

**By** the Committees on Appropriations; Rules; Community Affairs;  
and Ethics and Elections; and Senator Latvala

576-04648-13

20131382c4

1                                   A bill to be entitled  
2           An act relating to campaign finance; repealing s.  
3           106.04, F.S., relating to the certification and  
4           political activities of committees of continuous  
5           existence; prohibiting a committee of continuous  
6           existence from accepting a contribution after a  
7           certain date; providing for revocation of the  
8           certification of each committee of continuous  
9           existence on a certain date; requiring the Division of  
10          Elections to provide certain notifications to  
11          committees of continuous existence; providing  
12          procedures for disposition of funds and closing of the  
13          committee account; providing penalties; providing for  
14          the applicability of penalties incurred by the  
15          committee of continuous existence; authorizing a  
16          committee of continuous existence to make unlimited  
17          contributions to a political committee; amending and  
18          reordering s. 106.011, F.S., relating to definitions  
19          applicable to provisions governing campaign financing;  
20          deleting the definition of the term "committee of  
21          continuous existence" to conform to changes made by  
22          the act; revising the definition of the term  
23          "election" to include the selection of members of  
24          political party executive committees; conforming  
25          cross-references; amending s. 106.021, F.S.; providing  
26          that contributions received before a candidate changes  
27          his or her candidacy to a different office count  
28          towards the contribution limits for the newly  
29          designated office; prohibiting a political committee

576-04648-13

20131382c4

30 from making an expenditure for the purpose of jointly  
31 endorsing three or more candidates outside the scope  
32 of the requirements of ch. 106, F.S.; amending s.  
33 106.022, F.S.; conforming a provision to changes made  
34 by the act; amending s. 106.025, F.S.; providing that  
35 tickets or advertising for a campaign fundraiser must  
36 comply with the requirements of political  
37 advertisements circulated before an election; amending  
38 s. 106.03, F.S.; conforming provisions and cross-  
39 references to changes made by the act; amending s.  
40 106.05, F.S.; revising the information that is  
41 required to appear on a bank account for deposit of  
42 funds; reenacting and amending s. 106.07, F.S.,  
43 relating to reports by campaign treasurers; revising  
44 reporting requirements for candidates and political  
45 committees; conforming a cross-reference; creating s.  
46 106.0702, F.S.; requiring certain individuals seeking  
47 a publicly-elected position on a political party  
48 executive committee to file a report with the  
49 supervisor of elections before the primary election;  
50 providing filing and notice requirements; specifying  
51 the contents of the report; requiring the supervisor  
52 to make a specified form available to a reporting  
53 individual; requiring the reporting individual to  
54 certify to the correctness of the report; providing  
55 criminal penalties for a reporting individual who  
56 willfully files an incorrect, false, or incomplete  
57 report; providing for a fine under specified  
58 conditions; authorizing a reporting individual to

576-04648-13

20131382c4

59        appeal a fine to the Florida Elections Commission;  
60        requiring the supervisor to notify the commission of  
61        specified violations; amending s. 106.0703, F.S.;  
62        revising reporting requirements for electioneering  
63        communications organizations; reenacting and amending  
64        s. 106.0705, F.S., relating to the electronic filing  
65        of campaign treasurer's reports; conforming provisions  
66        and cross-references to changes made by the act;  
67        amending s. 106.08, F.S.; increasing the limitations  
68        on contributions made to political committees;  
69        removing a limitation on contributions made by  
70        specified minors; revising limitations on  
71        contributions to non-statewide candidates from  
72        specified political party committees; conforming  
73        provisions and cross-references to changes made by the  
74        act; reenacting and amending s. 106.11, F.S.;  
75        specifying restrictions on expenditures by political  
76        committees; providing a penalty; revising the  
77        information that is required to appear on bank account  
78        checks of candidates or political committees; revising  
79        information used to determine when debit cards are  
80        considered bank checks; amending s. 106.141, F.S.;  
81        prohibiting a candidate from giving more than a  
82        specified amount of surplus funds to an affiliated  
83        party committee or political party; increasing the  
84        amount of funds that certain candidates may transfer  
85        to an office account; specifying permissible expenses  
86        with office account funds; defining the term "same  
87        office"; modifying requirements and conditions for

576-04648-13

20131382c4

88 disposing of and transferring surplus funds;  
89 authorizing certain candidates to retain a specified  
90 amount of funds for reelection to the same office;  
91 establishing requirements and conditions for retained  
92 funds; providing procedures for disposition of  
93 retained funds in certain circumstances; making  
94 changes to conform to the act; reenacting and amending  
95 s. 106.29, F.S.; revising reporting requirements for  
96 political parties and affiliated party committees;  
97 requiring the Division of Elections to submit a  
98 proposal for a mandatory statewide electronic filing  
99 system for certain state and local candidates to the  
100 Legislature by a specified date; amending ss. 101.62,  
101 102.031, 106.087, 106.12, 106.147, 106.17, 106.23,  
102 106.265, 106.27, 106.32, 106.33, 111.075, 112.3148,  
103 112.3149, 1004.28, 1004.70, and 1004.71, F.S.;

104 conforming provisions and cross-references to changes  
105 made by the act; reenacting s. 106.19, F.S., relating  
106 to criminal and enhanced civil penalties for certain  
107 campaign finance violations, to incorporate the  
108 amendments made to ss. 106.08 and 106.11, F.S., in  
109 references thereto; providing appropriations;  
110 authorizing specified numbers of full-time equivalent  
111 positions with associated salary rates within the  
112 Florida Elections Commission and the Division of  
113 Elections; providing effective dates.

114  
115 Be It Enacted by the Legislature of the State of Florida:  
116

576-04648-13

20131382c4

117 Section 1. Section 106.04, Florida Statutes, is repealed.

118 Section 2. (1) Effective August 1, 2013, a committee of  
119 continuous existence may not accept a contribution as defined in  
120 s. 106.011, Florida Statutes. By July 15, 2013, the Division of  
121 Elections of the Department of State shall notify each committee  
122 of continuous existence of the prohibition on accepting such a  
123 contribution as provided under this subsection.

124 (2) Effective September 30, 2013, the certification of each  
125 committee of continuous existence is revoked and all committee  
126 accounts must have a zero balance. By July 15, 2013, the  
127 Division of Elections of the Department of State shall notify  
128 each committee of continuous existence of the revocation of its  
129 certification pursuant to this subsection. Following the  
130 revocation of certification, each committee of continuous  
131 existence shall file any outstanding report as required by law.

132 (3) (a) A violation of this section or any other provision  
133 of chapter 106 constitutes a violation of chapter 106 regardless  
134 of whether the committee of continuous existence is legally  
135 dissolved.

136 (b) A political committee or electioneering communications  
137 organization that has received funds from a committee of  
138 continuous existence whose certification has been revoked and  
139 that is directly or indirectly established, maintained, or  
140 controlled by the same individual or group as the former  
141 committee of continuous existence, is responsible for any unpaid  
142 fine or penalty incurred by the former committee of continuous  
143 existence. If no such political committee or electioneering  
144 communications organization exists, the principal officers of  
145 the former committee of continuous existence shall be jointly

576-04648-13

20131382c4

146 and severally liable for any fine or penalty.

147 (4) Notwithstanding any other provision of law, a committee  
148 of continuous existence may make unlimited contributions to a  
149 political committee.

150 (5) This section shall be effective upon this act becoming  
151 a law.

152 Section 3. Section 106.011, Florida Statutes, is reordered  
153 and amended to read:

154 106.011 Definitions.—As used in this chapter, the following  
155 terms have the following meanings unless the context clearly  
156 indicates otherwise:

157 (16)~~(1)~~(a) "Political committee" means:

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

161 a. Accepts contributions for the purpose of making  
162 contributions to any candidate, political committee, ~~committee~~  
163 ~~of continuous existence~~, affiliated party committee, or  
164 political party;

165 b. Accepts contributions for the purpose of expressly  
166 advocating the election or defeat of a candidate or the passage  
167 or defeat of an issue;

168 c. Makes expenditures that expressly advocate the election  
169 or defeat of a candidate or the passage or defeat of an issue;  
170 or

171 d. Makes contributions to a common fund, other than a joint  
172 checking account between spouses, from which contributions are  
173 made to any candidate, political committee, ~~committee of~~  
174 ~~continuous existence~~, affiliated party committee, or political

576-04648-13

20131382c4

175 party;

176 2. The sponsor of a proposed constitutional amendment by  
177 initiative who intends to seek the signatures of registered  
178 electors.

179 (b) Notwithstanding paragraph (a), the following entities  
180 are not considered political committees for purposes of this  
181 chapter:

182 1. ~~Organizations which are certified by the Department of~~  
183 ~~State as committees of continuous existence pursuant to s.~~  
184 ~~106.04,~~ National political parties, the state and county  
185 executive committees of political parties, and affiliated party  
186 committees regulated by chapter 103.

187 2. Corporations regulated by chapter 607 or chapter 617 or  
188 other business entities formed for purposes other than to  
189 support or oppose issues or candidates, if their political  
190 activities are limited to contributions to candidates, political  
191 parties, affiliated party committees, or political committees or  
192 expenditures in support of or opposition to an issue from  
193 corporate or business funds and if no contributions are received  
194 by such corporations or business entities.

195 3. Electioneering communications organizations as defined  
196 in subsection (9) ~~(19)~~.

197 ~~(2) "Committee of continuous existence" means any group,~~  
198 ~~organization, association, or other such entity which is~~  
199 ~~certified pursuant to the provisions of s. 106.04.~~

200 (5) ~~(3)~~ "Contribution" means:

201 (a) A gift, subscription, conveyance, deposit, loan,  
202 payment, or distribution of money or anything of value,  
203 including contributions in kind having an attributable monetary

576-04648-13

20131382c4

204 value in any form, made for the purpose of influencing the  
205 results of an election or making an electioneering  
206 communication.

207 (b) A transfer of funds between political committees,  
208 ~~between committees of continuous existence,~~ between  
209 electioneering communications organizations, or between any  
210 combination of these groups.

211 (c) The payment, by a ~~any~~ person other than a candidate or  
212 political committee, of compensation for the personal services  
213 of another person which are rendered to a candidate or political  
214 committee without charge to the candidate or committee for such  
215 services.

216 (d) The transfer of funds by a campaign treasurer or deputy  
217 campaign treasurer between a primary depository and a separate  
218 interest-bearing account or certificate of deposit, and the term  
219 includes ~~any~~ interest earned on such account or certificate.

220

221 Notwithstanding the foregoing meanings of "contribution," the  
222 term may not be construed to include services, including, but  
223 not limited to, legal and accounting services, provided without  
224 compensation by individuals volunteering a portion or all of  
225 their time on behalf of a candidate or political committee or  
226 editorial endorsements.

227 (10)~~(4)~~(a) "Expenditure" means a purchase, payment,  
228 distribution, loan, advance, transfer of funds by a campaign  
229 treasurer or deputy campaign treasurer between a primary  
230 depository and a separate interest-bearing account or  
231 certificate of deposit, or gift of money or anything of value  
232 made for the purpose of influencing the results of an election



576-04648-13

20131382c4

233 or making an electioneering communication. However,  
234 "expenditure" does not include a purchase, payment,  
235 distribution, loan, advance, or gift of money or anything of  
236 value made for the purpose of influencing the results of an  
237 election when made by an organization, in existence before ~~prior~~  
238 ~~to~~ the time during which a candidate qualifies or an issue is  
239 placed on the ballot for that election, for the purpose of  
240 printing or distributing such organization's newsletter,  
241 containing a statement by such organization in support of or  
242 opposition to a candidate or issue, which newsletter is  
243 distributed only to members of such organization.

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

247 1. A person enters into a contract for applicable goods or  
248 services;

249 2. A person makes payment, in whole or in part, for the  
250 production or public dissemination of applicable goods or  
251 services; or

252 3. The electioneering communication is publicly  
253 disseminated.

254 (12)~~(5)~~(a) "Independent expenditure" means an expenditure  
255 by a person for the purpose of expressly advocating the election  
256 or defeat of a candidate or the approval or rejection of an  
257 issue, which expenditure is not controlled by, coordinated with,  
258 or made upon consultation with, any candidate, political  
259 committee, or agent of such candidate or committee. An  
260 expenditure for such purpose by a person having a contract with  
261 the candidate, political committee, or agent of such candidate

576-04648-13

20131382c4

262 or committee in a given election period is ~~shall~~ not be deemed  
263 an independent expenditure.

