaign account
1206 by the division.

1207 Section 27. Subsections (3) and (4) and paragraph (a) of
1208 subsection (5) of section 112.3148, Florida Statutes, are
1209 amended to read:

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1210 112.3148 Reporting and prohibited receipt of gifts by
1211 individuals filing full or limited public disclosure of
1212 financial interests and by procurement employees.-

1213 (3) A reporting individual or procurement employee is
1214 prohibited from soliciting any gift from a political committee
1215 ~~or committee of continuous existence~~, as defined in s. 106.011,
1216 or from a lobbyist who lobbies the reporting individual's or
1217 procurement employee's agency, or the partner, firm, employer,
1218 or principal of such lobbyist, where such gift is for the
1219 personal benefit of the reporting individual or procurement
1220 employee, another reporting individual or procurement employee,
1221 or any member of the immediate family of a reporting individual
1222 or procurement employee.

1223 (4) A reporting individual or procurement employee or any
1224 other person on his or her behalf is prohibited from knowingly
1225 accepting, directly or indirectly, a gift from a political
1226 ~~committee or committee of continuous existence~~, as defined in s.
1227 106.011, or from a lobbyist who lobbies the reporting
1228 individual's or procurement employee's agency, or directly or
1229 indirectly on behalf of the partner, firm, employer, or
1230 principal of a lobbyist, if he or she knows or reasonably
1231 believes that the gift has a value in excess of \$100; however,
1232 such a gift may be accepted by such person on behalf of a
1233 governmental entity or a charitable organization. If the gift is
1234 accepted on behalf of a governmental entity or charitable
1235 organization, the person receiving the gift shall not maintain
1236 custody of the gift for any period of time beyond that

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1237 reasonably necessary to arrange for the transfer of custody and
1238 ownership of the gift.

1239 (5) (a) A political committee ~~or a committee of continuous~~
1240 ~~existence~~, as defined in s. 106.011; a lobbyist who lobbies a
1241 reporting individual's or procurement employee's agency; the
1242 partner, firm, employer, or principal of a lobbyist; or another
1243 on behalf of the lobbyist or partner, firm, principal, or
1244 employer of the lobbyist is prohibited from giving, either
1245 directly or indirectly, a gift that has a value in excess of
1246 \$100 to the reporting individual or procurement employee or any
1247 other person on his or her behalf; however, such person may give
1248 a gift having a value in excess of \$100 to a reporting
1249 individual or procurement employee if the gift is intended to be
1250 transferred to a governmental entity or a charitable
1251 organization.

1252 Section 28. Subsections (3) and (4) of section 112.3149,
1253 Florida Statutes, are amended to read:

1254 112.3149 Solicitation and disclosure of honoraria.—

1255 (3) A reporting individual or procurement employee is
1256 prohibited from knowingly accepting an honorarium from a
1257 political committee ~~or committee of continuous existence~~, as
1258 defined in s. 106.011, from a lobbyist who lobbies the reporting
1259 individual's or procurement employee's agency, or from the
1260 employer, principal, partner, or firm of such a lobbyist.

1261 (4) A political committee ~~or committee of continuous~~
1262 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a
1263 reporting individual's or procurement employee's agency, or the
1264 employer, principal, partner, or firm of such a lobbyist is

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1265 prohibited from giving an honorarium to a reporting individual
1266 or procurement employee.

1267 Section 29. Subsection (4) of section 1004.28, Florida
1268 Statutes, is amended to read:

1269 1004.28 Direct-support organizations; use of property;
1270 board of directors; activities; audit; facilities.—

1271 (4) ACTIVITIES; RESTRICTION.—A university direct-support
1272 organization is prohibited from giving, either directly or
1273 indirectly, any gift to a political committee ~~or committee of~~
1274 ~~continuous existence~~ as defined in s. 106.011 for any purpose
1275 other than those certified by a majority roll call vote of the
1276 governing board of the direct-support organization at a
1277 regularly scheduled meeting as being directly related to the
1278 educational mission of the university.

1279 Section 30. Paragraph (d) of subsection (4) of section
1280 1004.70, Florida Statutes, is amended to read:

1281 1004.70 Florida College System institution direct-support
1282 organizations.—

1283 (4) ACTIVITIES; RESTRICTIONS.—

1284 (d) A Florida College System institution direct-support
1285 organization is prohibited from giving, either directly or
1286 indirectly, any gift to a political committee ~~or committee of~~
1287 ~~continuous existence~~ as defined in s. 106.011 for any purpose
1288 other than those certified by a majority roll call vote of the
1289 governing board of the direct-support organization at a
1290 regularly scheduled meeting as being directly related to the
1291 educational mission of the Florida College System institution.

