

1 A bill to be entitled
2 An act relating to the Florida Election Code;
3 repealing s. 106.04, F.S., relating to the
4 certification and political activities of committees
5 of continuous existence; prohibiting a committee of
6 continuous existence from accepting a contribution
7 after a certain date; providing for revocation of the
8 certification of each committee of continuous
9 existence on a certain date; requiring the Division of
10 Elections of the Department of State to provide
11 certain notifications to committees of continuous
12 existence; amending ss. 101.62, 102.031, and 111.075,
13 F.S.; conforming provisions; amending s. 104.071,
14 F.S.; authorizing a candidate to contribute campaign
15 funds to another candidate; amending and reordering s.
16 106.011, F.S., relating to definitions applicable to
17 provisions governing campaign financing; deleting the
18 definition of the term "committee of continuous
19 existence," to conform; conforming provisions and
20 cross-references; amending ss. 106.022 and 106.03,
21 F.S.; conforming provisions and cross-references;
22 amending s. 106.07, F.S.; revising reporting
23 requirements for candidates and political committees;
24 conforming provisions; amending s. 106.0703, F.S.;
25 revising reporting requirements for electioneering
26 communications organizations; amending s. 106.0705,
27 F.S.; conforming provisions and cross-references;
28 amending s. 106.08, F.S.; revising limitations on

29 campaign contributions; authorizing candidates to
30 contribute to other candidates; conforming provisions
31 and a cross-reference; amending ss. 106.087 and
32 106.12, F.S.; conforming provisions and a cross-
33 reference; amending s. 106.141, F.S.; providing for
34 retention of surplus campaign funds by a candidate for
35 specified purposes; providing reporting requirements
36 for surplus campaign funds; providing for disposition
37 of the funds; amending ss. 106.147, 106.17, 106.23,
38 106.265, 106.27, 106.32, 106.33, 112.3148, 112.3149,
39 1004.28, 1004.70, and 1004.71, F.S.; conforming
40 provisions and cross-references; directing the
41 Division of Elections to submit a proposal to the
42 Legislature for a mandatory statewide electronic
43 filing system; providing effective dates.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Section 106.04, Florida Statutes, is repealed.

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

54 (2) Effective September 30, 2013, the certification of
55 each committee of continuous existence is revoked. By July 15,
56 2013, the Division of Elections of the Department of State shall

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57 | notify each committee of continuous existence of the revocation
58 | of its certification pursuant to this subsection. Following such
59 | revocation of certification, each committee of continuous
60 | existence shall file any outstanding report as required by law.

61 | Section 3. Subsection (3) of section 101.62, Florida
62 | Statutes, is amended to read:

63 | 101.62 Request for absentee ballots.—

64 | (3) For each request for an absentee ballot received, the
65 | supervisor shall record the date the request was made, the date
66 | the absentee ballot was delivered to the voter or the voter's
67 | designee or the date the absentee ballot was delivered to the
68 | post office or other carrier, the date the ballot was received
69 | by the supervisor, and such other information he or she may deem
70 | necessary. This information shall be provided in electronic
71 | format as provided by rule adopted by the division. The
72 | information shall be updated and made available no later than 8
73 | a.m. of each day, including weekends, beginning 60 days before
74 | the primary until 15 days after the general election and shall
75 | be contemporaneously provided to the division. This information
76 | shall be confidential and exempt from the provisions of s.

77 | 119.07(1) and shall be made available to or reproduced only for
78 | the voter requesting the ballot, a canvassing board, an election
79 | official, a political party or official thereof, a candidate who
80 | has filed qualification papers and is opposed in an upcoming
81 | election, and registered political committees ~~or registered~~
82 | ~~committees of continuous existence~~, for political purposes only.

83 | Section 4. Paragraph (a) of subsection (4) of section
84 | 102.031, Florida Statutes, is amended to read:

85 | 102.031 Maintenance of good order at polls; authorities;
 86 | persons allowed in polling rooms and early voting areas;
 87 | unlawful solicitation of voters.—

88 | (4) (a) No person, political committee, ~~committee of~~
 89 | ~~continuous existence~~, or other group or organization may solicit
 90 | voters inside the polling place or within 100 feet of the
 91 | entrance to any polling place, or polling room where the polling
 92 | place is also a polling room, or early voting site. Before the
 93 | opening of the polling place or early voting site, the clerk or
 94 | supervisor shall designate the no-solicitation zone and mark the
 95 | boundaries.

96 | Section 5. Section 111.075, Florida Statutes, is amended
 97 | to read:

98 | 111.075 Elected officials; prohibition concerning certain
 99 | committees.—Elected officials are prohibited from being employed
 100 | by, or acting as a consultant for compensation to, a political
 101 | committee ~~or committee of continuous existence~~.

102 | Section 6. Section 104.071, Florida Statutes, is amended
 103 | to read:

104 | 104.071 Remuneration by candidate for services, support,
 105 | etc.; penalty.—

106 | (1) It is unlawful for any person supporting a candidate,
 107 | or for any candidate, in order to aid or promote the nomination
 108 | or election of such candidate in any election, directly or
 109 | indirectly to:

110 | (a) Promise to appoint another person, promise to secure
 111 | or aid in securing appointment, nomination or election of
 112 | another person to any public or private position, or to any

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113 position of honor, trust, or emolument, except one who has
114 publicly announced or defined what his or her choice or purpose
115 in relation to any election in which he or she may be called to
116 take part, if elected.

117 (b) Give, or promise to give, pay, or loan, any money or
118 other thing of value to the owner, editor, publisher, or agent,
119 of any communication media, as well as newspapers, to advocate
120 or oppose, through such media, any candidate for nomination in
121 any election or any candidate for election, and no such owner,
122 editor, or agent shall give, solicit, or accept such payment or
123 reward. It shall likewise be unlawful for any owner, editor,
124 publisher, or agent of any poll-taking or poll-publishing
125 concern to advocate or oppose through such poll any candidate
126 for nomination in any election or any candidate for election in
127 return for the giving or promising to give, pay, or loan any
128 money or other thing of value to said owner, editor, publisher,
129 or agent of any poll-taking or poll-publishing concern.

130 (c) Give, pay, or expend, ~~or contribute~~ any money or thing
131 of value for the furtherance of the candidacy of any other
132 candidate.

133 (d) Furnish, give, or deliver to another person any money
134 or other thing of value for any purpose prohibited by the
135 election laws.

136
137 This subsection shall not prohibit a candidate from furnishing
138 complimentary tickets to the candidate's campaign fund raiser to
139 other candidates.

140 (2) A candidate may give his or her own personal or

141 business funds to another candidate, or a candidate may
 142 contribute funds from his or her campaign account to another
 143 candidate, so long as the contribution is not given in exchange
 144 for a promise or expectation that the recipient will directly or
 145 indirectly do anything to aid or promote the candidacy of the
 146 contributor which the recipient would not have otherwise done.

147 (3) Any person who violates any provision of this section
 148 is guilty of a felony of the third degree, punishable as
 149 provided in s. 775.082 or s. 775.083, and from and after
 150 conviction shall be disqualified to hold office.

151 Section 7. Section 106.011, Florida Statutes, is reordered
 152 and amended to read:

153 106.011 Definitions.—As used in this chapter, the
 154 following terms have the following meanings unless the context
 155 clearly indicates otherwise:

156 (1)~~(11)~~ "Campaign fund raiser" means any affair held to
 157 raise funds to be used in a campaign for public office.

158 (2)~~(9)~~ "Campaign treasurer" means an individual appointed
 159 by a candidate or political committee as provided in this
 160 chapter.

161 (3)~~(16)~~ "Candidate" means any person to whom any one or
 162 more of the following apply:

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

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

167 (c) Any person who receives contributions or makes
 168 expenditures, or consents for any other person to receive

169 contributions or make expenditures, with a view to bring about
 170 his or her nomination or election to, or retention in, public
 171 office.