264 (b) An expenditure for the purpose of expressly advocating  
265 the election or defeat of a candidate which is made by the  
266 national, state, or county executive committee of a political  
267 party, including any subordinate committee of the political  
268 party, an affiliated party committee, a political committee, ~~a~~  
269 ~~committee of continuous existence,~~ or any other person is ~~shall~~  
270 not be considered an independent expenditure if the committee or  
271 person:

272 1. Communicates with the candidate, the candidate's  
273 campaign, or an agent of the candidate acting on behalf of the  
274 candidate, including a ~~any~~ pollster, media consultant,  
275 advertising agency, vendor, advisor, or staff member, concerning  
276 the preparation of, use of, or payment for, the specific  
277 expenditure or advertising campaign at issue; ~~or~~

278 2. Makes a payment in cooperation, consultation, or concert  
279 with, at the request or suggestion of, or pursuant to a ~~any~~  
280 general or particular understanding with the candidate, the  
281 candidate's campaign, a political committee supporting the  
282 candidate, or an agent of the candidate relating to the specific  
283 expenditure or advertising campaign at issue; ~~or~~

284 3. Makes a payment for the dissemination, distribution, or  
285 republication, in whole or in part, of a ~~any~~ broadcast or a ~~any~~  
286 written, graphic, or other form of campaign material prepared by  
287 the candidate, the candidate's campaign, or an agent of the  
288 candidate, including a ~~any~~ pollster, media consultant,  
289 advertising agency, vendor, advisor, or staff member; ~~or~~

290 4. Makes a payment based on information about the

576-04648-13

20131382c4

291 candidate's plans, projects, or needs communicated to a member  
292 of the committee or person by the candidate or an agent of the  
293 candidate, provided the committee or person uses the information  
294 in any way, in whole or in part, either directly or indirectly,  
295 to design, prepare, or pay for the specific expenditure or  
296 advertising campaign at issue; ~~or~~

297 5. After the last day of the qualifying period prescribed  
298 for the candidate, consults about the candidate's plans,  
299 projects, or needs in connection with the candidate's pursuit of  
300 election to office and the information is used in any way to  
301 plan, create, design, or prepare an independent expenditure or  
302 advertising campaign, with:

303 a. An ~~Any~~ officer, director, employee, or agent of a  
304 national, state, or county executive committee of a political  
305 party or an affiliated party committee that has made or intends  
306 to make expenditures in connection with or contributions to the  
307 candidate; or

308 b. A ~~Any~~ person whose professional services have been  
309 retained by a national, state, or county executive committee of  
310 a political party or an affiliated party committee that has made  
311 or intends to make expenditures in connection with or  
312 contributions to the candidate; ~~or~~

313 6. After the last day of the qualifying period prescribed  
314 for the candidate, retains the professional services of a ~~any~~  
315 person also providing those services to the candidate in  
316 connection with the candidate's pursuit of election to office;  
317 or

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

576-04648-13

20131382c4

320        (7)~~(6)~~ "Election" means a ~~any~~ primary election, special  
321 primary election, general election, special election, or  
322 municipal election held in this state for the purpose of  
323 nominating or electing candidates to public office, choosing  
324 delegates to the national nominating conventions of political  
325 parties, selecting a member of a political party executive  
326 committee, or submitting an issue to the electors for their  
327 approval or rejection.

328        (13)~~(7)~~ "Issue" means a ~~any~~ proposition that ~~which~~ is  
329 required by the State Constitution, by law or resolution of the  
330 Legislature, or by the charter, ordinance, or resolution of a  
331 ~~any~~ political subdivision of this state to be submitted to the  
332 electors for their approval or rejection at an election, or a  
333 ~~any~~ proposition for which a petition is circulated in order to  
334 have such proposition placed on the ballot at an ~~any~~ election.

335        (14)~~(8)~~ "Person" means an individual or a corporation,  
336 association, firm, partnership, joint venture, joint stock  
337 company, club, organization, estate, trust, business trust,  
338 syndicate, or other combination of individuals having collective  
339 capacity. The term includes a political party, affiliated party  
340 committee, or political committee, ~~or committee of continuous~~  
341 ~~existence~~.

342        (2)~~(9)~~ "Campaign treasurer" means an individual appointed  
343 by a candidate or political committee as provided in this  
344 chapter.

345        (17)~~(10)~~ "Public office" means a ~~any~~ state, county,  
346 municipal, or school or other district office or position that  
347 ~~which~~ is filled by vote of the electors.

348        (1)~~(11)~~ "Campaign fund raiser" means an ~~any~~ affair held to

576-04648-13

20131382c4

349 raise funds to be used in a campaign for public office.

350 (6)~~(12)~~ "Division" means the Division of Elections of the  
351 Department of State.

352 (4)~~(13)~~ "Communications media" means broadcasting stations,  
353 newspapers, magazines, outdoor advertising facilities, printers,  
354 direct mail, advertising agencies, the Internet, and telephone  
355 companies; but with respect to telephones, an expenditure is  
356 ~~shall be~~ deemed to be an expenditure for the use of  
357 communications media only if made for the costs of telephones,  
358 paid telephonists, or automatic telephone equipment to be used  
359 by a candidate or a political committee to communicate with  
360 potential voters but excluding the ~~any~~ costs of telephones  
361 incurred by a volunteer for use of telephones by such volunteer;  
362 however, with respect to the Internet, an expenditure is ~~shall~~  
363 ~~be~~ deemed an expenditure for use of communications media only if  
364 made for the cost of creating or disseminating a message on a  
365 computer information system accessible by more than one person  
366 but excluding internal communications of a campaign or of any  
367 group.

368 (11)~~(14)~~ "Filing officer" means the person before whom a  
369 candidate qualifies, or the agency or officer with whom a  
370 political committee or an electioneering communications  
371 organization registers, ~~or the agency by whom a committee of~~  
372 ~~continuous existence is certified.~~

373 (18)~~(15)~~ "Unopposed candidate" means a candidate for  
374 nomination or election to an office who, after the last day on  
375 which a ~~any~~ person, including a write-in candidate, may qualify,  
376 is without opposition in the election at which the office is to  
377 be filled or who is without such opposition after such date as a

576-04648-13

20131382c4

378 result of a any primary election or of withdrawal by other  
379 candidates seeking the same office. A candidate is not an  
380 unopposed candidate if there is a vacancy to be filled under s.  
381 100.111(3), if there is a legal proceeding pending regarding the  
382 right to a ballot position for the office sought by the  
383 candidate, or if the candidate is seeking retention as a justice  
384 or judge.

385 (3)~~(16)~~ "Candidate" means a any person to whom any ~~one or~~  
386 ~~more~~ of the following applies ~~apply~~:

387 (a) A ~~Any~~ person who seeks to qualify for nomination or  
388 election by means of the petitioning process.

389 (b) A ~~Any~~ person who seeks to qualify for election as a  
390 write-in candidate.

391 (c) A ~~Any~~ person who receives contributions or makes  
392 expenditures, or consents for any other person to receive  
393 contributions or make expenditures, with a view to bring about  
394 his or her nomination or election to, or retention in, public  
395 office.

396 (d) A ~~Any~~ person who appoints a treasurer and designates a  
397 primary depository.

398 (e) A ~~Any~~ person who files qualification papers and  
399 subscribes to a candidate's oath as required by law.

400

401 However, this definition does not include any candidate for a  
402 political party executive committee. Expenditures related to  
403 potential candidate polls as provided in s. 106.17 are not  
404 contributions or expenditures for purposes of this subsection.

405 (15)~~(17)~~ "Political advertisement" means a paid expression  
406 in a any communications media prescribed in subsection (4) ~~(13)~~,

576-04648-13

20131382c4

407 whether radio, television, newspaper, magazine, periodical,  
408 campaign literature, direct mail, or display or by means other  
409 than the spoken word in direct conversation, which expressly  
410 advocates the election or defeat of a candidate or the approval  
411 or rejection of an issue. However, political advertisement does  
412 not include:

413 (a) A statement by an organization, in existence before  
414 ~~prior to~~ the time during which a candidate qualifies or an issue  
415 is placed on the ballot for that election, in support of or  
416 opposition to a candidate or issue, in that organization's  
417 newsletter, which newsletter is distributed only to the members  
418 of that organization.

419 (b) Editorial endorsements by a a ~~any~~ newspaper, a radio or  
420 television station, or any other recognized news medium.

421 ~~(8)-(18)~~ (a) "Electioneering communication" means ~~any~~  
422 communication that is publicly distributed by a television  
423 station, radio station, cable television system, satellite  
424 system, newspaper, magazine, direct mail, or telephone and that:

425 1. Refers to or depicts a clearly identified candidate for  
426 office without expressly advocating the election or defeat of a  
427 candidate but that is susceptible of no reasonable  
428 interpretation other than an appeal to vote for or against a  
429 specific candidate;

430 2. Is made within 30 days before a primary or special  
431 primary election or 60 days before any other election for the  
432 office sought by the candidate; and

433 3. Is targeted to the relevant electorate in the geographic  
434 area the candidate would represent if elected.

435 (b) The term "electioneering communication" does not

576-04648-13

20131382c4

436 include:

437 1. A communication disseminated through a means of  
438 communication other than a television station, radio station,  
439 cable television system, satellite system, newspaper, magazine,  
440 direct mail, telephone, or statement or depiction by an  
441 organization, in existence before ~~prior to~~ the time during which  
442 a candidate named or depicted qualifies for that election, made  
443 in that organization's newsletter, which newsletter is  
444 distributed only to members of that organization.

445 2. A communication in a news story, commentary, or  
446 editorial distributed through the facilities of a ~~any~~ radio  
447 station, television station, cable television system, or  
448 satellite system, unless the facilities are owned or controlled  
449 by a ~~any~~ political party, political committee, or candidate. A  
450 news story distributed through the facilities owned or  
451 controlled by a ~~any~~ political party, political committee, or  
452 candidate may nevertheless be exempt if it represents a bona  
453 fide news account communicated through a licensed broadcasting  
454 facility and the communication is part of a general pattern of  
455 campaign-related news accounts that give reasonably equal  
456 coverage to all opposing candidates in the area.

457 3. A communication that constitutes a public debate or  
458 forum that includes at least two opposing candidates for an  
459 office or one advocate and one opponent of an issue, or that  
460 solely promotes such a debate or forum and is made by or on  
461 behalf of the person sponsoring the debate or forum, provided  
462 that:

463 a. The staging organization is either:

464 (I) A charitable organization that does not make other



576-04648-13

20131382c4

465 electioneering communications and does not otherwise support or  
466 oppose any political candidate or political party; or

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

469 b. The staging organization does not structure the debate  
470 to promote or advance one candidate or issue position over  
471 another.

472 (c) For purposes of this chapter, an expenditure made for,  
473 or in furtherance of, an electioneering communication is ~~shall~~  
474 not ~~be~~ considered a contribution to or on behalf of any  
475 candidate.

476 (d) For purposes of this chapter, an electioneering  
477 communication does ~~shall~~ not constitute an independent  
478 expenditure and is not ~~nor be~~ subject to the limitations  
479 applicable to independent expenditures.

480 (9) ~~(19)~~ "Electioneering communications organization" means  
481 any group, other than a political party, affiliated party  
482 committee, or political committee, ~~or committee of continuous~~  
483 ~~existence~~, whose election-related activities are limited to  
484 making expenditures for electioneering communications or  
485 accepting contributions for the purpose of making electioneering  
486 communications and whose activities would not otherwise require  
487 the group to register as a political party, or political  
488 committee, ~~or committee of continuous existence~~ under this  
489 chapter.

490 Section 4. Paragraph (a) of subsection (1) and paragraph  
491 (d) of subsection (3) of section 106.021, Florida Statutes, are  
492 amended to read:

493 106.021 Campaign treasurers; deputies; primary and

576-04648-13

20131382c4

494 secondary depositories.-

495 (1) (a) Each candidate for nomination or election to office  
496 and each political committee shall appoint a campaign treasurer.  
497 Each person who seeks to qualify for nomination or election to,  
498 or retention in, office shall appoint a campaign treasurer and  
499 designate a primary campaign depository before ~~prior to~~  
500 qualifying for office. Any person who seeks to qualify for  
501 election or nomination to any office by means of the petitioning  
502 process shall appoint a treasurer and designate a primary  
503 depository on or before the date he or she obtains the  
504 petitions. ~~Each candidate shall~~ At the same time a candidate ~~he~~  
505 ~~or she~~ designates a campaign depository and appoints a  
506 treasurer, the candidate shall also designate the office for  
507 which he or she is a candidate. If the candidate is running for  
508 an office that ~~which~~ will be grouped on the ballot with two or  
509 more similar offices to be filled at the same election, the  
510 candidate must indicate for which group or district office he or  
511 she is running. ~~Nothing in~~ This subsection does not ~~shall~~  
512 prohibit a candidate, at a later date, from changing the  
513 designation of the office for which he or she is a candidate.  
514 However, if a candidate changes the designated office for which  
515 he or she is a candidate, the candidate must notify all  
516 contributors in writing of the intent to seek a different office  
517 and offer to return pro rata, upon their request, those  
518 contributions given in support of the original office sought.  
519 This notification shall be given within 15 days after the filing  
520 of the change of designation and shall include a standard form  
521 developed by the Division of Elections for requesting the return  
522 of contributions. The notice requirement does ~~shall~~ not apply to

576-04648-13

20131382c4

523 any change in a numerical designation resulting solely from  
524 redistricting. If, within 30 days after being notified by the  
525 candidate of the intent to seek a different office, the  
526 contributor notifies the candidate in writing that the  
527 contributor wishes his or her contribution to be returned, the  
528 candidate shall return the contribution, on a pro rata basis,  
529 calculated as of the date the change of designation is filed.  
530 Any contributions not requested to be returned within the 30-day  
531 period may be used by the candidate for the newly designated  
532 office; however, the full amount of the contribution for the  
533 original office shall count toward the contribution limits  
534 specified in s. 106.08 for the newly designated office. ~~A No~~  
535 person may not shall accept any contribution or make any  
536 expenditure with a view to bringing about his or her nomination,  
537 election, or retention in public office, or authorize another to  
538 accept such contributions or make such expenditure on the  
539 person's behalf, unless such person has appointed a campaign  
540 treasurer and designated a primary campaign depository. A  
541 candidate for an office voted upon statewide may appoint not  
542 more than 15 deputy campaign treasurers, and any other candidate  
543 or political committee may appoint not more than 3 deputy  
544 campaign treasurers. The names and addresses of the campaign  
545 treasurer and deputy campaign treasurers so appointed shall be  
546 filed with the officer before whom such candidate is required to  
547 qualify or with whom such political committee is required to  
548 register pursuant to s. 106.03.

