

1 A bill to be entitled

2 An act relating to campaign financing; amending s.
3 106.011, F.S.; revising definitions; amending s. 106.06,
4 F.S.; requiring electioneering communications
5 organizations to keep certain financial records; providing
6 for inspection and preservation of such financial records;
7 amending s. 106.07, F.S.; removing an exception to a
8 reporting requirement to list the occupation of certain
9 contributors; specifying additional reporting requirements
10 for electioneering communications organizations and
11 political committees; amending s. 106.071, F.S.;
12 prohibiting certain political party committees from making
13 expenditures for electioneering communications; amending
14 s. 106.08, F.S.; providing prohibitions relating to
15 contributions to electioneering communications
16 organizations to which penalties apply; amending s.
17 106.087, F.S.; deleting restrictions and fines on
18 political committees and committees of continuous
19 existence relating to independent expenditures; amending
20 s. 106.12, F.S.; correcting a cross-reference; amending s.
21 106.143, F.S.; providing additional requirements relating
22 to certain radio and television political advertisements;
23 amending s. 106.1439, F.S.; revising the disclaimer
24 required in electioneering communications; amending s.
25 106.147, F.S.; revising the disclosure statement
26 requirements for certain telephone solicitations; amending
27 s. 106.15, F.S.; prohibiting candidates from knowingly
28 using the services of certain public employees under

29 specified circumstances; amending s. 106.19, F.S.;

30 revising a ground for punishment of candidates, persons

31 connected with campaigns, and committees relating to

32 contribution acceptance in excess of proscribed limits;

33 amending s. 106.295, F.S.; providing for the disposal of

34 all leadership funds existing on a certain date; amending

35 s. 106.33, F.S.; correcting a cross-reference; amending s.

36 106.34, F.S.; deleting an obsolete reference; amending s.

37 106.35, F.S.; revising a provision relating to qualifying

38 matching contributions under the Florida Election Campaign

39 Financing Act; requiring candidates who receive funds

40 under the act, or their political parties, to return such

41 funds under specified circumstances; repealing s. 106.191,

42 F.S., relating to signatures gathered for initiative

43 petitions; providing an effective date.

44

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

46

47 Section 1. Subsections (6) through (19) of section

48 106.011, Florida Statutes, are renumbered as subsections (7)

49 through (20), respectively, and paragraph (b) of subsection (1),

50 paragraph (a) of subsection (4), and subsections (5), (13),

51 (17), and (18) are amended to read:

52 106.011 Definitions.--As used in this chapter, the

53 following terms have the following meanings unless the context

54 clearly indicates otherwise:

- 55 (1)
- 56 (b) Notwithstanding paragraph (a), the following entities

HB 393

2007

57 | are not considered political committees for purposes of this
58 | chapter:

59 | 1. Organizations which are certified by the Department of
60 | State as committees of continuous existence pursuant to s.
61 | 106.04, national political parties, and the state and county
62 | executive committees of political parties regulated by chapter
63 | 103.

64 | 2. Corporations regulated by chapter 607 or chapter 617 or
65 | other business entities formed for purposes other than to
66 | support or oppose issues or candidates, if their political
67 | activities are limited to contributions to candidates, political
68 | parties, or political committees or expenditures in support of
69 | or opposition to an issue from corporate or business funds and
70 | if no contributions are received by such corporations or
71 | business entities.

72 | 3. Electioneering communications organizations as defined
73 | in subsection (20) ~~(19)~~; however, such organizations shall be
74 | required to register with and report expenditures and
75 | contributions, including contributions received from committees
76 | of continuous existence, to the Division of Elections in the
77 | same manner, at the same time, and subject to the same penalties
78 | as a political committee supporting or opposing an issue or a
79 | legislative candidate, except as otherwise specifically provided
80 | in this chapter.

