

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 and reordering
14 s. 106.011, F.S., relating to definitions applicable
15 to provisions governing campaign financing; deleting
16 the definition of the term "committee of continuous
17 existence," to conform; conforming provisions and
18 cross-references; amending ss. 106.022 and 106.03,
19 F.S.; conforming provisions and cross-references;
20 amending s. 106.07, F.S.; revising reporting
21 requirements for candidates and political committees;
22 conforming provisions; amending s. 106.0703, F.S.;
23 revising reporting requirements for electioneering
24 communications organizations; amending s. 106.0705,
25 F.S.; conforming provisions and cross-references;
26 amending s. 106.08, F.S.; revising limitations on
27 campaign contributions; conforming provisions and a
28 cross-reference; amending ss. 106.087 and 106.12,

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

41

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

43

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 Section 106.04, Florida Statutes, is repealed.

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

51 (2) Effective September 30, 2013, the certification of
 52 each committee of continuous existence is revoked. By July 15,
 53 2013, the Division of Elections of the Department of State shall
 54 notify each committee of continuous existence of the revocation
 55 of its certification pursuant to this subsection. Following such
 56 revocation of certification, each committee of continuous

57 existence shall file any outstanding report as required by law.

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

60 101.62 Request for absentee ballots.—

61 (3) For each request for an absentee ballot received, the
 62 supervisor shall record the date the request was made, the date
 63 the absentee ballot was delivered to the voter or the voter's
 64 designee or the date the absentee ballot was delivered to the
 65 post office or other carrier, the date the ballot was received
 66 by the supervisor, and such other information he or she may deem
 67 necessary. This information shall be provided in electronic
 68 format as provided by rule adopted by the division. The
 69 information shall be updated and made available no later than 8
 70 a.m. of each day, including weekends, beginning 60 days before
 71 the primary until 15 days after the general election and shall
 72 be contemporaneously provided to the division. This information
 73 shall be confidential and exempt from the provisions of s.
 74 119.07(1) and shall be made available to or reproduced only for
 75 the voter requesting the ballot, a canvassing board, an election
 76 official, a political party or official thereof, a candidate who
 77 has filed qualification papers and is opposed in an upcoming
 78 election, and registered political committees ~~or registered~~
 79 ~~committees of continuous existence~~, for political purposes only.

80 Section 4. Paragraph (a) of subsection (4) of section
 81 102.031, Florida Statutes, is amended to read:

82 102.031 Maintenance of good order at polls; authorities;
 83 persons allowed in polling rooms and early voting areas;
 84 unlawful solicitation of voters.—

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

93 Section 5. Section 111.075, Florida Statutes, is amended
 94 to read:

95 111.075 Elected officials; prohibition concerning certain
 96 committees.—Elected officials are prohibited from being employed
 97 by, or acting as a consultant for compensation to, a political
 98 committee ~~or committee of continuous existence~~.

99 Section 6. Section 106.011, Florida Statutes, is reordered
 100 and amended to read:

101 106.011 Definitions.—As used in this chapter, the
 102 following terms have the following meanings unless the context
 103 clearly indicates otherwise:

104 (1)~~(11)~~ "Campaign fund raiser" means any affair held to
 105 raise funds to be used in a campaign for public office.

106 (2)~~(9)~~ "Campaign treasurer" means an individual appointed
 107 by a candidate or political committee as provided in this
 108 chapter.

109 (3)~~(16)~~ "Candidate" means any person to whom any one or
 110 more of the following apply:

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

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

115 (c) Any person who receives contributions or makes
 116 expenditures, or consents for any other person to receive
 117 contributions or make expenditures, with a view to bring about
 118 his or her nomination or election to, or retention in, public
 119 office.

120 (d) Any person who appoints a treasurer and designates a
 121 primary depository.

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

124

125 However, this definition does not include any candidate for a
 126 political party executive committee. Expenditures related to
 127 potential candidate polls as provided in s. 106.17 are not
 128 contributions or expenditures for purposes of this subsection.

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

132 (4)~~(13)~~ "Communications media" means broadcasting
 133 stations, newspapers, magazines, outdoor advertising facilities,
 134 printers, direct mail, advertising agencies, the Internet, and
 135 telephone companies; but with respect to telephones, an
 136 expenditure shall be deemed to be an expenditure for the use of
 137 communications media only if made for the costs of telephones,
 138 paid telephonists, or automatic telephone equipment to be used
 139 by a candidate or a political committee to communicate with
 140 potential voters but excluding any costs of telephones incurred

141 | by a volunteer for use of telephones by such volunteer; however,
142 | with respect to the Internet, an expenditure shall be deemed an
143 | expenditure for use of communications media only if made for the
144 | cost of creating or disseminating a message on a computer
145 | information system accessible by more than one person but
146 | excluding internal communications of a campaign or of any group.

147 | (5)~~(3)~~ "Contribution" means:

148 | (a) A gift, subscription, conveyance, deposit, loan,
149 | payment, or distribution of money or anything of value,
150 | including contributions in kind having an attributable monetary
151 | value in any form, made for the purpose of influencing the
152 | results of an election or making an electioneering
153 | communication.

154 | (b) A transfer of funds between political committees,
155 | ~~between committees of continuous existence,~~ between
156 | electioneering communications organizations, or between any
157 | combination of these groups.

158 | (c) The payment, by any person other than a candidate or
159 | political committee, of compensation for the personal services
160 | of another person which are rendered to a candidate or political
161 | committee without charge to the candidate or committee for such
162 | services.

163 | (d) The transfer of funds by a campaign treasurer or
164 | deputy campaign treasurer between a primary depository and a
165 | separate interest-bearing account or certificate of deposit, and
166 | the term includes any interest earned on such account or
167 | certificate.

168 |

169 Notwithstanding the foregoing meanings of "contribution," the
170 term may not be construed to include services, including, but
171 not limited to, legal and accounting services, provided without
172 compensation by individuals volunteering a portion or all of
173 their time on behalf of a candidate or political committee or
174 editorial endorsements.

175 (6)~~(12)~~ "Division" means the Division of Elections of the
176 Department of State.

177 (7)~~(6)~~ "Election" means any primary election, special
178 primary election, general election, special election, or
179 municipal election held in this state for the purpose of
180 nominating or electing candidates to public office, choosing
181 delegates to the national nominating conventions of political
182 parties, or submitting an issue to the electors for their
183 approval or rejection.

184 (8)~~(18)~~ (a) "Electioneering communication" means any
185 communication that is publicly distributed by a television
186 station, radio station, cable television system, satellite
187 system, newspaper, magazine, direct mail, or telephone and that:

188 1. Refers to or depicts a clearly identified candidate for
189 office without expressly advocating the election or defeat of a
190 candidate but that is susceptible of no reasonable
191 interpretation other than an appeal to vote for or against a
192 specific candidate;

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

196 3. Is targeted to the relevant electorate in the

197 geographic area the candidate would represent if elected.