549 (3) No contribution or expenditure, including contributions  
550 or expenditures of a candidate or of the candidate's family,  
551 shall be directly or indirectly made or received in furtherance

576-04648-13

20131382c4

552 of the candidacy of any person for nomination or election to  
553 political office in the state or on behalf of any political  
554 committee except through the duly appointed campaign treasurer  
555 of the candidate or political committee, subject to the  
556 following exceptions:

557 (d) Expenditures made directly by any ~~political committee,~~  
558 ~~affiliated party committee,~~ or political party regulated by  
559 chapter 103 for obtaining time, space, or services in or by any  
560 communications medium for the purpose of jointly endorsing three  
561 or more candidates, and any such expenditure may ~~shall~~ not be  
562 considered a contribution or expenditure to or on behalf of any  
563 such candidates for the purposes of this chapter.

564 Section 5. Subsection (1) of section 106.022, Florida  
565 Statutes, is amended to read:

566 106.022 Appointment of a registered agent; duties.—

567 (1) Each political committee, ~~committee of continuous~~  
568 ~~existence,~~ or electioneering communications organization shall  
569 have and continuously maintain in this state a registered office  
570 and a registered agent and must file with the filing officer a  
571 statement of appointment for the registered office and  
572 registered agent. The statement of appointment must:

573 (a) Provide the name of the registered agent and the street  
574 address and phone number for the registered office;

575 (b) Identify the entity for whom the registered agent  
576 serves;

577 (c) Designate the address the registered agent wishes to  
578 use to receive mail;

579 (d) Include the entity's undertaking to inform the filing  
580 officer of any change in such designated address;

576-04648-13

20131382c4

581 (e) Provide for the registered agent's acceptance of the  
582 appointment, which must confirm that the registered agent is  
583 familiar with and accepts the obligations of the position as set  
584 forth in this section; and

585 (f) Contain the signature of the registered agent and the  
586 entity engaging the registered agent.

587 Section 6. Paragraph (c) of subsection (1) of section  
588 106.025, Florida Statutes, is amended to read:

589 106.025 Campaign fund raisers.—

590 (1)

591 (c) Any tickets or advertising for ~~such~~ a campaign fund  
592 raiser must comply with ~~is exempt from~~ the requirements of s.  
593 106.143.

594 Section 7. Paragraph (b) of subsection (1) and subsection  
595 (2) of section 106.03, Florida Statutes, are amended to read:

596 106.03 Registration of political committees and  
597 electioneering communications organizations.—

598 (1)

599 (b)1. Each group shall file a statement of organization as  
600 an electioneering communications organization within 24 hours  
601 after the date on which it makes expenditures for an  
602 electioneering communication in excess of \$5,000, if such  
603 expenditures are made within the timeframes specified in s.  
604 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes expenditures  
605 for an electioneering communication in excess of \$5,000 before  
606 the timeframes specified in s. 106.011(8)(a)2. ~~106.011(18)(a)2.~~,  
607 it shall file the statement of organization within 24 hours  
608 after the 30th day before a primary or special primary election,  
609 or within 24 hours after the 60th day before any other election,

576-04648-13

20131382c4

610 whichever is applicable.

611 2.a. In a statewide, legislative, or multicounty election,  
612 an electioneering communications organization shall file a  
613 statement of organization with the Division of Elections.

614 b. In a countywide election or any election held on less  
615 than a countywide basis, except as described in sub-subparagraph  
616 c., an electioneering communications organization shall file a  
617 statement of organization with the supervisor of elections of  
618 the county in which the election is being held.

619 c. In a municipal election, an electioneering  
620 communications organization shall file a statement of  
621 organization with the officer before whom municipal candidates  
622 qualify.

623 d. Any electioneering communications organization that  
624 would be required to file a statement of organization in two or  
625 more locations need only file a statement of organization with  
626 the Division of Elections.

627 (2) The statement of organization shall include:

628 (a) The name, mailing address, and street address of the  
629 committee or electioneering communications organization;

630 (b) The names, street addresses, and relationships of  
631 affiliated or connected organizations, including any affiliated  
632 sponsors;

633 (c) The area, scope, or jurisdiction of the committee or  
634 electioneering communications organization;

635 (d) The name, mailing address, street address, and position  
636 of the custodian of books and accounts;

637 (e) The name, mailing address, street address, and position  
638 of other principal officers, including the treasurer and deputy

576-04648-13

20131382c4

639 treasurer, if any;

640 (f) The name, address, office sought, and party affiliation  
641 of:

642 1. Each candidate whom the committee is supporting;

643 2. Any other individual, if any, whom the committee is  
644 supporting for nomination for election, or election, to any  
645 public office whatever;

646 (g) Any issue or issues the committee is supporting or  
647 opposing;

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

650 (i) A statement of whether the committee is a continuing  
651 one;

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

654 (k) A listing of all banks, safe-deposit boxes, or other  
655 depositories used for committee or electioneering communications  
656 organization funds;

657 (l) A statement of the reports required to be filed by the  
658 committee or the electioneering communications organization with  
659 federal officials, if any, and the names, addresses, and  
660 positions of such officials; and

661 (m) A statement of whether the electioneering  
662 communications organization was formed as a newly created  
663 organization during the current calendar quarter or was formed  
664 from an organization existing prior to the current calendar  
665 quarter. For purposes of this subsection, calendar quarters end  
666 the last day of March, June, September, and December.

667 Section 8. Section 106.05, Florida Statutes, is amended to

576-04648-13

20131382c4

668 read:

669 106.05 Deposit of contributions; statement of campaign  
670 treasurer.—All funds received by the campaign treasurer of any  
671 candidate or political committee shall, prior to the end of the  
672 5th business day following the receipt thereof, Saturdays,  
673 Sundays, and legal holidays excluded, be deposited in a campaign  
674 depository designated pursuant to s. 106.021, in an account that  
675 contains the designated "... (name of the candidate or  
676 committee.) ... Campaign Account." Except for contributions to  
677 political committees made by payroll deduction, all deposits  
678 shall be accompanied by a bank deposit slip containing the name  
679 of each contributor and the amount contributed by each. If a  
680 contribution is deposited in a secondary campaign depository,  
681 the depository shall forward the full amount of the deposit,  
682 along with a copy of the deposit slip accompanying the deposit,  
683 to the primary campaign depository prior to the end of the 1st  
684 business day following the deposit.

685 Section 9. Section 106.07, Florida Statutes, is reenacted  
686 and amended to read:

687 106.07 Reports; certification and filing.—

688 (1) Each campaign treasurer designated by a candidate or  
689 political committee pursuant to s. 106.021 shall file regular  
690 reports of all contributions received, and all expenditures  
691 made, by or on behalf of such candidate or political committee.  
692 Except as provided in paragraphs (a) and (b) for the third  
693 calendar quarter immediately preceding a general election,  
694 reports shall be filed on the 10th day following the end of each  
695 calendar month ~~quarter~~ from the time the campaign treasurer is  
696 appointed, except that, if the 10th day following the end of a



576-04648-13

20131382c4

697 calendar month ~~quarter~~ occurs on a Saturday, Sunday, or legal  
698 holiday, the report shall be filed on the next following day  
699 that which is not a Saturday, Sunday, or legal holiday. Monthly  
700 ~~Quarterly~~ reports shall include all contributions received and  
701 expenditures made during the calendar month ~~quarter~~ which have  
702 not otherwise been reported pursuant to this section.

703 (a) A statewide candidate or a political committee required  
704 to file reports with the division must file reports:

705 1. On the 60th day immediately preceding the primary  
706 election, and each week thereafter, with the last weekly report  
707 being filed on the 11th day immediately preceding the general  
708 election.

709 2. On the 10th day immediately preceding the general  
710 election, and each day thereafter, with the last daily report  
711 being filed the 4th day before the general election ~~Except as~~  
712 ~~provided in paragraph (b), the reports shall also be filed on~~  
713 ~~the 32nd, 18th, and 4th days immediately preceding the primary~~  
714 ~~and on the 46th, 32nd, 18th, and 4th days immediately preceding~~  
715 ~~the election, for a candidate who is opposed in seeking~~  
716 ~~nomination or election to any office, for a political committee,~~  
717 ~~or for a committee of continuous existence.~~

718 (b) Any other candidate or a political committee required  
719 to file reports with a filing officer other than the division  
720 must file reports on the 60th day immediately preceding the  
721 primary election, and biweekly on each Friday thereafter through  
722 and including the 4th day immediately preceding the general  
723 election, with additional reports due on the 25th and 11th days  
724 before the primary election and the general election ~~Any~~  
725 ~~statewide candidate who has requested to receive contributions~~

576-04648-13

20131382c4

726 ~~pursuant to the Florida Election Campaign Financing Act or any~~  
727 ~~statewide candidate in a race with a candidate who has requested~~  
728 ~~to receive contributions pursuant to the act shall also file~~  
729 ~~reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the~~  
730 ~~primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th,~~  
731 ~~46th, and 53rd days prior to the general election.~~

732 (c) Following the last day of qualifying for office, any  
733 unopposed candidate need only file a report within 90 days after  
734 the date such candidate became unopposed. Such report shall  
735 contain all previously unreported contributions and expenditures  
736 as required by this section and shall reflect disposition of  
737 funds as required by s. 106.141.

738 (d)1. When a special election is called to fill a vacancy  
739 in office, all political committees making contributions or  
740 expenditures to influence the results of such special election  
741 or the preceding special primary election shall file campaign  
742 treasurers' reports with the filing officer on the dates set by  
743 the Department of State pursuant to s. 100.111.

744 2. When an election is called for an issue to appear on the  
745 ballot at a time when no candidates are scheduled to appear on  
746 the ballot, all political committees making contributions or  
747 expenditures in support of or in opposition to such issue shall  
748 file reports on the 18th and 4th days before ~~prior to~~ such  
749 election.

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

753 (2) (a)1. All reports required of a candidate by this  
754 section shall be filed with the officer before whom the

576-04648-13

20131382c4

755 candidate is required by law to qualify. All candidates who file  
756 with the Department of State shall file their reports pursuant  
757 to s. 106.0705. Except as provided in s. 106.0705, reports shall  
758 be filed not later than 5 p.m. of the day designated; however,  
759 any report postmarked by the United States Postal Service no  
760 later than midnight of the day designated is ~~shall be~~ deemed to  
761 have been filed in a timely manner. Any report received by the  
762 filing officer within 5 days after the designated due date that  
763 was delivered by the United States Postal Service is ~~shall be~~  
764 deemed timely filed unless it has a postmark that indicates that  
765 the report was mailed after the designated due date. A  
766 certificate of mailing obtained from and dated by the United  
767 States Postal Service at the time of mailing, or a receipt from  
768 an established courier company, which bears a date on or before  
769 the date on which the report is due, suffices as ~~shall be~~ proof  
770 of mailing in a timely manner. Reports must ~~shall~~ contain  
771 information on ~~of~~ all previously unreported contributions  
772 received and expenditures made as of the preceding Friday,  
773 except that the final weekly or biweekly report ~~filed on the~~  
774 ~~Friday~~ immediately preceding the election and each daily report  
775 must ~~shall~~ contain information on ~~of~~ all previously unreported  
776 contributions received and expenditures made as of the day  
777 preceding that designated due date. All such reports are ~~shall~~  
778 ~~be~~ open to public inspection.

779 2. This subsection does not prohibit the governing body of  
780 a political subdivision, by ordinance or resolution, from  
781 imposing upon its own officers and candidates electronic filing  
782 requirements not in conflict with s. 106.0705. Expenditure of  
783 public funds for such purpose is deemed to be for a valid public

576-04648-13

20131382c4

784 purpose.