172 (d) Any person who appoints a treasurer and designates a
 173 primary depository.

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

176
 177 However, this definition does not include any candidate for a
 178 political party executive committee. Expenditures related to
 179 potential candidate polls as provided in s. 106.17 are not
 180 contributions or expenditures for purposes of this subsection.

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

184 (4) ~~(13)~~ "Communications media" means broadcasting
 185 stations, newspapers, magazines, outdoor advertising facilities,
 186 printers, direct mail, advertising agencies, the Internet, and
 187 telephone companies; but with respect to telephones, an
 188 expenditure shall be deemed to be an expenditure for the use of
 189 communications media only if made for the costs of telephones,
 190 paid telephonists, or automatic telephone equipment to be used
 191 by a candidate or a political committee to communicate with
 192 potential voters but excluding any costs of telephones incurred
 193 by a volunteer for use of telephones by such volunteer; however,
 194 with respect to the Internet, an expenditure shall be deemed an
 195 expenditure for use of communications media only if made for the
 196 cost of creating or disseminating a message on a computer

197 information system accessible by more than one person but
 198 excluding internal communications of a campaign or of any group.

199 (5)~~(3)~~ "Contribution" means:

200 (a) A gift, subscription, conveyance, deposit, loan,
 201 payment, or distribution of money or anything of value,
 202 including contributions in kind having an attributable monetary
 203 value in any form, made for the purpose of influencing the
 204 results of an election or making an electioneering
 205 communication.

206 (b) A transfer of funds between political committees,
 207 ~~between committees of continuous existence,~~ between
 208 electioneering communications organizations, or between any
 209 combination of these groups.

210 (c) The payment, by any person other than a candidate or
 211 political committee, of compensation for the personal services
 212 of another person which are rendered to a candidate or political
 213 committee without charge to the candidate or committee for such
 214 services.

215 (d) The transfer of funds by a campaign treasurer or
 216 deputy campaign treasurer between a primary depository and a
 217 separate interest-bearing account or certificate of deposit, and
 218 the term includes any interest earned on such account or
 219 certificate.

220
 221 Notwithstanding the foregoing meanings of "contribution," the
 222 term may not be construed to include services, including, but
 223 not limited to, legal and accounting services, provided without
 224 compensation by individuals volunteering a portion or all of

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225 their time on behalf of a candidate or political committee or
226 editorial endorsements.

227 (6)~~(12)~~ "Division" means the Division of Elections of the
228 Department of State.

229 (7)~~(6)~~ "Election" means any primary election, special
230 primary election, general election, special election, or
231 municipal election held in this state for the purpose of
232 nominating or electing candidates to public office, choosing
233 delegates to the national nominating conventions of political
234 parties, or submitting an issue to the electors for their
235 approval or rejection.

236 (8)~~(18)~~ (a) "Electioneering communication" means any
237 communication that is publicly distributed by a television
238 station, radio station, cable television system, satellite
239 system, newspaper, magazine, direct mail, or telephone and that:

240 1. Refers to or depicts a clearly identified candidate for
241 office without expressly advocating the election or defeat of a
242 candidate but that is susceptible of no reasonable
243 interpretation other than an appeal to vote for or against a
244 specific candidate;

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

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

250 (b) The term "electioneering communication" does not
251 include:

252 1. A communication disseminated through a means of

253 communication other than a television station, radio station,
254 cable television system, satellite system, newspaper, magazine,
255 direct mail, telephone, or statement or depiction by an
256 organization, in existence prior to the time during which a
257 candidate named or depicted qualifies for that election, made in
258 that organization's newsletter, which newsletter is distributed
259 only to members of that organization.

260 2. A communication in a news story, commentary, or
261 editorial distributed through the facilities of any radio
262 station, television station, cable television system, or
263 satellite system, unless the facilities are owned or controlled
264 by any political party, political committee, or candidate. A
265 news story distributed through the facilities owned or
266 controlled by any political party, political committee, or
267 candidate may nevertheless be exempt if it represents a bona
268 fide news account communicated through a licensed broadcasting
269 facility and the communication is part of a general pattern of
270 campaign-related news accounts that give reasonably equal
271 coverage to all opposing candidates in the area.

272 3. A communication that constitutes a public debate or
273 forum that includes at least two opposing candidates for an
274 office or one advocate and one opponent of an issue, or that
275 solely promotes such a debate or forum and is made by or on
276 behalf of the person sponsoring the debate or forum, provided
277 that:

278 a. The staging organization is either:

279 (I) A charitable organization that does not make other
280 electioneering communications and does not otherwise support or

281 | oppose any political candidate or political party; or

282 | (II) A newspaper, radio station, television station, or
283 | other recognized news medium; and

284 | b. The staging organization does not structure the debate
285 | to promote or advance one candidate or issue position over
286 | another.

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

290 | (d) For purposes of this chapter, an electioneering
291 | communication shall not constitute an independent expenditure
292 | nor be subject to the limitations applicable to independent
293 | expenditures.

294 | (9) ~~(19)~~ "Electioneering communications organization" means
295 | any group, other than a political party, affiliated party
296 | committee, or political committee, ~~or committee of continuous~~
297 | ~~existence,~~ whose election-related activities are limited to
298 | making expenditures for electioneering communications or
299 | accepting contributions for the purpose of making electioneering
300 | communications and whose activities would not otherwise require
301 | the group to register as a political party or, political
302 | committee, ~~or committee of continuous existence~~ under this
303 | chapter.

304 | (10) ~~(4)~~ (a) "Expenditure" means a purchase, payment,
305 | distribution, loan, advance, transfer of funds by a campaign
306 | treasurer or deputy campaign treasurer between a primary
307 | depository and a separate interest-bearing account or
308 | certificate of deposit, or gift of money or anything of value

309 made for the purpose of influencing the results of an election
310 or making an electioneering communication. However,
311 "expenditure" does not include a purchase, payment,
312 distribution, loan, advance, or gift of money or anything of
313 value made for the purpose of influencing the results of an
314 election when made by an organization, in existence prior to the
315 time during which a candidate qualifies or an issue is placed on
316 the ballot for that election, for the purpose of printing or
317 distributing such organization's newsletter, containing a
318 statement by such organization in support of or opposition to a
319 candidate or issue, which newsletter is distributed only to
320 members of such organization.

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

324 1. A person enters into a contract for applicable goods or
325 services;

326 2. A person makes payment, in whole or in part, for the
327 production or public dissemination of applicable goods or
328 services; or

329 3. The electioneering communication is publicly
330 disseminated.

331 (11)~~(14)~~ "Filing officer" means the person before whom a
332 candidate qualifies or~~r~~ the agency or officer with whom a
333 political committee or an electioneering communications
334 organization registers, ~~or the agency by whom a committee of~~
335 ~~continuous existence is certified.~~

336 (12)~~(5)~~ (a) "Independent expenditure" means an expenditure

337 | by a person for the purpose of expressly advocating the election
 338 | or defeat of a candidate or the approval or rejection of an
 339 | issue, which expenditure is not controlled by, coordinated with,
 340 | or made upon consultation with, any candidate, political
 341 | committee, or agent of such candidate or committee. An
 342 | expenditure for such purpose by a person having a contract with
 343 | the candidate, political committee, or agent of such candidate
 344 | or committee in a given election period shall not be deemed an
 345 | independent expenditure.

