

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; revising  
16          the definition of the term "candidate" to include a  
17          candidate for a political party executive committee;  
18          deleting the definition of the term "committee of  
19          continuous existence," to conform; conforming  
20          provisions and cross-references; amending s. 106.022,  
21          F.S.; conforming a provision; amending s. 106.025,  
22          F.S.; providing that tickets or advertising for a  
23          campaign fund raiser must comply with the requirements  
24          of political advertisements circulated before an  
25          election; amending s. 106.03, F.S.; conforming cross-  
26          references; amending s. 106.05, F.S.; revising the  
27          information that is required to appear on a campaign  
28          bank account for deposit of funds; amending s. 106.07,

29 F.S.; revising reporting requirements for candidates  
30 and political committees; conforming provisions;  
31 amending s. 106.0703, F.S.; revising reporting  
32 requirements for electioneering communications  
33 organizations; amending s. 106.0705, F.S.; conforming  
34 provisions and cross-references; amending s. 106.08,  
35 F.S.; revising limitations on campaign contributions;  
36 conforming provisions and a cross-reference; amending  
37 s. 106.087, F.S.; conforming provisions; amending s.  
38 106.11, F.S.; revising the information that is  
39 required to appear on bank account checks of  
40 candidates or political committees; revising  
41 information used to determine when debit cards are  
42 considered bank checks; amending s. 106.12, F.S.;  
43 conforming a cross-reference; amending s. 106.141,  
44 F.S.; specifying the amount of surplus funds a  
45 candidate may give to an affiliated party committee or  
46 political party; specifying the maximum amount of  
47 funds that certain candidates may transfer from a  
48 campaign account to an office account; expanding the  
49 permissible uses of office account funds; providing  
50 for retention of surplus campaign funds by a candidate  
51 for specified purposes; providing reporting  
52 requirements for surplus campaign funds; providing for  
53 disposition of the funds; modifying requirements for  
54 disposing of or transferring surplus funds; amending  
55 ss. 106.147, 106.17, 106.23, 106.265, 106.27, 106.32,  
56 106.33, 112.3148, 112.3149, 1004.28, 1004.70, and

57 | 1004.71, F.S.; conforming provisions and cross-  
 58 | references; directing the Division of Elections to  
 59 | submit a proposal to the Legislature for a mandatory  
 60 | statewide electronic filing system; authorizing  
 61 | positions and providing appropriations; providing  
 62 | effective dates.

63 |  
 64 | Be It Enacted by the Legislature of the State of Florida:

65 |  
 66 | Section 1. Section 106.04, Florida Statutes, is repealed.

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

73 | (2) Effective September 30, 2013, the certification of  
 74 | each committee of continuous existence is revoked. By July 15,  
 75 | 2013, the Division of Elections of the Department of State shall  
 76 | notify each committee of continuous existence of the revocation  
 77 | of its certification pursuant to this subsection. Following such  
 78 | revocation of certification, each committee of continuous  
 79 | existence shall file any outstanding report as required by law.

80 | (3) This section shall take effect upon this act becoming  
 81 | a law.

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

84 | 101.62 Request for absentee ballots.-

85 (3) For each request for an absentee ballot received, the  
86 supervisor shall record the date the request was made, the date  
87 the absentee ballot was delivered to the voter or the voter's  
88 designee or the date the absentee ballot was delivered to the  
89 post office or other carrier, the date the ballot was received  
90 by the supervisor, and such other information he or she may deem  
91 necessary. This information shall be provided in electronic  
92 format as provided by rule adopted by the division. The  
93 information shall be updated and made available no later than 8  
94 a.m. of each day, including weekends, beginning 60 days before  
95 the primary until 15 days after the general election and shall  
96 be contemporaneously provided to the division. This information  
97 shall be confidential and exempt from the provisions of s.  
98 119.07(1) and shall be made available to or reproduced only for  
99 the voter requesting the ballot, a canvassing board, an election  
100 official, a political party or official thereof, a candidate who  
101 has filed qualification papers and is opposed in an upcoming  
102 election, and registered political committees ~~or registered~~  
103 ~~committees of continuous existence~~, for political purposes only.

104 Section 4. Paragraph (a) of subsection (4) of section  
105 102.031, Florida Statutes, is amended to read:

106 102.031 Maintenance of good order at polls; authorities;  
107 persons allowed in polling rooms and early voting areas;  
108 unlawful solicitation of voters.—

109 (4) (a) No person, political committee, ~~committee of~~  
110 ~~continuous existence~~, or other group or organization may solicit  
111 voters inside the polling place or within 100 feet of the  
112 entrance to any polling place, or polling room where the polling

113 place is also a polling room, or early voting site. Before the  
 114 opening of the polling place or early voting site, the clerk or  
 115 supervisor shall designate the no-solicitation zone and mark the  
 116 boundaries.

117 Section 5. Section 111.075, Florida Statutes, is amended  
 118 to read:

119 111.075 Elected officials; prohibition concerning certain  
 120 committees.—Elected officials are prohibited from being employed  
 121 by, or acting as a consultant for compensation to, a political  
 122 committee ~~or committee of continuous existence.~~

123 Section 6. Section 106.011, Florida Statutes, is reordered  
 124 and amended to read:

125 106.011 Definitions.—As used in this chapter, the  
 126 following terms have the following meanings unless the context  
 127 clearly indicates otherwise:

128 (1) ~~(11)~~ "Campaign fund raiser" means any affair held to  
 129 raise funds to be used in a campaign for public office.

130 (2) ~~(9)~~ "Campaign treasurer" means an individual appointed  
 131 by a candidate or political committee as provided in this  
 132 chapter.

133 (3) ~~(16)~~ "Candidate" means any person to whom any one or  
 134 more of the following apply:

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

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

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

141 contributions or make expenditures, with a view to bring about  
142 his or her nomination or election to, or retention in, public  
143 office.

144 (d) Any person who appoints a treasurer and designates a  
145 primary depository.

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

148

149 ~~However, this definition does not include any candidate for a~~  
150 ~~political party executive committee.~~ Expenditures related to  
151 potential candidate polls as provided in s. 106.17 are not  
152 contributions or expenditures for purposes of this subsection.

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

156 (4) ~~(13)~~ "Communications media" means broadcasting  
157 stations, newspapers, magazines, outdoor advertising facilities,  
158 printers, direct mail, advertising agencies, the Internet, and  
159 telephone companies; but with respect to telephones, an  
160 expenditure shall be deemed to be an expenditure for the use of  
161 communications media only if made for the costs of telephones,  
162 paid telephonists, or automatic telephone equipment to be used  
163 by a candidate or a political committee to communicate with  
164 potential voters but excluding any costs of telephones incurred  
165 by a volunteer for use of telephones by such volunteer; however,  
166 with respect to the Internet, an expenditure shall be deemed an  
167 expenditure for use of communications media only if made for the  
168 cost of creating or disseminating a message on a computer

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

171 (5)~~(3)~~ "Contribution" means:

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

178 (b) A transfer of funds between political committees,  
179 ~~between committees of continuous existence,~~ between  
180 electioneering communications organizations, or between any  
181 combination of these groups.

