



639232

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/16/2024	.	
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The Committee on Ethics and Elections (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 62 - 240
and insert:
10 business days after the division completes an audit conducted pursuant to this subsection or s. 106.22(10). The candidate may maintain the campaign account during such an audit for the sole purpose of making expenditures to correct audit findings.

(6)~~(5)~~ A candidate elected to office or a candidate who will be elected to office by virtue of his or her being



639232

11 unopposed may, in addition to the disposition methods provided
12 in subsection (5) ~~(4)~~, transfer from the campaign account to an
13 office account any amount of the funds on deposit in such
14 campaign account up to:

15 (a) Fifty thousand dollars, for a candidate for statewide
16 office. The Governor and Lieutenant Governor shall be considered
17 separate candidates for the purpose of this section.

18 (b) Ten thousand dollars, for a candidate for multicounty
19 office.

20 (c) Ten thousand dollars multiplied by the number of years
21 in the term of office for which elected, for a candidate for
22 legislative office.

23 (d) Five thousand dollars multiplied by the number of years
24 in the term of office for which elected, for a candidate for
25 county office or for a candidate in any election conducted on
26 less than a countywide basis.

27 (e) Six thousand dollars, for a candidate for retention as
28 a justice of the Supreme Court.

29 (f) Three thousand dollars, for a candidate for retention
30 as a judge of a district court of appeal.

31 (g) Three thousand dollars, for a candidate for county
32 court judge or circuit judge.

33

34 The office account established pursuant to this subsection shall
35 be separate from any personal or other account. Any funds so
36 transferred by a candidate shall be used only for legitimate
37 expenses in connection with the candidate's public office. Such
38 expenses may include travel expenses incurred by the officer or
39 a staff member; personal taxes payable on office account funds



639232

40 by the candidate or elected public official; professional
41 services provided by a certified public accountant or attorney
42 for preparation of the elected public official's financial
43 disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs
44 to prepare, print, produce, and mail holiday cards or
45 newsletters about the elected public official's public business
46 to constituents if such correspondence does not constitute a
47 political advertisement, independent expenditure, or
48 electioneering communication as provided in s. 106.011; fees or
49 dues to religious, civic, or charitable organizations of which
50 the elected public official is a member; items of modest value
51 such as flowers, greeting cards, or personal notes given as a
52 substitute for, or in association with, an elected public
53 official's personal attendance at a constituent's special event
54 or family occasion, such as the birth of a child, graduation,
55 wedding, or funeral; personal expenses incurred by the elected
56 public official in connection with attending a constituent
57 meeting or event where public policy is discussed, if such
58 meetings or events are limited to no more than once a week; or
59 expenses incurred in the operation of the elected public
60 official's office, including the employment of additional staff.
61 The funds may be deposited in a savings account; however, all
62 deposits, withdrawals, and interest earned thereon shall be
63 reported at the appropriate reporting period. If a candidate is
64 reelected to office or elected to another office and has funds
65 remaining in his or her office account, he or she may transfer
66 surplus campaign funds to the office account. At no time may the
67 funds in the office account exceed the limitation imposed by
68 this subsection. Upon leaving public office, any person who has



639232

69 funds in an office account pursuant to this subsection remaining
70 on deposit shall use such funds to pay for professional services
71 provided by a certified public accountant or attorney for
72 preparation of the elected public official's final financial
73 disclosure filing pursuant to s. 112.3144 or s. 112.3145, or
74 give such funds to a charitable organization that meets the
75 requirements of s. 501(c) (3) of the Internal Revenue Code or, in
76 the case of a state officer, to the state to be deposited in the
77 General Revenue Fund or, in the case of an officer of a
78 political subdivision, to the political subdivision to be
79 deposited in the general fund thereof.

80 ~~(7) (6)~~

81 (b) A candidate elected to state office or a candidate who
82 will be elected to state office by virtue of his or her being
83 unopposed after candidate qualifying ends, may retain up to
84 \$20,000 in his or her campaign account, or in an interest-
85 bearing account or certificate of deposit, for use in his or her
86 next campaign for the same office, in addition to the
87 disposition methods provided in subsections (5) ~~(4)~~ and (6) ~~(5)~~.
88 All requirements applicable to candidate campaign accounts under
89 this chapter, including disclosure requirements applicable to
90 candidate campaign accounts, limitations on expenditures, and
91 limitations on contributions, apply to any retained funds.

92 ~~(8) (7)~~ Before disposing of funds pursuant to subsection (5)
93 ~~(4)~~, transferring funds into an office account pursuant to
94 subsection (6) ~~(5)~~, or retaining funds for reelection pursuant
95 to subsection (7) ~~(6)~~, any candidate who filed an oath stating
96 that he or she was unable to pay the fee for verification of
97 petition signatures without imposing an undue burden on his or



639232

98 her personal resources or on resources otherwise available to
99 him or her shall reimburse the state or local governmental
100 entity, whichever is applicable, for such waived fee. If there
101 are insufficient funds in the account to pay the full amount of
102 the fee, the remaining funds shall be disbursed in the above
103 manner until no funds remain. All funds disbursed pursuant to
104 this subsection shall be remitted to the qualifying officer. Any
105 reimbursement for petition verification costs which are
106 reimbursable by the state shall be forwarded by the qualifying
107 officer to the state for deposit in the General Revenue Fund.