346 | (b) An expenditure for the purpose of expressly advocating
 347 | the election or defeat of a candidate which is made by the
 348 | national, state, or county executive committee of a political
 349 | party, including any subordinate committee of the political
 350 | party, an affiliated party committee, a political committee, ~~a~~
 351 | ~~committee of continuous existence,~~ or any other person shall not
 352 | be considered an independent expenditure if the committee or
 353 | person:

354 | 1. Communicates with the candidate, the candidate's
 355 | campaign, or an agent of the candidate acting on behalf of the
 356 | candidate, including any pollster, media consultant, advertising
 357 | agency, vendor, advisor, or staff member, concerning the
 358 | preparation of, use of, or payment for, the specific expenditure
 359 | or advertising campaign at issue; or

360 | 2. Makes a payment in cooperation, consultation, or
 361 | concert with, at the request or suggestion of, or pursuant to
 362 | any general or particular understanding with the candidate, the
 363 | candidate's campaign, a political committee supporting the
 364 | candidate, or an agent of the candidate relating to the specific

365 expenditure or advertising campaign at issue; or

366 3. Makes a payment for the dissemination, distribution, or
367 republication, in whole or in part, of any broadcast or any
368 written, graphic, or other form of campaign material prepared by
369 the candidate, the candidate's campaign, or an agent of the
370 candidate, including any pollster, media consultant, advertising
371 agency, vendor, advisor, or staff member; or

372 4. Makes a payment based on information about the
373 candidate's plans, projects, or needs communicated to a member
374 of the committee or person by the candidate or an agent of the
375 candidate, provided the committee or person uses the information
376 in any way, in whole or in part, either directly or indirectly,
377 to design, prepare, or pay for the specific expenditure or
378 advertising campaign at issue; or

379 5. After the last day of the qualifying period prescribed
380 for the candidate, consults about the candidate's plans,
381 projects, or needs in connection with the candidate's pursuit of
382 election to office and the information is used in any way to
383 plan, create, design, or prepare an independent expenditure or
384 advertising campaign, with:

385 a. Any officer, director, employee, or agent of a
386 national, state, or county executive committee of a political
387 party or an affiliated party committee that has made or intends
388 to make expenditures in connection with or contributions to the
389 candidate; or

390 b. Any person whose professional services have been
391 retained by a national, state, or county executive committee of
392 a political party or an affiliated party committee that has made

393 or intends to make expenditures in connection with or
 394 contributions to the candidate; or

395 6. After the last day of the qualifying period prescribed
 396 for the candidate, retains the professional services of any
 397 person also providing those services to the candidate in
 398 connection with the candidate's pursuit of election to office;
 399 or

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

402 (13)~~(7)~~ "Issue" means any proposition which is required by
 403 the State Constitution, by law or resolution of the Legislature,
 404 or by the charter, ordinance, or resolution of any political
 405 subdivision of this state to be submitted to the electors for
 406 their approval or rejection at an election, or any proposition
 407 for which a petition is circulated in order to have such
 408 proposition placed on the ballot at any election.

409 (14)~~(8)~~ "Person" means an individual or a corporation,
 410 association, firm, partnership, joint venture, joint stock
 411 company, club, organization, estate, trust, business trust,
 412 syndicate, or other combination of individuals having collective
 413 capacity. The term includes a political party, affiliated party
 414 committee, or political committee, ~~or committee of continuous~~
 415 ~~existence.~~

416 (15)~~(17)~~ "Political advertisement" means a paid expression
 417 in any communications media prescribed in subsection (4) ~~(13)~~,
 418 whether radio, television, newspaper, magazine, periodical,
 419 campaign literature, direct mail, or display or by means other
 420 than the spoken word in direct conversation, which expressly

421 | advocates the election or defeat of a candidate or the approval
 422 | or rejection of an issue. However, political advertisement does
 423 | not include:

424 | (a) A statement by an organization, in existence prior to
 425 | the time during which a candidate qualifies or an issue is
 426 | placed on the ballot for that election, in support of or
 427 | opposition to a candidate or issue, in that organization's
 428 | newsletter, which newsletter is distributed only to the members
 429 | of that organization.

430 | (b) Editorial endorsements by any newspaper, radio or
 431 | television station, or other recognized news medium.

432 | (16)~~(1)~~(a) "Political committee" means:

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

436 | a. Accepts contributions for the purpose of making
 437 | contributions to any candidate, political committee, ~~committee~~
 438 | ~~of continuous existence~~, affiliated party committee, or
 439 | political party;

440 | b. Accepts contributions for the purpose of expressly
 441 | advocating the election or defeat of a candidate or the passage
 442 | or defeat of an issue;

443 | c. Makes expenditures that expressly advocate the election
 444 | or defeat of a candidate or the passage or defeat of an issue;
 445 | or

446 | d. Makes contributions to a common fund, other than a
 447 | joint checking account between spouses, from which contributions
 448 | are made to any candidate, political committee, ~~committee of~~

449 ~~continuous existence~~, affiliated party committee, or political
 450 party;

451 2. The sponsor of a proposed constitutional amendment by
 452 initiative who intends to seek the signatures of registered
 453 electors.

454 (b) Notwithstanding paragraph (a), the following entities
 455 are not considered political committees for purposes of this
 456 chapter:

457 1. ~~Organizations which are certified by the Department of~~
 458 ~~State as committees of continuous existence pursuant to s.~~
 459 ~~106.04~~, National political parties, the state and county
 460 executive committees of political parties, and affiliated party
 461 committees regulated by chapter 103.

462 2. Corporations regulated by chapter 607 or chapter 617 or
 463 other business entities formed for purposes other than to
 464 support or oppose issues or candidates, if their political
 465 activities are limited to contributions to candidates, political
 466 parties, affiliated party committees, or political committees or
 467 expenditures in support of or opposition to an issue from
 468 corporate or business funds and if no contributions are received
 469 by such corporations or business entities.

470 3. Electioneering communications organizations as defined
 471 in subsection (9) ~~(19)~~.

472 (17) ~~(10)~~ "Public office" means any state, county,
 473 municipal, or school or other district office or position which
 474 is filled by vote of the electors.

475 (18) ~~(15)~~ "Unopposed candidate" means a candidate for
 476 nomination or election to an office who, after the last day on

477 | which any person, including a write-in candidate, may qualify,
 478 | is without opposition in the election at which the office is to
 479 | be filled or who is without such opposition after such date as a
 480 | result of any primary election or of withdrawal by other
 481 | candidates seeking the same office. A candidate is not an
 482 | unopposed candidate if there is a vacancy to be filled under s.
 483 | 100.111(3), if there is a legal proceeding pending regarding the
 484 | right to a ballot position for the office sought by the
 485 | candidate, or if the candidate is seeking retention as a justice
 486 | or judge.

487 | Section 8. Subsection (1) of section 106.022, Florida
 488 | Statutes, is amended to read:

489 | 106.022 Appointment of a registered agent; duties.—

490 | (1) Each political committee, ~~committee of continuous~~
 491 | ~~existence,~~ or electioneering communications organization shall
 492 | have and continuously maintain in this state a registered office
 493 | and a registered agent and must file with the filing officer a
 494 | statement of appointment for the registered office and
 495 | registered agent. The statement of appointment must:

496 | (a) Provide the name of the registered agent and the
 497 | street address and phone number for the registered office;

498 | (b) Identify the entity for whom the registered agent
 499 | serves;

500 | (c) Designate the address the registered agent wishes to
 501 | use to receive mail;

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

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

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

508 (f) Contain the signature of the registered agent and the
509 entity engaging the registered agent.

510 Section 9. Paragraph (b) of subsection (1) of section
511 106.03, Florida Statutes, is amended to read:

512 106.03 Registration of political committees and
513 electioneering communications organizations.—

514 (1)

515 (b)1. Each group shall file a statement of organization as
516 an electioneering communications organization within 24 hours
517 after the date on which it makes expenditures for an
518 electioneering communication in excess of \$5,000, if such
519 expenditures are made within the timeframes specified in s.
520 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes
521 expenditures for an electioneering communication in excess of
522 \$5,000 before the timeframes specified in s. 106.011(8)(a)2.
523 ~~106.011(18)(a)2.~~, it shall file the statement of organization
524 within 24 hours after the 30th day before a primary or special
525 primary election, or within 24 hours after the 60th day before
526 any other election, whichever is applicable.

