

Bill No. SB 716

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Proposed Committee Substitute by the Committee on Ethics and Elections

1 A bill to be entitled

2 An act relating to campaign finance; amending

3 s. 106.011, F.S.; redefining the terms

4 "political committee," "contribution,"

5 "expenditure," "communications media," and

6 "electioneering communication"; defining the

7 term "electioneering communications

8 organization"; amending s. 106.03, F.S.;

9 amending the registration requirements for

10 political committees and electioneering

11 communications organizations; creating s.

12 106.0703, F.S.; establishing campaign finance

13 reporting requirements for electioneering

14 communications organizations; amending s.

15 106.0705, F.S.; incorporating the new campaign

16 finance reporting requirements for

17 electioneering communications organizations

18 into the Department of State's electronic

19 campaign finance reporting system; amending s.

20 106.08, F.S.; prohibiting the use of certain

21 contributions received by an electioneering

22 communications organization proximate to an

23 election; establishing conditions for the

24 receipt of certain contributions by

25 electioneering communications organizations;

26 prohibiting certain state office holders, state

27 legislators, and candidates from soliciting or

28 accepting contributions on behalf of certain

29 organizations; establishing exemptions;

30 republishing ss. 106.07, 106.08(8), 106.19,

31 F.S.; containing cross-references; establishing

1 penalties; providing an effective date.

2

3 Be It Enacted by the Legislature of the State of Florida:

4

5 Section 1. Subsections (1), (3), (4), (13), and (18)
6 are amended, and subsection (19) of section 106.011, Florida
7 Statutes, is created to read:

8 106.011 Definitions.--As used in this chapter, the
9 following terms have the following meanings unless the context
10 clearly indicates otherwise:

11 (1)(a) "Political committee" means:

12 1. A combination of two or more individuals, or a
13 person other than an individual, that, in an aggregate amount
14 in excess of \$500 during a single calendar year:

15 a. Accepts contributions for the purpose of making
16 contributions to any candidate, political committee, committee
17 of continuous existence, or political party;

18 b. Accepts contributions for the purpose of expressly
19 advocating the election or defeat of a candidate or the
20 passage or defeat of an issue;

21 c. Makes expenditures that expressly advocate the
22 election or defeat of a candidate or the passage or defeat of
23 an issue; or

24 d. Makes contributions to a common fund, other than a
25 joint checking account between spouses, from which
26 contributions are made to any candidate, political committee,
27 committee of continuous existence, or political party;

28 2. The sponsor of a proposed constitutional amendment
29 by initiative who intends to seek the signatures of registered
30 electors.

31 (b) Notwithstanding paragraph (a), the following

1 entities are not considered political committees for purposes
2 of this chapter:

3 1. Organizations which are certified by the Department
4 of State as committees of continuous existence pursuant to s.
5 106.04, national political parties, and the state and county
6 executive committees of political parties regulated by chapter
7 103.

8 2. Corporations regulated by chapter 607 or chapter
9 617 or other business entities formed for purposes other than
10 to support or oppose issues or candidates, if their political
11 activities are limited to contributions to candidates,
12 political parties, or political committees or expenditures in
13 support of or opposition to an issue from corporate or
14 business funds and if no contributions are received by such
15 corporations or business entities.

16 3. Electioneering communications organizations
17 pursuant to subsection (19) ~~Organizations whose activities are~~
18 ~~limited to making expenditures for electioneering~~
19 ~~communications or accepting contributions for the purpose of~~
20 ~~making electioneering communications; however, such~~
21 organizations shall be required to register and report
22 contributions, including those received from committees of
23 continuous existence, and expenditures in the same manner, at
24 the same time, subject to the same penalties, and with the
25 same filing officer as a political committee supporting or
26 opposing a candidate or issue contained in the electioneering
27 communication, except as otherwise specifically provided in
28 this chapter. If any such organization would be required to
29 register and report with more than one filing officer, the
30 organization shall register and report solely with the
31 Division of Elections.

1 (3) "Contribution" means:

2 (a) A gift, subscription, conveyance, deposit, loan,
3 payment, or distribution of money or anything of value,
4 including contributions in kind having an attributable
5 monetary value in any form, made for the purpose of
6 influencing the results of an election or making an
7 electioneering communication.

8 (b) A transfer of funds between political committees,
9 between committees of continuous existence, between
10 electioneering communication organizations, or between any
11 combination of these groups ~~or between a political committee~~
12 ~~and a committee of continuous existence.~~

13 (c) The payment, by any person other than a candidate
14 or political committee, of compensation for the personal
15 services of another person which are rendered to a candidate
16 or political committee without charge to the candidate or
17 committee for such services.

18 (d) The transfer of funds by a campaign treasurer or
19 deputy campaign treasurer between a primary depository and a
20 separate interest-bearing account or certificate of deposit,
21 and the term includes any interest earned on such account or
22 certificate.