785 (b)1. Any report that is deemed to be incomplete by the  
786 officer with whom the candidate qualifies must ~~shall~~ be accepted  
787 on a conditional basis. The campaign treasurer shall be notified  
788 by certified mail or by another method using a common carrier  
789 that provides a proof of delivery of the notice as to why the  
790 report is incomplete and within 7 days after receipt of such  
791 notice must file an addendum to the report providing all  
792 information necessary to complete the report in compliance with  
793 this section. Failure to file a complete report after such  
794 notice constitutes a violation of this chapter.

795 2. Notice is deemed complete upon proof of delivery of a  
796 written notice to the mailing or street address of the campaign  
797 treasurer or registered agent of record with the filing officer.

798 (3) Reports required of a political committee shall be  
799 filed with the agency or officer before whom such committee  
800 registers pursuant to s. 106.03(3) and shall be subject to the  
801 same filing conditions as established for candidates' reports.  
802 Incomplete reports by political committees shall be treated in  
803 the manner provided for incomplete reports by candidates in  
804 subsection (2).

805 (4) (a) Except as provided in paragraph (b), each report  
806 required by this section must contain:

807 1. The full name, address, and occupation, if any of each  
808 person who has made one or more contributions to or for such  
809 committee or candidate within the reporting period, together  
810 with the amount and date of such contributions. For  
811 corporations, the report must provide as clear a description as  
812 practicable of the principal type of business conducted by the

576-04648-13

20131382c4

813 corporation. However, if the contribution is \$100 or less or is  
814 from a relative, as defined in s. 112.312, provided that the  
815 relationship is reported, the occupation of the contributor or  
816 the principal type of business need not be listed.

817 2. The name and address of each political committee from  
818 which the reporting committee or the candidate received, or to  
819 which the reporting committee or candidate made, any transfer of  
820 funds, together with the amounts and dates of all transfers.

821 3. Each loan for campaign purposes to or from any person or  
822 political committee within the reporting period, together with  
823 the full names, addresses, and occupations, and principal places  
824 of business, if any, of the lender and endorsers, if any, and  
825 the date and amount of such loans.

826 4. A statement of each contribution, rebate, refund, or  
827 other receipt not otherwise listed under subparagraphs 1.  
828 through 3.

829 5. The total sums of all loans, in-kind contributions, and  
830 other receipts by or for such committee or candidate during the  
831 reporting period. The reporting forms shall be designed to  
832 elicit separate totals for in-kind contributions, loans, and  
833 other receipts.

834 6. The full name and address of each person to whom  
835 expenditures have been made by or on behalf of the committee or  
836 candidate within the reporting period; the amount, date, and  
837 purpose of each such expenditure; and the name and address of,  
838 and office sought by, each candidate on whose behalf such  
839 expenditure was made. However, expenditures made from the petty  
840 cash fund provided by s. 106.12 need not be reported  
841 individually.

576-04648-13

20131382c4

842           7. The full name and address of each person to whom an  
843 expenditure for personal services, salary, or reimbursement for  
844 authorized expenses as provided in s. 106.021(3) has been made  
845 and which is not otherwise reported, including the amount, date,  
846 and purpose of such expenditure. However, expenditures made from  
847 the petty cash fund provided for in s. 106.12 need not be  
848 reported individually. Receipts for reimbursement for authorized  
849 expenditures shall be retained by the treasurer along with the  
850 records for the campaign account.

851           8. The total amount withdrawn and the total amount spent  
852 for petty cash purposes pursuant to this chapter during the  
853 reporting period.

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

856           10. The amount and nature of debts and obligations owed by  
857 or to the committee or candidate, which relate to the conduct of  
858 any political campaign.

859           11. Transaction information for each credit card purchase.  
860 Receipts for each credit card purchase shall be retained by the  
861 treasurer with the records for the campaign account.

862           12. The amount and nature of any separate interest-bearing  
863 accounts or certificates of deposit and identification of the  
864 financial institution in which such accounts or certificates of  
865 deposit are located.

866           13. The primary purposes of an expenditure made indirectly  
867 through a campaign treasurer pursuant to s. 106.021(3) for goods  
868 and services such as communications media placement or  
869 procurement services, campaign signs, insurance, and other  
870 expenditures that include multiple components as part of the

576-04648-13

20131382c4

871 expenditure. The primary purpose of an expenditure shall be that  
872 purpose, including integral and directly related components,  
873 that comprises 80 percent of such expenditure.

874 (b) Multiple uniform contributions from the same person,  
875 aggregating no more than \$250 per calendar year, collected by an  
876 organization that is the affiliated sponsor of a political  
877 committee, may be reported by the political committee in an  
878 aggregate amount listing the number of contributors together  
879 with the amount contributed by each and the total amount  
880 contributed during the reporting period. The identity of each  
881 person making such uniform contribution must be reported to the  
882 filing officer as provided in subparagraph (a)1. by July 1 of  
883 each calendar year, or, in a general election year, no later  
884 than the 60th day immediately preceding the primary election.

885 (c) ~~(b)~~ The filing officer shall make available to any  
886 candidate or committee a reporting form which the candidate or  
887 committee may use to indicate contributions received by the  
888 candidate or committee but returned to the contributor before  
889 deposit.

890 (5) The candidate and his or her campaign treasurer, in the  
891 case of a candidate, or the political committee chair and  
892 campaign treasurer of the committee, in the case of a political  
893 committee, shall certify as to the correctness of each report;  
894 and each person so certifying shall bear the responsibility for  
895 the accuracy and veracity of each report. Any campaign  
896 treasurer, candidate, or political committee chair who willfully  
897 certifies the correctness of any report while knowing that such  
898 report is incorrect, false, or incomplete commits a misdemeanor  
899 of the first degree, punishable as provided in s. 775.082 or s.

576-04648-13

20131382c4

900 775.083.

901 (6) The records maintained by the campaign depository with  
902 respect to any campaign account regulated by this chapter are  
903 subject to inspection by an agent of the Division of Elections  
904 or the Florida Elections Commission at any time during normal  
905 banking hours, and such depository shall furnish certified  
906 copies of any of such records to the Division of Elections or  
907 Florida Elections Commission upon request.

908 (7) Notwithstanding any other provisions of this chapter,  
909 in any reporting period during which a candidate or political  
910 committee, ~~or committee of continuous existence~~ has not received  
911 funds, made any contributions, or expended any reportable funds,  
912 the filing of the required report for that period is waived.  
913 However, the next report filed must specify that the report  
914 covers the entire period between the last submitted report and  
915 the report being filed, and any candidate or political  
916 committee, ~~or committee of continuous existence~~ not reporting by  
917 virtue of this subsection on dates prescribed elsewhere in this  
918 chapter shall notify the filing officer in writing on the  
919 prescribed reporting date that no report is being filed on that  
920 date.

921 (8) (a) Any candidate or political committee failing to file  
922 a report on the designated due date is subject to a fine as  
923 provided in paragraph (b) for each late day, and, in the case of  
924 a candidate, such fine shall be paid only from personal funds of  
925 the candidate. The fine shall be assessed by the filing officer  
926 and the moneys collected shall be deposited:

927 1. In the General Revenue Fund, in the case of a candidate  
928 for state office or a political committee that registers with



576-04648-13

20131382c4

929 the Division of Elections; or

930 2. In the general revenue fund of the political  
931 subdivision, in the case of a candidate for an office of a  
932 political subdivision or a political committee that registers  
933 with an officer of a political subdivision.

934

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

937 (b) Upon determining that a report is late, the filing  
938 officer shall immediately notify the candidate or chair of the  
939 political committee as to the failure to file a report by the  
940 designated due date and that a fine is being assessed for each  
941 late day. The fine is ~~shall be~~ \$50 per day for the first 3 days  
942 late and, thereafter, \$500 per day for each late day, not to  
943 exceed 25 percent of the total receipts or expenditures,  
944 whichever is greater, for the period covered by the late report.  
945 However, for the reports immediately preceding each special  
946 primary election, special election, primary election, and  
947 general election, the fine is ~~shall be~~ \$500 per day for each  
948 late day, not to exceed 25 percent of the total receipts or  
949 expenditures, whichever is greater, for the period covered by  
950 the late report. For reports required under s. 106.141(8)  
951 ~~106.141(7)~~, the fine is \$50 per day for each late day, not to  
952 exceed 25 percent of the total receipts or expenditures,  
953 whichever is greater, for the period covered by the late report.  
954 Upon receipt of the report, the filing officer shall determine  
955 the amount of the fine which is due and shall notify the  
956 candidate or chair or registered agent of the political  
957 committee. The filing officer shall determine the amount of the

576-04648-13

20131382c4

958 fine due based upon the earliest of the following:

- 959 1. When the report is actually received by such officer.  
960 2. When the report is postmarked.  
961 3. When the certificate of mailing is dated.  
962 4. When the receipt from an established courier company is  
963 dated.  
964 5. When the electronic receipt issued pursuant to s.  
965 106.0705 or other electronic filing system authorized in this  
966 section is dated.

967

968 Such fine shall be paid to the filing officer within 20 days  
969 after receipt of the notice of payment due, unless appeal is  
970 made to the Florida Elections Commission pursuant to paragraph  
971 (c). Notice is deemed complete upon proof of delivery of written  
972 notice to the mailing or street address on record with the  
973 filing officer. In the case of a candidate, such fine is ~~shall~~  
974 not ~~be~~ an allowable campaign expenditure and shall be paid only  
975 from personal funds of the candidate. An officer or member of a  
976 political committee is ~~shall~~ not ~~be~~ personally liable for such  
977 fine.

978 (c) Any candidate or chair of a political committee may  
979 appeal or dispute the fine, based upon, but not limited to,  
980 unusual circumstances surrounding the failure to file on the  
981 designated due date, and may request and shall be entitled to a  
982 hearing before the Florida Elections Commission, which shall  
983 have the authority to waive the fine in whole or in part. The  
984 Florida Elections Commission must consider the mitigating and  
985 aggravating circumstances contained in s. 106.265(2) when  
986 determining the amount of a fine, if any, to be waived. Any such

576-04648-13

20131382c4

987 request shall be made within 20 days after receipt of the notice  
988 of payment due. In such case, the candidate or chair of the  
989 political committee shall, within the 20-day period, notify the  
990 filing officer in writing of his or her intention to bring the  
991 matter before the commission.

992 (d) The appropriate filing officer shall notify the Florida  
993 Elections Commission of the repeated late filing by a candidate  
994 or political committee, the failure of a candidate or political  
995 committee to file a report after notice, or the failure to pay  
996 the fine imposed. The commission shall investigate only those  
997 alleged late filing violations specifically identified by the  
998 filing officer and as set forth in the notification. Any other  
999 alleged violations must be separately stated and reported by the  
1000 division to the commission under s. 106.25(2).

1001 (9) The Department of State may prescribe by rule the  
1002 requirements for filing campaign treasurers' reports as set  
1003 forth in this chapter.

1004 Section 10. Section 106.0702, Florida Statutes, is created  
1005 to read:

1006 106.0702 Reporting; political party executive committee  
1007 candidates.-

1008 (1) An individual seeking a publicly-elected position on a  
1009 political party executive committee who receives a contribution  
1010 or makes an expenditure shall file a report of all contributions  
1011 received, and all expenditures made. The report shall be filed  
1012 on the 4th day immediately preceding the primary election.

1013 (2) (a) The report shall be filed with the supervisor of  
1014 elections of the appropriate county. Reports shall be filed no  
1015 later than 5 p.m. of the day designated; however, any report

576-04648-13

20131382c4

1016 postmarked by the United States Postal Service by the day  
1017 designated shall be deemed to have been filed in a timely  
1018 manner. Any report received by the filing officer within 5 days  
1019 after the designated due date shall be deemed timely filed  
1020 unless it has a postmark that indicates that the report was  
1021 mailed after the designated due date. A certificate of mailing  
1022 obtained from and dated by the United States Postal Service at  
1023 the time of mailing, or a receipt from an established courier  
1024 company, which bears a date on or before the date on which the  
1025 report is due is proof of mailing in a timely manner. The report  
1026 filed must contain information of all contributions received and  
1027 expenditures made as of the day preceding the designated due  
1028 date. All such reports must be open to public inspection.

1029 (b) A reporting individual may submit the report required  
1030 under this section through an electronic filing system, if used  
1031 by the supervisor for other candidates, in order to satisfy the  
1032 filing requirement. Such reports shall be completed and filed  
1033 through the electronic filing system not later than midnight on  
1034 the 4th day immediately preceding the primary election.

1035 (3) (a) A report that is deemed to be incomplete by the  
1036 supervisor shall be accepted on a conditional basis. The  
1037 supervisor shall send a notice to the reporting individual by  
1038 certified mail or by another method using a common carrier that  
1039 provides proof of delivery as to why the report is incomplete.  
1040 Within 7 days after receipt of such notice, the reporting  
1041 individual must file an addendum to the report providing all  
1042 information necessary to complete the report in compliance with  
1043 this section. Failure to file a complete report after such  
1044 notice constitutes a violation of this chapter.

576-04648-13

20131382c4

1045 (b) Notice is deemed complete upon proof of delivery of a  
1046 written notice to the mailing or street address which is on  
1047 record with the supervisor.