527 2.a. In a statewide, legislative, or multicounty election,
528 an electioneering communications organization shall file a
529 statement of organization with the Division of Elections.

530 b. In a countywide election or any election held on less
531 than a countywide basis, except as described in sub-subparagraph
532 c., an electioneering communications organization shall file a

533 statement of organization with the supervisor of elections of
 534 the county in which the election is being held.

535 c. In a municipal election, an electioneering
 536 communications organization shall file a statement of
 537 organization with the officer before whom municipal candidates
 538 qualify.

539 d. Any electioneering communications organization that
 540 would be required to file a statement of organization in two or
 541 more locations need only file a statement of organization with
 542 the Division of Elections.

543 Section 10. Paragraphs (a) and (b) of subsection (1),
 544 subsection (7), and paragraph (b) of subsection (8) of section
 545 106.07, Florida Statutes, are amended to read:

546 106.07 Reports; certification and filing.—

547 (1) Each campaign treasurer designated by a candidate or
 548 political committee pursuant to s. 106.021 shall file regular
 549 reports of all contributions received, and all expenditures
 550 made, by or on behalf of such candidate or political committee.
 551 Except as provided in paragraphs (a) and (b) ~~Except for the~~
 552 ~~third calendar quarter immediately preceding a general election,~~
 553 reports shall be filed on the 10th day following the end of each
 554 calendar month ~~quarter~~ from the time the campaign treasurer is
 555 appointed, except that, if the 10th day following the end of a
 556 month ~~calendar quarter~~ occurs on a Saturday, Sunday, or legal
 557 holiday, the report shall be filed on the next following day
 558 which is not a Saturday, Sunday, or legal holiday. Monthly
 559 ~~Quarterly~~ reports shall include all contributions received and
 560 expenditures made during the calendar month ~~quarter~~ which have

561 not otherwise been reported pursuant to this section.

562 (a) For a candidate who is opposed in seeking nomination
563 or election to an office or for a political committee, the
564 following reports shall also be filed if the candidate or
565 political committee is required by law to file reports with the
566 division:

567 1. On the 60th day immediately preceding the primary
568 election, and each week thereafter, with the last weekly report
569 being filed on the 11th day immediately preceding the general
570 election.

571 2. On the 10th day immediately preceding the general
572 election, and each day thereafter, with the last daily report
573 being filed the day before the general election ~~Except as~~
574 ~~provided in paragraph (b), the reports shall also be filed on~~
575 ~~the 32nd, 18th, and 4th days immediately preceding the primary~~
576 ~~and on the 46th, 32nd, 18th, and 4th days immediately preceding~~
577 ~~the election, for a candidate who is opposed in seeking~~
578 ~~nomination or election to any office, for a political committee,~~
579 ~~or for a committee of continuous existence.~~

580 (b) For a candidate who is opposed in seeking nomination
581 or election to an office or for a political committee, reports
582 shall also be filed on the 60th day immediately preceding the
583 primary election, and each week thereafter, with the last weekly
584 report being filed on the 4th day immediately preceding the
585 general election, if the candidate or political committee is
586 required by law to file reports with a supervisor of elections
587 or municipal officer ~~Any statewide candidate who has requested~~
588 ~~to receive contributions pursuant to the Florida Election~~

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589 ~~Campaign Financing Act or any statewide candidate in a race with~~
590 ~~a candidate who has requested to receive contributions pursuant~~
591 ~~to the act shall also file reports on the 4th, 11th, 18th, 25th,~~
592 ~~and 32nd days prior to the primary election, and on the 4th,~~
593 ~~11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the~~
594 ~~general election.~~

595 (7) Notwithstanding any other provisions of this chapter,
596 in any reporting period during which a candidate or political
597 committee, ~~or committee of continuous existence~~ has not received
598 funds, made any contributions, or expended any reportable funds,
599 the filing of the required report for that period is waived.
600 However, the next report filed must specify that the report
601 covers the entire period between the last submitted report and
602 the report being filed, and any candidate or political
603 committee, ~~or committee of continuous existence~~ not reporting by
604 virtue of this subsection on dates prescribed elsewhere in this
605 chapter shall notify the filing officer in writing on the
606 prescribed reporting date that no report is being filed on that
607 date.

608 (8)

609 (b) Upon determining that a report is late, the filing
610 officer shall immediately notify the candidate or chair of the
611 political committee as to the failure to file a report by the
612 designated due date and that a fine is being assessed for each
613 late day. The fine shall be \$50 per day for the first 3 days
614 late and, thereafter, \$500 per day for each late day, not to
615 exceed 25 percent of the total receipts or expenditures,
616 whichever is greater, for the period covered by the late report.

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617 However, for the reports immediately preceding each special
618 primary election, special election, primary election, and
619 general election, the fine shall be \$500 per day for each late
620 day, not to exceed 25 percent of the total receipts or
621 expenditures, whichever is greater, for the period covered by
622 the late report. For reports required under s. 106.141(8)
623 ~~106.141(7)~~, the fine is \$50 per day for each late day, not to
624 exceed 25 percent of the total receipts or expenditures,
625 whichever is greater, for the period covered by the late report.
626 Upon receipt of the report, the filing officer shall determine
627 the amount of the fine which is due and shall notify the
628 candidate or chair or registered agent of the political
629 committee. The filing officer shall determine the amount of the
630 fine due based upon the earliest of the following:

- 631 1. When the report is actually received by such officer.
- 632 2. When the report is postmarked.
- 633 3. When the certificate of mailing is dated.
- 634 4. When the receipt from an established courier company is
635 dated.
- 636 5. When the electronic receipt issued pursuant to s.
637 106.0705 or other electronic filing system authorized in this
638 section is dated.

639

640 Such fine shall be paid to the filing officer within 20 days
641 after receipt of the notice of payment due, unless appeal is
642 made to the Florida Elections Commission pursuant to paragraph
643 (c). Notice is deemed complete upon proof of delivery of written
644 notice to the mailing or street address on record with the

645 filing officer. In the case of a candidate, such fine shall not
 646 be an allowable campaign expenditure and shall be paid only from
 647 personal funds of the candidate. An officer or member of a
 648 political committee shall not be personally liable for such
 649 fine.

650 Section 11. Subsection (1) of section 106.0703, Florida
 651 Statutes, is amended to read:

652 106.0703 Electioneering communications organizations;
 653 reporting requirements; certification and filing; penalties.—

654 (1) (a) Each electioneering communications organization
 655 shall file regular reports of all contributions received and all
 656 expenditures made by or on behalf of the organization. Except as
 657 provided in paragraphs (b) and (c), reports shall be filed on
 658 the 10th day following the end of each calendar month ~~quarter~~
 659 from the time the organization is registered. However, if the
 660 10th day following the end of a calendar month ~~quarter~~ occurs on
 661 a Saturday, Sunday, or legal holiday, the report shall be filed
 662 on the next following day that is not a Saturday, Sunday, or
 663 legal holiday. Monthly ~~Quarterly~~ reports shall include all
 664 contributions received and expenditures made during the calendar
 665 month ~~quarter~~ that have not otherwise been reported pursuant to
 666 this section.

667 (b) For an electioneering communications organization
 668 required by law to file reports with the division, reports shall
 669 also be filed:

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

673 | election.