182 (c) The payment, by any person other than a candidate or  
183 political committee, of compensation for the personal services  
184 of another person which are rendered to a candidate or political  
185 committee without charge to the candidate or committee for such  
186 services.

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

192  
193 Notwithstanding the foregoing meanings of "contribution," the  
194 term may not be construed to include services, including, but  
195 not limited to, legal and accounting services, provided without  
196 compensation by individuals volunteering a portion or all of

197 their time on behalf of a candidate or political committee or  
198 editorial endorsements.

199 (6)~~(12)~~ "Division" means the Division of Elections of the  
200 Department of State.

201 (7)~~(6)~~ "Election" means any primary election, special  
202 primary election, general election, special election, or  
203 municipal election held in this state for the purpose of  
204 nominating or electing candidates to public office, choosing  
205 delegates to the national nominating conventions of political  
206 parties, or submitting an issue to the electors for their  
207 approval or rejection.

208 (8)~~(18)~~ (a) "Electioneering communication" means any  
209 communication that is publicly distributed by a television  
210 station, radio station, cable television system, satellite  
211 system, newspaper, magazine, direct mail, or telephone and that:

212 1. Refers to or depicts a clearly identified candidate for  
213 office without expressly advocating the election or defeat of a  
214 candidate but that is susceptible of no reasonable  
215 interpretation other than an appeal to vote for or against a  
216 specific candidate;

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

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

222 (b) The term "electioneering communication" does not  
223 include:

224 1. A communication disseminated through a means of  
225 communication other than a television station, radio station,  
226 cable television system, satellite system, newspaper, magazine,  
227 direct mail, telephone, or statement or depiction by an  
228 organization, in existence prior to the time during which a  
229 candidate named or depicted qualifies for that election, made in  
230 that organization's newsletter, which newsletter is distributed  
231 only to members of that organization.

232 2. A communication in a news story, commentary, or  
233 editorial distributed through the facilities of any radio  
234 station, television station, cable television system, or  
235 satellite system, unless the facilities are owned or controlled  
236 by any political party, political committee, or candidate. A  
237 news story distributed through the facilities owned or  
238 controlled by any political party, political committee, or  
239 candidate may nevertheless be exempt if it represents a bona  
240 fide news account communicated through a licensed broadcasting  
241 facility and the communication is part of a general pattern of  
242 campaign-related news accounts that give reasonably equal  
243 coverage to all opposing candidates in the area.

244 3. A communication that constitutes a public debate or  
245 forum that includes at least two opposing candidates for an  
246 office or one advocate and one opponent of an issue, or that  
247 solely promotes such a debate or forum and is made by or on  
248 behalf of the person sponsoring the debate or forum, provided  
249 that:

250 a. The staging organization is either:

251 (I) A charitable organization that does not make other  
 252 electioneering communications and does not otherwise support or  
 253 oppose any political candidate or political party; or

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

256 b. The staging organization does not structure the debate  
 257 to promote or advance one candidate or issue position over  
 258 another.

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

262 (d) For purposes of this chapter, an electioneering  
 263 communication shall not constitute an independent expenditure  
 264 nor be subject to the limitations applicable to independent  
 265 expenditures.

266 (9)~~(19)~~ "Electioneering communications organization" means  
 267 any group, other than a political party, affiliated party  
 268 committee, or political committee, ~~or committee of continuous~~  
 269 ~~existence~~, whose election-related activities are limited to  
 270 making expenditures for electioneering communications or  
 271 accepting contributions for the purpose of making electioneering  
 272 communications and whose activities would not otherwise require  
 273 the group to register as a political party or, political  
 274 committee, ~~or committee of continuous existence~~ under this  
 275 chapter.

276 (10)~~(4)~~ (a) "Expenditure" means a purchase, payment,  
 277 distribution, loan, advance, transfer of funds by a campaign  
 278 treasurer or deputy campaign treasurer between a primary

279 depository and a separate interest-bearing account or  
280 certificate of deposit, or gift of money or anything of value  
281 made for the purpose of influencing the results of an election  
282 or making an electioneering communication. However,  
283 "expenditure" does not include a purchase, payment,  
284 distribution, loan, advance, or gift of money or anything of  
285 value made for the purpose of influencing the results of an  
286 election when made by an organization, in existence prior to the  
287 time during which a candidate qualifies or an issue is placed on  
288 the ballot for that election, for the purpose of printing or  
289 distributing such organization's newsletter, containing a  
290 statement by such organization in support of or opposition to a  
291 candidate or issue, which newsletter is distributed only to  
292 members of such organization.

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

296 1. A person enters into a contract for applicable goods or  
297 services;

298 2. A person makes payment, in whole or in part, for the  
299 production or public dissemination of applicable goods or  
300 services; or

301 3. The electioneering communication is publicly  
302 disseminated.

303 ~~(11)-(14)~~ "Filing officer" means the person before whom a  
304 candidate qualifies or the agency or officer with whom a  
305 political committee or an electioneering communications

306 organization registers, ~~or the agency by whom a committee of~~  
307 ~~continuous existence is certified.~~

308 (12) ~~(5)~~ (a) "Independent expenditure" means an expenditure  
309 by a person for the purpose of expressly advocating the election  
310 or defeat of a candidate or the approval or rejection of an  
311 issue, which expenditure is not controlled by, coordinated with,  
312 or made upon consultation with, any candidate, political  
313 committee, or agent of such candidate or committee. An  
314 expenditure for such purpose by a person having a contract with  
315 the candidate, political committee, or agent of such candidate  
316 or committee in a given election period shall not be deemed an  
317 independent expenditure.

318 (b) An expenditure for the purpose of expressly advocating  
319 the election or defeat of a candidate which is made by the  
320 national, state, or county executive committee of a political  
321 party, including any subordinate committee of the political  
322 party, an affiliated party committee, a political committee, ~~a~~  
323 ~~committee of continuous existence,~~ or any other person shall not  
324 be considered an independent expenditure if the committee or  
325 person:

326 1. Communicates with the candidate, the candidate's  
327 campaign, or an agent of the candidate acting on behalf of the  
328 candidate, including any pollster, media consultant, advertising  
329 agency, vendor, advisor, or staff member, concerning the  
330 preparation of, use of, or payment for, the specific expenditure  
331 or advertising campaign at issue; or

332 2. Makes a payment in cooperation, consultation, or  
333 concert with, at the request or suggestion of, or pursuant to

334 any general or particular understanding with the candidate, the  
335 candidate's campaign, a political committee supporting the  
336 candidate, or an agent of the candidate relating to the specific  
337 expenditure or advertising campaign at issue; or

338 3. Makes a payment for the dissemination, distribution, or  
339 republication, in whole or in part, of any broadcast or any  
340 written, graphic, or other form of campaign material prepared by  
341 the candidate, the candidate's campaign, or an agent of the  
342 candidate, including any pollster, media consultant, advertising  
343 agency, vendor, advisor, or staff member; or

