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LEGISLATIVE ACTION

Senate

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House

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Floor: WD/2R

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04/23/2014 11:25 AM

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Senator Smith moved the following:

Senate Amendment (with title amendment)

Delete lines 196 - 197

and insert:

State Constitution, ss. 99.0125 and 111.015, Florida Statutes,
as created by this act, do not apply to members of the
Legislature.

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

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or



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12 political committee pursuant to s. 106.021 shall file regular
13 reports of all contributions received, and all expenditures
14 made, by or on behalf of such candidate or political committee.
15 Except for the third calendar quarter immediately preceding a
16 general election as provided in paragraphs (a) and (b), reports
17 shall be filed on the 10th day following the end of each
18 calendar month from the time the campaign treasurer is
19 appointed, except that, if the 10th day following the end of a
20 calendar quarter ~~month~~ occurs on a Saturday, Sunday, or legal
21 holiday, the report shall be filed on the next following day
22 that is not a Saturday, Sunday, or legal holiday. Quarterly
23 ~~Monthly~~ reports shall include all contributions received and
24 expenditures made during the calendar month which have not
25 otherwise been reported pursuant to this section.

26 (a) Except as provided in paragraph (b), the reports shall
27 also be filed on the 32nd, 18th, and 4th days immediately
28 preceding the primary and on the 46th, 32nd, 18th, and 4th days
29 immediately preceding the election, for a candidate who is
30 opposed in seeking nomination or election to any office or for a
31 political committee ~~A statewide candidate or a political~~
32 ~~committee required to file reports with the division must file~~
33 ~~reports:~~

34 1. ~~On the 60th day immediately preceding the primary~~
35 ~~election, and each week thereafter, with the last weekly report~~
36 ~~being filed on the 4th day immediately preceding the general~~
37 ~~election.~~

38 2. ~~On the 10th day immediately preceding the general~~
39 ~~election, and each day thereafter, with the last daily report~~
40 ~~being filed the 5th day immediately preceding the general~~



41 ~~election.~~

42 (b) Any other candidate or a political committee required
43 to file reports with a filing officer other than the division
44 must file reports on the 32nd, 18th, and 4th days immediately
45 preceding the primary and the 46th, 32nd, 18th, and 4th days
46 immediately preceding the election, for a candidate who is
47 opposed in seeking nomination or election to any office or for a
48 political committee ~~the 60th day immediately preceding the~~
49 ~~primary election, and biweekly on each Friday thereafter through~~
50 ~~and including the 4th day immediately preceding the general~~
51 ~~election, with additional reports due on the 25th and 11th days~~
52 ~~before the primary election and the general election.~~

53 (c) Following the last day of qualifying for office, any
54 unopposed candidate need only file a report within 90 days after
55 the date such candidate became unopposed. Such report shall
56 contain all previously unreported contributions and expenditures
57 as required by this section and shall reflect disposition of
58 funds as required by s. 106.141.

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

65 2. When an election is called for an issue to appear on the
66 ballot at a time when no candidates are scheduled to appear on
67 the ballot, all political committees making contributions or
68 expenditures in support of or in opposition to such issue shall
69 file reports on the 18th and 4th days before such election.



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

73 (2)(a)1. All reports required of a candidate by this
74 section shall be filed with the officer before whom the
75 candidate is required by law to qualify. All candidates who file
76 with the Department of State shall file their reports pursuant
77 to s. 106.0705. Except as provided in s. 106.0705, reports shall
78 be filed not later than 5 p.m. of the day designated; however,
79 any report postmarked by the United States Postal Service no
80 later than midnight of the day designated is deemed to have been
81 filed in a timely manner. Any report received by the filing
82 officer within 5 days after the designated due date that was
83 delivered by the United States Postal Service is deemed timely
84 filed unless it has a postmark that indicates that the report
85 was mailed after the designated due date. A certificate of
86 mailing obtained from and dated by the United States Postal
87 Service at the time of mailing, or a receipt from an established
88 courier company, which bears a date on or before the date on
89 which the report is due, suffices as proof of mailing in a
90 timely manner. Reports ~~other than daily reports~~ must contain
91 information on all previously unreported contributions received
92 and expenditures made as of the preceding Friday, except that
93 the report filed on the Friday immediately preceding the
94 election must contain information on all previously unreported
95 contributions received and expenditures made as of the day
96 preceding that designated due date; ~~daily reports must contain~~
97 ~~information on all previously unreported contributions received~~
98 ~~as of the preceding day.~~ All such reports are open to public



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99 inspection.

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

106 (b)1. Any report that is deemed to be incomplete by the
107 officer with whom the candidate qualifies must be accepted on a
108 conditional basis. The campaign treasurer shall be notified by
109 certified mail or by another method using a common carrier that
110 provides a proof of delivery of the notice as to why the report
111 is incomplete and within 7 days after receipt of such notice
112 must file an addendum to the report providing all information
113 necessary to complete the report in compliance with this
114 section. Failure to file a complete report after such notice
115 constitutes a violation of this chapter.