674 | 2. On the 10th day immediately preceding the general
675 | election, and every day thereafter, with the last daily report
676 | being filed the day before the general election ~~Following the~~
677 | ~~last day of candidates qualifying for office, the reports shall~~
678 | ~~be filed on the 32nd, 18th, and 4th days immediately preceding~~
679 | ~~the primary election and on the 46th, 32nd, 18th, and 4th days~~
680 | ~~immediately preceding the general election.~~

681 | (c) For an electioneering communications organization
682 | required by law to file reports with a supervisor of elections
683 | or municipal officer, reports shall also be filed on the 60th
684 | day immediately preceding the primary election, and each week
685 | thereafter, with the last weekly report being filed on the 4th
686 | day immediately preceding the general election.

687 | (d) When a special election is called to fill a vacancy in
688 | office, all electioneering communications organizations making
689 | contributions or expenditures to influence the results of the
690 | special election shall file reports with the filing officer on
691 | the dates set by the Department of State pursuant to s. 100.111.

692 | (e) ~~(d)~~ In addition to the reports required by paragraph
693 | (a), an electioneering communications organization that is
694 | registered with the Department of State and that makes a
695 | contribution or expenditure to influence the results of a county
696 | or municipal election that is not being held at the same time as
697 | a state or federal election must file reports with the county or
698 | municipal filing officer on the same dates as county or
699 | municipal candidates or committees for that election. The
700 | electioneering communications organization must also include the

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701 expenditure in the next report filed with the Division of
702 Elections pursuant to this section following the county or
703 municipal election.

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

708 Section 12. Paragraph (b) of subsection (2) and
709 subsections (3) and (4) of section 106.0705, Florida Statutes,
710 are amended to read:

711 106.0705 Electronic filing of campaign treasurer's
712 reports.—

713 (2) (b) Each political committee, ~~committee of continuous~~
714 ~~existence~~, electioneering communications organization,
715 affiliated party committee, or state executive committee that is
716 required to file reports with the division under ~~s. 106.04~~, s.
717 106.07, s. 106.0703, or s. 106.29, as applicable, must file such
718 reports with the division by means of the division's electronic
719 filing system.

720 (3) Reports filed pursuant to this section shall be
721 completed and filed through the electronic filing system not
722 later than midnight of the day designated. Reports not filed by
723 midnight of the day designated are late filed and are subject to
724 the penalties under ~~s. 106.04(9)~~, s. 106.07(8), s. 106.0703(7),
725 or s. 106.29(3), as applicable.

726 (4) Each report filed pursuant to this section is
727 considered to be under oath by the candidate and treasurer, the
728 chair and treasurer, the treasurer under s. 106.0703, or the

729 leader and treasurer under s. 103.092, whichever is applicable,
730 and such persons are subject to the provisions of ~~s.~~
731 ~~106.04(4)(d)~~, s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as
732 applicable. Persons given a secure sign-on to the electronic
733 filing system are responsible for protecting such from
734 disclosure and are responsible for all filings using such
735 credentials, unless they have notified the division that their
736 credentials have been compromised.

737 Section 13. Effective July 1, 2013, paragraph (a) of
738 subsection (1) of section 106.08, Florida Statutes, is amended
739 to read:

740 106.08 Contributions; limitations on.—

741 (1) (a) Except for political parties or affiliated party
742 committees, no person, candidate, or political committee, ~~or~~
743 ~~committee of continuous existence~~ may, in any election, make
744 contributions in excess of \$10,000 ~~\$500~~ to any candidate for
745 election to or retention in office ~~or to any political committee~~
746 ~~supporting or opposing one or more candidates~~. Candidates for
747 the offices of Governor and Lieutenant Governor on the same
748 ticket are considered a single candidate for the purpose of this
749 section.

750 Section 14. Paragraph (c) of subsection (1) and
751 subsections (7) and (10) of section 106.08, Florida Statutes,
752 are amended to read:

753 106.08 Contributions; limitations on.—

754 (1)

755 (c) The contribution limits of this subsection apply to
756 each election. For purposes of this subsection, the primary

757 | election and general election are separate elections so long as
 758 | the candidate is not an unopposed candidate as defined in s.
 759 | 106.011 ~~106.011(15)~~. However, for the purpose of contribution
 760 | limits with respect to candidates for retention as a justice or
 761 | judge, there is only one election, which is the general
 762 | election.

763 | (7) (a) Any person who knowingly and willfully makes or
 764 | accepts no more than one contribution in violation of subsection
 765 | (1) or subsection (5), or any person who knowingly and willfully
 766 | fails or refuses to return any contribution as required in
 767 | subsection (3), commits a misdemeanor of the first degree,
 768 | punishable as provided in s. 775.082 or s. 775.083. If any
 769 | corporation, partnership, or other business entity or any
 770 | political party, affiliated party committee, political
 771 | committee, ~~committee of continuous existence~~, or electioneering
 772 | communications organization is convicted of knowingly and
 773 | willfully violating any provision punishable under this
 774 | paragraph, it shall be fined not less than \$1,000 and not more
 775 | than \$10,000. If it is a domestic entity, it may be ordered
 776 | dissolved by a court of competent jurisdiction; if it is a
 777 | foreign or nonresident business entity, its right to do business
 778 | in this state may be forfeited. Any officer, partner, agent,
 779 | attorney, or other representative of a corporation, partnership,
 780 | or other business entity, or of a political party, affiliated
 781 | party committee, political committee, ~~committee of continuous~~
 782 | ~~existence~~, electioneering communications organization, or
 783 | organization exempt from taxation under s. 527 or s. 501(c) (4)
 784 | of the Internal Revenue Code, who aids, abets, advises, or

785 participates in a violation of any provision punishable under
 786 this paragraph commits a misdemeanor of the first degree,
 787 punishable as provided in s. 775.082 or s. 775.083.

788 (b) Any person who knowingly and willfully makes or
 789 accepts two or more contributions in violation of subsection (1)
 790 or subsection (5) commits a felony of the third degree,
 791 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 792 If any corporation, partnership, or other business entity or any
 793 political party, affiliated party committee, political
 794 committee, ~~committee of continuous existence~~, or electioneering
 795 communications organization is convicted of knowingly and
 796 willfully violating any provision punishable under this
 797 paragraph, it shall be fined not less than \$10,000 and not more
 798 than \$50,000. If it is a domestic entity, it may be ordered
 799 dissolved by a court of competent jurisdiction; if it is a
 800 foreign or nonresident business entity, its right to do business
 801 in this state may be forfeited. Any officer, partner, agent,
 802 attorney, or other representative of a corporation, partnership,
 803 or other business entity, or of a political committee, ~~committee~~
 804 ~~of continuous existence~~, political party, affiliated party
 805 committee, or electioneering communications organization, or
 806 organization exempt from taxation under s. 527 or s. 501(c)(4)
 807 of the Internal Revenue Code, who aids, abets, advises, or
 808 participates in a violation of any provision punishable under
 809 this paragraph commits a felony of the third degree, punishable
 810 as provided in s. 775.082, s. 775.083, or s. 775.084.

811 (10) Contributions to a political committee ~~or committee~~
 812 ~~of continuous existence~~ may be received by an affiliated

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813 organization and transferred to the bank account of the
814 political committee ~~or committee of continuous existence~~ via
815 check written from the affiliated organization if such
816 contributions are specifically identified as intended to be
817 contributed to the political committee ~~or committee of~~
818 ~~continuous existence~~. All contributions received in this manner
819 shall be reported pursuant to s. 106.07 by the political
820 committee ~~or committee of continuous existence~~ as having been
821 made by the original contributor.

822 Section 15. Subsection (2) of section 106.087, Florida
823 Statutes, is amended to read:

824 106.087 Independent expenditures; contribution limits;
825 restrictions on political parties and political committees, ~~and~~
826 ~~committees of continuous existence.~~

827 (2) (a) Any political committee ~~or committee of continuous~~
828 ~~existence~~ that accepts the use of public funds, equipment,
829 personnel, or other resources to collect dues from its members
830 agrees not to make independent expenditures in support of or
831 opposition to a candidate or elected public official. However,
832 expenditures may be made for the sole purpose of jointly
833 endorsing three or more candidates.