1048 (4) (a) Each report required by this section must contain:

1049 1. The full name, address, and occupation of each person  
1050 who has made one or more contributions to or for the reporting  
1051 individual within the reporting period, together with the amount  
1052 and date of such contributions. For corporations, the report  
1053 must provide as clear a description as practicable of the  
1054 principal type of business conducted by the corporations.  
1055 However, if the contribution is \$100 or less or is from a  
1056 relative, as defined in s. 112.312, provided that the  
1057 relationship is reported, the occupation of the contributor or  
1058 the principal type of business need not be listed.

1059 2. The name and address of each political committee from  
1060 which the reporting individual has received, or to which the  
1061 reporting individual has made, any transfer of funds within the  
1062 reporting period, together with the amounts and dates of all  
1063 transfers.

1064 3. Each loan for campaign purposes from any person or  
1065 political committee within the reporting period, together with  
1066 the full name, address, and occupation, and principal place of  
1067 business, if any, of the lender and endorser, if any, and the  
1068 date and amount of such loans.

1069 4. A statement of each contribution, rebate, refund, or  
1070 other receipt not otherwise listed under subparagraphs 1.-3.

1071 5. The total sums of all loans, in-kind contributions, and  
1072 other receipts by or for such reporting individual during the  
1073 reporting period. The reporting forms shall be designed to

576-04648-13

20131382c4

1074 elicit separate totals for in-kind contributions, loans, and  
1075 other receipts.

1076 6. The full name and address of each person to whom  
1077 expenditures have been made by or on behalf of the reporting  
1078 individual within the reporting period; the amount, date, and  
1079 purpose of each such expenditure; and the name and address of,  
1080 and office sought by, each reporting individual on whose behalf  
1081 such expenditure was made.

1082 7. The amount and nature of debts and obligations owed by  
1083 or to the reporting individual which relate to the conduct of  
1084 any political campaign.

1085 8. Transaction information for each credit card purchase.  
1086 Receipts for each credit card purchase shall be retained by the  
1087 reporting individual.

1088 9. The amount and nature of any separate interest-bearing  
1089 accounts or certificates of deposit and identification of the  
1090 financial institution in which such accounts or certificates of  
1091 deposit are located.

1092 (b) The supervisor shall make available to any reporting  
1093 individual a reporting form that the reporting individual may  
1094 use to indicate contributions received by the reporting  
1095 individual but returned to the contributor before deposit.

1096 (5) The reporting individual shall certify as to the  
1097 correctness of the report and shall bear the responsibility for  
1098 the accuracy and veracity of each report. Any reporting  
1099 individual who willfully certifies the correctness of the report  
1100 while knowing that such report is incorrect, false, or  
1101 incomplete commits a misdemeanor of the first degree, punishable  
1102 as provided in s. 775.082 or s. 775.083.

576-04648-13

20131382c4

1103 (6) Notwithstanding any other provisions of this chapter,  
1104 the filing of the required report is waived if the reporting  
1105 individual has not received contributions or expended any  
1106 reportable funds.

1107 (7) (a) A reporting individual who fails to file a report on  
1108 the designated due date is subject to a fine, and such fine  
1109 shall be paid only from personal funds of the reporting  
1110 individual. The fine shall be \$50 per day for the first 3 days  
1111 late and, thereafter, \$500 per day for each late day, not to  
1112 exceed 25 percent of the total receipts or expenditures,  
1113 whichever is greater. The fine shall be assessed by the  
1114 supervisor, and the moneys collected shall be deposited into the  
1115 general revenue fund of the political subdivision.

1116 (b) The supervisor shall determine the amount of the fine  
1117 due based upon the earliest of the following:

1118 1. When the report is actually received by the supervisor.  
1119 2. When the report is postmarked;  
1120 3. When the certificate of mailing is dated;  
1121 4. When the receipt from an established courier company is  
1122 dated; or

1123 5. When the report is completed and filed through the  
1124 electronic filing system, if applicable.

1125  
1126 Such fine shall be paid to the supervisor within 20 days after  
1127 receipt of the notice of payment due unless appeal is made to  
1128 the Florida Elections Commission pursuant to paragraph (c).  
1129 Notice is deemed complete upon proof of delivery of written  
1130 notice to the mailing or street address on record with the  
1131 supervisor. Such fine may not be an allowable campaign

576-04648-13

20131382c4

1132 expenditure and shall be paid only from personal funds of the  
1133 reporting individual.

1134 (c) A reporting individual may appeal or dispute the fine,  
1135 based upon, but not limited to, unusual circumstances  
1136 surrounding the failure to file on the designated due date, and  
1137 may request and is entitled to a hearing before the Florida  
1138 Elections Commission, which has the authority to waive the fine  
1139 in whole or in part. The Florida Elections Commission must  
1140 consider the mitigating and aggravating circumstances contained  
1141 in s. 106.265(2) when determining the amount of a fine, if any,  
1142 to be waived. Any such request shall be made within 20 days  
1143 after receipt of the notice of payment due. In such case, the  
1144 reporting individual must, within 20 days after receipt of the  
1145 notice, notify the supervisor in writing of his or her intention  
1146 to bring the matter before the commission.

1147 (d) The appropriate supervisor shall notify the Florida  
1148 Elections Commission of the late filing by a reporting  
1149 individual, the failure of a reporting individual to file a  
1150 report after notice, or the failure to pay the fine imposed. The  
1151 commission shall investigate only those alleged late filing  
1152 violations specifically identified by the supervisor and as set  
1153 forth in the notification. Any other alleged violations must be  
1154 separately stated and reported by the division to the commission  
1155 under s. 106.25(2).

1156 Section 11. Section 106.0703, Florida Statutes, is  
1157 reenacted and amended to read:

1158 106.0703 Electioneering communications organizations;  
1159 reporting requirements; certification and filing; penalties.—

1160 (1) (a) Each electioneering communications organization



576-04648-13

20131382c4

1161 shall file regular reports of all contributions received and all  
1162 expenditures made by or on behalf of the organization. Except as  
1163 provided in paragraphs (b) and (c), reports must ~~shall~~ be filed  
1164 on the 10th day following the end of each calendar month ~~quarter~~  
1165 from the time the organization is registered. However, if the  
1166 10th day following the end of a calendar month ~~quarter~~ occurs on  
1167 a Saturday, Sunday, or legal holiday, the report must ~~shall~~ be  
1168 filed on the next following day that is not a Saturday, Sunday,  
1169 or legal holiday. Monthly ~~Quarterly~~ reports must ~~shall~~ include  
1170 all contributions received and expenditures made during the  
1171 calendar month ~~quarter~~ that have not otherwise been reported  
1172 pursuant to this section.

1173 (b) For an electioneering communications organization  
1174 required to file reports with the division, reports must be  
1175 filed:

1176 1. On the 60th day immediately preceding the primary  
1177 election, and each week thereafter, with the last weekly report  
1178 being filed on the 11th day immediately preceding the general  
1179 election.

1180 2. On the 10th day immediately preceding the general  
1181 election, and every day thereafter, with the last daily report  
1182 being filed the day before the general election ~~Following the~~  
1183 ~~last day of candidates qualifying for office, the reports shall~~  
1184 ~~be filed on the 32nd, 18th, and 4th days immediately preceding~~  
1185 ~~the primary election and on the 46th, 32nd, 18th, and 4th days~~  
1186 ~~immediately preceding the general election.~~

1187 (c) For an electioneering communications organization  
1188 required to file reports with a filing officer other than the  
1189 division, reports must be filed on the 60th day immediately

576-04648-13

20131382c4

1190 preceding the primary election, and biweekly on each Friday  
1191 thereafter through and including the 4th day immediately  
1192 preceding the general election, with additional reports due on  
1193 the 25th and 11th days before the primary election and the  
1194 general election.

1195 (d)~~(e)~~ When a special election is called to fill a vacancy  
1196 in office, all electioneering communications organizations  
1197 making contributions or expenditures to influence the results of  
1198 the special election shall file reports with the filing officer  
1199 on the dates set by the Department of State pursuant to s.  
1200 100.111.

1201 (e)~~(d)~~ In addition to the reports required by paragraph  
1202 (a), an electioneering communications organization that is  
1203 registered with the Department of State and that makes a  
1204 contribution or expenditure to influence the results of a county  
1205 or municipal election that is not being held at the same time as  
1206 a state or federal election must file reports with the county or  
1207 municipal filing officer on the same dates as county or  
1208 municipal candidates or committees for that election. The  
1209 electioneering communications organization must also include the  
1210 expenditure in the next report filed with the Division of  
1211 Elections pursuant to this section following the county or  
1212 municipal election.

1213 (f)~~(e)~~ The filing officer shall make available to each  
1214 electioneering communications organization a schedule  
1215 designating the beginning and end of reporting periods as well  
1216 as the corresponding designated due dates.

1217 (2) (a) Except as provided in s. 106.0705, the reports  
1218 required of an electioneering communications organization shall

576-04648-13

20131382c4

1219 be filed with the filing officer not later than 5 p.m. of the  
1220 day designated. However, any report postmarked by the United  
1221 States Postal Service no later than midnight of the day  
1222 designated is ~~shall be~~ deemed to have been filed in a timely  
1223 manner. Any report received by the filing officer within 5 days  
1224 after the designated due date that was delivered by the United  
1225 States Postal Service is ~~shall be~~ deemed timely filed unless it  
1226 has a postmark that indicates that the report was mailed after  
1227 the designated due date. A certificate of mailing obtained from  
1228 and dated by the United States Postal Service at the time of  
1229 mailing, or a receipt from an established courier company, which  
1230 bears a date on or before the date on which the report is due,  
1231 suffices as ~~shall be~~ proof of mailing in a timely manner.  
1232 Reports must ~~shall~~ contain information on ~~of~~ all previously  
1233 unreported contributions received and expenditures made as of  
1234 the preceding Friday, except that the final weekly or biweekly  
1235 report ~~filed on the Friday~~ immediately preceding the election  
1236 and each daily report ~~must~~ shall contain information on ~~of~~ all  
1237 previously unreported contributions received and expenditures  
1238 made as of the day preceding the designated due date. All such  
1239 reports are ~~shall be~~ open to public inspection.

1240 (b)1. Any report that is deemed to be incomplete by the  
1241 officer with whom the electioneering communications organization  
1242 files shall be accepted on a conditional basis. The treasurer of  
1243 the electioneering communications organization shall be  
1244 notified, by certified mail or other common carrier that can  
1245 establish proof of delivery for the notice, as to why the report  
1246 is incomplete. Within 7 days after receipt of such notice, the  
1247 treasurer must file an addendum to the report providing all

576-04648-13

20131382c4

1248 information necessary to complete the report in compliance with  
1249 this section. Failure to file a complete report after such  
1250 notice constitutes a violation of this chapter.

1251 2. Notice is deemed sufficient upon proof of delivery of  
1252 written notice to the mailing or street address of the treasurer  
1253 or registered agent of the electioneering communication  
1254 organization on record with the filing officer.

1255 (3) (a) Each report required by this section must contain:

1256 1. The full name, address, and occupation, if any, of each  
1257 person who has made one or more contributions to or for such  
1258 electioneering communications organization within the reporting  
1259 period, together with the amount and date of such contributions.  
1260 For corporations, the report must provide as clear a description  
1261 as practicable of the principal type of business conducted by  
1262 the corporation. However, if the contribution is \$100 or less,  
1263 the occupation of the contributor or the principal type of  
1264 business need not be listed.

1265 2. The name and address of each political committee from  
1266 which or to which the reporting electioneering communications  
1267 organization made any transfer of funds, together with the  
1268 amounts and dates of all transfers.

1269 3. Each loan for electioneering communication purposes to  
1270 or from any person or political committee within the reporting  
1271 period, together with the full names, addresses, and occupations  
1272 and principal places of business, if any, of the lender and  
1273 endorsers, if any, and the date and amount of such loans.

1274 4. A statement of each contribution, rebate, refund, or  
1275 other receipt not otherwise listed under subparagraphs 1.-3.

1276 5. The total sums of all loans, in-kind contributions, and

576-04648-13

20131382c4

1277 other receipts by or for such electioneering communications  
1278 organization during the reporting period. The reporting forms  
1279 shall be designed to elicit separate totals for in-kind  
1280 contributions, loans, and other receipts.

1281 6. The full name and address of each person to whom  
1282 expenditures have been made by or on behalf of the  
1283 electioneering communications organization within the reporting  
1284 period and the amount, date, and purpose of each expenditure.

1285 7. The full name and address of each person to whom an  
1286 expenditure for personal services, salary, or reimbursement for  
1287 expenses has been made and that is not otherwise reported,  
1288 including the amount, date, and purpose of the expenditure.

1289 8. The total sum of expenditures made by the electioneering  
1290 communications organization during the reporting period.

1291 9. The amount and nature of debts and obligations owed by  
1292 or to the electioneering communications organization that relate  
1293 to the conduct of any electioneering communication.

1294 10. Transaction information for each credit card purchase.  
1295 Receipts for each credit card purchase shall be retained by the  
1296 electioneering communications organization.