344 4. Makes a payment based on information about the  
345 candidate's plans, projects, or needs communicated to a member  
346 of the committee or person by the candidate or an agent of the  
347 candidate, provided the committee or person uses the information  
348 in any way, in whole or in part, either directly or indirectly,  
349 to design, prepare, or pay for the specific expenditure or  
350 advertising campaign at issue; or

351 5. After the last day of the qualifying period prescribed  
352 for the candidate, consults about the candidate's plans,  
353 projects, or needs in connection with the candidate's pursuit of  
354 election to office and the information is used in any way to  
355 plan, create, design, or prepare an independent expenditure or  
356 advertising campaign, with:

357 a. Any officer, director, employee, or agent of a  
358 national, state, or county executive committee of a political  
359 party or an affiliated party committee that has made or intends  
360 to make expenditures in connection with or contributions to the  
361 candidate; or

362           b. Any person whose professional services have been  
363 retained by a national, state, or county executive committee of  
364 a political party or an affiliated party committee that has made  
365 or intends to make expenditures in connection with or  
366 contributions to the candidate; or

367           6. After the last day of the qualifying period prescribed  
368 for the candidate, retains the professional services of any  
369 person also providing those services to the candidate in  
370 connection with the candidate's pursuit of election to office;  
371 or

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

374           (13)~~(7)~~ "Issue" means any proposition which is required by  
375 the State Constitution, by law or resolution of the Legislature,  
376 or by the charter, ordinance, or resolution of any political  
377 subdivision of this state to be submitted to the electors for  
378 their approval or rejection at an election, or any proposition  
379 for which a petition is circulated in order to have such  
380 proposition placed on the ballot at any election.

381           (14)~~(8)~~ "Person" means an individual or a corporation,  
382 association, firm, partnership, joint venture, joint stock  
383 company, club, organization, estate, trust, business trust,  
384 syndicate, or other combination of individuals having collective  
385 capacity. The term includes a political party, affiliated party  
386 committee, or political committee, ~~or committee of continuous~~  
387 ~~existence.~~

388           (15)~~(17)~~ "Political advertisement" means a paid expression  
389 in any communications media prescribed in subsection (4) ~~(13)~~,

390 whether radio, television, newspaper, magazine, periodical,  
 391 campaign literature, direct mail, or display or by means other  
 392 than the spoken word in direct conversation, which expressly  
 393 advocates the election or defeat of a candidate or the approval  
 394 or rejection of an issue. However, political advertisement does  
 395 not include:

396 (a) A statement by an organization, in existence prior to  
 397 the time during which a candidate qualifies or an issue is  
 398 placed on the ballot for that election, in support of or  
 399 opposition to a candidate or issue, in that organization's  
 400 newsletter, which newsletter is distributed only to the members  
 401 of that organization.

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

404 (16)~~(1)~~ (a) "Political committee" means:

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

408 a. Accepts contributions for the purpose of making  
 409 contributions to any candidate, political committee, ~~committee~~  
 410 ~~of continuous existence~~, affiliated party committee, or  
 411 political party;

412 b. Accepts contributions for the purpose of expressly  
 413 advocating the election or defeat of a candidate or the passage  
 414 or defeat of an issue;

415 c. Makes expenditures that expressly advocate the election  
 416 or defeat of a candidate or the passage or defeat of an issue;  
 417 or

418           d. Makes contributions to a common fund, other than a  
419 joint checking account between spouses, from which contributions  
420 are made to any candidate, political committee, ~~committee of~~  
421 ~~continuous existence~~, affiliated party committee, or political  
422 party;

423           2. The sponsor of a proposed constitutional amendment by  
424 initiative who intends to seek the signatures of registered  
425 electors.

426           (b) Notwithstanding paragraph (a), the following entities  
427 are not considered political committees for purposes of this  
428 chapter:

429           1. ~~Organizations which are certified by the Department of~~  
430 ~~State as committees of continuous existence pursuant to s.~~  
431 ~~106.04~~, National political parties, the state and county  
432 executive committees of political parties, and affiliated party  
433 committees regulated by chapter 103.

434           2. Corporations regulated by chapter 607 or chapter 617 or  
435 other business entities formed for purposes other than to  
436 support or oppose issues or candidates, if their political  
437 activities are limited to contributions to candidates, political  
438 parties, affiliated party committees, or political committees or  
439 expenditures in support of or opposition to an issue from  
440 corporate or business funds and if no contributions are received  
441 by such corporations or business entities.

442           3. Electioneering communications organizations as defined  
443 in subsection (9) ~~(19)~~.

444        (17)~~(10)~~ "Public office" means any state, county,  
445 municipal, or school or other district office or position which  
446 is filled by vote of the electors.

447        (18)~~(15)~~ "Unopposed candidate" means a candidate for  
448 nomination or election to an office who, after the last day on  
449 which any person, including a write-in candidate, may qualify,  
450 is without opposition in the election at which the office is to  
451 be filled or who is without such opposition after such date as a  
452 result of any primary election or of withdrawal by other  
453 candidates seeking the same office. A candidate is not an  
454 unopposed candidate if there is a vacancy to be filled under s.  
455 100.111(3), if there is a legal proceeding pending regarding the  
456 right to a ballot position for the office sought by the  
457 candidate, or if the candidate is seeking retention as a justice  
458 or judge.

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

461        106.022 Appointment of a registered agent; duties.—

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

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

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

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

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

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

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

482 Section 8. Paragraph (c) of subsection (1) of section  
 483 106.025, Florida Statutes, is amended to read:

484 106.025 Campaign fund raisers.—

485 (1)

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

489 Section 9. Paragraph (b) of subsection (1) of section  
 490 106.03, Florida Statutes, is amended to read:

491 106.03 Registration of political committees and  
 492 electioneering communications organizations.—

493 (1)

494 (b)1. Each group shall file a statement of organization as  
 495 an electioneering communications organization within 24 hours  
 496 after the date on which it makes expenditures for an  
 497 electioneering communication in excess of \$5,000, if such  
 498 expenditures are made within the timeframes specified in s.  
 499 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes

500 expenditures for an electioneering communication in excess of  
501 \$5,000 before the timeframes specified in s. 106.011(8)(a)2.  
502 ~~106.011(18)(a)2.~~, it shall file the statement of organization  
503 within 24 hours after the 30th day before a primary or special  
504 primary election, or within 24 hours after the 60th day before  
505 any other election, whichever is applicable.

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

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

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

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

522 Section 10. Section 106.05, Florida Statutes, is amended  
523 to read:

524 106.05 Deposit of contributions; statement of campaign  
525 treasurer.—All funds received by the campaign treasurer of any  
526 candidate or political committee shall, prior to the end of the  
527 5th business day following the receipt thereof, Saturdays,

528 Sundays, and legal holidays excluded, be deposited in a campaign  
 529 depository designated pursuant to s. 106.021, in an account that  
 530 contains the ~~designated "... (name of the candidate or~~  
 531 ~~committee.) ... Campaign Account."~~ Except for contributions to  
 532 political committees made by payroll deduction, all deposits  
 533 shall be accompanied by a bank deposit slip containing the name  
 534 of each contributor and the amount contributed by each. If a  
 535 contribution is deposited in a secondary campaign depository,  
 536 the depository shall forward the full amount of the deposit,  
 537 along with a copy of the deposit slip accompanying the deposit,  
 538 to the primary campaign depository prior to the end of the 1st  
 539 business day following the deposit.