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

839 Section 16. Subsection (3) of section 106.12, Florida
840 Statutes, is amended to read:

841 106.12 Petty cash funds allowed.—

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

847 Section 17. Section 106.141, Florida Statutes, is amended
 848 to read:

849 106.141 Disposition of surplus funds by candidates.—

850 (1) Except as provided in subsection (6), each candidate
 851 who withdraws his or her candidacy, becomes an unopposed
 852 candidate, or is eliminated as a candidate or elected to office
 853 shall, within 90 days, dispose of the funds on deposit in his or
 854 her campaign account and file a report reflecting the
 855 disposition of all remaining funds. Such candidate shall not
 856 accept any contributions, nor shall any person accept
 857 contributions on behalf of such candidate, after the candidate
 858 withdraws his or her candidacy, becomes unopposed, or is
 859 eliminated or elected. However, if a candidate receives a refund
 860 check after all surplus funds have been disposed of, the check
 861 may be endorsed by the candidate and the refund disposed of
 862 under this section. An amended report must be filed showing the
 863 refund and subsequent disposition.

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

868 (3) The campaign treasurer of a candidate who withdraws

869 his or her candidacy, becomes unopposed, or is eliminated as a
870 candidate or elected to office and who has funds on deposit in a
871 separate interest-bearing account or certificate of deposit
872 shall, within 7 days after the date of becoming unopposed or the
873 date of such withdrawal, elimination, or election, transfer such
874 funds and the accumulated interest earned thereon to the
875 campaign account of the candidate for disposal under this
876 section. However, if the funds are in an account in which
877 penalties will apply for withdrawal within the 7-day period, the
878 campaign treasurer shall transfer such funds and the accumulated
879 interest earned thereon as soon as the funds can be withdrawn
880 without penalty, or within 90 days after the candidate becomes
881 unopposed, withdraws his or her candidacy, or is eliminated or
882 elected, whichever comes first.

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

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

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

892 3. Give the funds that have not been spent or obligated to
893 the affiliated party committee or political party of which such
894 candidate is a member.

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

896 a. In the case of a candidate for state office, to the

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897 state, to be deposited in either the Election Campaign Financing
898 Trust Fund or the General Revenue Fund, as designated by the
899 candidate; or

900 b. In the case of a candidate for an office of a political
901 subdivision, to such political subdivision, to be deposited in
902 the general fund thereof.

903 (b) Any candidate required to dispose of funds pursuant to
904 this section who has received contributions pursuant to the
905 Florida Election Campaign Financing Act shall, after all
906 monetary commitments pursuant to s. 106.11(5)(b) and (c) have
907 been met, return all surplus campaign funds to the General
908 Revenue Fund.

909 (5) A candidate elected to office or a candidate who will
910 be elected to office by virtue of his or her being unopposed
911 may, in addition to the disposition methods provided in
912 subsection (4), transfer from the campaign account to an office
913 account any amount of the funds on deposit in such campaign
914 account up to:

915 (a) Twenty thousand dollars, for a candidate for statewide
916 office. The Governor and Lieutenant Governor shall be considered
917 separate candidates for the purpose of this section.

918 (b) Five thousand dollars, for a candidate for multicounty
919 office.

920 (c) Five thousand dollars multiplied by the number of
921 years in the term of office for which elected, for a candidate
922 for legislative office.

923 (d) Two thousand five hundred dollars multiplied by the
924 number of years in the term of office for which elected, for a

925 candidate for county office or for a candidate in any election
926 conducted on less than a countywide basis.

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

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

931 (g) One thousand five hundred dollars, for a candidate for
932 county court judge or circuit judge.

933

934 The office account established pursuant to this subsection shall
935 be separate from any personal or other account. Any funds so
936 transferred by a candidate shall be used only for legitimate
937 expenses in connection with the candidate's public office. Such
938 expenses may include travel expenses incurred by the officer or
939 a staff member, personal taxes payable on office account funds
940 by the candidate or elected public official, or expenses
941 incurred in the operation of his or her office, including the
942 employment of additional staff. The funds may be deposited in a
943 savings account; however, all deposits, withdrawals, and
944 interest earned thereon shall be reported at the appropriate
945 reporting period. If a candidate is reelected to office or
946 elected to another office and has funds remaining in his or her
947 office account, he or she may transfer surplus campaign funds to
948 the office account. At no time may the funds in the office
949 account exceed the limitation imposed by this subsection. Upon
950 leaving public office, any person who has funds in an office
951 account pursuant to this subsection remaining on deposit shall
952 give such funds to a charitable organization or organizations

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953 | which meet the requirements of s. 501(c)(3) of the Internal
954 | Revenue Code or, in the case of a state officer, to the state to
955 | be deposited in the General Revenue Fund or, in the case of an
956 | officer of a political subdivision, to the political subdivision
957 | to be deposited in the general fund thereof.

958 | (6) (a) A candidate elected to state office or a candidate
959 | who will be elected to state office by virtue of his or her
960 | being unopposed may, in addition to the disposition methods
961 | provided in subsections (4) and (5), retain up to \$100,000 in
962 | his or her campaign account, or in an interest-bearing account
963 | or certificate of deposit, for use in his or her next campaign
964 | for the same office. All requirements applicable to candidate
965 | campaign accounts under this chapter, including disclosure
966 | requirements applicable to candidate campaign accounts,
967 | limitations on expenditures, and limitations on contributions,
968 | shall apply to any retained funds.

969 | (b) If a candidate who retained funds under this
970 | subsection does not qualify as a candidate for the same office
971 | when the office is next on the ballot, all retained funds shall
972 | be disposed of as otherwise required by this section within 90
973 | days after the last day of qualifying for that office.
974 | Requirements in this section applicable to the disposal of
975 | surplus funds, including reporting requirements, are applicable
976 | to the disposal of retained funds.

977 | (7)-(6)- Prior to disposing of funds pursuant to subsection
978 | (4) or transferring funds into an office account pursuant to
979 | subsection (5), any candidate who filed an oath stating that he
980 | or she was unable to pay the election assessment or fee for

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981 verification of petition signatures without imposing an undue
982 burden on his or her personal resources or on resources
983 otherwise available to him or her, or who filed both such oaths,
984 or who qualified by the petition process and was not required to
985 pay an election assessment, shall reimburse the state or local
986 governmental entity, whichever is applicable, for such waived
987 assessment or fee or both. Such reimbursement shall be made
988 first for the cost of petition verification and then, if funds
989 are remaining, for the amount of the election assessment. If
990 there are insufficient funds in the account to pay the full
991 amount of either the assessment or the fee or both, the
992 remaining funds shall be disbursed in the above manner until no
993 funds remain. All funds disbursed pursuant to this subsection
994 shall be remitted to the qualifying officer. Any reimbursement
995 for petition verification costs which are reimbursable by the
996 state shall be forwarded by the qualifying officer to the state
997 for deposit in the General Revenue Fund. All reimbursements for
998 the amount of the election assessment shall be forwarded by the
999 qualifying officer to the Department of State for deposit in the
1000 General Revenue Fund.

1001 (8)~~(7)~~(a) Any candidate required to dispose of campaign
1002 funds pursuant to this section shall do so within the time
1003 required by this section and shall, on or before the date by
1004 which such disposition is to have been made, file with the
1005 officer with whom reports are required to be filed pursuant to
1006 s. 106.07 a form prescribed by the Division of Elections
1007 listing:

1008 1. The name and address of each person or unit of

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1009 government to whom any of the funds were distributed and the
1010 amounts thereof;

1011 2. The name and address of each person to whom an
1012 expenditure was made, together with the amount thereof and
1013 purpose therefor; ~~and~~

1014 3. The amount of such funds transferred to an office
1015 account by the candidate, together with the name and address of
1016 the bank in which the office account is located; and

1017 4. The amount of such funds retained pursuant to
1018 subsection (6).

