



917064

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/21/2013	.	
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The Committee on Community Affairs (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 967 and 968  
insert:

Section 10. Section 106.0702, Florida Statutes, is created  
to read:

106.0702 Reporting; political party executive committee  
candidates.-

(1) An individual seeking a publicly-elected position on a  
political party executive committee who receives a contribution  
or makes an expenditure shall file a report of all contributions  
received, and all expenditures made. The report shall be filed



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13 on the 4th day immediately preceding the primary election.

14 (2) (a) The report shall be filed with the supervisor of  
15 elections of the appropriate county. Reports shall be filed no  
16 later than 5 p.m. of the day designated; however, any report  
17 postmarked by the United States Postal Service by the day  
18 designated shall be deemed to have been filed in a timely  
19 manner. Any report received by the filing officer within 5 days  
20 after the designated due date shall be deemed timely filed  
21 unless it has a postmark that indicates that the report was  
22 mailed after the designated due date. A certificate of mailing  
23 obtained from and dated by the United States Postal Service at  
24 the time of mailing, or a receipt from an established courier  
25 company, which bears a date on or before the date on which the  
26 report is due is proof of mailing in a timely manner. The report  
27 filed must contain information of all contributions received and  
28 expenditures made as of the day preceding the designated due  
29 date. All such reports must be open to public inspection.

30 (b) A reporting individual may submit the report required  
31 under this section through an electronic filing system, if used  
32 by the supervisor for other candidates, in order to satisfy the  
33 filing requirement. Such reports shall be completed and filed  
34 through the electronic filing system not later than midnight on  
35 the 4th day immediately preceding the primary election.

36 (3) (a) A report that is deemed to be incomplete by the  
37 supervisor shall be accepted on a conditional basis. The  
38 supervisor shall send a notice to the reporting individual by  
39 certified mail or by another method using a common carrier that  
40 provides proof of delivery as to why the report is incomplete.  
41 Within 7 days after receipt of such notice, the reporting



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42 individual must file an addendum to the report providing all  
43 information necessary to complete the report in compliance with  
44 this section. Failure to file a complete report after such  
45 notice constitutes a violation of this chapter.

46 (b) Notice is deemed complete upon proof of delivery of a  
47 written notice to the mailing or street address which is on  
48 record with the supervisor.

49 (4) (a) Each report required by this section must contain:

50 1. The full name, address, and occupation of each person  
51 who has made one or more contributions to or for the reporting  
52 individual within the reporting period, together with the amount  
53 and date of such contributions. For corporations, the report  
54 must provide as clear a description as practicable of the  
55 principal type of business conducted by the corporations.  
56 However, if the contribution is \$100 or less or is from a  
57 relative, as defined in s. 112.312, provided that the  
58 relationship is reported, the occupation of the contributor or  
59 the principal type of business need not be listed.

60 2. The name and address of each political committee from  
61 which the reporting individual has received, or to which the  
62 reporting individual has made, any transfer of funds within the  
63 reporting period, together with the amounts and dates of all  
64 transfers.

65 3. Each loan for campaign purposes from any person or  
66 political committee within the reporting period, together with  
67 the full name, address, and occupation, and principal place of  
68 business, if any, of the lender and endorser, if any, and the  
69 date and amount of such loans.

70 4. A statement of each contribution, rebate, refund, or



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71 other receipt not otherwise listed under subparagraphs 1.-3.

72 5. The total sums of all loans, in-kind contributions, and  
73 other receipts by or for such reporting individual during the  
74 reporting period. The reporting forms shall be designed to  
75 elicit separate totals for in-kind contributions, loans, and  
76 other receipts.

77 6. The full name and address of each person to whom  
78 expenditures have been made by or on behalf of the reporting  
79 individual within the reporting period; the amount, date, and  
80 purpose of each such expenditure; and the name and address of,  
81 and office sought by, each reporting individual on whose behalf  
82 such expenditure was made.

83 7. The amount and nature of debts and obligations owed by  
84 or to the reporting individual which relate to the conduct of  
85 any political campaign.

86 8. Transaction information for each credit card purchase.  
87 Receipts for each credit card purchase shall be retained by the  
88 reporting individual.

