

1 A bill to be entitled
 2 An act relating to electioneering communications
 3 organizations; amending s. 106.011, F.S.; revising the
 4 definition of the term "electioneering communication";
 5 amending s. 106.03, F.S.; revising the expenditure
 6 level at which groups engaged in electioneering
 7 communications must file a statement of organization
 8 with specified entities within a specified timeframe;
 9 requiring electioneering communications organizations
 10 to include certain information in their statements of
 11 organization; providing for civil penalties for late
 12 filings; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (a) of subsection (8) of section
 17 106.011, Florida Statutes, is amended to read:

18 106.011 Definitions.—As used in this chapter, the
 19 following terms have the following meanings unless the context
 20 clearly indicates otherwise:

21 (8)(a) "Electioneering communication" means a text message
 22 or communication that is publicly distributed by a television
 23 station, radio station, cable television system, satellite
 24 system, newspaper, magazine, direct mail, or telephone which:

25 1. Refers to or depicts a clearly identified candidate for

26 office without expressly advocating the election or defeat of a
 27 candidate but that is susceptible of no reasonable
 28 interpretation other than an appeal to vote for or against a
 29 specific candidate;

30 2. Is made after the close of the qualifying period ~~within~~
 31 ~~30 days before a primary or special primary election or 60 days~~
 32 ~~before any other election~~ for the office sought by the
 33 candidate; and

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

36 Section 2. Present subsection (7) of section 106.03,
 37 Florida Statutes, is redesignated as subsection (8), a new
 38 subsection (7) is added to that section, and paragraph (b) of
 39 subsection (1) and subsection (2) of that section are amended,
 40 to read:

41 106.03 Registration of political committees and
 42 electioneering communications organizations.—

43 (1)

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

49 106.011(8)(a)2. If the group makes expenditures for an
 50 electioneering communication in excess of \$1,000 ~~\$5,000~~ before

51 | the timeframes specified in s. 106.011(8)(a)2., it must ~~shall~~
52 | file the statement of organization within 24 hours after the
53 | close of the qualifying period for the office sought by the
54 | candidate ~~30th day before a primary or special primary election,~~
55 | ~~or within 24 hours after the 60th day before any other election,~~
56 | ~~whichever is applicable.~~

57 | 2.a. In a statewide, legislative, or multicounty election,
58 | an electioneering communications organization shall file a
59 | statement of organization with the Division of Elections.

60 | b. In a countywide election or any election held on less
61 | than a countywide basis, except as described in sub-subparagraph
62 | c., an electioneering communications organization shall file a
63 | statement of organization with the supervisor of elections of
64 | the county in which the election is being held.

65 | c. In a municipal election, an electioneering
66 | communications organization shall file a statement of
67 | organization with the officer before whom municipal candidates
68 | qualify.

69 | d. Any electioneering communications organization that
70 | would be required to file a statement of organization in two or
71 | more locations need only file a statement of organization with
72 | the Division of Elections.

73 | (2) The statement of organization must ~~shall~~ include all
74 | of the following:

75 | (a) The name, mailing address, and street address of the

76 | committee or electioneering communications organization.†

77 | (b) The names, street addresses, and relationships of
78 | affiliated or connected organizations, including any affiliated
79 | sponsors.†

80 | (c) The area, scope, or jurisdiction of the committee or
81 | electioneering communications organization.†

82 | (d) The name, mailing address, street address, and
83 | position of the custodian of books and accounts.†

84 | (e) The name, mailing address, street address, and
85 | position of other principal officers, including the treasurer
86 | and deputy treasurer, if any, and a copy of a government-issued
87 | identification credential for each principal officer. The
88 | mailing address must be a physical location and may not be a
89 | post office box address.†

90 | (f) The name, address, office sought, and party
91 | affiliation of:

- 92 | 1. Each candidate whom the committee is supporting; and
93 | 2. Any other individual, if any, whom the committee is
94 | supporting for nomination for election, or election, to any
95 | public office whatever.†