1019

1020 Such report shall be signed by the candidate and the campaign
1021 treasurer and certified as true and correct pursuant to s.
1022 106.07.

1023 (b) The filing officer shall notify each candidate at
1024 least 14 days before the date the report is due.

1025 (c) Any candidate failing to file a report on the
1026 designated due date shall be subject to a fine as provided in s.
1027 106.07 for submitting late termination reports.

1028 (9)~~(8)~~ Any candidate elected to office who transfers
1029 surplus campaign funds into an office account pursuant to
1030 subsection (5) shall file a report on the 10th day following the
1031 end of each calendar quarter until the account is closed. Such
1032 reports shall contain the name and address of each person to
1033 whom any disbursement of funds was made, together with the
1034 amount thereof and the purpose therefor, and the name and
1035 address of any person from whom the elected candidate received
1036 any refund or reimbursement and the amount thereof. Such reports

1037 shall be on forms prescribed by the Division of Elections,
 1038 signed by the elected candidate, certified as true and correct,
 1039 and filed with the officer with whom campaign reports were filed
 1040 pursuant to s. 106.07(2).

1041 (10)~~(9)~~ Any candidate, or any person on behalf of a
 1042 candidate, who accepts contributions after such candidate has
 1043 withdrawn his or her candidacy, after the candidate has become
 1044 an unopposed candidate, or after the candidate has been
 1045 eliminated as a candidate or elected to office commits a
 1046 misdemeanor of the first degree, punishable as provided in s.
 1047 775.082 or s. 775.083.

1048 (11)~~(10)~~ Any candidate who is required by the provisions
 1049 of this section to dispose of funds in his or her campaign
 1050 account and who fails to dispose of the funds in the manner
 1051 provided in this section commits a misdemeanor of the first
 1052 degree, punishable as provided in s. 775.082 or s. 775.083.

1053 Section 18. Paragraph (b) of subsection (3) of section
 1054 106.147, Florida Statutes, is amended to read:

1055 106.147 Telephone solicitation; disclosure requirements;
 1056 prohibitions; exemptions; penalties.—

1057 (3) (b) For purposes of paragraph (a), the term "person"
 1058 includes any candidate; any officer of any political committee,
 1059 ~~committee of continuous existence,~~ affiliated party committee,
 1060 or political party executive committee; any officer, partner,
 1061 attorney, or other representative of a corporation, partnership,
 1062 or other business entity; and any agent or other person acting
 1063 on behalf of any candidate, political committee, ~~committee of~~
 1064 ~~continuous existence,~~ affiliated party committee, political

1065 party executive committee, or corporation, partnership, or other
 1066 business entity.

1067 Section 19. Section 106.17, Florida Statutes, is amended
 1068 to read:

1069 106.17 Polls and surveys relating to candidacies.—Any
 1070 candidate, political committee, ~~committee of continuous~~
 1071 ~~existence~~, electioneering communication organization, affiliated
 1072 party committee, or state or county executive committee of a
 1073 political party may authorize or conduct a political poll,
 1074 survey, index, or measurement of any kind relating to candidacy
 1075 for public office so long as the candidate, political committee,
 1076 ~~committee of continuous existence~~, electioneering communication
 1077 organization, affiliated party committee, or political party
 1078 maintains complete jurisdiction over the poll in all its
 1079 aspects. State and county executive committees of a political
 1080 party or an affiliated party committee may authorize and conduct
 1081 political polls for the purpose of determining the viability of
 1082 potential candidates. Such poll results may be shared with
 1083 potential candidates, and expenditures incurred by state and
 1084 county executive committees or an affiliated party committee for
 1085 potential candidate polls are not contributions to the potential
 1086 candidates.

1087 Section 20. Subsection (2) of section 106.23, Florida
 1088 Statutes, is amended to read:

1089 106.23 Powers of the Division of Elections.—

1090 (2) The Division of Elections shall provide advisory
 1091 opinions when requested by any supervisor of elections,
 1092 candidate, local officer having election-related duties,

1093 political party, affiliated party committee, political
 1094 committee, ~~committee of continuous existence~~, or other person or
 1095 organization engaged in political activity, relating to any
 1096 provisions or possible violations of Florida election laws with
 1097 respect to actions such supervisor, candidate, local officer
 1098 having election-related duties, political party, affiliated
 1099 party committee, committee, person, or organization has taken or
 1100 proposes to take. Requests for advisory opinions must be
 1101 submitted in accordance with rules adopted by the Department of
 1102 State. A written record of all such opinions issued by the
 1103 division, sequentially numbered, dated, and indexed by subject
 1104 matter, shall be retained. A copy shall be sent to said person
 1105 or organization upon request. Any such person or organization,
 1106 acting in good faith upon such an advisory opinion, shall not be
 1107 subject to any criminal penalty provided for in this chapter.
 1108 The opinion, until amended or revoked, shall be binding on any
 1109 person or organization who sought the opinion or with reference
 1110 to whom the opinion was sought, unless material facts were
 1111 omitted or misstated in the request for the advisory opinion.

1112 Section 21. Subsections (2) and (3) of section 106.265,
 1113 Florida Statutes, are amended to read:

1114 106.265 Civil penalties.—

1115 (2) In determining the amount of such civil penalties, the
 1116 commission or administrative law judge shall consider, among
 1117 other mitigating and aggravating circumstances:

- 1118 (a) The gravity of the act or omission;
- 1119 (b) Any previous history of similar acts or omissions;
- 1120 (c) The appropriateness of such penalty to the financial

1121 resources of the person, political committee, ~~committee of~~
 1122 ~~continuous existence~~, affiliated party committee, electioneering
 1123 communications organization, or political party; and

1124 (d) Whether the person, political committee, ~~committee of~~
 1125 ~~continuous existence~~, affiliated party committee, electioneering
 1126 communications organization, or political party has shown good
 1127 faith in attempting to comply with the provisions of this
 1128 chapter or chapter 104.

1129 (3) If any person, political committee, ~~committee of~~
 1130 ~~continuous existence~~, affiliated party committee, electioneering
 1131 communications organization, or political party fails or refuses
 1132 to pay to the commission any civil penalties assessed pursuant
 1133 to the provisions of this section, the commission shall be
 1134 responsible for collecting the civil penalties resulting from
 1135 such action.

1136 Section 22. Subsection (2) of section 106.27, Florida
 1137 Statutes, is amended to read:

1138 106.27 Determinations by commission; legal disposition.—

1139 (2) Civil actions may be brought by the commission for
 1140 relief, including permanent or temporary injunctions,
 1141 restraining orders, or any other appropriate order for the
 1142 imposition of civil penalties provided by this chapter. Such
 1143 civil actions shall be brought by the commission in the
 1144 appropriate court of competent jurisdiction, and the venue shall
 1145 be in the county in which the alleged violation occurred or in
 1146 which the alleged violator or violators are found, reside, or
 1147 transact business. Upon a proper showing that such person,
 1148 political committee, ~~committee of continuous existence~~,

1149 affiliated party committee, or political party has engaged, or
 1150 is about to engage, in prohibited acts or practices, a permanent
 1151 or temporary injunction, restraining order, or other order shall
 1152 be granted without bond by such court, and the civil fines
 1153 provided by this chapter may be imposed.

1154 Section 23. Subsection (3) of section 106.32, Florida
 1155 Statutes, is amended to read:

1156 106.32 Election Campaign Financing Trust Fund.—

1157 (3) Proceeds from assessments pursuant to ss. ~~106.04,~~
 1158 106.07~~7~~, and 106.29 shall be deposited into the Election Campaign
 1159 Financing Trust Fund as designated in those sections.