540 Section 11. Paragraphs (a) and (b) of subsection (1),  
 541 subsection (7), and paragraph (b) of subsection (8) of section  
 542 106.07, Florida Statutes, are amended to read:

543 106.07 Reports; certification and filing.—

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

556 ~~Quarterly~~ reports shall include all contributions received and  
557 expenditures made during the calendar month ~~quarter~~ which have  
558 not otherwise been reported pursuant to this section.

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

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

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

577 (b) For a candidate who is opposed in seeking nomination  
578 or election to an office or for a political committee, reports  
579 shall also be filed on the 60th day immediately preceding the  
580 primary election, and each week thereafter, with the last weekly  
581 report being filed on the 4th day immediately preceding the  
582 general election, if the candidate or political committee is  
583 required by law to file reports with a supervisor of elections

584 or municipal officer ~~Any statewide candidate who has requested~~  
585 ~~to receive contributions pursuant to the Florida Election~~  
586 ~~Campaign Financing Act or any statewide candidate in a race with~~  
587 ~~a candidate who has requested to receive contributions pursuant~~  
588 ~~to the act shall also file reports on the 4th, 11th, 18th, 25th,~~  
589 ~~and 32nd days prior to the primary election, and on the 4th,~~  
590 ~~11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the~~  
591 ~~general election.~~

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

605 (8)

606 (b) Upon determining that a report is late, the filing  
607 officer shall immediately notify the candidate or chair of the  
608 political committee as to the failure to file a report by the  
609 designated due date and that a fine is being assessed for each  
610 late day. The fine shall be \$50 per day for the first 3 days  
611 late and, thereafter, \$500 per day for each late day, not to

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

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

636

637 Such fine shall be paid to the filing officer within 20 days  
638 after receipt of the notice of payment due, unless appeal is  
639 made to the Florida Elections Commission pursuant to paragraph

640 (c). Notice is deemed complete upon proof of delivery of written  
 641 notice to the mailing or street address on record with the  
 642 filing officer. In the case of a candidate, such fine shall not  
 643 be an allowable campaign expenditure and shall be paid only from  
 644 personal funds of the candidate. An officer or member of a  
 645 political committee shall not be personally liable for such  
 646 fine.

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

649 106.0703 Electioneering communications organizations;  
 650 reporting requirements; certification and filing; penalties.—

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

664 (b) For an electioneering communications organization  
 665 required by law to file reports with the division, reports shall  
 666 also be filed:

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

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

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

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

689        ~~(e)-(d)~~ In addition to the reports required by paragraph  
690 (a), an electioneering communications organization that is  
691 registered with the Department of State and that makes a  
692 contribution or expenditure to influence the results of a county  
693 or municipal election that is not being held at the same time as  
694 a state or federal election must file reports with the county or

695 municipal filing officer on the same dates as county or  
 696 municipal candidates or committees for that election. The  
 697 electioneering communications organization must also include the  
 698 expenditure in the next report filed with the Division of  
 699 Elections pursuant to this section following the county or  
 700 municipal election.

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

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

708 106.0705 Electronic filing of campaign treasurer's  
 709 reports.-

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

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

723 (4) Each report filed pursuant to this section is  
724 considered to be under oath by the candidate and treasurer, the  
725 chair and treasurer, the treasurer under s. 106.0703, or the  
726 leader and treasurer under s. 103.092, whichever is applicable,  
727 and such persons are subject to the provisions of ~~s.~~  
728 ~~106.04(4)(d)~~, s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as  
729 applicable. Persons given a secure sign-on to the electronic  
730 filing system are responsible for protecting such from  
731 disclosure and are responsible for all filings using such  
732 credentials, unless they have notified the division that their  
733 credentials have been compromised.

734 Section 14. Effective July 1, 2013, paragraph (a) of  
735 subsection (1) of section 106.08, Florida Statutes, is amended  
736 to read:

737 106.08 Contributions; limitations on.-

738 (1) (a) Except for political parties or affiliated party  
739 committees, no person or, ~~political committee, or committee of~~  
740 ~~continuous existence~~ may, in any election, make contributions in  
741 excess of the following amounts: \$500 to any candidate for  
742 ~~election to or retention in office or to any political committee~~  
743 ~~supporting or opposing one or more candidates.~~

744 1. To a candidate for statewide office or for retention as  
745 a justice of the Supreme Court, \$5,000. Candidates for the  
746 offices of Governor and Lieutenant Governor on the same ticket  
747 are considered a single candidate for the purpose of this  
748 subparagraph ~~section.~~

749 2. To a candidate for legislative or multicounty office; a  
750 candidate for countywide office or in any election conducted on

751 less than a countywide basis; a candidate for retention as a  
752 judge of a district court of appeal; or a candidate for county  
753 court judge or circuit judge, \$3,000.

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

757 106.08 Contributions; limitations on.—

758 (1)

759 (c) The contribution limits of this subsection apply to  
760 each election. For purposes of this subsection, the primary  
761 election and general election are separate elections so long as  
762 the candidate is not an unopposed candidate as defined in s.  
763 106.011 ~~106.011(15)~~. However, for the purpose of contribution  
764 limits with respect to candidates for retention as a justice or  
765 judge, there is only one election, which is the general  
766 election.

767 (7) (a) Any person who knowingly and willfully makes or  
768 accepts no more than one contribution in violation of subsection  
769 (1) or subsection (5), or any person who knowingly and willfully  
770 fails or refuses to return any contribution as required in  
771 subsection (3), commits a misdemeanor of the first degree,  
772 punishable as provided in s. 775.082 or s. 775.083. If any  
773 corporation, partnership, or other business entity or any  
774 political party, affiliated party committee, political  
775 committee, ~~committee of continuous existence~~, or electioneering  
776 communications organization is convicted of knowingly and  
777 willfully violating any provision punishable under this  
778 paragraph, it shall be fined not less than \$1,000 and not more

779 | than \$10,000. If it is a domestic entity, it may be ordered  
 780 | dissolved by a court of competent jurisdiction; if it is a  
 781 | foreign or nonresident business entity, its right to do business  
 782 | in this state may be forfeited. Any officer, partner, agent,  
 783 | attorney, or other representative of a corporation, partnership,  
 784 | or other business entity, or of a political party, affiliated  
 785 | party committee, political committee, ~~committee of continuous~~  
 786 | ~~existence~~, electioneering communications organization, or  
 787 | organization exempt from taxation under s. 527 or s. 501(c)(4)  
 788 | of the Internal Revenue Code, who aids, abets, advises, or  
 789 | participates in a violation of any provision punishable under  
 790 | this paragraph commits a misdemeanor of the first degree,  
 791 | punishable as provided in s. 775.082 or s. 775.083.