198 (b) The term "electioneering communication" does not
199 include:

200 1. A communication disseminated through a means of
201 communication other than a television station, radio station,
202 cable television system, satellite system, newspaper, magazine,
203 direct mail, telephone, or statement or depiction by an
204 organization, in existence prior to the time during which a
205 candidate named or depicted qualifies for that election, made in
206 that organization's newsletter, which newsletter is distributed
207 only to members of that organization.

208 2. A communication in a news story, commentary, or
209 editorial distributed through the facilities of any radio
210 station, television station, cable television system, or
211 satellite system, unless the facilities are owned or controlled
212 by any political party, political committee, or candidate. A
213 news story distributed through the facilities owned or
214 controlled by any political party, political committee, or
215 candidate may nevertheless be exempt if it represents a bona
216 fide news account communicated through a licensed broadcasting
217 facility and the communication is part of a general pattern of
218 campaign-related news accounts that give reasonably equal
219 coverage to all opposing candidates in the area.

220 3. A communication that constitutes a public debate or
221 forum that includes at least two opposing candidates for an
222 office or one advocate and one opponent of an issue, or that
223 solely promotes such a debate or forum and is made by or on
224 behalf of the person sponsoring the debate or forum, provided

225 | that:

226 | a. The staging organization is either:

227 | (I) A charitable organization that does not make other
228 | electioneering communications and does not otherwise support or
229 | oppose any political candidate or political party; or

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

232 | b. The staging organization does not structure the debate
233 | to promote or advance one candidate or issue position over
234 | another.

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

238 | (d) For purposes of this chapter, an electioneering
239 | communication shall not constitute an independent expenditure
240 | nor be subject to the limitations applicable to independent
241 | expenditures.

242 | (9)~~(19)~~ "Electioneering communications organization" means
243 | any group, other than a political party, affiliated party
244 | committee, or political committee, ~~or committee of continuous~~
245 | ~~existence~~, whose election-related activities are limited to
246 | making expenditures for electioneering communications or
247 | accepting contributions for the purpose of making electioneering
248 | communications and whose activities would not otherwise require
249 | the group to register as a political party or, political
250 | committee, ~~or committee of continuous existence~~ under this
251 | chapter.

252 | (10)~~(4)~~ (a) "Expenditure" means a purchase, payment,

253 distribution, loan, advance, transfer of funds by a campaign
 254 treasurer or deputy campaign treasurer between a primary
 255 depository and a separate interest-bearing account or
 256 certificate of deposit, or gift of money or anything of value
 257 made for the purpose of influencing the results of an election
 258 or making an electioneering communication. However,
 259 "expenditure" does not include a purchase, payment,
 260 distribution, loan, advance, or gift of money or anything of
 261 value made for the purpose of influencing the results of an
 262 election when made by an organization, in existence prior to the
 263 time during which a candidate qualifies or an issue is placed on
 264 the ballot for that election, for the purpose of printing or
 265 distributing such organization's newsletter, containing a
 266 statement by such organization in support of or opposition to a
 267 candidate or issue, which newsletter is distributed only to
 268 members of such organization.

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

272 1. A person enters into a contract for applicable goods or
 273 services;

274 2. A person makes payment, in whole or in part, for the
 275 production or public dissemination of applicable goods or
 276 services; or

277 3. The electioneering communication is publicly
 278 disseminated.

279 ~~(11)-(14)~~ "Filing officer" means the person before whom a
 280 candidate qualifies or the agency or officer with whom a

281 political committee or an electioneering communications
 282 organization registers, ~~or the agency by whom a committee of~~
 283 ~~continuous existence is certified.~~

284 (12) ~~(5)~~ (a) "Independent expenditure" means an expenditure
 285 by a person for the purpose of expressly advocating the election
 286 or defeat of a candidate or the approval or rejection of an
 287 issue, which expenditure is not controlled by, coordinated with,
 288 or made upon consultation with, any candidate, political
 289 committee, or agent of such candidate or committee. An
 290 expenditure for such purpose by a person having a contract with
 291 the candidate, political committee, or agent of such candidate
 292 or committee in a given election period shall not be deemed an
 293 independent expenditure.

294 (b) An expenditure for the purpose of expressly advocating
 295 the election or defeat of a candidate which is made by the
 296 national, state, or county executive committee of a political
 297 party, including any subordinate committee of the political
 298 party, an affiliated party committee, a political committee, ~~a~~
 299 ~~committee of continuous existence,~~ or any other person shall not
 300 be considered an independent expenditure if the committee or
 301 person:

302 1. Communicates with the candidate, the candidate's
 303 campaign, or an agent of the candidate acting on behalf of the
 304 candidate, including any pollster, media consultant, advertising
 305 agency, vendor, advisor, or staff member, concerning the
 306 preparation of, use of, or payment for, the specific expenditure
 307 or advertising campaign at issue; or

308 2. Makes a payment in cooperation, consultation, or

309 concert with, at the request or suggestion of, or pursuant to
310 any general or particular understanding with the candidate, the
311 candidate's campaign, a political committee supporting the
312 candidate, or an agent of the candidate relating to the specific
313 expenditure or advertising campaign at issue; or

314 3. Makes a payment for the dissemination, distribution, or
315 republication, in whole or in part, of any broadcast or any
316 written, graphic, or other form of campaign material prepared by
317 the candidate, the candidate's campaign, or an agent of the
318 candidate, including any pollster, media consultant, advertising
319 agency, vendor, advisor, or staff member; or

320 4. Makes a payment based on information about the
321 candidate's plans, projects, or needs communicated to a member
322 of the committee or person by the candidate or an agent of the
323 candidate, provided the committee or person uses the information
324 in any way, in whole or in part, either directly or indirectly,
325 to design, prepare, or pay for the specific expenditure or
326 advertising campaign at issue; or

327 5. After the last day of the qualifying period prescribed
328 for the candidate, consults about the candidate's plans,
329 projects, or needs in connection with the candidate's pursuit of
330 election to office and the information is used in any way to
331 plan, create, design, or prepare an independent expenditure or
332 advertising campaign, with:

333 a. Any officer, director, employee, or agent of a
334 national, state, or county executive committee of a political
335 party or an affiliated party committee that has made or intends
336 to make expenditures in connection with or contributions to the

337 candidate; or

338 b. Any person whose professional services have been
339 retained by a national, state, or county executive committee of
340 a political party or an affiliated party committee that has made
341 or intends to make expenditures in connection with or
342 contributions to the candidate; or

343 6. After the last day of the qualifying period prescribed
344 for the candidate, retains the professional services of any
345 person also providing those services to the candidate in
346 connection with the candidate's pursuit of election to office;
347 or

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

350 (13)~~(7)~~ "Issue" means any proposition which is required by
351 the State Constitution, by law or resolution of the Legislature,
352 or by the charter, ordinance, or resolution of any political
353 subdivision of this state to be submitted to the electors for
354 their approval or rejection at an election, or any proposition
355 for which a petition is circulated in order to have such
356 proposition placed on the ballot at any election.

