

By Senator Gruters

23-00399-19

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1                                   A bill to be entitled  
 2       An act relating to campaign financing; amending s.  
 3       106.011, F.S.; revising the definition of the term  
 4       "contribution" to conform to changes made by the act;  
 5       amending ss. 106.07 and 106.0703, F.S.; revising the  
 6       schedule governing campaign finance reporting for  
 7       candidates, political committees, and electioneering  
 8       communications organizations; revising reporting  
 9       requirements regarding transfers made by political  
 10      committees and electioneering communications  
 11      organizations, to conform; creating s. 106.38, F.S.;  
 12      prohibiting a political committee or an electioneering  
 13      communications organization from transferring funds to  
 14      certain entities; providing a transitional provision  
 15      regarding final monthly reports by candidates,  
 16      political committees, and electioneering  
 17      communications organizations; providing an effective  
 18      date.

19  
 20 Be It Enacted by the Legislature of the State of Florida:

21  
 22       Section 1. Subsection (5) of section 106.011, Florida  
 23       Statutes, is amended to read:

24       106.011 Definitions.—As used in this chapter, the following  
 25       terms have the following meanings unless the context clearly  
 26       indicates otherwise:

27       (5) "Contribution" means:

28       (a) A gift, subscription, conveyance, deposit, loan,  
 29       payment, or distribution of money or anything of value,

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30 including contributions in kind having an attributable monetary  
31 value in any form, made for the purpose of influencing the  
32 results of an election or making an electioneering  
33 communication.

34 ~~(b) A transfer of funds between political committees,~~  
35 ~~between electioneering communications organizations, or between~~  
36 ~~any combination of these groups.~~

37 (b) ~~(e)~~ The payment, by a person other than a candidate or  
38 political committee, of compensation for the personal services  
39 of another person which are rendered to a candidate or political  
40 committee without charge to the candidate or committee for such  
41 services.

42 (c) ~~(d)~~ The transfer of funds by a campaign treasurer or  
43 deputy campaign treasurer between a primary depository and a  
44 separate interest-bearing account or certificate of deposit, and  
45 the term includes interest earned on such account or  
46 certificate.

47  
48 Notwithstanding the foregoing meanings of "contribution," the  
49 term may not be construed to include services, including, but  
50 not limited to, legal and accounting services, provided without  
51 compensation by individuals volunteering a portion or all of  
52 their time on behalf of a candidate or political committee or  
53 editorial endorsements.

54 Section 2. Subsections (1) and (2) and paragraph (a) of  
55 subsection (4) of section 106.07, Florida Statutes, are amended  
56 to read:

57 106.07 Reports; certification and filing.—

58 (1) Each campaign treasurer designated by a candidate or

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59 political committee pursuant to s. 106.021 shall file regular  
60 reports of all contributions received, and all expenditures  
61 made, by or on behalf of such candidate or political committee.  
62 Except as provided in paragraphs (a) and (b), reports shall be  
63 filed on the 10th day following the end of each calendar quarter  
64 ~~month~~ from the time the campaign treasurer is appointed, except  
65 that, if the 10th day following the end of a calendar quarter  
66 ~~month~~ occurs on a Saturday, Sunday, or legal holiday, the report  
67 shall be filed on the next following day that is not a Saturday,  
68 Sunday, or legal holiday. Quarterly ~~Monthly~~ reports must ~~shall~~  
69 include all contributions received and expenditures made during  
70 the calendar quarter ~~month~~ which have not otherwise been  
71 reported pursuant to this section.