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

807 or other business entity, or of a political committee, ~~committee~~  
 808 ~~of continuous existence~~, political party, affiliated party  
 809 committee, or electioneering communications organization, or  
 810 organization exempt from taxation under s. 527 or s. 501(c)(4)  
 811 of the Internal Revenue Code, who aids, abets, advises, or  
 812 participates in a violation of any provision punishable under  
 813 this paragraph commits a felony of the third degree, punishable  
 814 as provided in s. 775.082, s. 775.083, or s. 775.084.

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

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

828 106.087 Independent expenditures; contribution limits;  
 829 restrictions on political parties and political committees, ~~and~~  
 830 ~~committees of continuous existence.~~

831 (2) (a) Any political committee ~~or committee of continuous~~  
 832 ~~existence~~ that accepts the use of public funds, equipment,  
 833 personnel, or other resources to collect dues from its members  
 834 agrees not to make independent expenditures in support of or

835 opposition to a candidate or elected public official. However,  
 836 expenditures may be made for the sole purpose of jointly  
 837 endorsing three or more candidates.

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

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

846 106.11 Expenses of and expenditures by candidates and  
 847 political committees.—Each candidate and each political  
 848 committee which designates a primary campaign depository  
 849 pursuant to s. 106.021(1) shall make expenditures from funds on  
 850 deposit in such primary campaign depository only in the  
 851 following manner, with the exception of expenditures made from  
 852 petty cash funds provided by s. 106.12:

853 (1)

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

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

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

859 3. The exact amount of the expenditure.

860 4. The signature of the campaign treasurer or deputy  
 861 treasurer.

862           5. The exact purpose for which the expenditure is  
 863 authorized.

864           6. The name of the payee.

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

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

870           2. Debit cards are issued in the name of the treasurer,  
 871 deputy treasurer, or authorized user and contain the state  
 872 "... (name of the campaign account of the candidate or political  
 873 committee.) ... Campaign Account."

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

876           4. The person using the debit card does not receive cash  
 877 as part of, or independent of, any transaction for goods or  
 878 services.

879           5. All receipts for debit card transactions contain:

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

881           b. The exact amount of the expenditure.

882           c. The name of the payee.

883           d. The signature of the campaign treasurer, deputy  
 884 treasurer, or authorized user.

885           e. The exact purpose for which the expenditure is  
 886 authorized.

887 Any information required by this subparagraph but not included  
 888 on the debit card transaction receipt may be handwritten on, or

889 attached to, the receipt by the authorized user before  
 890 submission to the treasurer.

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

893 106.12 Petty cash funds allowed.—

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

899 Section 19. Section 106.141, Florida Statutes, is amended  
 900 to read:

901 106.141 Disposition of surplus funds by candidates.—

902 (1) Except as provided in subsection (6), each candidate  
 903 who withdraws his or her candidacy, becomes an unopposed  
 904 candidate, or is eliminated as a candidate or elected to office  
 905 shall, within 90 days, dispose of the funds on deposit in his or  
 906 her campaign account and file a report reflecting the  
 907 disposition of all remaining funds. Such candidate shall not  
 908 accept any contributions, nor shall any person accept  
 909 contributions on behalf of such candidate, after the candidate  
 910 withdraws his or her candidacy, becomes unopposed, or is  
 911 eliminated or elected. However, if a candidate receives a refund  
 912 check after all surplus funds have been disposed of, the check  
 913 may be endorsed by the candidate and the refund disposed of  
 914 under this section. An amended report must be filed showing the  
 915 refund and subsequent disposition.

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

920 (3) The campaign treasurer of a candidate who withdraws  
921 his or her candidacy, becomes unopposed, or is eliminated as a  
922 candidate or elected to office and who has funds on deposit in a  
923 separate interest-bearing account or certificate of deposit  
924 shall, within 7 days after the date of becoming unopposed or the  
925 date of such withdrawal, elimination, or election, transfer such  
926 funds and the accumulated interest earned thereon to the  
927 campaign account of the candidate for disposal under this  
928 section. However, if the funds are in an account in which  
929 penalties will apply for withdrawal within the 7-day period, the  
930 campaign treasurer shall transfer such funds and the accumulated  
931 interest earned thereon as soon as the funds can be withdrawn  
932 without penalty, or within 90 days after the candidate becomes  
933 unopposed, withdraws his or her candidacy, or is eliminated or  
934 elected, whichever comes first.

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

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

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

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

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

948 a. In the case of a candidate for state office, to the  
949 state, to be deposited in either the Election Campaign Financing  
950 Trust Fund or the General Revenue Fund, as designated by the  
951 candidate; or

952 b. In the case of a candidate for an office of a political  
953 subdivision, to such political subdivision, to be deposited in  
954 the general fund thereof.

955 (b) Any candidate required to dispose of funds pursuant to  
956 this section who has received contributions pursuant to the  
957 Florida Election Campaign Financing Act shall, after all  
958 monetary commitments pursuant to s. 106.11(5)(b) and (c) have  
959 been met, return all surplus campaign funds to the General  
960 Revenue Fund.

961 (5) A candidate elected to office or a candidate who will  
962 be elected to office by virtue of his or her being unopposed  
963 may, in addition to the disposition methods provided in  
964 subsection (4), transfer from the campaign account to an office  
965 account any amount of the funds on deposit in such campaign  
966 account up to:

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

970 (b) Ten ~~Five~~ thousand dollars, for a candidate for  
971 multicounty office.

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

975 (d) Five thousand ~~Two thousand five hundred~~ dollars  
976 multiplied by the number of years in the term of office for  
977 which elected, for a candidate for county office or for a  
978 candidate in any election conducted on less than a countywide  
979 basis.

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

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

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

986

987 The office account established pursuant to this subsection shall  
988 be separate from any personal or other account. Any funds so  
989 transferred by a candidate shall be used only for legitimate  
990 expenses in connection with the candidate's public office. Such  
991 expenses may include travel expenses incurred by the officer or  
992 a staff member; personal taxes payable on office account funds  
993 by the candidate or elected public official; professional  
994 services provided by a certified public accountant for  
995 preparation of the elected public official's financial  
996 disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs  
997 to prepare, print, produce, and mail holiday cards or  
998 newsletters about the elected public official's public business  
999 to constituents, if such correspondence does not constitute a

1000 political advertisement, independent expenditure, or  
 1001 electioneering communication as provided in s. 106.011; fees or  
 1002 dues to religious, civic, or charitable organizations of which  
 1003 the elected public official is a member; items of modest value  
 1004 such as flowers, greeting cards, or personal notes given as a  
 1005 substitute for, or in association with, an elected public  
 1006 official's personal attendance at a constituent's special event  
 1007 or family occasion, such as the birth of a child, graduation,  
 1008 wedding, or funeral; personal expenses incurred by the elected  
 1009 public official in connection with attending a constituent  
 1010 meeting or event where public policy is discussed, if such  
 1011 meetings or events are limited to no more than once per week;  
 1012 or expenses incurred in the operation of his or her office,  
 1013 including the employment of additional staff. The funds may be  
 1014 deposited in a savings account; however, all deposits,  
 1015 withdrawals, and interest earned thereon shall be reported at  
 1016 the appropriate reporting period. If a candidate is reelected to  
 1017 office or elected to another office and has funds remaining in  
 1018 his or her office account, he or she may transfer surplus  
 1019 campaign funds to the office account. At no time may the funds  
 1020 in the office account exceed the limitation imposed by this  
 1021 subsection. Upon leaving public office, any person who has funds  
 1022 in an office account pursuant to this subsection remaining on  
 1023 deposit shall give such funds to a charitable organization or  
 1024 organizations which meet the requirements of s. 501(c)(3) of the  
 1025 Internal Revenue Code or, in the case of a state officer, to the  
 1026 state to be deposited in the General Revenue Fund or, in the

1027 case of an officer of a political subdivision, to the political  
 1028 subdivision to be deposited in the general fund thereof.