357 (14)~~(8)~~ "Person" means an individual or a corporation,
358 association, firm, partnership, joint venture, joint stock
359 company, club, organization, estate, trust, business trust,
360 syndicate, or other combination of individuals having collective
361 capacity. The term includes a political party, affiliated party
362 committee, or political committee, ~~or committee of continuous~~
363 ~~existence.~~

364 (15)~~(17)~~ "Political advertisement" means a paid expression

365 in any communications media prescribed in subsection (4) ~~(13)~~,
 366 whether radio, television, newspaper, magazine, periodical,
 367 campaign literature, direct mail, or display or by means other
 368 than the spoken word in direct conversation, which expressly
 369 advocates the election or defeat of a candidate or the approval
 370 or rejection of an issue. However, political advertisement does
 371 not include:

372 (a) A statement by an organization, in existence prior to
 373 the time during which a candidate qualifies or an issue is
 374 placed on the ballot for that election, in support of or
 375 opposition to a candidate or issue, in that organization's
 376 newsletter, which newsletter is distributed only to the members
 377 of that organization.

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

380 (16)~~(1)~~ (a) "Political committee" means:

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

384 a. Accepts contributions for the purpose of making
 385 contributions to any candidate, political committee, ~~committee~~
 386 ~~of continuous existence~~, affiliated party committee, or
 387 political party;

388 b. Accepts contributions for the purpose of expressly
 389 advocating the election or defeat of a candidate or the passage
 390 or defeat of an issue;

391 c. Makes expenditures that expressly advocate the election
 392 or defeat of a candidate or the passage or defeat of an issue;

393 | or

394 | d. Makes contributions to a common fund, other than a
 395 | joint checking account between spouses, from which contributions
 396 | are made to any candidate, political committee, ~~committee of~~
 397 | ~~continuous existence~~, affiliated party committee, or political
 398 | party;

399 | 2. The sponsor of a proposed constitutional amendment by
 400 | initiative who intends to seek the signatures of registered
 401 | electors.

402 | (b) Notwithstanding paragraph (a), the following entities
 403 | are not considered political committees for purposes of this
 404 | chapter:

405 | 1. ~~Organizations which are certified by the Department of~~
 406 | ~~State as committees of continuous existence pursuant to s.~~
 407 | ~~106.04~~, National political parties, the state and county
 408 | executive committees of political parties, and affiliated party
 409 | committees regulated by chapter 103.

410 | 2. Corporations regulated by chapter 607 or chapter 617 or
 411 | other business entities formed for purposes other than to
 412 | support or oppose issues or candidates, if their political
 413 | activities are limited to contributions to candidates, political
 414 | parties, affiliated party committees, or political committees or
 415 | expenditures in support of or opposition to an issue from
 416 | corporate or business funds and if no contributions are received
 417 | by such corporations or business entities.

418 | 3. Electioneering communications organizations as defined
 419 | in subsection (9) ~~(19)~~.

420 | (17) ~~(10)~~ "Public office" means any state, county,

421 municipal, or school or other district office or position which
 422 is filled by vote of the electors.

423 (18)~~(15)~~ "Unopposed candidate" means a candidate for
 424 nomination or election to an office who, after the last day on
 425 which any person, including a write-in candidate, may qualify,
 426 is without opposition in the election at which the office is to
 427 be filled or who is without such opposition after such date as a
 428 result of any primary election or of withdrawal by other
 429 candidates seeking the same office. A candidate is not an
 430 unopposed candidate if there is a vacancy to be filled under s.
 431 100.111(3), if there is a legal proceeding pending regarding the
 432 right to a ballot position for the office sought by the
 433 candidate, or if the candidate is seeking retention as a justice
 434 or judge.

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

437 106.022 Appointment of a registered agent; duties.—

438 (1) Each political committee,~~committee of continuous~~
 439 ~~existence,~~ or electioneering communications organization shall
 440 have and continuously maintain in this state a registered office
 441 and a registered agent and must file with the filing officer a
 442 statement of appointment for the registered office and
 443 registered agent. The statement of appointment must:

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

446 (b) Identify the entity for whom the registered agent
 447 serves;

448 (c) Designate the address the registered agent wishes to

449 use to receive mail;

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

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

456 (f) Contain the signature of the registered agent and the
457 entity engaging the registered agent.

458 Section 8. Paragraph (b) of subsection (1) of section
459 106.03, Florida Statutes, is amended to read:

460 106.03 Registration of political committees and
461 electioneering communications organizations.—

462 (1)

463 (b)1. Each group shall file a statement of organization as
464 an electioneering communications organization within 24 hours
465 after the date on which it makes expenditures for an
466 electioneering communication in excess of \$5,000, if such
467 expenditures are made within the timeframes specified in s.

468 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes
469 expenditures for an electioneering communication in excess of
470 \$5,000 before the timeframes specified in s. 106.011(8)(a)2.
471 ~~106.011(18)(a)2.~~, it shall file the statement of organization
472 within 24 hours after the 30th day before a primary or special
473 primary election, or within 24 hours after the 60th day before
474 any other election, whichever is applicable.

475 2.a. In a statewide, legislative, or multicounty election,
476 an electioneering communications organization shall file a

477 statement of organization with the Division of Elections.

478 b. In a countywide election or any election held on less
479 than a countywide basis, except as described in sub-subparagraph
480 c., an electioneering communications organization shall file a
481 statement of organization with the supervisor of elections of
482 the county in which the election is being held.

483 c. In a municipal election, an electioneering
484 communications organization shall file a statement of
485 organization with the officer before whom municipal candidates
486 qualify.

487 d. Any electioneering communications organization that
488 would be required to file a statement of organization in two or
489 more locations need only file a statement of organization with
490 the Division of Elections.

491 Section 9. Paragraphs (a) and (b) of subsection (1),
492 subsection (7), and paragraph (b) of subsection (8) of section
493 106.07, Florida Statutes, are amended to read:

494 106.07 Reports; certification and filing.—

495 (1) Each campaign treasurer designated by a candidate or
496 political committee pursuant to s. 106.021 shall file regular
497 reports of all contributions received, and all expenditures
498 made, by or on behalf of such candidate or political committee.
499 Except as provided in paragraphs (a) and (b) ~~Except for the~~
500 ~~third calendar quarter immediately preceding a general election,~~
501 reports shall be filed on the 10th day following the end of each
502 calendar month ~~quarter~~ from the time the campaign treasurer is
503 appointed, except that, if the 10th day following the end of a
504 month ~~calendar quarter~~ occurs on a Saturday, Sunday, or legal

505 holiday, the report shall be filed on the next following day
506 which is not a Saturday, Sunday, or legal holiday. Monthly
507 ~~Quarterly~~ reports shall include all contributions received and
508 expenditures made during the calendar month ~~quarter~~ which have
509 not otherwise been reported pursuant to this section.