72 (a) A statewide candidate ~~or a political committee required~~  
73 ~~to file reports with the division~~ must file reports:

74 ~~1. on the 60th day immediately preceding the primary~~  
75 ~~election, and each week thereafter, with the last weekly report~~  
76 ~~being filed on the 4th day immediately preceding the general~~  
77 ~~election.~~

78 ~~2. On the 10th day immediately preceding the general~~  
79 ~~election, and each day thereafter, with the last daily report~~  
80 ~~being filed the 5th day immediately preceding the general~~  
81 ~~election.~~

82 (b) Any other candidate or a political committee ~~required~~  
83 ~~to file reports with a filing officer other than the division~~  
84 must file reports on the 32nd, 25th, 18th, 11th, and 4th days  
85 ~~60th day~~ immediately preceding the primary election, and on the  
86 46th, 32nd, 25th, 18th, 11th, and 4th days ~~biweekly on each~~  
87 ~~Friday thereafter through and including the 4th day~~ immediately

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88 preceding the general election, ~~with additional reports due on~~  
89 ~~the 25th and 11th days before the primary election and the~~  
90 ~~general election.~~

91 (c) Following the last day of qualifying for office, any  
92 unopposed candidate need only file a report within 90 days after  
93 the date such candidate became unopposed. Such report shall  
94 contain all previously unreported contributions and expenditures  
95 as required by this section and shall reflect disposition of  
96 funds as required by s. 106.141.

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

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

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

111 (2) (a)1. All reports required of a candidate by this  
112 section shall be filed with the officer before whom the  
113 candidate is required by law to qualify. All candidates who file  
114 with the Department of State shall file their reports pursuant  
115 to s. 106.0705. Except as provided in s. 106.0705, reports shall  
116 be filed not later than 5 p.m. of the day designated; however,

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117 any report postmarked by the United States Postal Service no  
118 later than midnight of the day designated is deemed to have been  
119 filed in a timely manner. Any report received by the filing  
120 officer within 5 days after the designated due date that was  
121 delivered by the United States Postal Service is deemed timely  
122 filed unless it has a postmark that indicates that the report  
123 was mailed after the designated due date. A certificate of  
124 mailing obtained from and dated by the United States Postal  
125 Service at the time of mailing, or a receipt from an established  
126 courier company, which bears a date on or before the date on  
127 which the report is due, suffices as proof of mailing in a  
128 timely manner. Reports ~~other than daily reports~~ must contain  
129 information on all previously unreported contributions received  
130 and expenditures made as of the preceding Friday, except that  
131 the report filed on the Friday immediately preceding the  
132 election must contain information on all previously unreported  
133 contributions received and expenditures made as of the day  
134 preceding that designated due date; ~~daily reports must contain~~  
135 ~~information on all previously unreported contributions received~~  
136 ~~as of the preceding day.~~ All such reports are open to public  
137 inspection.

138 2. This subsection does not prohibit the governing body of  
139 a political subdivision, by ordinance or resolution, from  
140 imposing upon its own officers and candidates electronic filing  
141 requirements not in conflict with s. 106.0705. Expenditure of  
142 public funds for such purpose is deemed to be for a valid public  
143 purpose.

144 (b)1. Any report that is deemed to be incomplete by the  
145 officer with whom the candidate qualifies must be accepted on a

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146 conditional basis. The campaign treasurer shall be notified by  
147 certified mail or by another method using a common carrier that  
148 provides a proof of delivery of the notice as to why the report  
149 is incomplete and within 7 days after receipt of such notice  
150 must file an addendum to the report providing all information  
151 necessary to complete the report in compliance with this  
152 section. Failure to file a complete report after such notice  
153 constitutes a violation of this chapter.

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

157 (4) (a) ~~Except for daily reports, to which only the~~  
158 ~~contributions provisions below apply, and except~~ as provided in  
159 paragraph (b), each report required by this section must  
160 contain:

161 1. The full name, address, and occupation, if any, of each  
162 person who has made one or more contributions to or for such  
163 committee or candidate within the reporting period, together  
164 with the amount and date of such contributions. For  
165 corporations, the report must provide as clear a description as  
166 practicable of the principal type of business conducted by the  
167 corporation. However, if the contribution is \$100 or less or is  
168 from a relative, as defined in s. 112.312, provided that the  
169 relationship is reported, the occupation of the contributor or  
170 the principal type of business need not be listed.