1297 11. The amount and nature of any separate interest-bearing  
1298 accounts or certificates of deposit and identification of the  
1299 financial institution in which such accounts or certificates of  
1300 deposit are located.

1301 12. The primary purposes of an expenditure made indirectly  
1302 through an electioneering communications organization for goods  
1303 and services, such as communications media placement or  
1304 procurement services and other expenditures that include  
1305 multiple components as part of the expenditure. The primary

576-04648-13

20131382c4

1306 purpose of an expenditure shall be that purpose, including  
1307 integral and directly related components, that comprises 80  
1308 percent of such expenditure.

1309 (b) The filing officer shall make available to any  
1310 electioneering communications organization a reporting form  
1311 which the electioneering communications organization may use to  
1312 indicate contributions received by the electioneering  
1313 communications organization but returned to the contributor  
1314 before deposit.

1315 (4) The treasurer of the electioneering communications  
1316 organization shall certify as to the correctness of each report,  
1317 and each person so certifying shall bear the responsibility for  
1318 the accuracy and veracity of each report. Any treasurer who  
1319 willfully certifies the correctness of any report while knowing  
1320 that such report is incorrect, false, or incomplete commits a  
1321 misdemeanor of the first degree, punishable as provided in s.  
1322 775.082 or s. 775.083.

1323 (5) The electioneering communications organization  
1324 depository shall provide statements reflecting deposits and  
1325 expenditures from the account to the treasurer, who shall retain  
1326 the records pursuant to s. 106.06. The records maintained by the  
1327 depository with respect to the account shall be subject to  
1328 inspection by an agent of the Division of Elections or the  
1329 Florida Elections Commission at any time during normal banking  
1330 hours, and such depository shall furnish certified copies of any  
1331 such records to the Division of Elections or the Florida  
1332 Elections Commission upon request.

1333 (6) Notwithstanding any other provisions of this chapter,  
1334 in any reporting period during which an electioneering

576-04648-13

20131382c4

1335 communications organization has not received funds, made any  
1336 contributions, or expended any reportable funds, the treasurer  
1337 shall file a written report with the filing officer by the  
1338 prescribed reporting date that no reportable contributions or  
1339 expenditures were made during the reporting period.

1340 (7) (a) Any electioneering communications organization  
1341 failing to file a report on the designated due date shall be  
1342 subject to a fine as provided in paragraph (b) for each late  
1343 day. The fine shall be assessed by the filing officer, and the  
1344 moneys collected shall be deposited:

1345 1. In the General Revenue Fund, in the case of an  
1346 electioneering communications organization that registers with  
1347 the Division of Elections; or

1348 2. In the general revenue fund of the political  
1349 subdivision, in the case of an electioneering communications  
1350 organization that registers with an officer of a political  
1351 subdivision.

1352  
1353 No separate fine shall be assessed for failure to file a copy of  
1354 any report required by this section.

1355 (b) Upon determining that a report is late, the filing  
1356 officer shall immediately notify the electioneering  
1357 communications organization as to the failure to file a report  
1358 by the designated due date and that a fine is being assessed for  
1359 each late day. The fine shall be \$50 per day for the first 3  
1360 days late and, thereafter, \$500 per day for each late day, not  
1361 to exceed 25 percent of the total receipts or expenditures,  
1362 whichever is greater, for the period covered by the late report.  
1363 However, for the reports immediately preceding each primary and

576-04648-13

20131382c4

1364 general election, the fine shall be \$500 per day for each late  
1365 day, not to exceed 25 percent of the total receipts or  
1366 expenditures, whichever is greater, for the period covered by  
1367 the late report. Upon receipt of the report, the filing officer  
1368 shall determine the amount of the fine which is due and shall  
1369 notify the electioneering communications organization. The  
1370 filing officer shall determine the amount of the fine due based  
1371 upon the earliest of the following:

- 1372 1. When the report is actually received by such officer.
- 1373 2. When the report is postmarked.
- 1374 3. When the certificate of mailing is dated.
- 1375 4. When the receipt from an established courier company is  
1376 dated.
- 1377 5. When the electronic receipt issued pursuant to s.  
1378 106.0705 or other electronic filing system authorized in this  
1379 section is dated.

1380

1381 Such fine shall be paid to the filing officer within 20 days  
1382 after receipt of the notice of payment due, unless appeal is  
1383 made to the Florida Elections Commission pursuant to paragraph  
1384 (c). Notice is deemed sufficient upon proof of delivery of  
1385 written notice to the mailing or street address on record with  
1386 the filing officer. An officer or member of an electioneering  
1387 communications organization shall not be personally liable for  
1388 such fine.

1389 (c) The treasurer of an electioneering communications  
1390 organization may appeal or dispute the fine, based upon, but not  
1391 limited to, unusual circumstances surrounding the failure to  
1392 file on the designated due date, and may request and shall be



576-04648-13

20131382c4

1393 entitled to a hearing before the Florida Elections Commission,  
1394 which shall have the authority to waive the fine in whole or in  
1395 part. The Florida Elections Commission must consider the  
1396 mitigating and aggravating circumstances contained in s.  
1397 106.265(2) when determining the amount of a fine, if any, to be  
1398 waived. Any such request shall be made within 20 days after  
1399 receipt of the notice of payment due. In such case, the  
1400 treasurer of the electioneering communications organization  
1401 shall, within the 20-day period, notify the filing officer in  
1402 writing of his or her intention to bring the matter before the  
1403 commission.

1404 (d) The appropriate filing officer shall notify the Florida  
1405 Elections Commission of the repeated late filing by an  
1406 electioneering communications organization, the failure of an  
1407 electioneering communications organization to file a report  
1408 after notice, or the failure to pay the fine imposed. The  
1409 commission shall investigate only those alleged late filing  
1410 violations specifically identified by the filing officer and as  
1411 set forth in the notification. Any other alleged violations must  
1412 be stated separately and reported by the division to the  
1413 commission under s. 106.25(2).

1414 (8) Electioneering communications organizations shall not  
1415 use credit cards.

1416 Section 12. Section 106.0705, Florida Statutes, is  
1417 reenacted and amended to read:

1418 106.0705 Electronic filing of campaign treasurer's  
1419 reports.—

1420 (1) As used in this section, "electronic filing system"  
1421 means an Internet system for recording and reporting campaign

576-04648-13

20131382c4

1422 finance activity by reporting period.

1423 (2) (a) Each individual who is required to file reports with  
1424 the division pursuant to s. 106.07 or s. 106.141 must file such  
1425 reports by means of the division's electronic filing system.

1426 (b) Each political committee, ~~committee of continuous~~  
1427 ~~existence~~, electioneering communications organization,  
1428 affiliated party committee, or state executive committee that is  
1429 required to file reports with the division under ~~s. 106.04~~, s.  
1430 106.07, s. 106.0703, or s. 106.29, as applicable, must file such  
1431 reports with the division by means of the division's electronic  
1432 filing system.

1433 (c) Each person or organization that is required to file  
1434 reports with the division under s. 106.071 must file such  
1435 reports by means of the division's electronic filing system.

1436 (3) Reports filed pursuant to this section shall be  
1437 completed and filed through the electronic filing system not  
1438 later than midnight of the day designated. Reports not filed by  
1439 midnight of the day designated are late filed and are subject to  
1440 the penalties under ~~s. 106.04(9)~~, s. 106.07(8), s. 106.0703(7),  
1441 or s. 106.29(3), as applicable.

1442 (4) Each report filed pursuant to this section is  
1443 considered to be under oath by the candidate and treasurer, the  
1444 chair and treasurer, the treasurer under s. 106.0703, or the  
1445 leader and treasurer under s. 103.092, whichever is applicable,  
1446 and such persons are subject to the provisions of ~~s.~~  
1447 ~~106.04(4)(d)~~, s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as  
1448 applicable. Persons given a secure sign-on to the electronic  
1449 filing system are responsible for protecting such from  
1450 disclosure and are responsible for all filings using such

576-04648-13

20131382c4

1451 credentials, unless they have notified the division that their  
1452 credentials have been compromised.

1453 (5) The electronic filing system developed by the division  
1454 must:

1455 (a) Be based on access by means of the Internet.

1456 (b) Be accessible by anyone with Internet access using  
1457 standard web-browsing software.

1458 (c) Provide for direct entry of campaign finance  
1459 information as well as upload of such information from campaign  
1460 finance software certified by the division.

1461 (d) Provide a method that prevents unauthorized access to  
1462 electronic filing system functions.

1463 (6) The division shall adopt rules ~~pursuant to ss.~~  
1464 ~~120.536(1) and 120.54~~ to administer this section and provide for  
1465 the reports required to be filed pursuant to this section. Such  
1466 rules shall, at a minimum, provide:

1467 (a) Alternate filing procedures in case the division's  
1468 electronic filing system is not operable.

1469 (b) For the issuance of an electronic receipt to the person  
1470 submitting the report indicating and verifying that the report  
1471 has been filed.

1472 Section 13. Section 106.08, Florida Statutes, is amended to  
1473 read:

1474 106.08 Contributions; limitations on.-

1475 (1) (a) Except for political parties or affiliated party  
1476 committees, no person or, political committee, ~~or committee of~~  
1477 ~~continuous existence~~ may, in any election, make contributions in  
1478 excess of \$500 to any candidate for election to or retention in  
1479 office ~~or to any political committee supporting or opposing one~~

576-04648-13

20131382c4

1480 ~~or more candidates.~~ Candidates for the offices of Governor and  
1481 Lieutenant Governor on the same ticket are considered a single  
1482 candidate for the purpose of this section.

1483 (b)~~1.~~ The contribution limits provided in this subsection  
1484 do not apply to contributions made by a state or county  
1485 executive committee of a political party or affiliated party  
1486 committee regulated by chapter 103 or to amounts contributed by  
1487 a candidate to his or her own campaign.

1488 ~~2. Notwithstanding the limits provided in this subsection,~~  
1489 ~~an unemancipated child under the age of 18 years of age may not~~  
1490 ~~make a contribution in excess of \$100 to any candidate or to any~~  
1491 ~~political committee supporting one or more candidates.~~

1492 (c) The contribution limits of this subsection apply to  
1493 each election. For purposes of this subsection, the primary  
1494 election and general election are separate elections so long as  
1495 the candidate is not an unopposed candidate as defined in s.  
1496 106.011 ~~106.011(15)~~. However, for the purpose of contribution  
1497 limits with respect to candidates for retention as a justice or  
1498 judge, there is only one election, which is the general  
1499 election.

1500 (2) (a) A candidate may not accept contributions from a  
1501 county executive committee of a political party whose  
1502 contributions in the aggregate exceed \$50,000, or from the  
1503 national, or state, ~~or county~~ executive committees of a  
1504 political party, including any subordinate committee of such  
1505 political party or affiliated party committees, whose ~~which~~  
1506 contributions in the aggregate exceed \$50,000.

1507 (b) A candidate for statewide office may not accept  
1508 contributions from national, state, or county executive

576-04648-13

20131382c4

1509 committees of a political party, including any subordinate  
1510 committee of the political party, or affiliated party  
1511 committees, which contributions in the aggregate exceed  
1512 \$250,000. Polling services, research services, costs for  
1513 campaign staff, professional consulting services, and telephone  
1514 calls are not contributions to be counted toward the  
1515 contribution limits of paragraph (a) or this paragraph. Any item  
1516 not expressly identified in this paragraph as nonallocable is a  
1517 contribution in an amount equal to the fair market value of the  
1518 item and must be counted as allocable toward the contribution  
1519 limits of paragraph (a) or this paragraph. Nonallocable, in-kind  
1520 contributions must be reported by the candidate under s. 106.07  
1521 and by the political party or affiliated party committee under  
1522 s. 106.29.

1523 (3) (a) Any contribution received by a candidate with  
1524 opposition in an election or by the campaign treasurer or a  
1525 deputy campaign treasurer of such a candidate on the day of that  
1526 election or less than 5 days before ~~prior to~~ the day of that  
1527 election must be returned by him or her to the person or  
1528 committee contributing it and may not be used or expended by or  
1529 on behalf of the candidate.

1530 (b) Any contribution received by a candidate or by the  
1531 campaign treasurer or a deputy campaign treasurer of a candidate  
1532 after the date at which the candidate withdraws his or her  
1533 candidacy, or after the date the candidate is defeated, becomes  
1534 unopposed, or is elected to office must be returned to the  
1535 person or committee contributing it and may not be used or  
1536 expended by or on behalf of the candidate.

1537 (4) Any contribution received by the chair, campaign

576-04648-13

20131382c4

1538 treasurer, or deputy campaign treasurer of a political committee  
1539 supporting or opposing a candidate with opposition in an  
1540 election or supporting or opposing an issue on the ballot in an  
1541 election on the day of that election or less than 5 days before  
1542 ~~prior to~~ the day of that election may not be obligated or  
1543 expended by the committee until after the date of the election.

1544 (5) (a) A person may not make any contribution through or in  
1545 the name of another, directly or indirectly, in any election.