96 | (g) Any issue or issues the committee is supporting or
97 | opposing.†

98 | (h) If the committee is supporting the entire ticket of
99 | any party, a statement to that effect and the name of the
100 | party.†

101 (i) A statement of whether the committee is a continuing
 102 one.~~†~~

103 (j) Plans for the disposition of residual funds which will
 104 be made in the event of dissolution.~~†~~

105 (k) A listing of all banks, safe-deposit boxes, or other
 106 depositories used for committee or electioneering communications
 107 organization funds.~~†~~

108 (l) For electioneering communications organizations, a
 109 listing of:

110 1. The full name, address, and occupation, if any, of each
 111 person who has made one or more contributions to or for such
 112 electioneering communications organization before the filing of
 113 the statement of organization, together with the amount and date
 114 of such contributions. For corporations, the listing must
 115 provide as clear a description as practicable of the principal
 116 type of business conducted by the corporation. However, if the
 117 contribution is \$100 or less, the occupation of the contributor
 118 or the principal type of business need not be listed.

119 2. The name and address of each political committee from
 120 which or to which the reporting electioneering communications
 121 organization made any transfer of funds, together with the
 122 amounts and dates of all transfers.

123 3. Each loan for electioneering communications purposes to
 124 or from any person or political committee before the filing of
 125 the statement of organization, together with the full names,

126 addresses, and occupations and principal places of business, if
127 any, of the lender and endorsers, if applicable, and the date
128 and amount of such loans.

129 4. A statement of each contribution, rebate, refund, or
130 other receipt not otherwise listed under subparagraphs 1., 2.,
131 or 3.

132 5. The total sums of all loans, in-kind contributions, and
133 other receipts by or for such electioneering communications
134 organization before the filing of the statement of organization.
135 The sums must be listed separately for all loans, in-kind
136 contributions, and other receipts.

137 6. The full name and address of each person to whom
138 expenditures have been made by or on behalf of the
139 electioneering communications organization within the reporting
140 period and the amount, date, and purpose of each expenditure.

141 7. The full name and address of each person to whom an
142 expenditure for personal services, salary, or reimbursement for
143 expenses has been made and which is not otherwise reported,
144 including the amount, date, and purpose of the expenditure.

145 8. The total sum of expenditures made by the
146 electioneering communications organization.

147 9. The amount and nature of debts and obligations owed by
148 or to the electioneering communications organization which
149 relate to the conduct of any electioneering communication.

150 10. Transaction information for each credit card purchase.

151 Receipts for each credit card purchase must be retained by the
 152 electioneering communications organization.

153 11. The amount and nature of any separate interest-bearing
 154 accounts or certificates of deposit and identification of the
 155 financial institution in which such accounts or certificates of
 156 deposit are located.

157 12. The primary purposes of an expenditure made indirectly
 158 through an electioneering communications organization for goods
 159 and services, such as communications media placement or
 160 procurement services and other expenditures that include
 161 multiple components as part of the expenditure. The primary
 162 purpose of an expenditure must be that purpose, including
 163 integral and directly related components, which comprises 80
 164 percent of such expenditure.

165 (m) A statement of the reports required to be filed by the
 166 committee or the electioneering communications organization with
 167 federal officials, if any, and the names, addresses, and
 168 positions of such officials. ~~;~~ ~~and~~

169 (n) ~~(m)~~ A statement of whether the electioneering
 170 communications organization was formed as a newly created
 171 organization during the current calendar quarter or was formed
 172 from an organization existing prior to the current calendar
 173 quarter. For purposes of this subsection, calendar quarters end
 174 the last day of March, June, September, and December.

175 (7) Any group that fails to file a statement of

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176 | organization in accordance with the timeframe prescribed in
177 | paragraph (1)(b) is subject to a daily fine. The fine is \$500
178 | per day for the first 3 days late and, thereafter, \$2,500 per
179 | day for each day late.

180 | Section 3. This act shall take effect July 1, 2022.