23
24 Notwithstanding the foregoing meanings of "contribution," the
25 word shall not be construed to include services, including,
26 but not limited to, legal and accounting services, provided
27 without compensation by individuals volunteering a portion or
28 all of their time on behalf of a candidate or political
29 committee. This definition shall not be construed to include
30 editorial endorsements.

31 (4)(a) "Expenditure" means a purchase, payment,

1 distribution, loan, advance, transfer of funds by a campaign
 2 treasurer or deputy campaign treasurer between a primary
 3 depository and a separate interest-bearing account or
 4 certificate of deposit, or gift of money or anything of value
 5 made for the purpose of influencing the results of an election
 6 or making an electioneering communication. However,
 7 "expenditure" does not include a purchase, payment,
 8 distribution, loan, advance, or gift of money or anything of
 9 value made for the purpose of influencing the results of an
 10 election when made by an organization, in existence prior to
 11 the time during which a candidate qualifies or an issue is
 12 placed on the ballot for that election, for the purpose of
 13 printing or distributing such organization's newsletter,
 14 containing a statement by such organization in support of or
 15 opposition to a candidate or issue, which newsletter is
 16 distributed only to members of such organization.

17 (b) As used in this chapter, an "expenditure" for an
 18 electioneering communication is made when the earliest of the
 19 following occurs:

- 20 1. A person enters into ~~executes~~ a contract for
 21 applicable goods or services;
- 22 2. A person makes payment, in whole or in part, for
 23 the production or public dissemination of applicable goods or
 24 services; or
- 25 3. The electioneering communication is publicly
 26 disseminated.

27 (13) "Communications media" means broadcasting
 28 stations, newspapers, magazines, outdoor advertising
 29 facilities, printers, direct mail ~~mailing companies~~,
 30 advertising agencies, the Internet, and telephone companies;
 31 but with respect to telephones, an expenditure shall be deemed

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1 to be an expenditure for the use of communications media only
2 if made for the costs of telephones, paid telephonists, or
3 automatic telephone equipment to be used by a candidate or a
4 political committee to communicate with potential voters but
5 excluding any costs of telephones incurred by a volunteer for
6 use of telephones by such volunteer; however, with respect to
7 the Internet, an expenditure shall be deemed an expenditure
8 for use of communications media only if made for the cost of
9 creating or disseminating a message on a computer information
10 system accessible by more than one person but excluding
11 internal communications of a campaign or of any group.

12 (18)(a) "Electioneering communication" means a paid
13 expression in any communications media prescribed in
14 subsection (13) by means other than the spoken word in direct
15 conversation that:

16 1. Refers to or depicts a clearly identified candidate
17 for office or contains a clear reference indicating that an
18 issue is to be voted on at an election, without expressly
19 advocating the election or defeat of a candidate or the
20 passage or defeat of an issue.

21 2. For communications referring to or depicting a
22 clearly identified candidate for office, is targeted to the
23 relevant electorate. A communication is considered targeted if
24 1,000 or more persons in the geographic area the candidate
25 would represent if elected will receive the communication.

26 ~~3. For communications referring to or depicting a~~
27 ~~clearly identified candidate for office, is published after~~
28 ~~the end of the candidate qualifying period for the office~~
29 ~~sought by the candidate.~~

30 3.4. For communications containing a clear reference
31 indicating that an issue is to be voted on at an election, is

1 published after the issue is designated a ballot position or
2 120 days before the date of the election on the issue,
3 whichever occurs first.

4 (b) The term "electioneering communication" does not
5 include:

6 1. A statement or depiction by an organization, in
7 existence prior to the time during which a candidate named or
8 depicted qualifies or an issue identified is placed on the
9 ballot for that election, made in that organization's
10 newsletter, which newsletter is distributed only to members of
11 that organization.

12 2. An editorial endorsement, news story, commentary,
13 or editorial by any newspaper, radio, television station, or
14 other recognized news medium.

15 3. A communication that constitutes a public debate or
16 forum that includes at least two opposing candidates for an
17 office or one advocate and one opponent of an issue, or that
18 solely promotes such a debate or forum and is made by or on
19 behalf of the person sponsoring the debate or forum, provided
20 that:

21 a. The staging organization is either:

22 (I) A charitable organization that does not make other
23 electioneering communications and does not otherwise support
24 or oppose any political candidate or political party; or

25 (II) A newspaper, radio station, television station,
26 or other recognized news medium; and

27 b. The staging organization does not structure the
28 debate to promote or advance one candidate or issue position
29 over another.

30 (c) For purposes of this chapter, an expenditure made
31 for, or in furtherance of, an electioneering communication

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1 shall not be considered a contribution to or on behalf of any
2 candidate.

3 (d) For purposes of this chapter, an electioneering
4 communication shall not constitute an independent expenditure
5 nor be subject to the limitations applicable to independent
6 expenditures.

7 (19) "Electioneering communications organization"
8 means any group, other than a political party, political
9 committee, or committee of continuous existence, whose
10 activities are limited to making expenditures for
11 electioneering communications or accepting contributions for
12 the purpose of making electioneering communications.