81 | (4) (a) "Expenditure" means a purchase, payment,
82 | distribution, loan, advance, transfer of funds by a campaign
83 | treasurer or deputy campaign treasurer between a primary
84 | depository and a separate interest-bearing account or

HB 393

2007

85 certificate of deposit, or gift of money or anything of value
86 made for the purpose of influencing the results of an election
87 or making an electioneering communication. However,
88 "expenditure" does not include a purchase, payment,
89 distribution, loan, advance, or gift of money or anything of
90 value made for the purpose of influencing the results of an
91 election when made by an organization, ~~in existence prior to the~~
92 ~~time during which a candidate qualifies or an issue is placed on~~
93 ~~the ballot for that election,~~ for the purpose of communicating
94 ~~printing or distributing such organization's newsletter,~~
95 ~~containing a statement by such organization in support of or~~
96 ~~opposition to a candidate or issue, which newsletter is~~
97 ~~distributed~~ only to members of such organization.

98 (5)(a) "Independent expenditure" means an expenditure by a
99 person for the purpose of expressly advocating the election or
100 defeat of a candidate or the approval or rejection of an issue,
101 which expenditure is not controlled by, coordinated with, or
102 made upon consultation with, any candidate, political committee,
103 or agent of such candidate or committee. An expenditure for such
104 purpose by a person having a contract with the candidate,
105 political committee, or agent of such candidate or committee in
106 a given election period shall not be deemed an independent
107 expenditure.

108 (6)(b) "Coordinated expenditure" means an expenditure for
109 the purpose of ~~expressly~~ advocating the election or defeat of a
110 candidate, or for an electioneering communication, which is made
111 by the national, state, or county executive committee of a
112 political party, including any subordinate committee of a

113 national, state, or county committee of a political party, or by
 114 any political committee, ~~or~~ committee of continuous existence,
 115 or electioneering communications organization, or any other
 116 person, ~~shall not be considered an independent expenditure~~ if
 117 the committee, organization, or person:

118 1. Communicates with the candidate, the candidate's
 119 campaign, the national, state, or county executive committee of
 120 a political party, including any subordinate committee of a
 121 national, state, or county committee of a political party under
 122 which the candidate is a registered elector thereof, or an agent
 123 of the candidate acting on behalf of the candidate, including
 124 any pollster, media consultant, advertising agency, vendor,
 125 advisor, or staff member, concerning the preparation of, use of,
 126 or payment for, the specific expenditure or advertising campaign
 127 at issue; or

128 2. Makes a payment in cooperation, consultation, or
 129 concert with, at the request or suggestion of, or pursuant to
 130 any general or particular understanding with the candidate, the
 131 candidate's campaign, a political committee supporting the
 132 candidate, the national, state, or county executive committee of
 133 a political party, including any subordinate committee of a
 134 national, state, or county committee of a political party under
 135 which the candidate is a registered elector thereof, or an agent
 136 of the candidate relating to the specific expenditure or
 137 advertising campaign at issue; or

138 3. Makes a payment for the dissemination, distribution, or
 139 republication, in whole or in part, of any broadcast or any
 140 written, graphic, or other form of campaign material prepared by

141 the candidate;~~7~~ the candidate's campaign;~~7~~ the national, state,
 142 or county executive committee of a political party, including
 143 any subordinate committee of a national, state, or county
 144 committee of a political party under which the candidate is a
 145 registered elector thereof; or an agent of the candidate,
 146 including any pollster, media consultant, advertising agency,
 147 vendor, advisor, or staff member; or

148 4. Makes a payment based on information about the
 149 candidate's plans, projects, or needs communicated to a member
 150 of the committee or person by the candidate or an agent of the
 151 candidate, provided the committee or person uses the information
 152 in any way, in whole or in part, either directly or indirectly,
 153 to design, prepare, or pay for the specific expenditure or
 154 advertising campaign at issue; or

155 5. ~~After the last day of qualifying for statewide or~~
 156 ~~legislative office,~~ Consults about the candidate's plans,
 157 projects, or needs in connection with the candidate's pursuit of
 158 election to office and the information is used in any way to
 159 plan, create, design, or prepare an independent expenditure or
 160 advertising campaign, with:

161 a. Any officer, director, employee, or agent of a
 162 national, state, or county executive committee of a political
 163 party that has made or intends to make expenditures in
 164 connection with or contributions to the candidate; or

165 b. Any person whose professional services have been
 166 retained by a national, state, or county executive committee of
 167 a political party that has made or intends to make expenditures
 168 in connection with or contributions to the candidate; or

169 6. ~~After the last day of qualifying for statewide or~~
 170 ~~legislative office,~~ Retains the professional services of any
 171 person also providing those services to the candidate in
 172 connection with the candidate's pursuit of election to office;
 173 or

174 7. Arranges, coordinates, or directs the expenditure, in
 175 any way, with the candidate or an agent of the candidate.

