

By Senator Hutson

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1                   A bill to be entitled  
2       An act relating to campaign finance; repealing ss.  
3       106.30, 106.31, 106.32, 106.33, 106.34, 106.35,  
4       106.353, 106.355, and 106.36, F.S., relating to the  
5       Florida Election Campaign Financing Act; deleting  
6       provisions governing the public funding of campaigns  
7       for candidates for statewide office who agree to  
8       certain expenditure limits; amending ss. 106.021,  
9       106.141, 106.22, and 328.72, F.S.; conforming cross-  
10      references and provisions to changes made by the act;  
11      providing a contingent effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15       Section 1. Sections 106.30, 106.31, 106.32, 106.33, 106.34,  
16 106.35, 106.353, 106.355, and 106.36, Florida Statutes, are  
17 repealed.

18       Section 2. Paragraph (a) of subsection (1) of section  
19 106.021, Florida Statutes, is amended to read:

20       106.021 Campaign treasurers; deputies; primary and  
21 secondary depositories.-

22       (1) (a) Each candidate for nomination or election to office  
23 and each political committee shall appoint a campaign treasurer.  
24 Each person who seeks to qualify for nomination or election to,  
25 or retention in, office shall appoint a campaign treasurer and  
26 designate a primary campaign depository before qualifying for  
27 office. Any person who seeks to qualify for election or  
28 nomination to any office by means of the petitioning process  
29 shall appoint a treasurer and designate a primary depository on

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30 or before the date he or she obtains the petitions. At the same  
31 time a candidate designates a campaign depository and appoints a  
32 treasurer, the candidate shall also designate the office for  
33 which he or she is a candidate. If the candidate is running for  
34 an office that will be grouped on the ballot with two or more  
35 similar offices to be filled at the same election, the candidate  
36 must indicate for which group or district office he or she is  
37 running. This subsection does not prohibit a candidate, at a  
38 later date, from changing the designation of the office for  
39 which he or she is a candidate. However, if a candidate changes  
40 the designated office for which he or she is a candidate, the  
41 candidate must notify all contributors in writing of the intent  
42 to seek a different office and offer to return pro rata, upon  
43 their request, those contributions given in support of the  
44 original office sought. This notification shall be given within  
45 15 days after the filing of the change of designation and shall  
46 include a standard form developed by the Division of Elections  
47 for requesting the return of contributions. The notice  
48 requirement does not apply to any change in a numerical  
49 designation resulting solely from redistricting. If, within 30  
50 days after being notified by the candidate of the intent to seek  
51 a different office, the contributor notifies the candidate in  
52 writing that the contributor wishes his or her contribution to  
53 be returned, the candidate shall return the contribution, on a  
54 pro rata basis, calculated as of the date the change of  
55 designation is filed. Up to a maximum of the contribution limits  
56 specified in s. 106.08, a candidate who runs for an office other  
57 than the office originally designated may use any contribution  
58 that a donor does not request be returned within the 30-day

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59 period for the newly designated office, provided the candidate  
60 disposes of any amount exceeding the contribution limit pursuant  
61 to the options in s. 106.11(5)(b) and (c) or s. 106.141(4)(a),  
62 (b), or (d) ~~s. 106.141(4)(a)1., 2., or 4.~~; notwithstanding, the  
63 full amount of the contribution for the original office shall  
64 count toward the contribution limits specified in s. 106.08 for  
65 the newly designated office. A person may not accept any  
66 contribution or make any expenditure with a view to bringing  
67 about his or her nomination, election, or retention in public  
68 office, or authorize another to accept such contributions or  
69 make such expenditure on the person's behalf, unless such person  
70 has appointed a campaign treasurer and designated a primary  
71 campaign depository. A candidate for an office voted upon  
72 statewide may appoint not more than 15 deputy campaign  
73 treasurers, and any other candidate or political committee may  
74 appoint not more than 3 deputy campaign treasurers. The names  
75 and addresses of the campaign treasurer and deputy campaign  
76 treasurers so appointed shall be filed with the officer before  
77 whom such candidate is required to qualify or with whom such  
78 political committee is required to register pursuant to s.  
79 106.03.