13 Section 2. Section 106.03, Florida Statutes, is
14 amended to read:

15 106.03 Registration of political committees.--

16 (1)(a) Each political committee which anticipates
17 receiving contributions or making expenditures during a
18 calendar year in an aggregate amount exceeding \$500 or which
19 is seeking the signatures of registered electors in support of
20 an initiative shall file a statement of organization as
21 provided in subsection (3) within 10 days after its
22 organization or, if later, within 10 days after the date on
23 which it has information which causes the committee to
24 anticipate that it will receive contributions or make
25 expenditures in excess of \$500. If a political committee is
26 organized within 10 days of any election, it shall immediately
27 file the statement of organization required by this section.

28 (b) Each electioneering communications organization
29 which anticipates receiving contributions or making
30 expenditures shall file a statement of organization as
31 provided in subsection (3) by expedited delivery within 24

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1 hours after its organization or, if later, within 24 hours
2 after the date on which it has information which causes the
3 organization to anticipate that it will receive contributions
4 or make expenditures for an electioneering communication.

5 (2) The statement of organization shall include:

6 (a) The name and street address of the committee;

7 (b) The names, street addresses, and relationships of
8 affiliated or connected organizations;

9 (c) The area, scope, or jurisdiction of the committee;

10 (d) The name, street address, and position of the
11 custodian of books and accounts;

12 (e) The name, street address, and position of other
13 principal officers, including officers and members of the
14 finance committee, if any;

15 (f) The name, address, office sought, and party
16 affiliation of:

17 1. Each candidate whom the committee is supporting;

18 2. Any other individual, if any, whom the committee is
19 supporting for nomination for election, or election, to any
20 public office whatever;

21 (g) Any issue or issues such organization is
22 supporting or opposing;

23 (h) If the committee is supporting the entire ticket
24 of any party, a statement to that effect and the name of the
25 party;

26 (i) A statement of whether the committee is a
27 continuing one;

28 (j) Plans for the disposition of residual funds which
29 will be made in the event of dissolution;

30 (k) A listing of all banks, safe-deposit boxes, or
31 other depositories used for committee funds; and

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1 (1) A statement of the reports required to be filed by
2 the committee with federal officials, if any, and the names,
3 addresses, and positions of such officials.

4 (3)(a) A political committee which is organized to
5 support or oppose statewide, legislative, or multicounty
6 candidates or issues to be voted upon on a statewide or
7 multicounty basis shall file a statement of organization with
8 the Division of Elections.

9 (b) Except as provided in paragraph (c), a political
10 committee which is organized to support or oppose candidates
11 or issues to be voted on in a countywide election or
12 candidates or issues in any election held on less than a
13 countywide basis shall file a statement of organization with
14 the supervisor of elections of the county in which such
15 election is being held.

16 (c) A political committee which is organized to
17 support or oppose only candidates for municipal office or
18 issues to be voted on in a municipal election shall file a
19 statement of organization with the officer before whom
20 municipal candidates qualify.

21 (d) Any political committee which would be required
22 under this subsection to file a statement of organization in
23 two or more locations by reason of the committee's intention
24 to support or oppose candidates or issues at state or
25 multicounty and local levels of government need file only with
26 the Division of Elections.

27 (4) Any change in information previously submitted in
28 a statement of organization shall be reported to the agency or
29 officer with whom such committee is required to register
30 pursuant to subsection (3), within 10 days following the
31 change.

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1 (5) Any committee which, after having filed one or
2 more statements of organization, disbands or determines it
3 will no longer receive contributions or make expenditures
4 during the calendar year in an aggregate amount exceeding \$500
5 shall so notify the agency or officer with whom such committee
6 is required to file the statement of organization.

7 (6) If the filing officer finds that a political
8 committee has filed its statement of organization consistent
9 with the requirements of subsection (2), it shall notify the
10 committee in writing that it has been registered as a
11 political committee. If the filing officer finds that a
12 political committee's statement of organization does not meet
13 the requirements of subsection (2), it shall notify the
14 committee of such finding and shall state in writing the
15 reasons for rejection of the statement of organization.

16 (7) The Division of Elections shall promulgate rules
17 to prescribe the manner in which inactive committees may be
18 dissolved and have their registration canceled. Such rules
19 shall, at a minimum, provide for:

20 (a) Notice which shall contain the facts and conduct
21 which warrant the intended action, including but not limited
22 to failure to file reports and limited activity.

23 (b) Adequate opportunity to respond.

24 (c) Appeal of the decision to the Florida Elections
25 Commission. Such appeals shall be exempt from the
26 confidentiality provisions of s. 106.25.

27 Section 3. Section 106.0703, Florida Statutes, is
28 created to read:

29 106.0703 Electioneering communications organizations;
30 additional reporting requirements.--

31 (1) In addition to the reporting requirements in s.