176 (14)~~(13)~~ "Communications media" means broadcasting
 177 stations, newspapers, magazines, outdoor advertising facilities,
 178 printers, direct mail, advertising agencies, ~~the Internet,~~ and
 179 telephone companies; but with respect to telephones, an
 180 expenditure shall be deemed to be an expenditure for the use of
 181 communications media only if made for the costs of telephones,
 182 paid telephonists, or automatic telephone equipment to be used
 183 by a candidate or a political committee to communicate with
 184 potential voters but excluding any costs of telephones incurred
 185 by a volunteer for use of telephones by such volunteer; ~~however,~~
 186 ~~with respect to the Internet, an expenditure shall be deemed an~~
 187 ~~expenditure for use of communications media only if made for the~~
 188 ~~cost of creating or disseminating a message on a computer~~
 189 ~~information system accessible by more than one person but~~
 190 ~~excluding internal communications of a campaign or of any group.~~

191 (18)~~(17)~~ "Political advertisement" means a paid expression
 192 in any communications media prescribed in subsection (14) ~~(13)~~,
 193 whether radio, television, newspaper, magazine, periodical,
 194 campaign literature, direct mail, or display or by means other
 195 than the spoken word in direct conversation, which expressly
 196 advocates the election or defeat of a candidate or the approval

197 or rejection of an issue. However, political advertisement does
 198 not include:

199 (a) A statement or depiction by an organization, in
 200 existence prior to the time during which a candidate qualifies
 201 or an issue is placed on the ballot for that election, in
 202 support of or opposition to a candidate or issue, made in that
 203 ~~organization's newsletter, which newsletter is distributed~~ only
 204 to the members of that organization.

205 (b) Editorial endorsements by any newspaper, radio or
 206 television station, or other recognized news medium.

207 (19) ~~(18)~~ (a) "Electioneering communication" means a paid
 208 expression in any communications media prescribed in subsection
 209 (14) ~~(13)~~ by means other than the spoken word in direct
 210 conversation that:

211 1. Refers to or depicts a clearly identified candidate for
 212 office or contains a clear reference indicating that an issue is
 213 to be voted on at an election, without expressly advocating the
 214 election or defeat of a candidate or the passage or defeat of an
 215 issue.

216 2. For communications referring to or depicting a clearly
 217 identified candidate for office, is targeted to the relevant
 218 electorate. A communication is considered targeted if 1,000 or
 219 more persons in the geographic area the candidate would
 220 represent if elected will receive the communication.

221 3. For communications containing a clear reference
 222 indicating that an issue is to be voted on at an election, is
 223 published after the issue is designated a ballot position or 120

HB 393

2007

224 days before the date of the election on the issue, whichever
225 occurs first.

226 (b) The term "electioneering communication" does not
227 include:

228 1. A statement or depiction by an organization, in
229 existence prior to the time during which a candidate named or
230 depicted qualifies or an issue identified is placed on the
231 ballot for that election, made ~~in that organization's~~
232 ~~newsletter, which newsletter is distributed~~ only to members of
233 that organization.

234 2. An editorial endorsement, news story, commentary, or
235 editorial by any newspaper, radio, television station, or other
236 recognized news medium.

237 3. A communication that constitutes a public debate or
238 forum that includes at least two opposing candidates for an
239 office or one advocate and one opponent of an issue, or that
240 solely promotes such a debate or forum and is made by or on
241 behalf of the person sponsoring the debate or forum, provided
242 that:

243 a. The staging organization is either:

244 (I) A charitable organization that does not make other
245 electioneering communications and does not otherwise support or
246 oppose any political candidate or political party; or

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

249 b. The staging organization does not structure the debate
250 to promote or advance one candidate or issue position over
251 another.