510 (a) For a candidate who is opposed in seeking nomination
511 or election to an office or for a political committee, the
512 following reports shall also be filed if the candidate or
513 political committee is required by law to file reports with the
514 division:

515 1. On the 60th day immediately preceding the primary
516 election, and each week thereafter, with the last weekly report
517 being filed on the 11th day immediately preceding the general
518 election.

519 2. On the 10th day immediately preceding the general
520 election, and each day thereafter, with the last daily report
521 being filed the day before the general election ~~Except as~~
522 ~~provided in paragraph (b), the reports shall also be filed on~~
523 ~~the 32nd, 18th, and 4th days immediately preceding the primary~~
524 ~~and on the 46th, 32nd, 18th, and 4th days immediately preceding~~
525 ~~the election, for a candidate who is opposed in seeking~~
526 ~~nomination or election to any office, for a political committee,~~
527 ~~or for a committee of continuous existence.~~

528 (b) For a candidate who is opposed in seeking nomination
529 or election to an office or for a political committee, reports
530 shall also be filed on the 60th day immediately preceding the
531 primary election, and each week thereafter, with the last weekly
532 report being filed on the 4th day immediately preceding the

533 general election, if the candidate or political committee is
534 required by law to file reports with a supervisor of elections
535 or municipal officer ~~Any statewide candidate who has requested~~
536 ~~to receive contributions pursuant to the Florida Election~~
537 ~~Campaign Financing Act or any statewide candidate in a race with~~
538 ~~a candidate who has requested to receive contributions pursuant~~
539 ~~to the act shall also file reports on the 4th, 11th, 18th, 25th,~~
540 ~~and 32nd days prior to the primary election, and on the 4th,~~
541 ~~11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the~~
542 ~~general election.~~

543 (7) Notwithstanding any other provisions of this chapter,
544 in any reporting period during which a candidate or, political
545 committee, ~~or committee of continuous existence~~ has not received
546 funds, made any contributions, or expended any reportable funds,
547 the filing of the required report for that period is waived.
548 However, the next report filed must specify that the report
549 covers the entire period between the last submitted report and
550 the report being filed, and any candidate or, political
551 committee, ~~or committee of continuous existence~~ not reporting by
552 virtue of this subsection on dates prescribed elsewhere in this
553 chapter shall notify the filing officer in writing on the
554 prescribed reporting date that no report is being filed on that
555 date.

556 (8)

557 (b) Upon determining that a report is late, the filing
558 officer shall immediately notify the candidate or chair of the
559 political committee as to the failure to file a report by the
560 designated due date and that a fine is being assessed for each

561 late day. The fine shall be \$50 per day for the first 3 days
562 late and, thereafter, \$500 per day for each late day, not to
563 exceed 25 percent of the total receipts or expenditures,
564 whichever is greater, for the period covered by the late report.
565 However, for the reports immediately preceding each special
566 primary election, special election, primary election, and
567 general election, the fine shall be \$500 per day for each late
568 day, not to exceed 25 percent of the total receipts or
569 expenditures, whichever is greater, for the period covered by
570 the late report. For reports required under s. 106.141(8)
571 ~~106.141(7)~~, the fine is \$50 per day for each late day, not to
572 exceed 25 percent of the total receipts or expenditures,
573 whichever is greater, for the period covered by the late report.
574 Upon receipt of the report, the filing officer shall determine
575 the amount of the fine which is due and shall notify the
576 candidate or chair or registered agent of the political
577 committee. The filing officer shall determine the amount of the
578 fine due based upon the earliest of the following:

- 579 1. When the report is actually received by such officer.
- 580 2. When the report is postmarked.
- 581 3. When the certificate of mailing is dated.
- 582 4. When the receipt from an established courier company is
583 dated.
- 584 5. When the electronic receipt issued pursuant to s.
585 106.0705 or other electronic filing system authorized in this
586 section is dated.

587
588 Such fine shall be paid to the filing officer within 20 days

589 after receipt of the notice of payment due, unless appeal is
590 made to the Florida Elections Commission pursuant to paragraph
591 (c). Notice is deemed complete upon proof of delivery of written
592 notice to the mailing or street address on record with the
593 filing officer. In the case of a candidate, such fine shall not
594 be an allowable campaign expenditure and shall be paid only from
595 personal funds of the candidate. An officer or member of a
596 political committee shall not be personally liable for such
597 fine.

598 Section 10. Subsection (1) of section 106.0703, Florida
599 Statutes, is amended to read:

600 106.0703 Electioneering communications organizations;
601 reporting requirements; certification and filing; penalties.—

602 (1) (a) Each electioneering communications organization
603 shall file regular reports of all contributions received and all
604 expenditures made by or on behalf of the organization. Except as
605 provided in paragraphs (b) and (c), reports shall be filed on
606 the 10th day following the end of each calendar month ~~quarter~~
607 from the time the organization is registered. However, if the
608 10th day following the end of a calendar month ~~quarter~~ occurs on
609 a Saturday, Sunday, or legal holiday, the report shall be filed
610 on the next following day that is not a Saturday, Sunday, or
611 legal holiday. Monthly ~~Quarterly~~ reports shall include all
612 contributions received and expenditures made during the calendar
613 month ~~quarter~~ that have not otherwise been reported pursuant to
614 this section.

615 (b) For an electioneering communications organization
616 required by law to file reports with the division, reports shall

617 also be filed:

618 1. On the 60th day immediately preceding the primary
 619 election, and each week thereafter, with the last weekly report
 620 being filed on the 11th day immediately preceding the general
 621 election.

622 2. On the 10th day immediately preceding the general
 623 election, and every day thereafter, with the last daily report
 624 being filed the day before the general election ~~Following the~~
 625 ~~last day of candidates qualifying for office, the reports shall~~
 626 ~~be filed on the 32nd, 18th, and 4th days immediately preceding~~
 627 ~~the primary election and on the 46th, 32nd, 18th, and 4th days~~
 628 ~~immediately preceding the general election.~~

629 (c) For an electioneering communications organization
 630 required by law to file reports with a supervisor of elections
 631 or municipal officer, reports shall also be filed on the 60th
 632 day immediately preceding the primary election, and each week
 633 thereafter, with the last weekly report being filed on the 4th
 634 day immediately preceding the general election.

635 (d) When a special election is called to fill a vacancy in
 636 office, all electioneering communications organizations making
 637 contributions or expenditures to influence the results of the
 638 special election shall file reports with the filing officer on
 639 the dates set by the Department of State pursuant to s. 100.111.

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

645 a state or federal election must file reports with the county or
 646 municipal filing officer on the same dates as county or
 647 municipal candidates or committees for that election. The
 648 electioneering communications organization must also include the
 649 expenditure in the next report filed with the Division of
 650 Elections pursuant to this section following the county or
 651 municipal election.

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

656 Section 11. Paragraph (b) of subsection (2) and
 657 subsections (3) and (4) of section 106.0705, Florida Statutes,
 658 are amended to read:

659 106.0705 Electronic filing of campaign treasurer's
 660 reports.—

661 (2)(b) Each political committee, ~~committee of continuous~~
 662 ~~existence~~, electioneering communications organization,
 663 affiliated party committee, or state executive committee that is
 664 required to file reports with the division under ~~s. 106.04~~, s.
 665 106.07, s. 106.0703, or s. 106.29, as applicable, must file such
 666 reports with the division by means of the division's electronic
 667 filing system.