1 106.07, an electioneering communications organization shall,
 2 within 2 days after receiving its initial password or secure
 3 sign-on from the Department of State allowing confidential
 4 access to the department's electronic campaign finance filing
 5 system, electronically file the periodic campaign finance
 6 reports that would have been required pursuant to s. 106.07
 7 for reportable activities that occurred since 10 days before
 8 the date of the last general election; and

9 (2) In addition to the reporting requirements in s.
 10 106.07, an electioneering communications organization shall
 11 electronically file a supplemental report of each contribution
 12 of \$5,000 or more received by the organization, within 2 days
 13 of receipt. The supplemental report shall include the
 14 information required in s. 106.07(4)(a)1. to s. 106.07(4)(a)5.
 15 The electioneering communication organization shall also
 16 include each contribution reported pursuant to this subsection
 17 on the quarterly or periodic campaign finance report pursuant
 18 to s. 106.07 for the reporting period in which the
 19 contribution was made.

20 Section 4. Section 106.0705, Florida Statutes, is
 21 amended to read:

22 106.0705 Electronic filing of campaign treasurer's
 23 reports.--

24 (1) As used in this section, "electronic filing
 25 system" means an Internet system for recording and reporting
 26 campaign finance activity by reporting period.

27 (2)(a) Each candidate who is required to file reports
 28 pursuant to s. 106.07 with the division must file such reports
 29 with the division by means of the division's electronic filing
 30 system.

31 (b) Each political committee, committee of continuous

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1 existence, electioneering communications organization, or
2 state executive committee that is required to file reports
3 with the division under s. 106.04, s. 106.07, 106.0703, or s.
4 106.29, as applicable, must file such reports with the
5 division by means of the division's electronic filing system.

6 (c) Each person or organization that is required to
7 file reports with the division under s. 106.071 must file such
8 reports with the division by means of the division's
9 electronic filing system.

10 (3) Reports filed pursuant to this section shall be
11 completed and filed through the electronic filing system not
12 later than midnight of the day designated. Reports not filed
13 by midnight of the day designated are late filed and are
14 subject to the penalties under s. 106.04(8), s. 106.07(8), or
15 s. 106.29(3), as applicable.

16 (4) Each report filed pursuant to this section is
17 considered to be under oath by the candidate and treasurer or
18 the chair and treasurer, whichever is applicable, and such
19 persons are subject to the provisions of s. 106.04(4)(d), s.
20 106.07(5), or s. 106.29(2), as applicable. Persons given a
21 secure sign-on to the electronic filing system are responsible
22 for protecting such from disclosure and are responsible for
23 all filings using such credentials, unless they have notified
24 the division that their credentials have been compromised.

25 (5) The electronic filing system developed by the
26 division must:

27 (a) Be based on access by means of the Internet.

28 (b) Be accessible by anyone with Internet access using
29 standard web-browsing software.

30 (c) Provide for direct entry of campaign finance
31 information as well as upload of such information from

1 campaign finance software certified by the division.

2 (d) Provide a method that prevents unauthorized access
3 to electronic filing system functions.

4 (6) The division shall adopt rules pursuant to ss.
5 120.536(1) and 120.54 to administer this section and provide
6 for the reports required to be filed pursuant to this section.
7 Such rules shall, at a minimum, provide:

8 (a) Alternate filing procedures in case the division's
9 electronic filing system is not operable.

10 (b) For the issuance of an electronic receipt to the
11 person submitting the report indicating and verifying that the
12 report has been filed.

13 (7) Notwithstanding anything in law to the contrary,
14 any report required to have been filed under this section for
15 the period ended March 31, 2005, shall be deemed to have been
16 timely filed if the report is filed under this section on or
17 before June 1, 2005.

18 Section 5. Subsections (4), (5), and (7) are amended
19 and subsection (8) of section 106.08, Florida Statutes, is
20 republished, to read:

21 106.08 Contributions; limitations on.--

22 (4)(a) Any contribution received by the chair,
23 campaign treasurer, or deputy campaign treasurer of a
24 political committee supporting or opposing a candidate with
25 opposition in an election or supporting or opposing an issue
26 on the ballot in an election on the day of that election or
27 less than 5 days prior to the day of that election may not be
28 obligated or expended by the committee until after the date of
29 the election.

30 (b) Any contribution received by an electioneering
31 communications organization on the day of an election or less

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1 than 10 days prior to the day of that election may not be
2 obligated or expended by the organization until after the date
3 of the election, and may not be expended to pay for any
4 obligation arising prior to the election.

5 (5)(a) A person may not make any contribution through
6 or in the name of another, directly or indirectly, in any
7 election.

8 (b) Candidates, political committees, and political
9 parties may not solicit contributions from any religious,
10 charitable, civic, or other causes or organizations
11 established primarily for the public good.

12 (c) Candidates, political committees, and political
13 parties may not make contributions, in exchange for political
14 support, to any religious, charitable, civic, or other cause
15 or organization established primarily for the public good. It
16 is not a violation of this paragraph for:

17 1. A candidate, political committee, or political
18 party executive committee to make gifts of money in lieu of
19 flowers in memory of a deceased person;

20 2. A candidate to continue membership in, or make
21 regular donations from personal or business funds to,
22 religious, political party, civic, or charitable groups of
23 which the candidate is a member or to which the candidate has
24 been a regular donor for more than 6 months; or

25 3. A candidate to purchase, with campaign funds,
26 tickets, admission to events, or advertisements from
27 religious, civic, political party, or charitable groups.