252 (c) For purposes of this chapter, an expenditure made for,
 253 or in furtherance of, an electioneering communication shall not
 254 be considered a contribution to or on behalf of any candidate.

255 (d) For purposes of this chapter, an electioneering
 256 communication shall not constitute an independent expenditure
 257 nor be subject to the limitations applicable to independent
 258 expenditures.

259 Section 2. Section 106.06, Florida Statutes, is amended to
 260 read:

261 106.06 Treasurer to keep records; inspections.--

262 (1) The campaign treasurer of each candidate and ~~the~~
 263 ~~campaign treasurer of each~~ political committee and each
 264 electioneering communications organization shall keep detailed
 265 accounts, current within not more than 2 days after the date of
 266 receiving a contribution or making an expenditure, of all
 267 contributions received and all expenditures made by or on behalf
 268 of the candidate, ~~or~~ political committee, or organization that
 269 are required to be set forth in a statement filed under this
 270 chapter. The campaign treasurer or organization shall also keep
 271 detailed accounts of all deposits made in any separate interest-
 272 bearing account or certificate of deposit and of all withdrawals
 273 made therefrom to the primary depository and of all interest
 274 earned thereon.

275 (2) Accounts, including separate interest-bearing accounts
 276 and certificates of deposit, kept by the campaign treasurer of a
 277 candidate or political committee or by an electioneering
 278 communications organization may be inspected under reasonable
 279 circumstances before, during, or after the election to which the

280 accounts refer by any authorized representative of the Division
 281 of Elections or the Florida Elections Commission. The right of
 282 inspection may be enforced by appropriate writ issued by any
 283 court of competent jurisdiction. The campaign treasurer of a
 284 political committee supporting a candidate may be joined with
 285 the campaign treasurer of the candidate as respondent in such a
 286 proceeding.

287 (3) Accounts kept by a campaign treasurer of a candidate
 288 shall be preserved by the campaign treasurer for a number of
 289 years equal to the term of office of the office to which the
 290 candidate seeks election. Accounts kept by a campaign treasurer
 291 of a political committee or by an electioneering communications
 292 organization shall be preserved by such treasurer for at least 2
 293 years after the date of the election to which the accounts
 294 refer.

295 Section 3. Subsection (4) of section 106.07, Florida
 296 Statutes, is amended to read:

297 106.07 Reports; certification and filing.--

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

- 299 1. The full name, address, and occupation, if any, of each
 300 person who has made one or more contributions to or for such
 301 committee or candidate within the reporting period, together
 302 with the amount and date of such contributions. For
 303 corporations, the report must provide as clear a description as
 304 practicable of the principal type of business conducted by the
 305 corporation. However, if the contribution is \$100 or less ~~or is~~
 306 ~~from a relative, as defined in s. 112.312, provided that the~~

307 ~~relationship is reported~~, the occupation of the contributor or
308 the principal type of business need not be listed.

309 2. The name and address of each political committee from
310 which the reporting committee or the candidate received, or to
311 which the reporting committee or candidate made, any transfer of
312 funds, together with the amounts and dates of all transfers.

313 3. Each loan for campaign purposes to or from any person
314 or political committee within the reporting period, together
315 with the full names, addresses, and occupations, and principal
316 places of business, if any, of the lender and endorsers, if any,
317 and the date and amount of such loans.

318 4. A statement of each contribution, rebate, refund, or
319 other receipt not otherwise listed under subparagraphs 1.
320 through 3.

321 5. The total sums of all loans, in-kind contributions, and
322 other receipts by or for such committee or candidate during the
323 reporting period. The reporting forms shall be designed to
324 elicit separate totals for in-kind contributions, loans, and
325 other receipts.

326 6. The full name and address of each person to whom
327 expenditures have been made by or on behalf of the committee or
328 candidate within the reporting period; the amount, date, and
329 purpose of each such expenditure; and the name and address of,
330 and office sought by, each candidate on whose behalf such
331 expenditure was made. However, expenditures made from the petty
332 cash fund provided by s. 106.12 need not be reported
333 individually.