108 (9)~~(8)~~(a) Any candidate required to dispose of campaign
109 funds pursuant to this section shall do so within the time
110 required by this section and, on or before the date by which
111 such disposition is to have been made, shall file with the
112 officer with whom reports are required to be filed pursuant to
113 s. 106.07 a form prescribed by the Division of Elections
114 listing:

115 1. The name and address of each person or unit of
116 government to whom any of the funds were distributed and the
117 amounts thereof;

118 2. The name and address of each person to whom an
119 expenditure was made, together with the amount thereof and
120 purpose therefor;

121 3. The amount of such funds transferred to an office
122 account by the candidate, together with the name and address of
123 the bank, savings and loan association, or credit union in which
124 the office account is located; and

125 4. The amount of such funds retained pursuant to subsection
126 (7) ~~(6)~~, together with the name and address of the bank, savings



639232

127 and loan association, or credit union in which the retained
128 funds are located.

129
130 Such report shall be signed by the candidate and the campaign
131 treasurer and certified as true and correct pursuant to s.
132 106.07.

133 (10)~~(9)~~ Any candidate elected to office who transfers
134 surplus campaign funds into an office account pursuant to
135 subsection (6)~~(5)~~ shall file a report on the 10th day following
136 the end of each calendar quarter until the account is closed.
137 Such reports shall contain the name and address of each person
138 to whom any disbursement of funds was made, together with the
139 amount thereof and the purpose therefor, and the name and
140 address of any person from whom the elected candidate received
141 any refund or reimbursement and the amount thereof. Such reports
142 shall be on forms prescribed by the Division of Elections,
143 signed by the elected candidate, certified as true and correct,
144 and filed with the officer with whom campaign reports were filed
145 pursuant to s. 106.07(2).

146 Section 2. Subsections (6) and (10) of section 106.22,
147 Florida Statutes, are amended to read:

148 106.22 Duties of the Division of Elections.—It is the duty
149 of the Division of Elections to:

150 (6) Conduct ~~Make, from time to time,~~ audits and field
151 investigations with respect to ~~reports and statements filed~~
152 ~~under the provisions of this chapter and with respect to~~ alleged
153 failures to file any report or statement required under ~~the~~
154 ~~provisions of~~ this chapter. The division shall conduct a
155 postelection audit of the campaign accounts of all candidates



639232

156 receiving contributions from the Election Campaign Financing
157 Trust Fund.

158 (10) After each general election cycle, conduct random
159 audits of ~~with respect to~~ reports and statements filed under
160 this chapter during that cycle and with respect to alleged
161 ~~failure to file any reports and statements required under this~~
162 ~~chapter.~~

163 (a) The audits must be of a random sample of 3 percent of:

164 1. All qualified candidates in each of the following office
165 groups:

166 a. State.

167 b. Judicial.

168 c. Multicounty.

169 d. Special district.

170 2. All political committees.

171 3. All electioneering communication organizations.

172 (b) The division shall adopt rules governing the sample
173 selection process by October 1, 2024.

174 (c) The division shall complete the sample selection
175 process no later than 30 days after each general election and
176 shall promptly notify the treasurer of each candidate, political
177 committee, and electioneering communication organization
178 selected.

179 (d) The treasurer of each candidate, political committee,
180 or electioneering communication organization shall maintain
181 valid contact information with the division until the division
182 determines that the candidate, political committee, or
183 electioneering communication organization has not been selected
184 for an audit, or, if selected, until completion of the audit.



639232

185 (e) The selection of a candidate, a political committee, or
186 an electioneering communication organization for audit and the
187 process by which the candidate, political committee, or
188 electioneering communication organization was selected are
189 exempt from chapter 120.

190 (f) The 90-day period within which a candidate must dispose
191 of funds and file a report pursuant to s. 106.141(1) is tolled
192 until 10 business days after the division completes an audit
193 pursuant to this subsection. The candidate may maintain the
194 campaign account during such an audit for the sole purpose of
195 making expenditures to correct audit findings.

196
197 ===== T I T L E A M E N D M E N T =====

198 And the title is amended as follows:

199 Delete lines 19 - 23

200 and insert:

201 certain date; requiring the division to complete the
202 selection process within a specified timeframe and
203 promptly notify treasurers of specified entities
204 selected; requiring such treasurers to maintain valid
205 contact information with the division for a specified
206 timeframe; exempting aspects of the auditing process
207 from the Administrative Procedure Act; providing that
208 the period for candidates to dispose of funds and file
209 a report is tolled for a specified timeframe under
210 specified conditions; authorizing candidates to
211 maintain a campaign account for a specified purpose
212 during an audit; amending s. 106.021,