1029 (6) (a) A candidate elected to state office or a candidate  
 1030 who will be elected to state office by virtue of his or her  
 1031 being unopposed may, in addition to the disposition methods  
 1032 provided in subsections (4) and (5), retain up to \$50,000 in his  
 1033 or her campaign account, or in an interest-bearing account or  
 1034 certificate of deposit, for use in his or her next campaign for  
 1035 the same office. All requirements applicable to candidate  
 1036 campaign accounts under this chapter, including disclosure  
 1037 requirements applicable to candidate campaign accounts,  
 1038 limitations on expenditures, and limitations on contributions,  
 1039 shall apply to any retained funds.

1040 (b) If a candidate who retained funds under this  
 1041 subsection does not qualify as a candidate for the same office  
 1042 when the office is next on the ballot, all retained funds shall  
 1043 be disposed of as otherwise required by this section within 90  
 1044 days after the last day of qualifying for that office.  
 1045 Requirements in this section applicable to the disposal of  
 1046 surplus funds, including reporting requirements, are applicable  
 1047 to the disposal of retained funds.

1048 (7)-(6) Before ~~Prior to~~ disposing of funds pursuant to  
 1049 subsection (4), ~~or~~ transferring funds into an office account  
 1050 pursuant to subsection (5), or retaining funds for reelection  
 1051 pursuant to subsection (6), any candidate who filed an oath  
 1052 stating that he or she was unable to pay the ~~election assessment~~  
 1053 ~~or~~ fee for verification of petition signatures without imposing  
 1054 an undue burden on his or her personal resources or on resources

1055 otherwise available to him or her, ~~or who filed both such oaths,~~  
 1056 ~~or who qualified by the petition process and was not required to~~  
 1057 ~~pay an election assessment,~~ shall reimburse the state or local  
 1058 governmental entity, whichever is applicable, for such waived  
 1059 assessment or fee or both. Such reimbursement shall be made  
 1060 first for the cost of petition verification and then, if funds  
 1061 are remaining, for the amount of the election assessment. If  
 1062 there are insufficient funds in the account to pay the full  
 1063 amount of either the assessment or the fee or both, the  
 1064 remaining funds shall be disbursed in the above manner until no  
 1065 funds remain. All funds disbursed pursuant to this subsection  
 1066 shall be remitted to the qualifying officer. Any reimbursement  
 1067 for petition verification costs which are reimbursable by the  
 1068 state shall be forwarded by the qualifying officer to the state  
 1069 for deposit in the General Revenue Fund. ~~All reimbursements for~~  
 1070 ~~the amount of the election assessment shall be forwarded by the~~  
 1071 ~~qualifying officer to the Department of State for deposit in the~~  
 1072 ~~General Revenue Fund.~~

1073 (8) ~~(7)~~(a) Any candidate required to dispose of campaign  
 1074 funds pursuant to this section shall do so within the time  
 1075 required by this section and shall, on or before the date by  
 1076 which such disposition is to have been made, file with the  
 1077 officer with whom reports are required to be filed pursuant to  
 1078 s. 106.07 a form prescribed by the Division of Elections  
 1079 listing:

1080 1. The name and address of each person or unit of  
 1081 government to whom any of the funds were distributed and the  
 1082 amounts thereof;

1083           2. The name and address of each person to whom an  
1084 expenditure was made, together with the amount thereof and  
1085 purpose therefor; ~~and~~

1086           3. The amount of such funds transferred to an office  
1087 account by the candidate, together with the name and address of  
1088 the bank in which the office account is located; and

1089           4. The amount of such funds retained pursuant to  
1090 subsection (6).

1091  
1092 Such report shall be signed by the candidate and the campaign  
1093 treasurer and certified as true and correct pursuant to s.  
1094 106.07.

1095           (b) The filing officer shall notify each candidate at  
1096 least 14 days before the date the report is due.

1097           (c) Any candidate failing to file a report on the  
1098 designated due date shall be subject to a fine as provided in s.  
1099 106.07 for submitting late termination reports.

1100           (9)~~(8)~~ Any candidate elected to office who transfers  
1101 surplus campaign funds into an office account pursuant to  
1102 subsection (5) shall file a report on the 10th day following the  
1103 end of each calendar quarter until the account is closed. Such  
1104 reports shall contain the name and address of each person to  
1105 whom any disbursement of funds was made, together with the  
1106 amount thereof and the purpose therefor, and the name and  
1107 address of any person from whom the elected candidate received  
1108 any refund or reimbursement and the amount thereof. Such reports  
1109 shall be on forms prescribed by the Division of Elections,  
1110 signed by the elected candidate, certified as true and correct,

1111 and filed with the officer with whom campaign reports were filed  
 1112 pursuant to s. 106.07(2).

1113 (10)~~(9)~~ Any candidate, or any person on behalf of a  
 1114 candidate, who accepts contributions after such candidate has  
 1115 withdrawn his or her candidacy, after the candidate has become  
 1116 an unopposed candidate, or after the candidate has been  
 1117 eliminated as a candidate or elected to office commits a  
 1118 misdemeanor of the first degree, punishable as provided in s.  
 1119 775.082 or s. 775.083.

1120 (11)~~(10)~~ Any candidate who is required by the provisions  
 1121 of this section to dispose of funds in his or her campaign  
 1122 account and who fails to dispose of the funds in the manner  
 1123 provided in this section commits a misdemeanor of the first  
 1124 degree, punishable as provided in s. 775.082 or s. 775.083.

1125 Section 20. Paragraph (b) of subsection (3) of section  
 1126 106.147, Florida Statutes, is amended to read:

1127 106.147 Telephone solicitation; disclosure requirements;  
 1128 prohibitions; exemptions; penalties.—

1129 (3) (b) For purposes of paragraph (a), the term "person"  
 1130 includes any candidate; any officer of any political committee,  
 1131 ~~committee of continuous existence,~~ affiliated party committee,  
 1132 or political party executive committee; any officer, partner,  
 1133 attorney, or other representative of a corporation, partnership,  
 1134 or other business entity; and any agent or other person acting  
 1135 on behalf of any candidate, political committee, ~~committee of~~  
 1136 ~~continuous existence,~~ affiliated party committee, political  
 1137 party executive committee, or corporation, partnership, or other  
 1138 business entity.