171 2. The name and address of each political committee from  
172 which ~~the reporting committee or~~ the candidate received, or to  
173 which the ~~reporting committee or~~ candidate made, any transfer of  
174 funds, together with the amounts and dates of all transfers.

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175           3. Each loan for campaign purposes to or from any person or  
176 political committee within the reporting period, together with  
177 the full names, addresses, and occupations, and principal places  
178 of business, if any, of the lender and endorsers, if any, and  
179 the date and amount of such loans.

180           4. A statement of each contribution, rebate, refund, or  
181 other receipt not otherwise listed under subparagraphs 1.  
182 through 3.

183           5. The total sums of all loans, in-kind contributions, and  
184 other receipts by or for such committee or candidate during the  
185 reporting period. The reporting forms shall be designed to  
186 elicit separate totals for in-kind contributions, loans, and  
187 other receipts.

188           6. The full name and address of each person to whom  
189 expenditures have been made by or on behalf of the committee or  
190 candidate within the reporting period; the amount, date, and  
191 purpose of each such expenditure; and the name and address of,  
192 and office sought by, each candidate on whose behalf such  
193 expenditure was made. However, expenditures made from the petty  
194 cash fund provided by s. 106.12 need not be reported  
195 individually.

196           7. The full name and address of each person to whom an  
197 expenditure for personal services, salary, or reimbursement for  
198 authorized expenses as provided in s. 106.021(3) has been made  
199 and which is not otherwise reported, including the amount, date,  
200 and purpose of such expenditure. However, expenditures made from  
201 the petty cash fund provided for in s. 106.12 need not be  
202 reported individually. Receipts for reimbursement for authorized  
203 expenditures shall be retained by the treasurer along with the

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204 records for the campaign account.

205 8. The total amount withdrawn and the total amount spent  
206 for petty cash purposes pursuant to this chapter during the  
207 reporting period.

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

210 10. The amount and nature of debts and obligations owed by  
211 or to the committee or candidate, which relate to the conduct of  
212 any political campaign.

213 11. Transaction information for each credit card purchase.  
214 Receipts for each credit card purchase shall be retained by the  
215 treasurer with the records for the campaign account.

216 12. The amount and nature of any separate interest-bearing  
217 accounts or certificates of deposit and identification of the  
218 financial institution in which such accounts or certificates of  
219 deposit are located.

220 13. The primary purposes of an expenditure made indirectly  
221 through a campaign treasurer pursuant to s. 106.021(3) for goods  
222 and services such as communications media placement or  
223 procurement services, campaign signs, insurance, and other  
224 expenditures that include multiple components as part of the  
225 expenditure. The primary purpose of an expenditure shall be that  
226 purpose, including integral and directly related components,  
227 that comprises 80 percent of such expenditure.

228 Section 3. Subsections (1) and (2) and paragraph (a) of  
229 subsection (3) of section 106.0703, Florida Statutes, are  
230 amended to read:

231 106.0703 Electioneering communications organizations;  
232 reporting requirements; certification and filing; penalties.-



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233 (1) (a) Each electioneering communications organization  
234 shall file regular reports of all contributions received and all  
235 expenditures made by or on behalf of the organization. Except as  
236 provided in paragraph (b) ~~paragraphs (b) and (c)~~, reports must  
237 be filed on the 10th day following the end of each calendar  
238 quarter ~~month~~ from the time the organization is registered.  
239 However, if the 10th day following the end of a calendar quarter  
240 ~~month~~ occurs on a Saturday, Sunday, or legal holiday, the report  
241 must be filed on the next following day that is not a Saturday,  
242 Sunday, or legal holiday. Quarterly ~~Monthly~~ reports must include  
243 all contributions received and expenditures made during the  
244 calendar quarter ~~month~~ that have not otherwise been reported  
245 pursuant to this section.