28 (d) An electioneering communications organization may
29 not accept a contribution from an organization exempt from
30 taxation under 26 U.S.C. s. 527 or 501(c)(4), other than a
31 political committee, committee of continuous existence, or

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1 political party, unless the contributing organization has
2 registered as if it were an electioneering communications
3 organization pursuant to s. 106.03 and has filed all campaign
4 finance reports required of electioneering communications
5 organizations pursuant to s. 106.07 and s. 106.0703.

6 (e) The Governor, Lieutenant Governor, members of the
7 Florida Cabinet, state legislators, and candidates for any of
8 these offices, may not, directly or indirectly, solicit, cause
9 to be solicited, or accept any contribution on behalf of a
10 political committee, committee of continuous existence,
11 electioneering communications organization, or any
12 organization exempt from taxation under 26 U.S.C. s. 527 or 26
13 U.S.C. s. 501(c)(4); however, such persons may solicit, cause
14 to be solicited, or accept a contribution on behalf of their
15 own political party, their own campaign, or the campaign of
16 any other candidate.

17 (7)(a) Any person who knowingly and willfully makes,
18 solicits, or accepts no more than one contribution in
19 violation of subsection (1) or subsection (5), or any person
20 who knowingly and willfully fails or refuses to return any
21 contribution as required in subsection (3), commits a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083. If any corporation, partnership, or
24 other business entity or any political party, political
25 committee, ~~or~~ committee of continuous existence, or
26 electioneering communications organization is convicted of
27 knowingly and willfully violating any provision punishable
28 under this paragraph, it shall be fined not less than \$1,000
29 and not more than \$10,000. If it is a domestic entity, it may
30 be ordered dissolved by a court of competent jurisdiction; if
31 it is a foreign or nonresident business entity, its right to

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1 do business in this state may be forfeited. Any officer,
2 partner, agent, attorney, or other representative of a
3 corporation, partnership, or other business entity or of a
4 political party, political committee, ~~or~~ committee of
5 continuous existence, electioneering communications
6 organization, or organization exempt from taxation under 26
7 U.S.C. s. 527 or 26 U.S.C. s. 501(c)(4), who aids, abets,
8 advises, or participates in a violation of any provision
9 punishable under this paragraph commits a misdemeanor of the
10 first degree, punishable as provided in s. 775.082 or s.
11 775.083.

12 (b) Any person who knowingly and willfully makes,
13 solicits, or accepts two or more contributions in violation of
14 subsection (1) or subsection (5) commits a felony of the third
15 degree, punishable as provided in s. 775.082, s. 775.083, or
16 s. 775.084. If any corporation, partnership, or other
17 business entity or any political party, political committee,
18 ~~or~~ committee of continuous existence, or electioneering
19 communications organization is convicted of knowingly and
20 willfully violating any provision punishable under this
21 paragraph, it shall be fined not less than \$10,000 and not
22 more than \$50,000. If it is a domestic entity, it may be
23 ordered dissolved by a court of competent jurisdiction; if it
24 is a foreign or nonresident business entity, its right to do
25 business in this state may be forfeited. Any officer,
26 partner, agent, attorney, or other representative of a
27 corporation, partnership, or other business entity, or of a
28 political committee, committee of continuous existence, ~~or~~
29 political party, electioneering communications organization,
30 or organization exempt from taxation under 26 U.S.C. s. 527,
31 or 26 U.S.C. s. 501(c)(4), who aids, abets, advises, or

1 participates in a violation of any provision punishable under
 2 this paragraph commits a felony of the third degree,
 3 punishable as provided in s. 775.082, s. 775.083, or s.
 4 775.084.

5 (8) Except when otherwise provided in subsection (7),
 6 any person who knowingly and willfully violates any provision
 7 of this section shall, in addition to any other penalty
 8 prescribed by this chapter, pay to the state a sum equal to
 9 twice the amount contributed in violation of this chapter.
 10 Each campaign treasurer shall pay all amounts contributed in
 11 violation of this section to the state for deposit in the
 12 General Revenue Fund.

13 Section 6. Section 106.07, Florida Statutes, is
 14 republished to read:

15 106.07 Reports; certification and filing.--

16 (1) Each campaign treasurer designated by a candidate
 17 or political committee pursuant to s. 106.021 shall file
 18 regular reports of all contributions received, and all
 19 expenditures made, by or on behalf of such candidate or
 20 political committee. Reports shall be filed on the 10th day
 21 following the end of each calendar quarter from the time the
 22 campaign treasurer is appointed, except that, if the 10th day
 23 following the end of a calendar quarter occurs on a Saturday,
 24 Sunday, or legal holiday, the report shall be filed on the
 25 next following day which is not a Saturday, Sunday, or legal
 26 holiday. Quarterly reports shall include all contributions
 27 received and expenditures made during the calendar quarter
 28 which have not otherwise been reported pursuant to this
 29 section.