668 (3) Reports filed pursuant to this section shall be
 669 completed and filed through the electronic filing system not
 670 later than midnight of the day designated. Reports not filed by
 671 midnight of the day designated are late filed and are subject to
 672 the penalties under ~~s. 106.04(9)~~, s. 106.07(8), s. 106.0703(7),

673 or s. 106.29(3), as applicable.

674 (4) Each report filed pursuant to this section is
675 considered to be under oath by the candidate and treasurer, the
676 chair and treasurer, the treasurer under s. 106.0703, or the
677 leader and treasurer under s. 103.092, whichever is applicable,
678 and such persons are subject to the provisions of ~~s.~~
679 ~~106.04(4)(d)~~, s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as
680 applicable. Persons given a secure sign-on to the electronic
681 filing system are responsible for protecting such from
682 disclosure and are responsible for all filings using such
683 credentials, unless they have notified the division that their
684 credentials have been compromised.

685 Section 12. Effective July 1, 2013, paragraph (a) of
686 subsection (1) of section 106.08, Florida Statutes, is amended
687 to read:

688 106.08 Contributions; limitations on.—

689 (1)(a) Except for political parties or affiliated party
690 committees, no person or, political committee, ~~or committee of~~
691 ~~continuous existence~~ may, in any election, make contributions in
692 excess of \$10,000 ~~\$500~~ to any candidate for election to or
693 retention in office ~~or to any political committee supporting or~~
694 ~~opposing one or more candidates~~. Candidates for the offices of
695 Governor and Lieutenant Governor on the same ticket are
696 considered a single candidate for the purpose of this section.

697 Section 13. Paragraph (c) of subsection (1) and
698 subsections (7) and (10) of section 106.08, Florida Statutes,
699 are amended to read:

700 106.08 Contributions; limitations on.—

701 (1)

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

710 (7) (a) Any person who knowingly and willfully makes or
711 accepts no more than one contribution in violation of subsection
712 (1) or subsection (5), or any person who knowingly and willfully
713 fails or refuses to return any contribution as required in
714 subsection (3), commits a misdemeanor of the first degree,
715 punishable as provided in s. 775.082 or s. 775.083. If any
716 corporation, partnership, or other business entity or any
717 political party, affiliated party committee, political
718 committee, ~~committee of continuous existence~~, or electioneering
719 communications organization is convicted of knowingly and
720 willfully violating any provision punishable under this
721 paragraph, it shall be fined not less than \$1,000 and not more
722 than \$10,000. If it is a domestic entity, it may be ordered
723 dissolved by a court of competent jurisdiction; if it is a
724 foreign or nonresident business entity, its right to do business
725 in this state may be forfeited. Any officer, partner, agent,
726 attorney, or other representative of a corporation, partnership,
727 or other business entity, or of a political party, affiliated
728 party committee, political committee, ~~committee of continuous~~

729 ~~existence,~~ electioneering communications organization, or
730 organization exempt from taxation under s. 527 or s. 501(c)(4)
731 of the Internal Revenue Code, who aids, abets, advises, or
732 participates in a violation of any provision punishable under
733 this paragraph commits a misdemeanor of the first degree,
734 punishable as provided in s. 775.082 or s. 775.083.

735 (b) Any person who knowingly and willfully makes or
736 accepts two or more contributions in violation of subsection (1)
737 or subsection (5) commits a felony of the third degree,
738 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
739 If any corporation, partnership, or other business entity or any
740 political party, affiliated party committee, political
741 committee, ~~committee of continuous existence,~~ or electioneering
742 communications organization is convicted of knowingly and
743 willfully violating any provision punishable under this
744 paragraph, it shall be fined not less than \$10,000 and not more
745 than \$50,000. If it is a domestic entity, it may be ordered
746 dissolved by a court of competent jurisdiction; if it is a
747 foreign or nonresident business entity, its right to do business
748 in this state may be forfeited. Any officer, partner, agent,
749 attorney, or other representative of a corporation, partnership,
750 or other business entity, or of a political committee, ~~committee~~
751 ~~of continuous existence,~~ political party, affiliated party
752 committee, or electioneering communications organization, or
753 organization exempt from taxation under s. 527 or s. 501(c)(4)
754 of the Internal Revenue Code, who aids, abets, advises, or
755 participates in a violation of any provision punishable under
756 this paragraph commits a felony of the third degree, punishable

757 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

769 Section 14. Subsection (2) of section 106.087, Florida
 770 Statutes, is amended to read:

771 106.087 Independent expenditures; contribution limits;
 772 restrictions on political parties and, political committees, ~~and~~
 773 ~~committees of continuous existence.~~

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

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

785 is greater.

786 Section 15. Subsection (3) of section 106.12, Florida
787 Statutes, is amended to read:

788 106.12 Petty cash funds allowed.—

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

794 Section 16. Section 106.141, Florida Statutes, is amended
795 to read:

796 106.141 Disposition of surplus funds by candidates.—

797 (1) Except as provided in subsection (6), each candidate
798 who withdraws his or her candidacy, becomes an unopposed
799 candidate, or is eliminated as a candidate or elected to office
800 shall, within 90 days, dispose of the funds on deposit in his or
801 her campaign account and file a report reflecting the
802 disposition of all remaining funds. Such candidate shall not
803 accept any contributions, nor shall any person accept
804 contributions on behalf of such candidate, after the candidate
805 withdraws his or her candidacy, becomes unopposed, or is
806 eliminated or elected. However, if a candidate receives a refund
807 check after all surplus funds have been disposed of, the check
808 may be endorsed by the candidate and the refund disposed of
809 under this section. An amended report must be filed showing the
810 refund and subsequent disposition.

811 (2) Any candidate required to dispose of funds pursuant to
812 this section may, prior to such disposition, be reimbursed by

813 the campaign, in full or in part, for any reported contributions
814 by the candidate to the campaign.

815 (3) The campaign treasurer of a candidate who withdraws
816 his or her candidacy, becomes unopposed, or is eliminated as a
817 candidate or elected to office and who has funds on deposit in a
818 separate interest-bearing account or certificate of deposit
819 shall, within 7 days after the date of becoming unopposed or the
820 date of such withdrawal, elimination, or election, transfer such
821 funds and the accumulated interest earned thereon to the
822 campaign account of the candidate for disposal under this
823 section. However, if the funds are in an account in which
824 penalties will apply for withdrawal within the 7-day period, the
825 campaign treasurer shall transfer such funds and the accumulated
826 interest earned thereon as soon as the funds can be withdrawn
827 without penalty, or within 90 days after the candidate becomes
828 unopposed, withdraws his or her candidacy, or is eliminated or
829 elected, whichever comes first.