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

341 8. The total amount withdrawn and the total amount spent
342 for petty cash purposes pursuant to this chapter during the
343 reporting period.

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

346 10. The amount and nature of debts and obligations owed by
347 or to the committee or candidate, which relate to the conduct of
348 any political campaign.

349 11. A copy of each credit card statement which shall be
350 included in the next report following receipt thereof by the
351 candidate or political committee. Receipts for each credit card
352 purchase shall be retained by the treasurer with the records for
353 the campaign account.

354 12. The amount and nature of any separate interest-bearing
355 accounts or certificates of deposit and identification of the
356 financial institution in which such accounts or certificates of
357 deposit are located.

358 13. The primary purposes of an expenditure made indirectly
359 through a campaign treasurer pursuant to s. 106.021(3) for goods
360 and services such as communications media placement or
361 procurement services, campaign signs, insurance, and other

362 expenditures that include multiple components as part of the
 363 expenditure. The primary purpose of an expenditure shall be that
 364 purpose, including integral and directly related components,
 365 that comprises 80 percent of such expenditure.

366 (b) In addition to the requirements of paragraph (a):

367 1. Each political committee or electioneering
 368 communications organization report shall also include the name
 369 of the candidate on whose behalf the expenditure was made, if
 370 any expenditure was made to or for any communications media that
 371 depicted a candidate or a candidate's opponent in either a
 372 primary or general election. If the communication depicted more
 373 than one candidate, the expenditure shall be divided evenly
 374 among the depicted candidates.

375 2. Each electioneering communications organization report
 376 shall also include a certification of whether the expenditure
 377 was coordinated as defined by s. 106.011(6), if an
 378 electioneering communications organization made any expenditure.

379 (c) ~~(b)~~ The filing officer shall make available to any
 380 candidate or committee a reporting form which the candidate or
 381 committee may use to indicate contributions received by the
 382 candidate or committee but returned to the contributor before
 383 deposit.

384 Section 4. Subsection (5) is added to section 106.071,
 385 Florida Statutes, is amended to read:

386 106.071 Independent expenditures; expenditures;
 387 electioneering communications; reports; disclaimers.--

388 (5) A national, state, or county executive committee of a
 389 political party, including any subordinate committee of a

390 national, state, or county committee of a political party, may
 391 not make expenditures for an electioneering communication.

392 Section 5. Paragraph (c) of subsection (1) of section
 393 106.08, Florida Statutes, is amended, paragraph (d) is added to
 394 that subsection, and paragraph (e) is added to subsection (5) of
 395 that section, to read:

396 106.08 Contributions; limitations on.--

397 (1)

398 (c) The contribution limits of this subsection apply to
 399 each election. For purposes of this subsection, the primary
 400 election and general election are separate elections so long as
 401 the candidate is not an unopposed candidate as defined in s.
 402 106.011~~(16)~~~~(15)~~. However, for the purpose of contribution limits
 403 with respect to candidates for retention as a justice or judge,
 404 there is only one election, which is the general election.

405 (d) No person, political committee, or committee of
 406 continuous existence may, in any election, make contributions in
 407 excess of \$5,000 to an electioneering communications
 408 organization that makes any coordinated expenditure as defined
 409 by s. 106.011(6). For purposes of this subsection, the primary
 410 election and general election are not separate elections.

411 (5)

412 (e) An electioneering communications organization may not
 413 accept a contribution from any other electioneering
 414 communications organization.

415 Section 6. Section 106.087, Florida Statutes, is amended
 416 to read:

HB 393

2007

417 106.087 Independent expenditures; contribution limits;
 418 restrictions on political parties and, political committees, ~~and~~
 419 ~~committees of continuous existence.~~--

420 (1)~~(a)~~ As a condition of receiving a rebate of filing fees
 421 and party assessment funds pursuant to s. 99.061(2), s.
 422 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
 423 treasurer of a state or county executive committee shall take
 424 and subscribe to an oath or affirmation in writing. During the
 425 qualifying period for state candidates and prior to distribution
 426 of such funds, a printed copy of the oath or affirmation shall
 427 be filed with the Secretary of State and shall be substantially
 428 in the following form:

429
 430 State of Florida
 431 County of _____

432 Before me, an officer authorized to administer oaths,
 433 personally appeared (name) , to me well known, who, being
 434 sworn, says that he or she is the (title) of the (name of
 435 party) (state or specified county) executive committee;
 436 that the executive committee has not made, either directly or
 437 indirectly, an independent expenditure in support of or
 438 opposition to a candidate or elected public official in the
 439 prior 6 months; that the executive committee will not make,
 440 either directly or indirectly, an independent expenditure in
 441 support of or opposition to a candidate or elected public
 442 official, through and including the upcoming general election;
 443 and that the executive committee will not violate the
 444 contribution limits applicable to candidates under s. 106.08(2),

445 Florida Statutes.

446 (Signature of committee officer)

447 (Address)

448

449 Sworn to and subscribed before me this _____ day of _____,
 450 (year) , at _____ County, Florida.

451 (Signature and title of officer administering oath)

452 (2)~~(b)~~ Any executive committee found to have violated the
 453 provisions of the oath or affirmation in this section prior to
 454 receiving funds shall be ineligible to receive the rebate for
 455 that general election year.

456 (3)~~(e)~~ Any executive committee found to have violated the
 457 provisions of the oath or affirmation in this section after
 458 receiving funds shall be ineligible to receive the rebate from
 459 candidates qualifying for the following general election cycle.

460 (4)~~(d)~~ Any funds not distributed to the state or county
 461 executive committee pursuant to this section shall be deposited
 462 into the General Revenue Fund of the state.

463 ~~(2) (a) Any political committee or committee of continuous
 464 existence that accepts the use of public funds, equipment,
 465 personnel, or other resources to collect dues from its members
 466 agrees not to make independent expenditures in support of or
 467 opposition to a candidate or elected public official. However,
 468 expenditures may be made for the sole purpose of jointly
 469 endorsing three or more candidates.~~

470 ~~(b) Any political committee or committee of continuous
 471 existence that violates this subsection is liable for a civil
 472 fine of up to \$5,000 to be determined by the Florida Elections~~

HB 393

2007

473 ~~Commission or the entire amount of the expenditures, whichever~~
474 ~~is greater.~~

475 Section 7. Subsection (3) of section 106.12, Florida
476 Statutes, is amended to read:

477 106.12 Petty cash funds allowed.--

478 (3) The petty cash fund so provided shall be spent only in
479 amounts less than \$100 and only for office supplies,
480 transportation expenses, and other necessities. Petty cash shall
481 not be used for the purchase of time, space, or services from
482 communications media as defined in s. 106.011 (14) ~~(13)~~.

483 Section 8. Subsection (4) of section 106.143, Florida
484 Statutes, is amended to read:

485 106.143 Political advertisements circulated prior to
486 election; requirements.--

487 (4) (a) Any political advertisement, including those paid
488 for by a political party, other than an independent expenditure,
489 offered by or on behalf of a candidate must be approved in
490 advance by the candidate. Such political advertisement must
491 expressly state that the content of the advertisement was
492 approved by the candidate and must state who paid for the
493 advertisement. The candidate shall provide a written statement
494 of authorization to the newspaper, radio station, television
495 station, or other medium for each such advertisement submitted
496 for publication, display, broadcast, or other distribution.

497 (b) Any person who makes an independent expenditure for a
498 political advertisement shall provide a written statement that
499 no candidate has approved the advertisement to the newspaper,
500 radio station, television station, or other medium for each such

501 advertisement submitted for publication, display, broadcast, or
 502 other distribution. The advertisement must also contain a
 503 statement that no candidate has approved the advertisement.

504 (c) Any radio political advertisement paid for by a
 505 political party and approved by the candidate, including any
 506 such advertisement that references or depicts the candidate's
 507 opponent, must contain a disclaimer recorded by the candidate
 508 that approved the content of the advertisement, which states:
 509 "This is (name of candidate), (party affiliation), for (office
 510 sought), and I approve this message paid for by (political party
 511 or committee paying for advertisement)".