30 (a) Except as provided in paragraph (b), following the
 31 last day of qualifying for office, the reports shall be filed

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1 on the 32nd, 18th, and 4th days immediately preceding the
2 primary and on the 46th, 32nd, 18th, and 4th days immediately
3 preceding the election, for a candidate who is opposed in
4 seeking nomination or election to any office, for a political
5 committee, or for a committee of continuous existence.

6 (b) Following the last day of qualifying for office,
7 any statewide candidate who has requested to receive
8 contributions from the Election Campaign Financing Trust Fund
9 or any statewide candidate in a race with a candidate who has
10 requested to receive contributions from the trust fund shall
11 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior
12 to the primary election, and on the 4th, 11th, 18th, 25th,
13 32nd, 39th, 46th, and 53rd days prior to the general election.

14 (c) Following the last day of qualifying for office,
15 any unopposed candidate need only file a report within 90 days
16 after the date such candidate became unopposed. Such report
17 shall contain all previously unreported contributions and
18 expenditures as required by this section and shall reflect
19 disposition of funds as required by s. 106.141.

20 (d)1. When a special election is called to fill a
21 vacancy in office, all political committees and committees of
22 continuous existence making contributions or expenditures to
23 influence the results of such special election shall file
24 campaign treasurers' reports with the filing officer on the
25 dates set by the Department of State pursuant to s. 100.111.

26 2. When an election is called for an issue to appear
27 on the ballot at a time when no candidates are scheduled to
28 appear on the ballot, all political committees making
29 contributions or expenditures in support of or in opposition
30 to such issue shall file reports on the 18th and 4th days
31 prior to such election.

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1 (e) The filing officer shall provide each candidate
2 with a schedule designating the beginning and end of reporting
3 periods as well as the corresponding designated due dates.

4 (2)(a) All reports required of a candidate by this
5 section shall be filed with the officer before whom the
6 candidate is required by law to qualify. All candidates who
7 file with the Department of State shall file their reports
8 pursuant to s. 106.0705. In addition, a copy of each report
9 for candidates for other than statewide office who qualify
10 with the Department of State shall be filed with the
11 supervisor of elections in the county where the candidate
12 resides. Except as provided in s. 106.0705, reports shall be
13 filed not later than 5 p.m. of the day designated; however,
14 any report postmarked by the United States Postal Service no
15 later than midnight of the day designated shall be deemed to
16 have been filed in a timely manner. Any report received by the
17 filing officer within 5 days after the designated due date
18 that was delivered by the United States Postal Service shall
19 be deemed timely filed unless it has a postmark that indicates
20 that the report was mailed after the designated due date. A
21 certificate of mailing obtained from and dated by the United
22 States Postal Service at the time of mailing, or a receipt
23 from an established courier company, which bears a date on or
24 before the date on which the report is due, shall be proof of
25 mailing in a timely manner. Reports shall contain information
26 of all previously unreported contributions received and
27 expenditures made as of the preceding Friday, except that the
28 report filed on the Friday immediately preceding the election
29 shall contain information of all previously unreported
30 contributions received and expenditures made as of the day
31 preceding that designated due date. All such reports shall be

1 open to public inspection.

2 (b)1. Any report which is deemed to be incomplete by
3 the officer with whom the candidate qualifies shall be
4 accepted on a conditional basis, and the campaign treasurer
5 shall be notified by registered mail as to why the report is
6 incomplete and be given 3 days from receipt of such notice to
7 file an addendum to the report providing all information
8 necessary to complete the report in compliance with this
9 section. Failure to file a complete report after such notice
10 constitutes a violation of this chapter.

11 2. In lieu of the notice by registered mail as
12 required in subparagraph 1., the qualifying officer may notify
13 the campaign treasurer by telephone that the report is
14 incomplete and request the information necessary to complete
15 the report. If, however, such information is not received by
16 the qualifying officer within 3 days after the telephone
17 request therefor, notice shall be sent by registered mail as
18 provided in subparagraph 1.

19 (3) Reports required of a political committee shall be
20 filed with the agency or officer before whom such committee
21 registers pursuant to s. 106.03(3) and shall be subject to the
22 same filing conditions as established for candidates' reports.
23 Incomplete reports by political committees shall be treated in
24 the manner provided for incomplete reports by candidates in
25 subsection (2).

26 (4)(a) Each report required by this section shall
27 contain:

28 1. The full name, address, and occupation, if any of
29 each person who has made one or more contributions to or for
30 such committee or candidate within the reporting period,
31 together with the amount and date of such contributions. For

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1 corporations, the report must provide as clear a description
2 as practicable of the principal type of business conducted by
3 the corporation. However, if the contribution is \$100 or less
4 or is from a relative, as defined in s. 112.312, provided that
5 the relationship is reported, the occupation of the
6 contributor or the principal type of business need not be
7 listed.

8 2. The name and address of each political committee
9 from which the reporting committee or the candidate received,
10 or to which the reporting committee or candidate made, any
11 transfer of funds, together with the amounts and dates of all
12 transfers.