1160 Section 24. Section 106.33, Florida Statutes, is amended
 1161 to read:

1162 106.33 Election campaign financing; eligibility.—Each
 1163 candidate for the office of Governor or member of the Cabinet
 1164 who desires to receive contributions from the Election Campaign
 1165 Financing Trust Fund shall, upon qualifying for office, file a
 1166 request for such contributions with the filing officer on forms
 1167 provided by the Division of Elections. If a candidate requesting
 1168 contributions from the fund desires to have such funds
 1169 distributed by electronic fund transfers, the request shall
 1170 include information necessary to implement that procedure. For
 1171 the purposes of ss. 106.30-106.36, candidates for Governor and
 1172 Lieutenant Governor on the same ticket shall be considered as a
 1173 single candidate. To be eligible to receive contributions from
 1174 the fund, a candidate may not be an unopposed candidate as
 1175 defined in s. 106.011 ~~106.011(15)~~ and must:

1176 (1) Agree to abide by the expenditure limits provided in

1177 | s. 106.34.

1178 | (2) (a) Raise contributions as follows:

1179 | 1. One hundred fifty thousand dollars for a candidate for
1180 | Governor.

1181 | 2. One hundred thousand dollars for a candidate for
1182 | Cabinet office.

1183 | (b) Contributions from individuals who at the time of
1184 | contributing are not state residents may not be used to meet the
1185 | threshold amounts in paragraph (a). For purposes of this
1186 | paragraph, any person validly registered to vote in this state
1187 | shall be considered a state resident.

1188 | (3) Limit loans or contributions from the candidate's
1189 | personal funds to \$25,000 and contributions from national,
1190 | state, and county executive committees of a political party to
1191 | \$250,000 in the aggregate, which loans or contributions shall
1192 | not qualify for meeting the threshold amounts in subsection (2).

1193 | (4) Submit to a postelection audit of the campaign account
1194 | by the division.

1195 | Section 25. Subsections (3) and (4) and paragraph (a) of
1196 | subsection (5) of section 112.3148, Florida Statutes, are
1197 | amended to read:

1198 | 112.3148 Reporting and prohibited receipt of gifts by
1199 | individuals filing full or limited public disclosure of
1200 | financial interests and by procurement employees.—

1201 | (3) A reporting individual or procurement employee is
1202 | prohibited from soliciting any gift from a political committee
1203 | ~~or committee of continuous existence~~, as defined in s. 106.011,
1204 | or from a lobbyist who lobbies the reporting individual's or

1205 procurement employee's agency, or the partner, firm, employer,
 1206 or principal of such lobbyist, where such gift is for the
 1207 personal benefit of the reporting individual or procurement
 1208 employee, another reporting individual or procurement employee,
 1209 or any member of the immediate family of a reporting individual
 1210 or procurement employee.

1211 (4) A reporting individual or procurement employee or any
 1212 other person on his or her behalf is prohibited from knowingly
 1213 accepting, directly or indirectly, a gift from a political
 1214 committee ~~or committee of continuous existence~~, as defined in s.
 1215 106.011, or from a lobbyist who lobbies the reporting
 1216 individual's or procurement employee's agency, or directly or
 1217 indirectly on behalf of the partner, firm, employer, or
 1218 principal of a lobbyist, if he or she knows or reasonably
 1219 believes that the gift has a value in excess of \$100; however,
 1220 such a gift may be accepted by such person on behalf of a
 1221 governmental entity or a charitable organization. If the gift is
 1222 accepted on behalf of a governmental entity or charitable
 1223 organization, the person receiving the gift shall not maintain
 1224 custody of the gift for any period of time beyond that
 1225 reasonably necessary to arrange for the transfer of custody and
 1226 ownership of the gift.

1227 (5) (a) A political committee ~~or a committee of continuous~~
 1228 ~~existence~~, as defined in s. 106.011; a lobbyist who lobbies a
 1229 reporting individual's or procurement employee's agency; the
 1230 partner, firm, employer, or principal of a lobbyist; or another
 1231 on behalf of the lobbyist or partner, firm, principal, or
 1232 employer of the lobbyist is prohibited from giving, either

1233 directly or indirectly, a gift that has a value in excess of
 1234 \$100 to the reporting individual or procurement employee or any
 1235 other person on his or her behalf; however, such person may give
 1236 a gift having a value in excess of \$100 to a reporting
 1237 individual or procurement employee if the gift is intended to be
 1238 transferred to a governmental entity or a charitable
 1239 organization.

1240 Section 26. Subsections (3) and (4) of section 112.3149,
 1241 Florida Statutes, are amended to read:

1242 112.3149 Solicitation and disclosure of honoraria.—

1243 (3) A reporting individual or procurement employee is
 1244 prohibited from knowingly accepting an honorarium from a
 1245 political committee ~~or committee of continuous existence~~, as
 1246 defined in s. 106.011, from a lobbyist who lobbies the reporting
 1247 individual's or procurement employee's agency, or from the
 1248 employer, principal, partner, or firm of such a lobbyist.

1249 (4) A political committee ~~or committee of continuous~~
 1250 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a
 1251 reporting individual's or procurement employee's agency, or the
 1252 employer, principal, partner, or firm of such a lobbyist is
 1253 prohibited from giving an honorarium to a reporting individual
 1254 or procurement employee.

1255 Section 27. Subsection (4) of section 1004.28, Florida
 1256 Statutes, is amended to read:

1257 1004.28 Direct-support organizations; use of property;
 1258 board of directors; activities; audit; facilities.—

1259 (4) ACTIVITIES; RESTRICTION.—A university direct-support
 1260 organization is prohibited from giving, either directly or

1261 indirectly, any gift to a political committee ~~or committee of~~
 1262 ~~continuous existence~~ as defined in s. 106.011 for any purpose
 1263 other than those certified by a majority roll call vote of the
 1264 governing board of the direct-support organization at a
 1265 regularly scheduled meeting as being directly related to the
 1266 educational mission of the university.

1267 Section 28. Paragraph (d) of subsection (4) of section
 1268 1004.70, Florida Statutes, is amended to read:

1269 1004.70 Florida College System institution direct-support
 1270 organizations.—

1271 (4) ACTIVITIES; RESTRICTIONS.—

1272 (d) A Florida College System institution direct-support
 1273 organization is prohibited from giving, either directly or
 1274 indirectly, any gift to a political committee ~~or committee of~~
 1275 ~~continuous existence~~ as defined in s. 106.011 for any purpose
 1276 other than those certified by a majority roll call vote of the
 1277 governing board of the direct-support organization at a
 1278 regularly scheduled meeting as being directly related to the
 1279 educational mission of the Florida College System institution.

1280 Section 29. Paragraph (c) of subsection (4) of section
 1281 1004.71, Florida Statutes, is amended to read:

1282 1004.71 Statewide Florida College System institution
 1283 direct-support organizations.—

1284 (4) RESTRICTIONS.—

1285 (c) A statewide Florida College System institution direct-
 1286 support organization is prohibited from giving, either directly
 1287 or indirectly, any gift to a political committee ~~or committee of~~
 1288 ~~continuous existence~~ as defined in s. 106.011 for any purpose

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1289 other than those certified by a majority roll call vote of the
1290 governing board of the direct-support organization at a
1291 regularly scheduled meeting as being directly related to the
1292 educational mission of the State Board of Education.

1293 Section 30. By December 1, 2013, the Division of Elections
1294 of the Department of State shall submit a proposal to the
1295 President of the Senate and the Speaker of the House of
1296 Representatives for a mandatory statewide electronic filing
1297 system for all state and local campaign filings required by the
1298 Florida Election Code.

1299 Section 31. Except as otherwise expressly provided in this
1300 act and except for this section, which shall take effect upon
1301 this act becoming a law, this act shall take effect November 1,
1302 2013.