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1292 Section 31. Paragraph (c) of subsection (4) of section
1293 1004.71, Florida Statutes, is amended to read:

1294 1004.71 Statewide Florida College System institution
1295 direct-support organizations.—

1296 (4) RESTRICTIONS.—

1297 (c) A statewide Florida College System institution direct-
1298 support organization is prohibited from giving, either directly
1299 or indirectly, any gift to a political committee ~~or committee of~~
1300 ~~continuous existence~~ as defined in s. 106.011 for any purpose
1301 other than those certified by a majority roll call vote of the
1302 governing board of the direct-support organization at a
1303 regularly scheduled meeting as being directly related to the
1304 educational mission of the State Board of Education.

1305 Section 32. By December 1, 2013, the Division of Elections
1306 of the Department of State shall submit a proposal to the
1307 President of the Senate and the Speaker of the House of
1308 Representatives for a mandatory statewide electronic filing
1309 system for all state and local campaign finance reports required
1310 by s. 106.07, Florida Statutes, s. 106.0703, Florida Statutes,
1311 s. 106.141, Florida Statutes, or s. 106.29, Florida Statutes.

1312 Section 33. (1) For Fiscal Year 2013-2014, one full-time
1313 equivalent position, with associated salary rate of 33,000, is
1314 authorized and \$42,900 in recurring funds from the Elections
1315 Commission Trust Fund within the Department of Legal Affairs is
1316 appropriated to the Florida Elections Commission to carry out
1317 the provisions of this act.

1318 (2) For Fiscal Year 2013-2014, two full-time equivalent
1319 positions, with associated salary rate of 57,297, are authorized

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1320 and \$85,000 in recurring funds from the General Revenue Fund is
1321 appropriated to the Division of Elections of the Department of
1322 State to carry out the provisions of this act.

1323 (3) This section shall take effect July 1, 2013.

1324 Section 34. Except as otherwise expressly provided in this
1325 act and except for this section, which shall take effect upon
1326 this act becoming a law, this act shall take effect November 1,
1327 2013.

1328 -----

1329 **T I T L E A M E N D M E N T**

1330 Remove everything before the enacting clause and insert:
1331 An act relating to the Florida Election Code; repealing s.
1332 106.04, F.S., relating to the certification and political
1333 activities of committees of continuous existence; prohibiting a
1334 committee of continuous existence from accepting a contribution
1335 after a certain date; providing for revocation of the
1336 certification of each committee of continuous existence on a
1337 certain date; requiring the Division of Elections of the
1338 Department of State to provide certain notifications to
1339 committees of continuous existence; amending ss. 101.62,
1340 102.031, and 111.075, F.S.; conforming provisions; amending and
1341 reordering s. 106.011, F.S., relating to definitions applicable
1342 to provisions governing campaign financing; revising the
1343 definition of the term "candidate" to include a candidate for a
1344 political party executive committee; deleting the definition of
1345 the term "committee of continuous existence," to conform;
1346 conforming provisions and cross-references; amending s. 106.022,
1347 F.S.; conforming a provision; amending s. 106.025, F.S.;

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1348 providing that tickets or advertising for a campaign fund raiser
1349 must comply with the requirements of political advertisements
1350 circulated before an election; amending s. 106.03, F.S.;
1351 conforming cross-references; amending s. 106.05, F.S.; revising
1352 the information that is required to appear on a campaign bank
1353 account for deposit of funds; amending s. 106.07, F.S.; revising
1354 reporting requirements for candidates and political committees;
1355 conforming provisions; amending s. 106.0703, F.S.; revising
1356 reporting requirements for electioneering communications
1357 organizations; amending s. 106.0705, F.S.; conforming provisions
1358 and cross-references; amending s. 106.08, F.S.; revising
1359 limitations on campaign contributions; conforming provisions and
1360 a cross-reference; amending s. 106.087, F.S.; conforming
1361 provisions; amending s. 106.11, F.S.; revising the information
1362 that is required to appear on bank account checks of candidates
1363 or political committees; revising information used to determine
1364 when debit cards are considered bank checks; amending s. 106.12,
1365 F.S.; conforming a cross-reference; amending s. 106.141, F.S.;
1366 specifying the amount of surplus funds a candidate may give to
1367 an affiliated party committee or political party; providing for
1368 amount of funds that certain candidates may transfer to an
1369 office account; specifying permissible uses of office account
1370 funds; providing for retention of surplus campaign funds by a
1371 candidate for specified purposes; providing reporting
1372 requirements for surplus campaign funds; providing for
1373 disposition of the funds; modifying requirements for disposing
1374 of or transferring surplus funds; amending ss. 106.147, 106.17,
1375 106.23, 106.265, 106.27, 106.32, 106.33, 112.3148, 112.3149,

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1376 1004.28, 1004.70, and 1004.71, F.S.; conforming provisions and
1377 cross-references; directing the Division of Elections to submit
1378 a proposal to the Legislature for a mandatory statewide
1379 electronic filing system; providing appropriations; providing
1380 effective dates.