13 3. Each loan for campaign purposes to or from any
14 person or political committee within the reporting period,
15 together with the full names, addresses, and occupations, and
16 principal places of business, if any, of the lender and
17 endorsers, if any, and the date and amount of such loans.

18 4. A statement of each contribution, rebate, refund,
19 or other receipt not otherwise listed under subparagraphs 1.
20 through 3.

21 5. The total sums of all loans, in-kind contributions,
22 and other receipts by or for such committee or candidate
23 during the reporting period. The reporting forms shall be
24 designed to elicit separate totals for in-kind contributions,
25 loans, and other receipts.

26 6. The full name and address of each person to whom
27 expenditures have been made by or on behalf of the committee
28 or candidate within the reporting period; the amount, date,
29 and purpose of each such expenditure; and the name and address
30 of, and office sought by, each candidate on whose behalf such
31 expenditure was made. However, expenditures made from the

1 petty cash fund provided by s. 106.12 need not be reported
2 individually.

3 7. The full name and address of each person to whom an
4 expenditure for personal services, salary, or reimbursement
5 for authorized expenses as provided in s. 106.021(3) has been
6 made and which is not otherwise reported, including the
7 amount, date, and purpose of such expenditure. However,
8 expenditures made from the petty cash fund provided for in s.
9 106.12 need not be reported individually.

10 8. The total amount withdrawn and the total amount
11 spent for petty cash purposes pursuant to this chapter during
12 the reporting period.

13 9. The total sum of expenditures made by such
14 committee or candidate during the reporting period.

15 10. The amount and nature of debts and obligations
16 owed by or to the committee or candidate, which relate to the
17 conduct of any political campaign.

18 11. A copy of each credit card statement which shall
19 be included in the next report following receipt thereof by
20 the candidate or political committee. Receipts for each credit
21 card purchase shall be retained by the treasurer with the
22 records for the campaign account.

23 12. The amount and nature of any separate
24 interest-bearing accounts or certificates of deposit and
25 identification of the financial institution in which such
26 accounts or certificates of deposit are located.

27 13. The primary purposes of an expenditure made
28 indirectly through a campaign treasurer pursuant to s.
29 106.021(3) for goods and services such as communications media
30 placement or procurement services, campaign signs, insurance,
31 and other expenditures that include multiple components as

1 part of the expenditure. The primary purpose of an expenditure
2 shall be that purpose, including integral and directly related
3 components, that comprises 80 percent of such expenditure.

4 (b) The filing officer shall make available to any
5 candidate or committee a reporting form which the candidate or
6 committee may use to indicate contributions received by the
7 candidate or committee but returned to the contributor before
8 deposit.

9 (5) The candidate and his or her campaign treasurer,
10 in the case of a candidate, or the political committee chair
11 and campaign treasurer of the committee, in the case of a
12 political committee, shall certify as to the correctness of
13 each report; and each person so certifying shall bear the
14 responsibility for the accuracy and veracity of each report.
15 Any campaign treasurer, candidate, or political committee
16 chair who willfully certifies the correctness of any report
17 while knowing that such report is incorrect, false, or
18 incomplete commits a misdemeanor of the first degree,
19 punishable as provided in s. 775.082 or s. 775.083.

20 (6) The campaign depository shall return all checks
21 drawn on the account to the campaign treasurer who shall
22 retain the records pursuant to s. 106.06. The records
23 maintained by the depository with respect to such account
24 shall be subject to inspection by an agent of the Division of
25 Elections or the Florida Elections Commission at any time
26 during normal banking hours, and such depository shall furnish
27 certified copies of any of such records to the Division of
28 Elections or Florida Elections Commission upon request.

29 (7) Notwithstanding any other provisions of this
30 chapter, in any reporting period during which a candidate,
31 political committee, or committee of continuous existence has

1 not received funds, made any contributions, or expended any
 2 reportable funds, the filing of the required report for that
 3 period is waived. However, the next report filed must specify
 4 that the report covers the entire period between the last
 5 submitted report and the report being filed, and any
 6 candidate, political committee, or committee of continuous
 7 existence not reporting by virtue of this subsection on dates
 8 prescribed elsewhere in this chapter shall notify the filing
 9 officer in writing on the prescribed reporting date that no
 10 report is being filed on that date.

11 (8)(a) Any candidate or political committee failing to
 12 file a report on the designated due date shall be subject to a
 13 fine as provided in paragraph (b) for each late day, and, in
 14 the case of a candidate, such fine shall be paid only from
 15 personal funds of the candidate. The fine shall be assessed by
 16 the filing officer and the moneys collected shall be
 17 deposited:

18 1. In the General Revenue Fund, in the case of a
 19 candidate for state office or a political committee that
 20 registers with the Division of Elections; or

21 2. In the general revenue fund of the political
 22 subdivision, in the case of a candidate for an office of a
 23 political subdivision or a political committee that registers
 24 with an officer of a political subdivision.