246 (b) ~~For an electioneering communications organization~~  
247 ~~required to file reports with the division, reports must be~~  
248 ~~filed:~~

249 ~~1. On the 60th day immediately preceding the primary~~  
250 ~~election, and each week thereafter, with the last weekly report~~  
251 ~~being filed on the 4th day immediately preceding the general~~  
252 ~~election.~~

253 ~~2. On the 10th day immediately preceding the general~~  
254 ~~election, and every day thereafter excluding the 4th day~~  
255 ~~immediately preceding the general election, with the last daily~~  
256 ~~report being filed the day before the general election.~~

257 (c) ~~For An~~ electioneering communications organization must  
258 file reports ~~required to file reports with a filing officer~~  
259 ~~other than the division, reports must be filed on the 32nd,~~  
260 25th, 18th, 11th, and 4th days ~~60th day~~ immediately preceding  
261 the primary election, and on the 46th, 32nd, 25th, 18th, 11th,

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262 ~~and 4th days biweekly on each Friday thereafter through and~~  
263 ~~including the 4th day immediately preceding the general~~  
264 ~~election, with additional reports due on the 25th and 11th days~~  
265 ~~before the primary election and the general election.~~

266 (c) ~~(d)~~ When a special election is called to fill a vacancy  
267 in office, all electioneering communications organizations  
268 making contributions or expenditures to influence the results of  
269 the special election shall file reports with the filing officer  
270 on the dates set by the Department of State pursuant to s.  
271 100.111.

272 (d) ~~(e)~~ In addition to the reports required by paragraph  
273 (a), an electioneering communications organization that is  
274 registered with the Department of State and that makes a  
275 contribution or expenditure to influence the results of a county  
276 or municipal election that is not being held at the same time as  
277 a state or federal election must file reports with the county or  
278 municipal filing officer on the same dates as county or  
279 municipal candidates or committees for that election. The  
280 electioneering communications organization must also include the  
281 expenditure in the next report filed with the Division of  
282 Elections pursuant to this section following the county or  
283 municipal election.

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

288 (2) (a) Except as provided in s. 106.0705, the reports  
289 required of an electioneering communications organization shall  
290 be filed with the filing officer not later than 5 p.m. of the

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291 day designated. However, any report postmarked by the United  
292 States Postal Service no later than midnight of the day  
293 designated is deemed to have been filed in a timely manner. Any  
294 report received by the filing officer within 5 days after the  
295 designated due date that was delivered by the United States  
296 Postal Service is deemed timely filed unless it has a postmark  
297 that indicates that the report was mailed after the designated  
298 due date. A certificate of mailing obtained from and dated by  
299 the United States Postal Service at the time of mailing, or a  
300 receipt from an established courier company, which bears a date  
301 on or before the date on which the report is due, suffices as  
302 proof of mailing in a timely manner. Reports ~~other than daily~~  
303 ~~reports~~ must contain information on all previously unreported  
304 contributions received and expenditures made as of the preceding  
305 Friday, except that the report filed on the Friday immediately  
306 preceding the election must contain information on all  
307 previously unreported contributions received and expenditures  
308 made as of the day preceding the designated due date; ~~daily~~  
309 ~~reports must contain information on all previously unreported~~  
310 ~~contributions received as of the preceding day.~~ All such reports  
311 are open to public inspection.

312 (b)1. Any report that is deemed to be incomplete by the  
313 officer with whom the electioneering communications organization  
314 files shall be accepted on a conditional basis. The treasurer of  
315 the electioneering communications organization shall be  
316 notified, by certified mail or other common carrier that can  
317 establish proof of delivery for the notice, as to why the report  
318 is incomplete. Within 7 days after receipt of such notice, the  
319 treasurer must file an addendum to the report providing all

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320 information necessary to complete the report in compliance with  
321 this section. Failure to file a complete report after such  
322 notice constitutes a violation of this chapter.