512 (d) Any television political advertisement paid for by a
 513 political party and approved by the candidate, including any
 514 such advertisement that references or depicts the candidate's
 515 opponent, must contain the same recorded disclaimer as required
 516 by paragraph (c) except that the candidate must appear on the
 517 screen while the disclaimer is read.

518 (e)~~(e)~~ This subsection does not apply to campaign messages
 519 used by a candidate and his or her supporters if those messages
 520 are designed to be worn by a person.

521 Section 9. Section 106.1439, Florida Statutes, is amended
 522 to read:

523 106.1439 Electioneering communications; disclaimers.--

524 (1) Any electioneering communication shall prominently
 525 state: "Paid electioneering communication paid for by (Name
 526 and address of person paying for the communication) , an
 527 organization funded by [the top three contributors as described
 528 in s. 106.1439(2)]".

HB 393

2007

529 (2) Any electioneering communication shall prominently
530 state in the disclaimer the names of the top three contributors
531 to the electioneering communications organization during the 12
532 months preceding the date on which the electioneering
533 communication is printed or disseminated.

534 (3)~~(2)~~ Any person who fails to include the disclaimer
535 prescribed in this section in any electioneering communication
536 that is required to contain such disclaimer commits a
537 misdemeanor of the first degree, punishable as provided in s.
538 775.082 or s. 775.083.

539 Section 10. Paragraph (a) of subsection (1) of section
540 106.147, Florida Statutes, is amended to read:

541 106.147 Telephone solicitation; disclosure requirements;
542 prohibitions; exemptions; penalties.--

543 (1)(a) Any telephone call supporting or opposing a
544 candidate, elected public official, or ballot proposal must
545 identify the persons or organizations sponsoring the call by
546 stating at the beginning of the call either: "The following is a
547 paid telephone call paid for by_____" (insert name of persons or
548 organizations sponsoring the call) or "paid for on behalf
549 of_____" (insert name of persons or organizations authorizing
550 call). This paragraph does not apply to any telephone call in
551 which both the individual making the call is not being paid and
552 the individuals participating in the call know each other prior
553 to the call.

554 Section 11. Subsection (3) of section 106.15, Florida
555 Statutes, is amended to read:

556 106.15 Certain acts prohibited.--

HB 393

2007

557 (3) A candidate may not, in the furtherance of his or her
558 candidacy for nomination or election to public office in any
559 election, knowingly use the services of any state, county,
560 municipal, or district officer or employee during working hours.

561 Section 12. Paragraph (a) of subsection (1) of section
562 106.19, Florida Statutes, is amended to read:

563 106.19 Violations by candidates, persons connected with
564 campaigns, and political committees.--

565 (1) Any candidate; campaign manager, campaign treasurer,
566 or deputy treasurer of any candidate; committee chair, vice
567 chair, campaign treasurer, deputy treasurer, or other officer of
568 any political committee; agent or person acting on behalf of any
569 candidate or political committee; or other person who knowingly
570 and willfully:

571 (a) Accepts a contribution in excess of the limits
572 prescribed by s. 106.08 and does not return the amount by which
573 the contribution exceeds the limits set forth in s. 106.08
574 within 48 hours;

575
576 is guilty of a misdemeanor of the first degree, punishable as
577 provided in s. 775.082 or s. 775.083.

578 Section 13. Subsection (3) of section 106.295, Florida
579 Statutes, is amended to read:

580 106.295 Leadership fund.--

581 (3) This section applies to all leadership funds in
582 existence on or after July 1, 2006. Any leadership fund in
583 existence on July 1, 2006, shall dispose of all funds by

HB 393

2007

584 relinquishing control over how the funds are designated by the
585 political party ~~or after January 1, 1990.~~

586 Section 14. Section 106.33, Florida Statutes, is amended
587 to read:

588 106.33 Election campaign financing; eligibility.--Each
589 candidate for the office of Governor or member of the Cabinet
590 who desires to receive contributions from the Election Campaign
591 Financing Trust Fund shall, upon qualifying for office, file a
592 request for such contributions with the filing officer on forms
593 provided by the Division of Elections. If a candidate requesting
594 contributions from the fund desires to have such funds
595 distributed by electronic fund transfers, the request shall
596 include information necessary to implement that procedure. For
597 the purposes of ss. 106.30-106.36, candidates for Governor and
598 Lieutenant Governor on the same ticket shall be considered as a
599 single candidate. To be eligible to receive contributions from
600 the fund, a candidate may not be an unopposed candidate as
601 defined in s. 106.011(16)~~(15)~~ and must:

602 (1) Agree to abide by the expenditure limits provided in
603 s. 106.34.