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

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

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

839 3. Give the funds that have not been spent or obligated to
840 the affiliated party committee or political party of which such

841 candidate is a member.

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

843 a. In the case of a candidate for state office, to the
844 state, to be deposited in either the Election Campaign Financing
845 Trust Fund or the General Revenue Fund, as designated by the
846 candidate; or

847 b. In the case of a candidate for an office of a political
848 subdivision, to such political subdivision, to be deposited in
849 the general fund thereof.

850 (b) Any candidate required to dispose of funds pursuant to
851 this section who has received contributions pursuant to the
852 Florida Election Campaign Financing Act shall, after all
853 monetary commitments pursuant to s. 106.11(5)(b) and (c) have
854 been met, return all surplus campaign funds to the General
855 Revenue Fund.

856 (5) A candidate elected to office or a candidate who will
857 be elected to office by virtue of his or her being unopposed
858 may, in addition to the disposition methods provided in
859 subsection (4), transfer from the campaign account to an office
860 account any amount of the funds on deposit in such campaign
861 account up to:

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

865 (b) Five thousand dollars, for a candidate for multicounty
866 office.

867 (c) Five thousand dollars multiplied by the number of
868 years in the term of office for which elected, for a candidate

869 for legislative office.

870 (d) Two thousand five hundred dollars multiplied by the
871 number of years in the term of office for which elected, for a
872 candidate for county office or for a candidate in any election
873 conducted on less than a countywide basis.

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

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

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

880

881 The office account established pursuant to this subsection shall
882 be separate from any personal or other account. Any funds so
883 transferred by a candidate shall be used only for legitimate
884 expenses in connection with the candidate's public office. Such
885 expenses may include travel expenses incurred by the officer or
886 a staff member, personal taxes payable on office account funds
887 by the candidate or elected public official, or expenses
888 incurred in the operation of his or her office, including the
889 employment of additional staff. The funds may be deposited in a
890 savings account; however, all deposits, withdrawals, and
891 interest earned thereon shall be reported at the appropriate
892 reporting period. If a candidate is reelected to office or
893 elected to another office and has funds remaining in his or her
894 office account, he or she may transfer surplus campaign funds to
895 the office account. At no time may the funds in the office
896 account exceed the limitation imposed by this subsection. Upon

897 leaving public office, any person who has funds in an office
898 account pursuant to this subsection remaining on deposit shall
899 give such funds to a charitable organization or organizations
900 which meet the requirements of s. 501(c)(3) of the Internal
901 Revenue Code or, in the case of a state officer, to the state to
902 be deposited in the General Revenue Fund or, in the case of an
903 officer of a political subdivision, to the political subdivision
904 to be deposited in the general fund thereof.

905 (6) (a) A candidate elected to state office or a candidate
906 who will be elected to state office by virtue of his or her
907 being unopposed may, in addition to the disposition methods
908 provided in subsections (4) and (5), retain up to \$100,000 in
909 his or her campaign account, or in an interest-bearing account
910 or certificate of deposit, for use in his or her next campaign
911 for the same office. All requirements applicable to candidate
912 campaign accounts under this chapter, including disclosure
913 requirements applicable to candidate campaign accounts,
914 limitations on expenditures, and limitations on contributions,
915 shall apply to any retained funds.

916 (b) If a candidate who retained funds under this
917 subsection does not qualify as a candidate for the same office
918 when the office is next on the ballot, all retained funds shall
919 be disposed of as otherwise required by this section within 90
920 days after the last day of qualifying for that office.
921 Requirements in this section applicable to the disposal of
922 surplus funds, including reporting requirements, are applicable
923 to the disposal of retained funds.

924 (7)-(6) Prior to disposing of funds pursuant to subsection

925 (4) or transferring funds into an office account pursuant to
926 subsection (5), any candidate who filed an oath stating that he
927 or she was unable to pay the election assessment or fee for
928 verification of petition signatures without imposing an undue
929 burden on his or her personal resources or on resources
930 otherwise available to him or her, or who filed both such oaths,
931 or who qualified by the petition process and was not required to
932 pay an election assessment, shall reimburse the state or local
933 governmental entity, whichever is applicable, for such waived
934 assessment or fee or both. Such reimbursement shall be made
935 first for the cost of petition verification and then, if funds
936 are remaining, for the amount of the election assessment. If
937 there are insufficient funds in the account to pay the full
938 amount of either the assessment or the fee or both, the
939 remaining funds shall be disbursed in the above manner until no
940 funds remain. All funds disbursed pursuant to this subsection
941 shall be remitted to the qualifying officer. Any reimbursement
942 for petition verification costs which are reimbursable by the
943 state shall be forwarded by the qualifying officer to the state
944 for deposit in the General Revenue Fund. All reimbursements for
945 the amount of the election assessment shall be forwarded by the
946 qualifying officer to the Department of State for deposit in the
947 General Revenue Fund.

948 (8)~~(7)~~(a) Any candidate required to dispose of campaign
949 funds pursuant to this section shall do so within the time
950 required by this section and shall, on or before the date by
951 which such disposition is to have been made, file with the
952 officer with whom reports are required to be filed pursuant to

953 s. 106.07 a form prescribed by the Division of Elections
 954 listing:
 955 1. The name and address of each person or unit of
 956 government to whom any of the funds were distributed and the
 957 amounts thereof;
 958 2. The name and address of each person to whom an
 959 expenditure was made, together with the amount thereof and
 960 purpose therefor; ~~and~~
 961 3. The amount of such funds transferred to an office
 962 account by the candidate, together with the name and address of
 963 the bank in which the office account is located; and
 964 4. The amount of such funds retained pursuant to
 965 subsection (6).

966
 967 Such report shall be signed by the candidate and the campaign
 968 treasurer and certified as true and correct pursuant to s.
 969 106.07.

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

972 (c) Any candidate failing to file a report on the
 973 designated due date shall be subject to a fine as provided in s.
 974 106.07 for submitting late termination reports.

975 (9)~~(8)~~ Any candidate elected to office who transfers
 976 surplus campaign funds into an office account pursuant to
 977 subsection (5) shall file a report on the 10th day following the
 978 end of each calendar quarter until the account is closed. Such
 979 reports shall contain the name and address of each person to
 980 whom any disbursement of funds was made, together with the

981 amount thereof and the purpose therefor, and the name and
 982 address of any person from whom the elected candidate received
 983 any refund or reimbursement and the amount thereof. Such reports
 984 shall be on forms prescribed by the Division of Elections,
 985 signed by the elected candidate, certified as true and correct,
 986 and filed with the officer with whom campaign reports were filed
 987 pursuant to s. 106.07(2).

988 (10)~~(9)~~ Any candidate, or any person on behalf of a
 989 candidate, who accepts contributions after such candidate has
 990 withdrawn his or her candidacy, after the candidate has become
 991 an unopposed candidate, or after the candidate has been
 992 eliminated as a candidate or elected to office commits a
 993 misdemeanor of the first degree, punishable as provided in s.
 994 775.082 or s. 775.083.