25

26 No separate fine shall be assessed for failure to file a copy
 27 of any report required by this section.

28 (b) Upon determining that a report is late, the filing
 29 officer shall immediately notify the candidate or chair of the
 30 political committee as to the failure to file a report by the
 31 designated due date and that a fine is being assessed for each

1 late day. The fine shall be \$50 per day for the first 3 days
 2 late and, thereafter, \$500 per day for each late day, not to
 3 exceed 25 percent of the total receipts or expenditures,
 4 whichever is greater, for the period covered by the late
 5 report. However, for the reports immediately preceding each
 6 primary and general election, the fine shall be \$500 per day
 7 for each late day, not to exceed 25 percent of the total
 8 receipts or expenditures, whichever is greater, for the period
 9 covered by the late report. For reports required under s.
 10 106.141(7), the fine is \$50 per day for each late day, not to
 11 exceed 25 percent of the total receipts or expenditures,
 12 whichever is greater, for the period covered by the late
 13 report. Upon receipt of the report, the filing officer shall
 14 determine the amount of the fine which is due and shall notify
 15 the candidate or chair. The filing officer shall determine the
 16 amount of the fine due based upon the earliest of the
 17 following:

- 18 1. When the report is actually received by such
- 19 officer.
- 20 2. When the report is postmarked.
- 21 3. When the certificate of mailing is dated.
- 22 4. When the receipt from an established courier
- 23 company is dated.
- 24 5. When the electronic receipt issued pursuant to s.
- 25 106.0705 is dated.

26
 27 Such fine shall be paid to the filing officer within 20 days
 28 after receipt of the notice of payment due, unless appeal is
 29 made to the Florida Elections Commission pursuant to paragraph
 30 (c). In the case of a candidate, such fine shall not be an
 31 allowable campaign expenditure and shall be paid only from

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1 personal funds of the candidate. An officer or member of a
2 political committee shall not be personally liable for such
3 fine.

4 (c) Any candidate or chair of a political committee
5 may appeal or dispute the fine, based upon, but not limited
6 to, unusual circumstances surrounding the failure to file on
7 the designated due date, and may request and shall be entitled
8 to a hearing before the Florida Elections Commission, which
9 shall have the authority to waive the fine in whole or in
10 part. The Florida Elections Commission must consider the
11 mitigating and aggravating circumstances contained in s.
12 106.265(1) when determining the amount of a fine, if any, to
13 be waived. Any such request shall be made within 20 days after
14 receipt of the notice of payment due. In such case, the
15 candidate or chair of the political committee shall, within
16 the 20-day period, notify the filing officer in writing of his
17 or her intention to bring the matter before the commission.

18 (d) The appropriate filing officer shall notify the
19 Florida Elections Commission of the repeated late filing by a
20 candidate or political committee, the failure of a candidate
21 or political committee to file a report after notice, or the
22 failure to pay the fine imposed. The commission shall
23 investigate only those alleged late filing violations
24 specifically identified by the filing officer and as set forth
25 in the notification. Any other alleged violations must be
26 separately stated and reported by the division to the
27 commission under s. 106.25(2).

28 (9) The Department of State may prescribe by rule the
29 requirements for filing campaign treasurers' reports as set
30 forth in this chapter.

31 Section 7. Section 106.19, Florida Statutes, is

1 republished to read:

2 106.19 Violations by candidates, persons connected
3 with campaigns, and political committees.--

4 (1) Any candidate; campaign manager, campaign
5 treasurer, or deputy treasurer of any candidate; committee
6 chair, vice chair, campaign treasurer, deputy treasurer, or
7 other officer of any political committee; agent or person
8 acting on behalf of any candidate or political committee; or
9 other person who knowingly and willfully:

10 (a) Accepts a contribution in excess of the limits
11 prescribed by s. 106.08;

12 (b) Fails to report any contribution required to be
13 reported by this chapter;

14 (c) Falsely reports or deliberately fails to include
15 any information required by this chapter; or

16 (d) Makes or authorizes any expenditure in violation
17 of s. 106.11(4) or any other expenditure prohibited by this
18 chapter;

19
20 is guilty of a misdemeanor of the first degree, punishable as
21 provided in s. 775.082 or s. 775.083.

22 (2) Any candidate, campaign treasurer, or deputy
23 treasurer; any chair, vice chair, or other officer of any
24 political committee; any agent or person acting on behalf of
25 any candidate or political committee; or any other person who
26 violates paragraph (1)(a), paragraph (1)(b), or paragraph
27 (1)(d) shall be subject to a civil penalty equal to three
28 times the amount involved in the illegal act. Such penalty
29 may be in addition to the penalties provided by subsection (1)
30 and shall be paid into the General Revenue Fund of this state.

31 (3) A political committee sponsoring a constitutional

1 amendment proposed by initiative which submits a petition form
2 gathered by a paid petition circulator which does not provide
3 the name and address of the paid petition circulator on the
4 form is subject to the civil penalties prescribed in s.
5 106.265.

6 Section 8. This act shall take effect July 1, 2006.

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