1139 Section 21. Section 106.17, Florida Statutes, is amended  
 1140 to read:

1141 106.17 Polls and surveys relating to candidacies.—Any  
 1142 candidate, political committee, ~~committee of continuous~~  
 1143 ~~existence~~, electioneering communication organization, affiliated  
 1144 party committee, or state or county executive committee of a  
 1145 political party may authorize or conduct a political poll,  
 1146 survey, index, or measurement of any kind relating to candidacy  
 1147 for public office so long as the candidate, political committee,  
 1148 ~~committee of continuous existence~~, electioneering communication  
 1149 organization, affiliated party committee, or political party  
 1150 maintains complete jurisdiction over the poll in all its  
 1151 aspects. State and county executive committees of a political  
 1152 party or an affiliated party committee may authorize and conduct  
 1153 political polls for the purpose of determining the viability of  
 1154 potential candidates. Such poll results may be shared with  
 1155 potential candidates, and expenditures incurred by state and  
 1156 county executive committees or an affiliated party committee for  
 1157 potential candidate polls are not contributions to the potential  
 1158 candidates.

1159 Section 22. Subsection (2) of section 106.23, Florida  
 1160 Statutes, is amended to read:

1161 106.23 Powers of the Division of Elections.—

1162 (2) The Division of Elections shall provide advisory  
 1163 opinions when requested by any supervisor of elections,  
 1164 candidate, local officer having election-related duties,  
 1165 political party, affiliated party committee, political  
 1166 committee, ~~committee of continuous existence~~, or other person or

1167 organization engaged in political activity, relating to any  
 1168 provisions or possible violations of Florida election laws with  
 1169 respect to actions such supervisor, candidate, local officer  
 1170 having election-related duties, political party, affiliated  
 1171 party committee, committee, person, or organization has taken or  
 1172 proposes to take. Requests for advisory opinions must be  
 1173 submitted in accordance with rules adopted by the Department of  
 1174 State. A written record of all such opinions issued by the  
 1175 division, sequentially numbered, dated, and indexed by subject  
 1176 matter, shall be retained. A copy shall be sent to said person  
 1177 or organization upon request. Any such person or organization,  
 1178 acting in good faith upon such an advisory opinion, shall not be  
 1179 subject to any criminal penalty provided for in this chapter.  
 1180 The opinion, until amended or revoked, shall be binding on any  
 1181 person or organization who sought the opinion or with reference  
 1182 to whom the opinion was sought, unless material facts were  
 1183 omitted or misstated in the request for the advisory opinion.

1184 Section 23. Subsections (2) and (3) of section 106.265,  
 1185 Florida Statutes, are amended to read:

1186 106.265 Civil penalties.—

1187 (2) In determining the amount of such civil penalties, the  
 1188 commission or administrative law judge shall consider, among  
 1189 other mitigating and aggravating circumstances:

- 1190 (a) The gravity of the act or omission;
- 1191 (b) Any previous history of similar acts or omissions;
- 1192 (c) The appropriateness of such penalty to the financial
- 1193 resources of the person, political committee, ~~committee of~~

1194 ~~continuous existence,~~ affiliated party committee, electioneering  
 1195 communications organization, or political party; and

1196 (d) Whether the person, political committee, ~~committee of~~  
 1197 ~~continuous existence,~~ affiliated party committee, electioneering  
 1198 communications organization, or political party has shown good  
 1199 faith in attempting to comply with the provisions of this  
 1200 chapter or chapter 104.

1201 (3) If any person, political committee, ~~committee of~~  
 1202 ~~continuous existence,~~ affiliated party committee, electioneering  
 1203 communications organization, or political party fails or refuses  
 1204 to pay to the commission any civil penalties assessed pursuant  
 1205 to the provisions of this section, the commission shall be  
 1206 responsible for collecting the civil penalties resulting from  
 1207 such action.

1208 Section 24. Subsection (2) of section 106.27, Florida  
 1209 Statutes, is amended to read:

1210 106.27 Determinations by commission; legal disposition.—

1211 (2) Civil actions may be brought by the commission for  
 1212 relief, including permanent or temporary injunctions,  
 1213 restraining orders, or any other appropriate order for the  
 1214 imposition of civil penalties provided by this chapter. Such  
 1215 civil actions shall be brought by the commission in the  
 1216 appropriate court of competent jurisdiction, and the venue shall  
 1217 be in the county in which the alleged violation occurred or in  
 1218 which the alleged violator or violators are found, reside, or  
 1219 transact business. Upon a proper showing that such person,  
 1220 political committee, ~~committee of continuous existence,~~  
 1221 affiliated party committee, or political party has engaged, or

1222 is about to engage, in prohibited acts or practices, a permanent  
 1223 or temporary injunction, restraining order, or other order shall  
 1224 be granted without bond by such court, and the civil fines  
 1225 provided by this chapter may be imposed.

1226 Section 25. Subsection (3) of section 106.32, Florida  
 1227 Statutes, is amended to read:

1228 106.32 Election Campaign Financing Trust Fund.—

1229 (3) Proceeds from assessments pursuant to ss. ~~106.04,~~  
 1230 106.07~~7~~ and 106.29 shall be deposited into the Election Campaign  
 1231 Financing Trust Fund as designated in those sections.

1232 Section 26. Section 106.33, Florida Statutes, is amended  
 1233 to read:

1234 106.33 Election campaign financing; eligibility.—Each  
 1235 candidate for the office of Governor or member of the Cabinet  
 1236 who desires to receive contributions from the Election Campaign  
 1237 Financing Trust Fund shall, upon qualifying for office, file a  
 1238 request for such contributions with the filing officer on forms  
 1239 provided by the Division of Elections. If a candidate requesting  
 1240 contributions from the fund desires to have such funds  
 1241 distributed by electronic fund transfers, the request shall  
 1242 include information necessary to implement that procedure. For  
 1243 the purposes of ss. 106.30-106.36, candidates for Governor and  
 1244 Lieutenant Governor on the same ticket shall be considered as a  
 1245 single candidate. To be eligible to receive contributions from  
 1246 the fund, a candidate may not be an unopposed candidate as  
 1247 defined in s. 106.011 ~~106.011(15)~~ and must:

1248 (1) Agree to abide by the expenditure limits provided in  
 1249 s. 106.34.

1250 (2) (a) Raise contributions as follows:

1251 1. One hundred fifty thousand dollars for a candidate for  
1252 Governor.

1253 2. One hundred thousand dollars for a candidate for  
1254 Cabinet office.

1255 (b) Contributions from individuals who at the time of  
1256 contributing are not state residents may not be used to meet the  
1257 threshold amounts in paragraph (a). For purposes of this  
1258 paragraph, any person validly registered to vote in this state  
1259 shall be considered a state resident.