323 2. Notice is deemed sufficient upon proof of delivery of  
324 written notice to the mailing or street address of the treasurer  
325 or registered agent of the electioneering communication  
326 organization on record with the filing officer.

327 (3) (a) ~~Except for daily reports, to which only the~~  
328 ~~contribution provisions below apply,~~ Each report required by  
329 this section must contain:

330 1. The full name, address, and occupation, if any, of each  
331 person who has made one or more contributions to or for such  
332 electioneering communications organization within the reporting  
333 period, together with the amount and date of such contributions.  
334 For corporations, the report must provide as clear a description  
335 as practicable of the principal type of business conducted by  
336 the corporation. However, if the contribution is \$100 or less,  
337 the occupation of the contributor or the principal type of  
338 business need not be listed.

339 ~~2. The name and address of each political committee from~~  
340 ~~which or to which the reporting electioneering communications~~  
341 ~~organization made any transfer of funds, together with the~~  
342 ~~amounts and dates of all transfers.~~

343 2.3. Each loan for electioneering communication purposes to  
344 or from any person or political committee within the reporting  
345 period, together with the full names, addresses, and occupations  
346 and principal places of business, if any, of the lender and  
347 endorsers, if any, and the date and amount of such loans.

348 3.4. A statement of each contribution, rebate, refund, or

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349 other receipt not otherwise listed under subparagraph 1. or  
350 subparagraph 2. ~~subparagraphs 1.-3.~~

351 ~~4.5.~~ The total sums of all loans, in-kind contributions,  
352 and other receipts by or for such electioneering communications  
353 organization during the reporting period. The reporting forms  
354 shall be designed to elicit separate totals for in-kind  
355 contributions, loans, and other receipts.

356 ~~5.6.~~ The full name and address of each person to whom  
357 expenditures have been made by or on behalf of the  
358 electioneering communications organization within the reporting  
359 period and the amount, date, and purpose of each expenditure.

360 ~~6.7.~~ The full name and address of each person to whom an  
361 expenditure for personal services, salary, or reimbursement for  
362 expenses has been made and that is not otherwise reported,  
363 including the amount, date, and purpose of the expenditure.

364 ~~7.8.~~ The total sum of expenditures made by the  
365 electioneering communications organization during the reporting  
366 period.

367 ~~8.9.~~ The amount and nature of debts and obligations owed by  
368 or to the electioneering communications organization that relate  
369 to the conduct of any electioneering communication.

370 ~~9.10.~~ Transaction information for each credit card  
371 purchase. Receipts for each credit card purchase shall be  
372 retained by the electioneering communications organization.

373 ~~10.11.~~ The amount and nature of any separate interest-  
374 bearing accounts or certificates of deposit and identification  
375 of the financial institution in which such accounts or  
376 certificates of deposit are located.

377 ~~11.12.~~ The primary purposes of an expenditure made

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378 indirectly through an electioneering communications organization  
379 for goods and services, such as communications media placement  
380 or procurement services and other expenditures that include  
381 multiple components as part of the expenditure. The primary  
382 purpose of an expenditure shall be that purpose, including  
383 integral and directly related components, that comprises 80  
384 percent of such expenditure.

385 Section 4. Section 106.38, Florida Statutes, is created to  
386 read:

387 106.38 Transfer of political committee and electioneering  
388 communications organization funds.—A political committee or an  
389 electioneering communications organization may not transfer  
390 funds to another political committee or electioneering  
391 communications organization, a political party, or an affiliated  
392 party committee.

393 Section 5. Final monthly campaign finance reports for  
394 September 2019 filed by candidates, political committees, and  
395 electioneering communications organizations pursuant to present  
396 ss. 106.07(1) and 106.0703(1), Florida Statutes, respectively,  
397 are due on Tuesday, October 9, 2019.

398 Section 6. This act shall take effect October 1, 2019.