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

119 (3) Reports required of a political committee shall be
120 filed with the agency or officer before whom such committee
121 registers pursuant to s. 106.03(3) and shall be subject to the
122 same filing conditions as established for candidates' reports.
123 Incomplete reports by political committees shall be treated in
124 the manner provided for incomplete reports by candidates in
125 subsection (2).

126 (4) (a) ~~Except for daily reports, to which only the~~
127 ~~contributions provisions below apply, and except as provided in~~



128 ~~paragraph (b)~~, Each report required by this section must
129 contain:

130 1. The full name, address, and occupation, if any, of each
131 person who has made one or more contributions to or for such
132 committee or candidate within the reporting period, together
133 with the amount and date of such contributions. For
134 corporations, the report must provide as clear a description as
135 practicable of the principal type of business conducted by the
136 corporation. However, if the contribution is \$100 or less or is
137 from a relative, as defined in s. 112.312, provided that the
138 relationship is reported, the occupation of the contributor or
139 the principal type of business need not be listed.

140 2. The name and address of each political committee from
141 which the reporting committee or the candidate received, or to
142 which the reporting committee or candidate made, any transfer of
143 funds, together with the amounts and dates of all transfers.

144 3. Each loan for campaign purposes to or from any person or
145 political committee within the reporting period, together with
146 the full names, addresses, and occupations, and principal places
147 of business, if any, of the lender and endorsers, if any, and
148 the date and amount of such loans.

149 4. A statement of each contribution, rebate, refund, or
150 other receipt not otherwise listed under subparagraphs 1.
151 through 3.

152 5. The total sums of all loans, in-kind contributions, and
153 other receipts by or for such committee or candidate during the
154 reporting period. The reporting forms shall be designed to
155 elicit separate totals for in-kind contributions, loans, and
156 other receipts.



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157 6. The full name and address of each person to whom
158 expenditures have been made by or on behalf of the committee or
159 candidate within the reporting period; the amount, date, and
160 purpose of each such expenditure; and the name and address of,
161 and office sought by, each candidate on whose behalf such
162 expenditure was made. However, expenditures made from the petty
163 cash fund provided by s. 106.12 need not be reported
164 individually.

165 7. The full name and address of each person to whom an
166 expenditure for personal services, salary, or reimbursement for
167 authorized expenses as provided in s. 106.021(3) has been made
168 and which is not otherwise reported, including the amount, date,
169 and purpose of such expenditure. However, expenditures made from
170 the petty cash fund provided for in s. 106.12 need not be
171 reported individually. Receipts for reimbursement for authorized
172 expenditures shall be retained by the treasurer along with the
173 records for the campaign account.

174 8. The total amount withdrawn and the total amount spent
175 for petty cash purposes pursuant to this chapter during the
176 reporting period.

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

179 10. The amount and nature of debts and obligations owed by
180 or to the committee or candidate, which relate to the conduct of
181 any political campaign.

182 11. Transaction information for each credit card purchase.
183 Receipts for each credit card purchase shall be retained by the
184 treasurer with the records for the campaign account.

185 12. The amount and nature of any separate interest-bearing



186 accounts or certificates of deposit and identification of the
187 financial institution in which such accounts or certificates of
188 deposit are located.

189 13. The primary purposes of an expenditure made indirectly
190 through a campaign treasurer pursuant to s. 106.021(3) for goods
191 and services such as communications media placement or
192 procurement services, campaign signs, insurance, and other
193 expenditures that include multiple components as part of the
194 expenditure. The primary purpose of an expenditure shall be that
195 purpose, including integral and directly related components,
196 that comprises 80 percent of such expenditure.

197 (b) Multiple uniform contributions from the same person,
198 aggregating no more than \$250 per calendar year, collected by an
199 organization that is the affiliated sponsor of a political
200 committee, may be reported by the political committee in an
201 aggregate amount listing the number of contributors together
202 with the amount contributed by each and the total amount
203 contributed during the reporting period. The identity of each
204 person making such uniform contribution must be reported to the
205 filing officer as provided in subparagraph (a)1. by July 1 of
206 each calendar year, or, in a general election year, no later
207 than the 60th day immediately preceding the primary election.

208 (c) The filing officer shall make available to any
209 candidate or committee a reporting form which the candidate or
210 committee may use to indicate contributions received by the
211 candidate or committee but returned to the contributor before
212 deposit.

213 (5) The candidate and his or her campaign treasurer, in the
214 case of a candidate, or the political committee chair and



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215 campaign treasurer of the committee, in the case of a political
216 committee, shall certify as to the correctness of each report;
217 and each person so certifying shall bear the responsibility for
218 the accuracy and veracity of each report. Any campaign
219 treasurer, candidate, or political committee chair who willfully
220 certifies the correctness of any report while knowing that such
221 report is incorrect, false, or incomplete commits a misdemeanor
222 of the first degree, punishable as provided in s. 775.082 or s.
223 775.083.

224 (6) The records maintained by the campaign depository with
225 respect to any campaign account regulated by this chapter are
226 subject to inspection by an agent of the Division of Elections
227 or the Florida Elections Commission at any time during normal
228 banking hours, and such depository shall furnish certified
229 copies of any of such records to the Division of Elections or
230 Florida Elections Commission upon request.