1260 (3) Limit loans or contributions from the candidate's  
1261 personal funds to \$25,000 and contributions from national,  
1262 state, and county executive committees of a political party to  
1263 \$250,000 in the aggregate, which loans or contributions shall  
1264 not qualify for meeting the threshold amounts in subsection (2).

1265 (4) Submit to a postelection audit of the campaign account  
1266 by the division.

1267 Section 27. Subsections (3) and (4) and paragraph (a) of  
1268 subsection (5) of section 112.3148, Florida Statutes, are  
1269 amended to read:

1270 112.3148 Reporting and prohibited receipt of gifts by  
1271 individuals filing full or limited public disclosure of  
1272 financial interests and by procurement employees.—

1273 (3) A reporting individual or procurement employee is  
1274 prohibited from soliciting any gift from a political committee  
1275 ~~or committee of continuous existence~~, as defined in s. 106.011,  
1276 or from a lobbyist who lobbies the reporting individual's or  
1277 procurement employee's agency, or the partner, firm, employer,

1278 or principal of such lobbyist, where such gift is for the  
1279 personal benefit of the reporting individual or procurement  
1280 employee, another reporting individual or procurement employee,  
1281 or any member of the immediate family of a reporting individual  
1282 or procurement employee.

1283 (4) A reporting individual or procurement employee or any  
1284 other person on his or her behalf is prohibited from knowingly  
1285 accepting, directly or indirectly, a gift from a political  
1286 committee ~~or committee of continuous existence~~, as defined in s.  
1287 106.011, or from a lobbyist who lobbies the reporting  
1288 individual's or procurement employee's agency, or directly or  
1289 indirectly on behalf of the partner, firm, employer, or  
1290 principal of a lobbyist, if he or she knows or reasonably  
1291 believes that the gift has a value in excess of \$100; however,  
1292 such a gift may be accepted by such person on behalf of a  
1293 governmental entity or a charitable organization. If the gift is  
1294 accepted on behalf of a governmental entity or charitable  
1295 organization, the person receiving the gift shall not maintain  
1296 custody of the gift for any period of time beyond that  
1297 reasonably necessary to arrange for the transfer of custody and  
1298 ownership of the gift.

1299 (5) (a) A political committee ~~or a committee of continuous~~  
1300 ~~existence~~, as defined in s. 106.011; a lobbyist who lobbies a  
1301 reporting individual's or procurement employee's agency; the  
1302 partner, firm, employer, or principal of a lobbyist; or another  
1303 on behalf of the lobbyist or partner, firm, principal, or  
1304 employer of the lobbyist is prohibited from giving, either  
1305 directly or indirectly, a gift that has a value in excess of

1306 \$100 to the reporting individual or procurement employee or any  
 1307 other person on his or her behalf; however, such person may give  
 1308 a gift having a value in excess of \$100 to a reporting  
 1309 individual or procurement employee if the gift is intended to be  
 1310 transferred to a governmental entity or a charitable  
 1311 organization.

1312 Section 28. Subsections (3) and (4) of section 112.3149,  
 1313 Florida Statutes, are amended to read:

1314 112.3149 Solicitation and disclosure of honoraria.—

1315 (3) A reporting individual or procurement employee is  
 1316 prohibited from knowingly accepting an honorarium from a  
 1317 political committee ~~or committee of continuous existence~~, as  
 1318 defined in s. 106.011, from a lobbyist who lobbies the reporting  
 1319 individual's or procurement employee's agency, or from the  
 1320 employer, principal, partner, or firm of such a lobbyist.

1321 (4) A political committee ~~or committee of continuous~~  
 1322 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a  
 1323 reporting individual's or procurement employee's agency, or the  
 1324 employer, principal, partner, or firm of such a lobbyist is  
 1325 prohibited from giving an honorarium to a reporting individual  
 1326 or procurement employee.

1327 Section 29. Subsection (4) of section 1004.28, Florida  
 1328 Statutes, is amended to read:

1329 1004.28 Direct-support organizations; use of property;  
 1330 board of directors; activities; audit; facilities.—

1331 (4) ACTIVITIES; RESTRICTION.—A university direct-support  
 1332 organization is prohibited from giving, either directly or  
 1333 indirectly, any gift to a political committee ~~or committee of~~

1334 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
 1335 other than those certified by a majority roll call vote of the  
 1336 governing board of the direct-support organization at a  
 1337 regularly scheduled meeting as being directly related to the  
 1338 educational mission of the university.

1339 Section 30. Paragraph (d) of subsection (4) of section  
 1340 1004.70, Florida Statutes, is amended to read:

1341 1004.70 Florida College System institution direct-support  
 1342 organizations.—

1343 (4) ACTIVITIES; RESTRICTIONS.—

1344 (d) A Florida College System institution direct-support  
 1345 organization is prohibited from giving, either directly or  
 1346 indirectly, any gift to a political committee ~~or committee of~~  
 1347 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
 1348 other than those certified by a majority roll call vote of the  
 1349 governing board of the direct-support organization at a  
 1350 regularly scheduled meeting as being directly related to the  
 1351 educational mission of the Florida College System institution.

1352 Section 31. Paragraph (c) of subsection (4) of section  
 1353 1004.71, Florida Statutes, is amended to read:

1354 1004.71 Statewide Florida College System institution  
 1355 direct-support organizations.—

1356 (4) RESTRICTIONS.—

1357 (c) A statewide Florida College System institution direct-  
 1358 support organization is prohibited from giving, either directly  
 1359 or indirectly, any gift to a political committee ~~or committee of~~  
 1360 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
 1361 other than those certified by a majority roll call vote of the

1362 governing board of the direct-support organization at a  
1363 regularly scheduled meeting as being directly related to the  
1364 educational mission of the State Board of Education.

1365 Section 32. By December 1, 2013, the Division of Elections  
1366 of the Department of State shall submit a proposal to the  
1367 President of the Senate and the Speaker of the House of  
1368 Representatives for a mandatory statewide electronic filing  
1369 system for all state and local campaign finance reports required  
1370 by s. 106.07, Florida Statutes, s. 106.0703, Florida Statutes,  
1371 s. 106.141, Florida Statutes, or s. 106.29, Florida Statutes.

1372 Section 33. (1) For fiscal year 2013-2014, one full-time  
1373 equivalent position, with associated salary rate of 33,000, is  
1374 authorized and \$42,900 in recurring funds from the Elections  
1375 Commission Trust Fund within the Department of Legal Affairs is  
1376 appropriated to the Florida Elections Commission to carry out  
1377 the provisions of this act.

1378 (2) For fiscal year 2013-2014, two full-time equivalent  
1379 positions, with associated salary rate of 57,297, are authorized  
1380 and \$85,000 in recurring funds from the General Revenue Fund is  
1381 appropriated to the Division of Elections of the Department of  
1382 State to carry out the provisions of this act.

1383 (3) This section shall take effect July 1, 2013.

1384 Section 34. Except as otherwise expressly provided in this  
1385 act and except for this section, which shall take effect upon  
1386 this act becoming a law, this act shall take effect November 1,  
1387 2013.