

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:

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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17 repealed.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.