89 9. The amount and nature of any separate interest-bearing  
90 accounts or certificates of deposit and identification of the  
91 financial institution in which such accounts or certificates of  
92 deposit are located.

93 (b) The supervisor shall make available to any reporting  
94 individual a reporting form that the reporting individual may  
95 use to indicate contributions received by the reporting  
96 individual but returned to the contributor before deposit.

97 (5) The reporting individual shall certify as to the  
98 correctness of the report and shall bear the responsibility for  
99 the accuracy and veracity of each report. Any reporting



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100 individual who willfully certifies the correctness of the report  
101 while knowing that such report is incorrect, false, or  
102 incomplete commits a misdemeanor of the first degree, punishable  
103 as provided in s. 775.082 or s. 775.083.

104 (6) Notwithstanding any other provisions of this chapter,  
105 the filing of the required report is waived if the reporting  
106 individual has not received contributions or expended any  
107 reportable funds.

108 (7) (a) A reporting individual who fails to file a report on  
109 the designated due date is subject to a fine, and such fine  
110 shall be paid only from personal funds of the reporting  
111 individual. The fine shall be \$50 per day for the first 3 days  
112 late and, thereafter, \$500 per day for each late day, not to  
113 exceed 25 percent of the total receipts or expenditures,  
114 whichever is greater. The fine shall be assessed by the  
115 supervisor, and the moneys collected shall be deposited into the  
116 general revenue fund of the political subdivision.

117 (b) The supervisor shall determine the amount of the fine  
118 due based upon the earliest of the following:

119 1. When the report is actually received by the supervisor.

120 2. When the report is postmarked;

121 3. When the certificate of mailing is dated;

122 4. When the receipt from an established courier company is  
123 dated; or

124 5. When the report is completed and filed through the  
125 electronic filing system, if applicable.

126  
127 Such fine shall be paid to the supervisor within 20 days after  
128 receipt of the notice of payment due unless appeal is made to



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129 the Florida Elections Commission pursuant to paragraph (c).  
130 Notice is deemed complete upon proof of delivery of written  
131 notice to the mailing or street address on record with the  
132 supervisor. Such fine may not be an allowable campaign  
133 expenditure and shall be paid only from personal funds of the  
134 reporting individual.

135 (c) A reporting individual may appeal or dispute the fine,  
136 based upon, but not limited to, unusual circumstances  
137 surrounding the failure to file on the designated due date, and  
138 may request and is entitled to a hearing before the Florida  
139 Elections Commission, which has the authority to waive the fine  
140 in whole or in part. The Florida Elections Commission must  
141 consider the mitigating and aggravating circumstances contained  
142 in s. 106.265(2) when determining the amount of a fine, if any,  
143 to be waived. Any such request shall be made within 20 days  
144 after receipt of the notice of payment due. In such case, the  
145 reporting individual must, within 20 days after receipt of the  
146 notice, notify the supervisor in writing of his or her intention  
147 to bring the matter before the commission.

148 (d) The appropriate supervisor shall notify the Florida  
149 Elections Commission of the late filing by a reporting  
150 individual, the failure of a reporting individual to file a  
151 report after notice, or the failure to pay the fine imposed. The  
152 commission shall investigate only those alleged late filing  
153 violations specifically identified by the supervisor and as set  
154 forth in the notification. Any other alleged violations must be  
155 separately stated and reported by the division to the commission  
156 under s. 106.25(2).

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158 ===== T I T L E A M E N D M E N T =====

159 And the title is amended as follows:

160 Delete line 39

161 and insert:

162 committees; conforming a cross-reference; creating s.  
163 106.0702, F.S.; requiring certain individuals seeking  
164 a publicly-elected position on a political party  
165 executive committee to file a report with the  
166 supervisor of elections before the primary election;  
167 providing filing and notice requirements; specifying  
168 the contents of the report; requiring the supervisor  
169 to make a specified form available to a reporting  
170 individual; requiring the reporting individual to  
171 certify to the correctness of the report; providing  
172 criminal penalties for a reporting individual who  
173 willfully files an incorrect, false, or incomplete  
174 report; providing for a fine under specified  
175 conditions; authorizing a reporting individual to  
176 appeal a fine to the Florida Elections Commission;  
177 requiring the supervisor to notify the commission of  
178 specified violations; amending s.