1546 (b) Candidates, political committees, affiliated party  
1547 committees, and political parties may not solicit contributions  
1548 from any religious, charitable, civic, or other causes or  
1549 organizations established primarily for the public good.

1550 (c) Candidates, political committees, affiliated party  
1551 committees, and political parties may not make contributions, in  
1552 exchange for political support, to any religious, charitable,  
1553 civic, or other cause or organization established primarily for  
1554 the public good. It is not a violation of this paragraph for:

1555 1. A candidate, political committee, affiliated party  
1556 committee, or political party executive committee to make gifts  
1557 of money in lieu of flowers in memory of a deceased person;

1558 2. A candidate to continue membership in, or make regular  
1559 donations from personal or business funds to, religious,  
1560 political party, affiliated party committee, civic, or  
1561 charitable groups of which the candidate is a member or to which  
1562 the candidate has been a regular donor for more than 6 months;  
1563 or

1564 3. A candidate to purchase, with campaign funds, tickets,  
1565 admission to events, or advertisements from religious, civic,  
1566 political party, affiliated party committee, or charitable

576-04648-13

20131382c4

1567 groups.

1568 (6) (a) A political party or affiliated party committee may  
1569 not accept any contribution that has been specifically  
1570 designated for the partial or exclusive use of a particular  
1571 candidate. Any contribution so designated must be returned to  
1572 the contributor and may not be used or expended by or on behalf  
1573 of the candidate. Funds contributed to an affiliated party  
1574 committee may ~~shall~~ not be ~~deemed as~~ designated for the partial  
1575 or exclusive use of a leader as defined in s. 103.092.

1576 (b)1. A political party or affiliated party committee may  
1577 not accept any in-kind contribution that fails to provide a  
1578 direct benefit to the political party or affiliated party  
1579 committee. A "direct benefit" includes, but is not limited to,  
1580 fundraising or furthering the objectives of the political party  
1581 or affiliated party committee.

1582 2.a. An in-kind contribution to a state political party may  
1583 be accepted only by the chairperson of the state political party  
1584 or by the chairperson's designee or designees whose names are on  
1585 file with the division in a form acceptable to the division  
1586 before ~~prior to~~ the date of the written notice required in sub-  
1587 subparagraph b. An in-kind contribution to a county political  
1588 party may be accepted only by the chairperson of the county  
1589 political party or by the county chairperson's designee or  
1590 designees whose names are on file with the supervisor of  
1591 elections of the respective county before ~~prior to~~ the date of  
1592 the written notice required in sub-subparagraph b. An in-kind  
1593 contribution to an affiliated party committee may be accepted  
1594 only by the leader of the affiliated party committee as defined  
1595 in s. 103.092 or by the leader's designee or designees whose

576-04648-13

20131382c4

1596 names are on file with the division in a form acceptable to the  
1597 division before ~~prior to~~ the date of the written notice required  
1598 in sub-subparagraph b.

1599       b. A person making an in-kind contribution to a state or  
1600 county political party or affiliated party committee must  
1601 provide prior written notice of the contribution to a person  
1602 described in sub-subparagraph a. The prior written notice must  
1603 be signed and dated and may be provided by an electronic or  
1604 facsimile message. However, prior written notice is not required  
1605 for an in-kind contribution that consists of food and beverage  
1606 in an aggregate amount not exceeding \$1,500 which is consumed at  
1607 a single sitting or event if such in-kind contribution is  
1608 accepted in advance by a person specified in sub-subparagraph a.

1609       c. A person described in sub-subparagraph a. may accept an  
1610 in-kind contribution requiring prior written notice only in a  
1611 writing that is dated before the in-kind contribution is made.  
1612 Failure to obtain the required written acceptance of an in-kind  
1613 contribution to a state or county political party or affiliated  
1614 party committee constitutes a refusal of the contribution.

1615       d. A copy of each prior written acceptance required under  
1616 sub-subparagraph c. must be filed at the time the regular  
1617 reports of contributions and expenditures required under s.  
1618 106.29 are filed by the state executive committee, county  
1619 executive committee, and affiliated party committee. A state  
1620 executive committee and an affiliated party committee must file  
1621 with the division. A county executive committee must file with  
1622 the county's supervisor of elections.

1623       e. An in-kind contribution may not be given to a state or  
1624 county political party or affiliated party committee unless the



576-04648-13

20131382c4

1625 in-kind contribution is made as provided in this subparagraph.

1626 (7) (a) Any person who knowingly and willfully makes or  
1627 accepts no more than one contribution in violation of subsection  
1628 (1) or subsection (5), or any person who knowingly and willfully  
1629 fails or refuses to return any contribution as required in  
1630 subsection (3), commits a misdemeanor of the first degree,  
1631 punishable as provided in s. 775.082 or s. 775.083. If any  
1632 corporation, partnership, or other business entity or any  
1633 political party, affiliated party committee, political  
1634 committee, ~~committee of continuous existence~~, or electioneering  
1635 communications organization is convicted of knowingly and  
1636 willfully violating any provision punishable under this  
1637 paragraph, it shall be fined not less than \$1,000 and not more  
1638 than \$10,000. If it is a domestic entity, it may be ordered  
1639 dissolved by a court of competent jurisdiction; if it is a  
1640 foreign or nonresident business entity, its right to do business  
1641 in this state may be forfeited. Any officer, partner, agent,  
1642 attorney, or other representative of a corporation, partnership,  
1643 or other business entity, or of a political party, affiliated  
1644 party committee, political committee, ~~committee of continuous~~  
1645 ~~existence~~, electioneering communications organization, or  
1646 organization exempt from taxation under s. 527 or s. 501(c)(4)  
1647 of the Internal Revenue Code, who aids, abets, advises, or  
1648 participates in a violation of any provision punishable under  
1649 this paragraph commits a misdemeanor of the first degree,  
1650 punishable as provided in s. 775.082 or s. 775.083.

1651 (b) Any person who knowingly and willfully makes or accepts  
1652 two or more contributions in violation of subsection (1) or  
1653 subsection (5) commits a felony of the third degree, punishable

576-04648-13

20131382c4

1654 as provided in s. 775.082, s. 775.083, or s. 775.084. If any  
1655 corporation, partnership, or other business entity or any  
1656 political party, affiliated party committee, political  
1657 committee, ~~committee of continuous existence~~, or electioneering  
1658 communications organization is convicted of knowingly and  
1659 willfully violating any provision punishable under this  
1660 paragraph, it shall be fined not less than \$10,000 and not more  
1661 than \$50,000. If it is a domestic entity, it may be ordered  
1662 dissolved by a court of competent jurisdiction; if it is a  
1663 foreign or nonresident business entity, its right to do business  
1664 in this state may be forfeited. Any officer, partner, agent,  
1665 attorney, or other representative of a corporation, partnership,  
1666 or other business entity, or of a political committee, ~~committee~~  
1667 ~~of continuous existence~~, political party, affiliated party  
1668 committee, or electioneering communications organization, or  
1669 organization exempt from taxation under s. 527 or s. 501(c)(4)  
1670 of the Internal Revenue Code, who aids, abets, advises, or  
1671 participates in a violation of any provision punishable under  
1672 this paragraph commits a felony of the third degree, punishable  
1673 as provided in s. 775.082, s. 775.083, or s. 775.084.

1674 (8) Except when otherwise provided in subsection (7), any  
1675 person who knowingly and willfully violates any provision of  
1676 this section shall, in addition to any other penalty prescribed  
1677 by this chapter, pay to the state a sum equal to twice the  
1678 amount contributed in violation of this chapter. Each campaign  
1679 treasurer shall pay all amounts contributed in violation of this  
1680 section to the state for deposit in the General Revenue Fund.

1681 (9) This section does not apply to the transfer of funds  
1682 between a primary campaign depository and a savings account or

576-04648-13

20131382c4

1683 certificate of deposit or to any interest earned on such account  
1684 or certificate.

1685 (10) Contributions to a political committee ~~or committee of~~  
1686 ~~continuous existence~~ may be received by an affiliated  
1687 organization and transferred to the bank account of the  
1688 political committee ~~or committee of continuous existence~~ via  
1689 check written from the affiliated organization if such  
1690 contributions are specifically identified as intended to be  
1691 contributed to the political committee ~~or committee of~~  
1692 ~~continuous existence~~. All contributions received in this manner  
1693 shall be reported pursuant to s. 106.07 by the political  
1694 committee ~~or committee of continuous existence~~ as having been  
1695 made by the original contributor.

1696 Section 14. Section 106.11, Florida Statutes, is reenacted  
1697 and amended to read:

1698 106.11 Expenses of and expenditures by candidates and  
1699 political committees.—Each candidate and each political  
1700 committee which designates a primary campaign depository  
1701 pursuant to s. 106.021(1) shall make expenditures from funds on  
1702 deposit in such primary campaign depository only in the  
1703 following manner, with the exception of expenditures made from  
1704 petty cash funds provided by s. 106.12:

1705 (1) (a) 1. The campaign treasurer or deputy campaign  
1706 treasurer of a candidate or political committee shall make  
1707 expenditures from funds on deposit in the primary campaign  
1708 depository only by means of a bank check drawn upon the campaign  
1709 account of the candidate or political committee. The campaign  
1710 account shall be separate from any personal or other account and  
1711 shall be used only for the purpose of depositing contributions

576-04648-13

20131382c4

1712 and making expenditures for the candidate or political  
1713 committee.

1714 2. An expenditure by a political committee must also be  
1715 primarily related to raising or making a contribution,  
1716 influencing the results of an election, making an electioneering  
1717 communication, or other political activity authorized by this  
1718 chapter. A violation of this subparagraph is punishable solely  
1719 as provided in s. 106.19(2).

1720 (b) The checks for such account shall contain, as a  
1721 minimum, the following information:

1722 1. The ~~statement "... (name of the campaign account of the~~  
1723 ~~candidate or political committee.) ... Campaign Account."~~

1724 2. The account number and the name of the bank.

1725 3. The exact amount of the expenditure.

1726 4. The signature of the campaign treasurer or deputy  
1727 treasurer.

1728 5. The exact purpose for which the expenditure is  
1729 authorized.

1730 6. The name of the payee.

1731 (2) (a) For purposes of this section, debit cards are  
1732 considered bank checks, if:

1733 1. Debit cards are obtained from the same bank that has  
1734 been designated as the candidate's or political committee's  
1735 primary campaign depository.

1736 2. Debit cards are issued in the name of the treasurer,  
1737 deputy treasurer, or authorized user and contain the state  
1738 "... (name of the campaign account of the candidate or political  
1739 committee.) ... Campaign Account."

1740 3. No more than three debit cards are requested and issued.

576-04648-13

20131382c4

1741 4. The person using the debit card does not receive cash as  
1742 part of, or independent of, any transaction for goods or  
1743 services.

1744 5. All receipts for debit card transactions contain:

1745 a. The last four digits of the debit card number.

1746 b. The exact amount of the expenditure.

1747 c. The name of the payee.

1748 d. The signature of the campaign treasurer, deputy  
1749 treasurer, or authorized user.

1750 e. The exact purpose for which the expenditure is  
1751 authorized.

1752  
1753 Any information required by this subparagraph but not included  
1754 on the debit card transaction receipt may be handwritten on, or  
1755 attached to, the receipt by the authorized user before  
1756 submission to the treasurer.

1757 (b) Debit cards are not subject to the requirements of  
1758 paragraph (1)(b).

1759 (3) The campaign treasurer, deputy treasurer, or authorized  
1760 user who signs the check shall be responsible for the  
1761 completeness and accuracy of the information on such check and  
1762 for insuring that such expenditure is an authorized expenditure.

1763 (4) No candidate, campaign manager, treasurer, deputy  
1764 treasurer, or political committee or any officer or agent  
1765 thereof, or any person acting on behalf of any of the foregoing,  
1766 shall authorize any expenses, nor shall any campaign treasurer  
1767 or deputy treasurer sign a check drawn on the primary campaign  
1768 account for any purpose, unless there are sufficient funds on  
1769 deposit in the primary depository account of the candidate or

576-04648-13

20131382c4

1770 political committee to pay the full amount of the authorized  
1771 expense, to honor all other checks drawn on such account, which  
1772 checks are outstanding, and to meet all expenses previously  
1773 authorized but not yet paid. However, an expense may be incurred  
1774 for the purchase of goods or services if there are sufficient  
1775 funds on deposit in the primary depository account to pay the  
1776 full amount of the incurred expense, to honor all checks drawn  
1777 on such account, which checks are outstanding, and to meet all  
1778 other expenses previously authorized but not yet paid, provided  
1779 that payment for such goods or services is made upon final  
1780 delivery and acceptance of the goods or services; and an  
1781 expenditure from petty cash pursuant to the provisions of s.  
1782 106.12 may be authorized, if there is a sufficient amount of  
1783 money in the petty cash fund to pay for such expenditure.  
1784 Payment for credit card purchases shall be made pursuant to s.  
1785 106.125. Any expense incurred or authorized in excess of such  
1786 funds on deposit shall, in addition to other penalties provided  
1787 by law, constitute a violation of this chapter. As used in this  
1788 subsection, the term "sufficient funds on deposit in the primary  
1789 depository account of the candidate or political committee"  
1790 means that the funds at issue have been delivered for deposit to  
1791 the financial institution at which such account is maintained.  
1792 The term shall not be construed to mean that such funds are  
1793 available for withdrawal in accordance with the deposit rules or  
1794 the funds availability policies of such financial institution.

