

1                   A bill to be entitled  
2           An act relating to candidate qualifying and campaign  
3           expenditures; amending s. 99.012, F.S.; prohibiting a  
4           person from qualifying as a candidate for state,  
5           district, county, or municipal office in certain  
6           circumstances; amending 99.061, F.S.; providing  
7           requirements for the check with which a candidate's  
8           qualifying fee is paid; amending s. 106.07, F.S.;  
9           providing requirements for the notice a filing officer  
10          is required to provide to a candidate in certain  
11          circumstances; prohibiting a person who owes a certain  
12          fine from qualifying as a candidate for election to  
13          office until such fine is paid; requiring the filing  
14          officer to report certain information to an  
15          appropriate elections official, who shall prohibit  
16          such person from qualifying as a candidate for  
17          election for a certain period; amending s. 106.11,  
18          F.S.; providing that checks for a campaign account may  
19          not contain certain information; amending s. 112.324,  
20          F.S.; prohibiting a person under investigation by the  
21          Commission on Ethics from qualifying as a candidate  
22          for election in certain circumstances; requiring the  
23          commission to provide such person a written notice  
24          containing certain information; requiring the  
25          commission to report certain information to an

26 appropriate elections official, who shall prohibit  
 27 such person from qualifying as a candidate for  
 28 election for a certain period; providing an effective  
 29 date.

30  
 31 Be It Enacted by the Legislature of the State of Florida:

32  
 33 Section 1. Subsections (6), (7), and (8) of section  
 34 99.012, Florida Statutes, are renumbered as subsections (8),  
 35 (9), and (10), respectively, and new subsections (6) and (7) are  
 36 added to that section, to read:

37 99.012 Restrictions on individuals qualifying for public  
 38 office.—

39 (6) No person may qualify as a candidate for state,  
 40 district, county, or municipal office during an investigation by  
 41 the Commission on Ethics in which the commission has determined  
 42 that there is probable cause to believe that the person has  
 43 violated the Code of Ethics for Public Officers and Employees as  
 44 set forth in part III of ch. 112 or committed any other breach  
 45 of the public trust within the jurisdiction of the commission.

46 (7) No person who owes a fine imposed under s. 106.07(8)  
 47 for failure to file a campaign finance report during a previous  
 48 campaign may qualify as a candidate for state, district, county,  
 49 or municipal office until the fine is paid.

50 Section 2. Paragraph (a) of subsection (7) of section

51 99.061, Florida Statutes, is amended to read:

52 99.061 Method of qualifying for nomination or election to  
53 federal, state, county, or district office.—

54 (7)(a) In order for a candidate to be qualified, the  
55 following items must be received by the filing officer by the  
56 end of the qualifying period:

57 1. A properly executed check drawn upon the candidate's  
58 campaign account payable to the person or entity as prescribed  
59 by the filing officer in an amount not less than the fee  
60 required by s. 99.092, unless the candidate obtained the  
61 required number of signatures on petitions pursuant to s.  
62 99.095. The check may not contain information unrelated to the  
63 candidate's campaign, including, but not limited to, the name of  
64 an unrelated entity or a previous campaign and may not be  
65 manually altered to remove prohibited information or to include  
66 required information. The filing fee for a special district  
67 candidate is not required to be drawn upon the candidate's  
68 campaign account. If a candidate's check is returned by the bank  
69 for any reason, the filing officer shall immediately notify the  
70 candidate and the candidate shall have until the end of  
71 qualifying to pay the fee with a cashier's check purchased from  
72 funds of the campaign account. Failure to pay the fee as  
73 provided in this subparagraph shall disqualify the candidate.

74 2. The candidate's oath required by s. 99.021, which must  
75 contain the name of the candidate as it is to appear on the

76 ballot; the office sought, including the district or group  
 77 number if applicable; and the signature of the candidate, which  
 78 must be verified under oath or affirmation pursuant to s.  
 79 92.525(1) (a).

80 3. If the office sought is partisan, the written statement  
 81 of political party affiliation required by s. 99.021(1) (b).

82 4. The completed form for the appointment of campaign  
 83 treasurer and designation of campaign depository, as required by  
 84 s. 106.021.

85 5. The full and public disclosure or statement of  
 86 financial interests required by subsection (5). A public officer  
 87 who has filed the full and public disclosure or statement of  
 88 financial interests with the Commission on Ethics or the  
 89 supervisor of elections prior to qualifying for office may file  
 90 a copy of that disclosure at the time of qualifying.

91 Section 3. Paragraph (b) of subsection (8) of section  
 92 106.07, Florida Statutes, is amended, and subsection (9) is  
 93 added to that section, to read:

94 106.07 Reports; certification and filing.—

95 (8) (b) Upon determining that a report is late, the filing  
 96 officer shall immediately notify the candidate or chair of the  
 97 political committee as to the failure to file a report by the  
 98 designated due date and that a fine is being assessed for each  
 99 late day. The notification must also inform the candidate that a  
 100 person who owes a fine imposed under this paragraph may not

101 qualify as a candidate for election to state, district, county,  
102 or municipal office in any subsequent election until the fine is  
103 paid. The fine is \$50 per day for the first 3 days late and,  
104 thereafter, \$500 per day for each late day, not to exceed 25  
105 percent of the total receipts or expenditures, whichever is  
106 greater, for the period covered by the late report. However, for  
107 the reports immediately preceding each special primary election,  
108 special election, primary election, and general election, the  
109 fine is \$500 per day for each late day, not to exceed 25 percent  
110 of the total receipts or expenditures, whichever is greater, for  
111 the period covered by the late report. For reports required  
112 under s. 106.141(8), the fine is \$50 per day for each late day,  
113 not to exceed 25 percent of the total receipts or expenditures,  
114 whichever is greater, for the period covered by the late report.  
115 Upon receipt of the report, the filing officer shall determine  
116 the amount of the fine which is due and shall notify the  
117 candidate or chair or registered agent of the political  
118 committee. The filing officer shall determine the amount of the  
119 fine due based upon the earliest of the following:

- 120 1. When the report is actually received by such officer.
- 121 2. When the report is postmarked.
- 122 3. When the certificate of mailing is dated.
- 123 4. When the receipt from an established courier company is  
124 dated.
- 125 5. When the electronic receipt issued pursuant to s.