995 (11)~~(10)~~ Any candidate who is required by the provisions
 996 of this section to dispose of funds in his or her campaign
 997 account and who fails to dispose of the funds in the manner
 998 provided in this section commits a misdemeanor of the first
 999 degree, punishable as provided in s. 775.082 or s. 775.083.

1000 Section 17. Paragraph (b) of subsection (3) of section
 1001 106.147, Florida Statutes, is amended to read:

1002 106.147 Telephone solicitation; disclosure requirements;
 1003 prohibitions; exemptions; penalties.—

1004 (3) (b) For purposes of paragraph (a), the term "person"
 1005 includes any candidate; any officer of any political committee,
 1006 ~~committee of continuous existence,~~ affiliated party committee,
 1007 or political party executive committee; any officer, partner,
 1008 attorney, or other representative of a corporation, partnership,

1009 | or other business entity; and any agent or other person acting
 1010 | on behalf of any candidate, political committee, ~~committee of~~
 1011 | ~~continuous existence~~, affiliated party committee, political
 1012 | party executive committee, or corporation, partnership, or other
 1013 | business entity.

1014 | Section 18. Section 106.17, Florida Statutes, is amended
 1015 | to read:

1016 | 106.17 Polls and surveys relating to candidacies.—Any
 1017 | candidate, political committee, ~~committee of continuous~~
 1018 | ~~existence~~, electioneering communication organization, affiliated
 1019 | party committee, or state or county executive committee of a
 1020 | political party may authorize or conduct a political poll,
 1021 | survey, index, or measurement of any kind relating to candidacy
 1022 | for public office so long as the candidate, political committee,
 1023 | ~~committee of continuous existence~~, electioneering communication
 1024 | organization, affiliated party committee, or political party
 1025 | maintains complete jurisdiction over the poll in all its
 1026 | aspects. State and county executive committees of a political
 1027 | party or an affiliated party committee may authorize and conduct
 1028 | political polls for the purpose of determining the viability of
 1029 | potential candidates. Such poll results may be shared with
 1030 | potential candidates, and expenditures incurred by state and
 1031 | county executive committees or an affiliated party committee for
 1032 | potential candidate polls are not contributions to the potential
 1033 | candidates.

1034 | Section 19. Subsection (2) of section 106.23, Florida
 1035 | Statutes, is amended to read:

1036 | 106.23 Powers of the Division of Elections.—

1037 (2) The Division of Elections shall provide advisory
 1038 opinions when requested by any supervisor of elections,
 1039 candidate, local officer having election-related duties,
 1040 political party, affiliated party committee, political
 1041 committee, ~~committee of continuous existence~~, or other person or
 1042 organization engaged in political activity, relating to any
 1043 provisions or possible violations of Florida election laws with
 1044 respect to actions such supervisor, candidate, local officer
 1045 having election-related duties, political party, affiliated
 1046 party committee, committee, person, or organization has taken or
 1047 proposes to take. Requests for advisory opinions must be
 1048 submitted in accordance with rules adopted by the Department of
 1049 State. A written record of all such opinions issued by the
 1050 division, sequentially numbered, dated, and indexed by subject
 1051 matter, shall be retained. A copy shall be sent to said person
 1052 or organization upon request. Any such person or organization,
 1053 acting in good faith upon such an advisory opinion, shall not be
 1054 subject to any criminal penalty provided for in this chapter.
 1055 The opinion, until amended or revoked, shall be binding on any
 1056 person or organization who sought the opinion or with reference
 1057 to whom the opinion was sought, unless material facts were
 1058 omitted or misstated in the request for the advisory opinion.

1059 Section 20. Subsections (2) and (3) of section 106.265,
 1060 Florida Statutes, are amended to read:

1061 106.265 Civil penalties.—

1062 (2) In determining the amount of such civil penalties, the
 1063 commission or administrative law judge shall consider, among
 1064 other mitigating and aggravating circumstances:

1065 (a) The gravity of the act or omission;
 1066 (b) Any previous history of similar acts or omissions;
 1067 (c) The appropriateness of such penalty to the financial
 1068 resources of the person, political committee, ~~committee of~~
 1069 ~~continuous existence~~, affiliated party committee, electioneering
 1070 communications organization, or political party; and

1071 (d) Whether the person, political committee, ~~committee of~~
 1072 ~~continuous existence~~, affiliated party committee, electioneering
 1073 communications organization, or political party has shown good
 1074 faith in attempting to comply with the provisions of this
 1075 chapter or chapter 104.

1076 (3) If any person, political committee, ~~committee of~~
 1077 ~~continuous existence~~, affiliated party committee, electioneering
 1078 communications organization, or political party fails or refuses
 1079 to pay to the commission any civil penalties assessed pursuant
 1080 to the provisions of this section, the commission shall be
 1081 responsible for collecting the civil penalties resulting from
 1082 such action.

1083 Section 21. Subsection (2) of section 106.27, Florida
 1084 Statutes, is amended to read:

1085 106.27 Determinations by commission; legal disposition.—

1086 (2) Civil actions may be brought by the commission for
 1087 relief, including permanent or temporary injunctions,
 1088 restraining orders, or any other appropriate order for the
 1089 imposition of civil penalties provided by this chapter. Such
 1090 civil actions shall be brought by the commission in the
 1091 appropriate court of competent jurisdiction, and the venue shall
 1092 be in the county in which the alleged violation occurred or in

1093 | which the alleged violator or violators are found, reside, or
 1094 | transact business. Upon a proper showing that such person,
 1095 | political committee, ~~committee of continuous existence,~~
 1096 | affiliated party committee, or political party has engaged, or
 1097 | is about to engage, in prohibited acts or practices, a permanent
 1098 | or temporary injunction, restraining order, or other order shall
 1099 | be granted without bond by such court, and the civil fines
 1100 | provided by this chapter may be imposed.

1101 | Section 22. Subsection (3) of section 106.32, Florida
 1102 | Statutes, is amended to read:

1103 | 106.32 Election Campaign Financing Trust Fund.—

1104 | (3) Proceeds from assessments pursuant to ss. ~~106.04,~~
 1105 | ~~106.07,~~ and 106.29 shall be deposited into the Election Campaign
 1106 | Financing Trust Fund as designated in those sections.

1107 | Section 23. Section 106.33, Florida Statutes, is amended
 1108 | to read:

1109 | 106.33 Election campaign financing; eligibility.—Each
 1110 | candidate for the office of Governor or member of the Cabinet
 1111 | who desires to receive contributions from the Election Campaign
 1112 | Financing Trust Fund shall, upon qualifying for office, file a
 1113 | request for such contributions with the filing officer on forms
 1114 | provided by the Division of Elections. If a candidate requesting
 1115 | contributions from the fund desires to have such funds
 1116 | distributed by electronic fund transfers, the request shall
 1117 | include information necessary to implement that procedure. For
 1118 | the purposes of ss. 106.30-106.36, candidates for Governor and
 1119 | Lieutenant Governor on the same ticket shall be considered as a
 1120 | single candidate. To be eligible to receive contributions from

1121 the fund, a candidate may not be an unopposed candidate as
 1122 defined in s. 106.011 ~~106.011(15)~~ and must:

1123 (1) Agree to abide by the expenditure limits provided in
 1124 s. 106.34.