80 Section 3. Subsection (4) of section 106.141, Florida  
81 Statutes, is amended to read:

82 106.141 Disposition of surplus funds by candidates.—

83 ~~(4)(a) Except as provided in paragraph (b),~~ Any candidate  
84 required to dispose of funds pursuant to this section shall, at  
85 the option of the candidate, dispose of such funds by any of the  
86 following means, or any combination thereof:

87 (a)1. Return pro rata to each contributor the funds that

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88 have not been spent or obligated.

89 ~~(b)2.~~ Donate the funds that have not been spent or  
90 obligated to a charitable organization or organizations that  
91 meet the qualifications of s. 501(c)(3) of the Internal Revenue  
92 Code, except that the candidate may not be employed by the  
93 charitable organization to which he or she donates the funds.

94 ~~(c)3.~~ Give not more than \$25,000 of the funds that have not  
95 been spent or obligated to the affiliated party committee or  
96 political party of which such candidate is a member.

97 ~~(d)4.~~ Give the funds that have not been spent or obligated:

98 ~~1.a.~~ To the state, to be deposited in ~~either the Election~~  
99 ~~Campaign Financing Trust Fund or~~ the General Revenue Fund, ~~as~~  
100 ~~designated by the candidate; or~~

101 ~~2.b.~~ In the case of a candidate for an office of a  
102 political subdivision, to such a political subdivision, to be  
103 deposited in the general fund thereof.

104 ~~(b) Any candidate required to dispose of funds pursuant to~~  
105 ~~this section who has received contributions pursuant to the~~  
106 ~~Florida Election Campaign Financing Act shall, after all~~  
107 ~~monetary commitments pursuant to s. 106.11(5) (b) and (c) have~~  
108 ~~been met, return all surplus campaign funds to the General~~  
109 ~~Revenue Fund.~~

110 Section 4. Subsection (6) of section 106.22, Florida  
111 Statutes, is amended to read:

112 106.22 Duties of the Division of Elections.—It is the duty  
113 of the Division of Elections to:

114 (6) Make, from time to time, audits and field  
115 investigations with respect to reports and statements filed  
116 under the provisions of this chapter and with respect to alleged

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117 failures to file any report or statement required under the  
118 provisions of this chapter. ~~The division shall conduct a~~  
119 ~~postelection audit of the campaign accounts of all candidates~~  
120 ~~receiving contributions from the Election Campaign Financing~~  
121 ~~Trust Fund.~~

122 Section 5. Subsection (11) of section 328.72, Florida  
123 Statutes, is amended to read:

124 328.72 Classification; registration; fees and charges;  
125 surcharge; disposition of fees; fines; marine turtle stickers.-

126 (11) VOLUNTARY CONTRIBUTIONS.-The application form for boat  
127 registration shall include a provision to allow each applicant  
128 to indicate a desire to pay an additional voluntary contribution  
129 to the Save the Manatee Trust Fund to be used for the purposes  
130 specified in s. 379.2431(4). This contribution shall be in  
131 addition to all other fees and charges. The amount of the  
132 request for a voluntary contribution solicited shall be \$2 or \$5  
133 per registrant. A registrant who provides a voluntary  
134 contribution of \$5 or more shall be given a sticker or emblem by  
135 the tax collector to display, which signifies support for the  
136 Save the Manatee Trust Fund. All voluntary contributions shall  
137 be deposited in the Save the Manatee Trust Fund and shall be  
138 used for the purposes specified in s. 379.2431(4). ~~The form~~  
139 ~~shall also include language permitting a voluntary contribution~~  
140 ~~of \$5 per applicant, which contribution shall be transferred~~  
141 ~~into the Election Campaign Financing Trust Fund. A statement~~  
142 ~~providing an explanation of the purpose of the trust fund shall~~  
143 ~~also be included.~~

144 Section 6. This act shall take effect on the effective date  
145 of the amendment to the State Constitution proposed by SJR 1114

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146 or a similar joint resolution having substantially the same  
147 specific intent and purpose if such an amendment to the State  
148 Constitution is approved by the electors at the next general  
149 election or at an earlier special election specifically  
150 authorized by law for that purpose.