126 | 106.0705 or other electronic filing system authorized in this  
127 | section is dated.

128 |  
129 | Such fine shall be paid to the filing officer within 20 days  
130 | after receipt of the notice of payment due, unless appeal is  
131 | made to the Florida Elections Commission pursuant to paragraph  
132 | (c). Notice is deemed complete upon proof of delivery of written  
133 | notice to the mailing or street address on record with the  
134 | filing officer. In the case of a candidate, such fine is not an  
135 | allowable campaign expenditure and shall be paid only from  
136 | personal funds of the candidate. An officer or member of a  
137 | political committee is not personally liable for such fine.

138 | (9) A person who owes a fine imposed under paragraph (8)  
139 | may not qualify as a candidate for election to state, district,  
140 | county, or municipal office in any subsequent election until the  
141 | fine is paid. The filing officer shall notify the appropriate  
142 | elections official of the unpaid fine, who shall prohibit the  
143 | person from qualifying as a candidate until the fine is paid.  
144 | The filing officer shall notify the elections official upon  
145 | payment of such fine.

146 | Section 4. Paragraph (c) is added to subsection (1) of  
147 | section 106.11, Florida Statutes, to read:

148 | 106.11 Expenses of and expenditures by candidates and  
149 | political committees.—Each candidate and each political  
150 | committee which designates a primary campaign depository

151 pursuant to s. 106.021(1) shall make expenditures from funds on  
152 deposit in such primary campaign depository only in the  
153 following manner, with the exception of expenditures made from  
154 petty cash funds provided by s. 106.12:

155 (1)

156 (c) The checks for such account may not contain the name  
157 of an unrelated entity or a prior campaign.

158 Section 5. Subsection (3) of section 112.324, Florida  
159 Statutes, is amended to read:

160 112.324 Procedures on complaints of violations and  
161 referrals; public records and meeting exemptions.—

162 (3) (a) A preliminary investigation shall be undertaken by  
163 the commission of each legally sufficient complaint or referral  
164 over which the commission has jurisdiction to determine whether  
165 there is probable cause to believe that a violation has  
166 occurred. If, upon completion of the preliminary investigation,  
167 the commission finds no probable cause to believe that this part  
168 has been violated or that any other breach of the public trust  
169 has been committed, the commission shall dismiss the complaint  
170 or referral with the issuance of a public report to the  
171 complainant and the alleged violator, stating with particularity  
172 its reasons for dismissal. At that time, the complaint or  
173 referral and all materials relating to the complaint or referral  
174 shall become a matter of public record. If the commission finds  
175 from the preliminary investigation probable cause to believe

176 that this part has been violated or that any other breach of the  
177 public trust has been committed, it shall so notify the  
178 complainant and the alleged violator in writing. Such  
179 notification and all documents made or received in the  
180 disposition of the complaint or referral shall then become  
181 public records.

182 (b) If, upon completion of the preliminary investigation,  
183 the commission determines that there is probable cause to  
184 believe that this part has been violated or that any other  
185 breach of the public trust has been committed, the alleged  
186 violator may not qualify as a candidate for election to state,  
187 district, county, or municipal office until completion of a full  
188 and final investigation or dismissal of the complaint or  
189 referral by the commission.

190 (c) The commission shall notify the alleged violator in  
191 writing that he or she may not qualify as a candidate for  
192 election to state, district, county, or municipal office until  
193 completion of a full and final investigation or dismissal of the  
194 complaint or referral by the commission.

195 (d) The commission shall report the determination of  
196 probable cause to the appropriate elections official, who shall  
197 prohibit the alleged violator from qualifying as a candidate for  
198 election to state, district, county, or municipal office until  
199 completion of a full and final investigation or dismissal of the  
200 complaint or referral by the commission. The commission shall



201 notify the elections official upon such completion or dismissal.

202 (e) Upon request submitted to the commission in writing,  
203 any person who the commission finds probable cause to believe  
204 has violated any provision of this part or has committed any  
205 other breach of the public trust shall be entitled to a public  
206 hearing. Such person shall be deemed to have waived the right to  
207 a public hearing if the request is not received within 14 days  
208 following the mailing of the probable cause notification  
209 required by this subsection. However, the commission may on its  
210 own motion, require a public hearing, may conduct such further  
211 investigation as it deems necessary, and may enter into such  
212 stipulations and settlements as it finds to be just and in the  
213 best interest of the state.

214 (f) The commission is without jurisdiction to, and no  
215 respondent may voluntarily or involuntarily, enter into a  
216 stipulation or settlement which imposes any penalty, including,  
217 but not limited to, a sanction or admonition or any other  
218 penalty contained in s. 112.317. Penalties shall be imposed only  
219 by the appropriate disciplinary authority as designated in this  
220 section.

221 Section 6. This act shall take effect July 1, 2021.