1125 (2) (a) Raise contributions as follows:

1126 1. One hundred fifty thousand dollars for a candidate for
 1127 Governor.

1128 2. One hundred thousand dollars for a candidate for
 1129 Cabinet office.

1130 (b) Contributions from individuals who at the time of
 1131 contributing are not state residents may not be used to meet the
 1132 threshold amounts in paragraph (a). For purposes of this
 1133 paragraph, any person validly registered to vote in this state
 1134 shall be considered a state resident.

1135 (3) Limit loans or contributions from the candidate's
 1136 personal funds to \$25,000 and contributions from national,
 1137 state, and county executive committees of a political party to
 1138 \$250,000 in the aggregate, which loans or contributions shall
 1139 not qualify for meeting the threshold amounts in subsection (2).

1140 (4) Submit to a postelection audit of the campaign account
 1141 by the division.

1142 Section 24. Subsections (3) and (4) and paragraph (a) of
 1143 subsection (5) of section 112.3148, Florida Statutes, are
 1144 amended to read:

1145 112.3148 Reporting and prohibited receipt of gifts by
 1146 individuals filing full or limited public disclosure of
 1147 financial interests and by procurement employees.—

1148 (3) A reporting individual or procurement employee is

1149 prohibited from soliciting any gift from a political committee
1150 ~~or committee of continuous existence~~, as defined in s. 106.011,
1151 or from a lobbyist who lobbies the reporting individual's or
1152 procurement employee's agency, or the partner, firm, employer,
1153 or principal of such lobbyist, where such gift is for the
1154 personal benefit of the reporting individual or procurement
1155 employee, another reporting individual or procurement employee,
1156 or any member of the immediate family of a reporting individual
1157 or procurement employee.

1158 (4) A reporting individual or procurement employee or any
1159 other person on his or her behalf is prohibited from knowingly
1160 accepting, directly or indirectly, a gift from a political
1161 committee ~~or committee of continuous existence~~, as defined in s.
1162 106.011, or from a lobbyist who lobbies the reporting
1163 individual's or procurement employee's agency, or directly or
1164 indirectly on behalf of the partner, firm, employer, or
1165 principal of a lobbyist, if he or she knows or reasonably
1166 believes that the gift has a value in excess of \$100; however,
1167 such a gift may be accepted by such person on behalf of a
1168 governmental entity or a charitable organization. If the gift is
1169 accepted on behalf of a governmental entity or charitable
1170 organization, the person receiving the gift shall not maintain
1171 custody of the gift for any period of time beyond that
1172 reasonably necessary to arrange for the transfer of custody and
1173 ownership of the gift.

1174 (5) (a) A political committee ~~or a committee of continuous~~
1175 ~~existence~~, as defined in s. 106.011; a lobbyist who lobbies a
1176 reporting individual's or procurement employee's agency; the

1177 partner, firm, employer, or principal of a lobbyist; or another
 1178 on behalf of the lobbyist or partner, firm, principal, or
 1179 employer of the lobbyist is prohibited from giving, either
 1180 directly or indirectly, a gift that has a value in excess of
 1181 \$100 to the reporting individual or procurement employee or any
 1182 other person on his or her behalf; however, such person may give
 1183 a gift having a value in excess of \$100 to a reporting
 1184 individual or procurement employee if the gift is intended to be
 1185 transferred to a governmental entity or a charitable
 1186 organization.

1187 Section 25. Subsections (3) and (4) of section 112.3149,
 1188 Florida Statutes, are amended to read:

1189 112.3149 Solicitation and disclosure of honoraria.—

1190 (3) A reporting individual or procurement employee is
 1191 prohibited from knowingly accepting an honorarium from a
 1192 political committee ~~or committee of continuous existence~~, as
 1193 defined in s. 106.011, from a lobbyist who lobbies the reporting
 1194 individual's or procurement employee's agency, or from the
 1195 employer, principal, partner, or firm of such a lobbyist.

1196 (4) A political committee ~~or committee of continuous~~
 1197 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a
 1198 reporting individual's or procurement employee's agency, or the
 1199 employer, principal, partner, or firm of such a lobbyist is
 1200 prohibited from giving an honorarium to a reporting individual
 1201 or procurement employee.

1202 Section 26. Subsection (4) of section 1004.28, Florida
 1203 Statutes, is amended to read:

1204 1004.28 Direct-support organizations; use of property;

1205 board of directors; activities; audit; facilities.—

1206 (4) ACTIVITIES; RESTRICTION.—A university direct-support
 1207 organization is prohibited from giving, either directly or
 1208 indirectly, any gift to a political committee ~~or committee of~~
 1209 ~~continuous existence~~ as defined in s. 106.011 for any purpose
 1210 other than those certified by a majority roll call vote of the
 1211 governing board of the direct-support organization at a
 1212 regularly scheduled meeting as being directly related to the
 1213 educational mission of the university.

1214 Section 27. Paragraph (d) of subsection (4) of section
 1215 1004.70, Florida Statutes, is amended to read:

1216 1004.70 Florida College System institution direct-support
 1217 organizations.—

1218 (4) ACTIVITIES; RESTRICTIONS.—

1219 (d) A Florida College System institution direct-support
 1220 organization is prohibited from giving, either directly or
 1221 indirectly, any gift to a political committee ~~or committee of~~
 1222 ~~continuous existence~~ as defined in s. 106.011 for any purpose
 1223 other than those certified by a majority roll call vote of the
 1224 governing board of the direct-support organization at a
 1225 regularly scheduled meeting as being directly related to the
 1226 educational mission of the Florida College System institution.

1227 Section 28. Paragraph (c) of subsection (4) of section
 1228 1004.71, Florida Statutes, is amended to read:

1229 1004.71 Statewide Florida College System institution
 1230 direct-support organizations.—

1231 (4) RESTRICTIONS.—

1232 (c) A statewide Florida College System institution direct-

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1233 support organization is prohibited from giving, either directly
1234 or indirectly, any gift to a political committee ~~or committee of~~
1235 ~~continuous existence~~ as defined in s. 106.011 for any purpose
1236 other than those certified by a majority roll call vote of the
1237 governing board of the direct-support organization at a
1238 regularly scheduled meeting as being directly related to the
1239 educational mission of the State Board of Education.

1240 Section 29. By December 1, 2013, the Division of Elections
1241 of the Department of State shall submit a proposal to the
1242 President of the Senate and the Speaker of the House of
1243 Representatives for a mandatory statewide electronic filing
1244 system for all state and local campaign filings required by the
1245 Florida Election Code.

1246 Section 30. Except as otherwise expressly provided in this
1247 act and except for this section, which shall take effect upon
1248 this act becoming a law, this act shall take effect November 1,
1249 2013.