

By Senator Taddeo

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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 following
19 terms have the following meanings unless the context clearly
20 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;

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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 geographic
35 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

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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 of
74 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 position
83 of the custodian of books and accounts.†

84 (e) The name, mailing address, street address, and position
85 of other principal officers, including the treasurer and deputy
86 treasurer, if any, and a copy of a government-issued
87 identification credential for each principal officer. The

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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 affiliation
91 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 any
99 party, a statement to that effect and the name of the party.†

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

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

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

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

109 1. The full name, address, and occupation, if any, of each
110 person who has made one or more contributions to or for such
111 electioneering communications organization before the filing of
112 the statement of organization, together with the amount and date
113 of such contributions. For corporations, the listing must
114 provide as clear a description as practicable of the principal
115 type of business conducted by the corporation. However, if the
116 contribution is \$100 or less, the occupation of the contributor

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117 or the principal type of business need not be listed.

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

122 3. Each loan for electioneering communications purposes to
123 or from any person or political committee before the filing of
124 the statement of organization, together with the full names,
125 addresses, and occupations and principal places of business, if
126 any, of the lender and endorsers, if applicable, and the date
127 and amount of such loans.

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

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

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

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

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

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

149 10. Transaction information for each credit card purchase.
150 Receipts for each credit card purchase must be retained by the
151 electioneering communications organization.

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

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

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

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

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

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

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