231 (7) Notwithstanding any other provisions of this chapter,
232 in any reporting period during which a candidate or political
233 committee has not received funds, made any contributions, or
234 expended any reportable funds, the filing of the required report
235 for that period is waived. However, the next report filed must
236 specify that the report covers the entire period between the
237 last submitted report and the report being filed, and any
238 candidate or political committee not reporting by virtue of this
239 subsection on dates prescribed elsewhere in this chapter shall
240 notify the filing officer in writing on the prescribed reporting
241 date that no report is being filed on that date.

242 (8) (a) Any candidate or political committee failing to file
243 a report on the designated due date is subject to a fine as



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244 provided in paragraph (b) for each late day, and, in the case of
245 a candidate, such fine shall be paid only from personal funds of
246 the candidate. The fine shall be assessed by the filing officer
247 and the moneys collected shall be deposited:

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

251 2. In the general revenue fund of the political
252 subdivision, in the case of a candidate for an office of a
253 political subdivision or a political committee that registers
254 with an officer of a political subdivision.

255
256 No separate fine shall be assessed for failure to file a copy of
257 any report required by this section.

258 (b) Upon determining that a report is late, the filing
259 officer shall immediately notify the candidate or chair of the
260 political committee as to the failure to file a report by the
261 designated due date and that a fine is being assessed for each
262 late day. The fine is \$50 per day for the first 3 days late and,
263 thereafter, \$500 per day for each late day, not to exceed 25
264 percent of the total receipts or expenditures, whichever is
265 greater, for the period covered by the late report. However, for
266 the reports immediately preceding each special primary election,
267 special election, primary election, and general election, the
268 fine is \$500 per day for each late day, not to exceed 25 percent
269 of the total receipts or expenditures, whichever is greater, for
270 the period covered by the late report. For reports required
271 under s. 106.141(8), the fine is \$50 per day for each late day,
272 not to exceed 25 percent of the total receipts or expenditures,



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273 whichever is greater, for the period covered by the late report.
274 Upon receipt of the report, the filing officer shall determine
275 the amount of the fine which is due and shall notify the
276 candidate or chair or registered agent of the political
277 committee. The filing officer shall determine the amount of the
278 fine due based upon the earliest of the following:

- 279 1. When the report is actually received by such officer.
- 280 2. When the report is postmarked.
- 281 3. When the certificate of mailing is dated.
- 282 4. When the receipt from an established courier company is
283 dated.
- 284 5. When the electronic receipt issued pursuant to s.
285 106.0705 or other electronic filing system authorized in this
286 section is dated.

287
288 Such fine shall be paid to the filing officer within 20 days
289 after receipt of the notice of payment due, unless appeal is
290 made to the Florida Elections Commission pursuant to paragraph
291 (c). Notice is deemed complete upon proof of delivery of written
292 notice to the mailing or street address on record with the
293 filing officer. In the case of a candidate, such fine is not an
294 allowable campaign expenditure and shall be paid only from
295 personal funds of the candidate. An officer or member of a
296 political committee is not personally liable for such fine.

297 (c) Any candidate or chair of a political committee may
298 appeal or dispute the fine, based upon, but not limited to,
299 unusual circumstances surrounding the failure to file on the
300 designated due date, and may request and shall be entitled to a
301 hearing before the Florida Elections Commission, which shall



302 have the authority to waive the fine in whole or in part. The
303 Florida Elections Commission must consider the mitigating and
304 aggravating circumstances contained in s. 106.265(2) when
305 determining the amount of a fine, if any, to be waived. Any such
306 request shall be made within 20 days after receipt of the notice
307 of payment due. In such case, the candidate or chair of the
308 political committee shall, within the 20-day period, notify the
309 filing officer in writing of his or her intention to bring the
310 matter before the commission.

311 (d) The appropriate filing officer shall notify the Florida
312 Elections Commission of the repeated late filing by a candidate
313 or political committee, the failure of a candidate or political
314 committee to file a report after notice, or the failure to pay
315 the fine imposed. The commission shall investigate only those
316 alleged late filing violations specifically identified by the
317 filing officer and as set forth in the notification. Any other
318 alleged violations must be separately stated and reported by the
319 division to the commission under s. 106.25(2).

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

323
324 ===== T I T L E A M E N D M E N T =====

325 And the title is amended as follows:

326 Delete lines 2 - 12

327 and insert:

328 An act relating to campaign financing and residency
329 requirements; creating ss. 99.0125 and 111.015, F.S.;

330 requiring a candidate or public officer required to



331 reside in a specific geographic area to have only one
332 domicile at a time; providing factors that may be
333 considered when determining residency; providing
334 exceptions for active duty military members; amending
335 ss. 14.01, 16.01, 17.02, 19.23, and 114.03, F.S.;
336 specifying the applicability of residency requirements
337 on the Governor and Cabinet officers; specifying that
338 the certain provisions of the act do not apply to
339 members of the Legislature; reenacting and amending s.
340 106.07, F.S., relating to reports by campaign
341 treasurers; revising reporting schedules for
342 candidates and political committees;