604 (2) (a) Raise contributions as follows:

605 1. One hundred fifty thousand dollars for a candidate for
606 Governor.

607 2. One hundred thousand dollars for a candidate for
608 Cabinet office.

609 (b) Contributions from individuals who at the time of
610 contributing are not state residents may not be used to meet the
611 threshold amounts in paragraph (a). For purposes of this

HB 393

2007

612 paragraph, any person validly registered to vote in this state
 613 shall be considered a state resident.

614 (3) Limit loans or contributions from the candidate's
 615 personal funds to \$25,000 and contributions from national,
 616 state, and county executive committees of a political party to
 617 \$250,000 in the aggregate, which loans or contributions shall
 618 not qualify for meeting the threshold amounts in subsection (2).

619 (4) Submit to a postelection audit of the campaign account
 620 by the division.

621 Section 15. Subsection (3) of section 106.34, Florida
 622 Statutes, is amended to read:

623 106.34 Expenditure limits.--

624 (3) For purposes of this section, "Florida-registered
 625 voter" means a voter who is registered to vote in Florida as of
 626 June 30 of each odd-numbered year. The Division of Elections
 627 shall certify the total number of Florida-registered voters no
 628 later than July 31 of each odd-numbered year. Such total number
 629 shall be calculated by adding the number of registered voters in
 630 each county as of June 30 in the year of the certification date.
 631 ~~For the 2006 general election, the Division of Elections shall~~
 632 ~~certify the total number of Florida-registered voters by July~~
 633 ~~31, 2005.~~

634 Section 16. Paragraph (b) of subsection (2) of section
 635 106.35, Florida Statutes, is amended, and subsection (6) is
 636 added to that section, to read:

637 106.35 Distribution of funds.--

638 (2)

639 (b) Qualifying matching contributions are those of \$250 or

640 less from an individual, ~~made after September 1 of the calendar~~
641 ~~year prior to the election.~~ Any contribution received from an
642 individual who is not a state resident at the time the
643 contribution is made shall not be considered a qualifying
644 matching contribution. For purposes of this paragraph, any
645 person validly registered to vote in this state shall be
646 considered a state resident. Aggregate contributions from an
647 individual in excess of \$250 will be matched only up to \$250. A
648 contribution from an individual, if made by check, must be drawn
649 on the personal bank account of the individual making the
650 contribution, as opposed to any form of business account,
651 regardless of whether the business account is for a corporation,
652 partnership, sole proprietorship, trust, or other form of
653 business arrangement. For contributions made by check from a
654 personal joint account, the match shall only be for the
655 individual who actually signs the check.

656 (6) Any candidate who receives funds under the Florida
657 Election Campaign Financing Act shall return such funds to the
658 General Revenue Fund as follows:

659 (a) During a primary election, a candidate who expends
660 funds on any political advertisement that depicts, shows, or
661 references the candidate's opponent in the primary or general
662 election shall return to the General Revenue Fund an amount
663 equal to the amount of such expenditure. In no case shall the
664 candidate be required to return to the General Revenue Fund more
665 than the candidate received under the act.

666 (b) During a general election, a candidate, or the
667 political party of which the candidate is the nominee, who

HB 393

2007

668 expends funds on any political advertisement that depicts,
669 shows, or references the candidate's opponent in the general
670 election shall return to the General Revenue Fund an amount
671 equal to the amount of such expenditure. If the expenditure is
672 more than the candidate received under the act, then the
673 political party of which the candidate is the nominee shall
674 return such funds.

675 Section 17. Section 106.191, Florida Statutes, is
676 repealed.

677 Section 18. This act shall take effect July 1, 2007.