1795 (5) A candidate who withdraws his or her candidacy, becomes  
1796 an unopposed candidate, or is eliminated as a candidate or  
1797 elected to office may expend funds from the campaign account to:  
1798 (a) Purchase "thank you" advertising for up to 75 days

576-04648-13

20131382c4

1799 after he or she withdraws, becomes unopposed, or is eliminated  
1800 or elected.

1801 (b) Pay for items which were obligated before he or she  
1802 withdrew, became unopposed, or was eliminated or elected.

1803 (c) Pay for expenditures necessary to close down the  
1804 campaign office and to prepare final campaign reports.

1805 (d) Dispose of surplus funds as provided in s. 106.141.

1806 (6) A candidate who makes a loan to his or her campaign and  
1807 reports the loan as required by s. 106.07 may be reimbursed for  
1808 the loan at any time the campaign account has sufficient funds  
1809 to repay the loan and satisfy its other obligations.

1810 Section 15. Section 106.141, Florida Statutes, is amended  
1811 to read:

1812 106.141 Disposition of surplus funds by candidates.—

1813 (1) Except as provided in subsection (6), each candidate  
1814 who withdraws his or her candidacy, becomes an unopposed  
1815 candidate, or is eliminated as a candidate or elected to office  
1816 shall, within 90 days, dispose of the funds on deposit in his or  
1817 her campaign account and file a report reflecting the  
1818 disposition of all remaining funds. Such candidate may ~~shall~~ not  
1819 accept any contributions, nor may ~~shall~~ any person accept  
1820 contributions on behalf of such candidate, after the candidate  
1821 withdraws his or her candidacy, becomes unopposed, or is  
1822 eliminated or elected. However, if a candidate receives a refund  
1823 check after all surplus funds have been disposed of, the check  
1824 may be endorsed by the candidate and the refund disposed of  
1825 under this section. An amended report must be filed showing the  
1826 refund and subsequent disposition.

1827 (2) Any candidate required to dispose of funds pursuant to

576-04648-13

20131382c4

1828 this section may, before ~~prior to~~ such disposition, be  
1829 reimbursed by the campaign, in full or in part, for any reported  
1830 contributions by the candidate to the campaign.

1831 (3) The campaign treasurer of a candidate who withdraws his  
1832 or her candidacy, becomes unopposed, or is eliminated as a  
1833 candidate or elected to office and who has funds on deposit in a  
1834 separate interest-bearing account or certificate of deposit  
1835 shall, within 7 days after the date of becoming unopposed or the  
1836 date of such withdrawal, elimination, or election, transfer such  
1837 funds and the accumulated interest earned thereon to the  
1838 campaign account of the candidate for disposal under this  
1839 section. However, if the funds are in an account in which  
1840 penalties will apply for withdrawal within the 7-day period, the  
1841 campaign treasurer shall transfer such funds and the accumulated  
1842 interest earned thereon as soon as the funds can be withdrawn  
1843 without penalty, or within 90 days after the candidate becomes  
1844 unopposed, withdraws his or her candidacy, or is eliminated or  
1845 elected, whichever comes first.

1846 (4) (a) Except as provided in paragraph (b), any candidate  
1847 required to dispose of funds pursuant to this section shall, at  
1848 the option of the candidate, dispose of such funds by any of the  
1849 following means, or any combination thereof:

1850 1. Return pro rata to each contributor the funds that have  
1851 not been spent or obligated.

1852 2. Donate the funds that have not been spent or obligated  
1853 to a charitable organization or organizations that meet the  
1854 qualifications of s. 501(c) (3) of the Internal Revenue Code.

1855 3. Give not more than \$25,000 of the funds that have not  
1856 been spent or obligated to the affiliated party committee or



576-04648-13

20131382c4

1857 political party of which such candidate is a member.

1858 4. Give the funds that have not been spent or obligated:

1859 a. In the case of a candidate for state office, to the  
1860 state, to be deposited in either the Election Campaign Financing  
1861 Trust Fund or the General Revenue Fund, as designated by the  
1862 candidate; or

1863 b. In the case of a candidate for an office of a political  
1864 subdivision, to such political subdivision, to be deposited in  
1865 the general fund thereof.

1866 (b) Any candidate required to dispose of funds pursuant to  
1867 this section who has received contributions pursuant to the  
1868 Florida Election Campaign Financing Act shall, after all  
1869 monetary commitments pursuant to s. 106.11(5)(b) and (c) have  
1870 been met, return all surplus campaign funds to the General  
1871 Revenue Fund.

1872 (5) A candidate elected to office or a candidate who will  
1873 be elected to office by virtue of his or her being unopposed  
1874 may, in addition to the disposition methods provided in  
1875 subsection (4), transfer from the campaign account to an office  
1876 account any amount of the funds on deposit in such campaign  
1877 account up to:

1878 (a) Fifty ~~Twenty~~ thousand dollars, for a candidate for  
1879 statewide office. The Governor and Lieutenant Governor shall be  
1880 considered separate candidates for the purpose of this section.

1881 (b) Ten ~~Five~~ thousand dollars, for a candidate for  
1882 multicounty office.

1883 (c) Ten ~~Five~~ thousand dollars multiplied by the number of  
1884 years in the term of office for which elected, for a candidate  
1885 for legislative office.

576-04648-13

20131382c4

1886 (d) Five thousand ~~Two thousand five hundred~~ dollars  
1887 multiplied by the number of years in the term of office for  
1888 which elected, for a candidate for county office or for a  
1889 candidate in any election conducted on less than a countywide  
1890 basis.

1891 (e) Six thousand dollars, for a candidate for retention as  
1892 a justice of the Supreme Court.

1893 (f) Three thousand dollars, for a candidate for retention  
1894 as a judge of a district court of appeal.

1895 (g) Three thousand ~~One thousand five hundred~~ dollars, for a  
1896 candidate for county court judge or circuit judge.

1897  
1898 The office account established pursuant to this subsection shall  
1899 be separate from any personal or other account. Any funds so  
1900 transferred by a candidate shall be used only for legitimate  
1901 expenses in connection with the candidate's public office. Such  
1902 expenses may include travel expenses incurred by the officer or  
1903 a staff member; ~~7~~ personal taxes payable on office account funds  
1904 by the candidate or elected public official; professional  
1905 services provided by a certified public accountant or attorney  
1906 for preparation of the elected public official's financial  
1907 disclosure filing pursuant to s. 112.3144 or s. 112.3145; costs  
1908 to prepare, print, produce, and mail holiday cards or  
1909 newsletters about the elected public official's public business  
1910 to constituents, if such correspondence does not constitute a  
1911 political advertisement, independent expenditure, or  
1912 electioneering communication as provided in s. 106.011; fees or  
1913 dues to religious, civic, or charitable organizations of which  
1914 the elected public official is a member; items of modest value

576-04648-13

20131382c4

1915 such as flowers, greeting cards, or personal notes given as a  
1916 substitute for, or in association with, an elected public  
1917 official's personal attendance at a constituent's special event  
1918 or family occasion, such as the birth of a child, graduation,  
1919 wedding, or funeral; personal expenses incurred by the elected  
1920 public official in connection with attending a constituent  
1921 meeting or event where public policy is discussed, if such  
1922 meetings or events are limited to no more than once a week;~~7~~ or  
1923 expenses incurred in the operation of the elected public  
1924 official's ~~his or her~~ office, including the employment of  
1925 additional staff. The funds may be deposited in a savings  
1926 account; however, all deposits, withdrawals, and interest earned  
1927 thereon shall be reported at the appropriate reporting period.  
1928 If a candidate is reelected to office or elected to another  
1929 office and has funds remaining in his or her office account, he  
1930 or she may transfer surplus campaign funds to the office  
1931 account. At no time may the funds in the office account exceed  
1932 the limitation imposed by this subsection. Upon leaving public  
1933 office, any person who has funds in an office account pursuant  
1934 to this subsection remaining on deposit shall use such funds to  
1935 pay for professional services provided by a certified public  
1936 accountant or attorney for preparation of the elected public  
1937 official's final financial disclosure filing pursuant to s.  
1938 112.3144 or s. 112.3145, or give such funds to a charitable  
1939 organization that meets ~~or organizations which meet~~ the  
1940 requirements of s. 501(c)(3) of the Internal Revenue Code or, in  
1941 the case of a state officer, to the state to be deposited in the  
1942 General Revenue Fund or, in the case of an officer of a  
1943 political subdivision, to the political subdivision to be

576-04648-13

20131382c4

1944 deposited in the general fund thereof.

1945 (6) (a) For purposes of this subsection, the term "same  
1946 office" with respect to legislative office means an office in  
1947 the same legislative body, irrespective of district number or  
1948 designation or geographic boundary.

1949 (b) A candidate elected to state office or a candidate who  
1950 will be elected to state office by virtue of his or her being  
1951 unopposed after candidate qualifying ends, may retain up to  
1952 \$20,000 in his or her campaign account, or in an interest-  
1953 bearing account or certificate of deposit, for use in his or her  
1954 next campaign for the same office, in addition to the  
1955 disposition methods provided in subsections (4) and (5). All  
1956 requirements applicable to candidate campaign accounts under  
1957 this chapter, including disclosure requirements applicable to  
1958 candidate campaign accounts, limitations on expenditures, and  
1959 limitations on contributions, apply to any retained funds.

1960 (c) If a candidate who has retained funds under this  
1961 subsection does not qualify as a candidate for reelection to the  
1962 same office, all retained funds shall be disposed of as  
1963 otherwise required by this section or s. 106.11(5) within 90  
1964 days after the last day of candidate qualifying for that office.  
1965 Requirements in this section applicable to the disposal of  
1966 surplus funds, including reporting requirements, are applicable  
1967 to the disposal of retained funds.

1968 (7) ~~(6)~~ Before ~~Prior to~~ disposing of funds pursuant to  
1969 subsection (4), ~~or~~ transferring funds into an office account  
1970 pursuant to subsection (5), or retaining funds for reelection  
1971 pursuant to subsection (6), any candidate who filed an oath  
1972 stating that he or she was unable to pay the ~~election assessment~~

576-04648-13

20131382c4

1973 ~~or~~ fee for verification of petition signatures without imposing  
1974 an undue burden on his or her personal resources or on resources  
1975 otherwise available to him or her, ~~or who filed both such oaths,~~  
1976 ~~or who qualified by the petition process and was not required to~~  
1977 ~~pay an election assessment,~~ shall reimburse the state or local  
1978 governmental entity, whichever is applicable, for such waived  
1979 ~~assessment or fee or both. Such reimbursement shall be made~~  
1980 ~~first for the cost of petition verification and then, if funds~~  
1981 ~~are remaining, for the amount of the election assessment. If~~  
1982 there are insufficient funds in the account to pay the full  
1983 amount of ~~either the assessment or the fee or both,~~ the  
1984 remaining funds shall be disbursed in the above manner until no  
1985 funds remain. All funds disbursed pursuant to this subsection  
1986 shall be remitted to the qualifying officer. Any reimbursement  
1987 for petition verification costs which are reimbursable by the  
1988 state shall be forwarded by the qualifying officer to the state  
1989 for deposit in the General Revenue Fund. ~~All reimbursements for~~  
1990 ~~the amount of the election assessment shall be forwarded by the~~  
1991 ~~qualifying officer to the Department of State for deposit in the~~  
1992 ~~General Revenue Fund.~~

1993 (8) (a) ~~(7) (a)~~ Any candidate required to dispose of campaign  
1994 funds pursuant to this section shall do so within the time  
1995 required by this section and ~~shall~~, on or before the date by  
1996 which such disposition is to have been made, shall file with the  
1997 officer with whom reports are required to be filed pursuant to  
1998 s. 106.07 a form prescribed by the Division of Elections  
1999 listing:

2000 1. The name and address of each person or unit of  
2001 government to whom any of the funds were distributed and the

576-04648-13

20131382c4

2002 amounts thereof;

2003       2. The name and address of each person to whom an  
2004 expenditure was made, together with the amount thereof and  
2005 purpose therefor; ~~and~~

2006       3. The amount of such funds transferred to an office  
2007 account by the candidate, together with the name and address of  
2008 the bank, savings and loan association, or credit union in which  
2009 the office account is located; and

2010       4. The amount of such funds retained pursuant to subsection  
2011 (6), together with the name and address of the bank, savings and  
2012 loan association, or credit union in which the retained funds  
2013 are located.

2014  
2015 Such report shall be signed by the candidate and the campaign  
2016 treasurer and certified as true and correct pursuant to s.  
2017 106.07.

2018       (b) The filing officer shall notify each candidate at least  
2019 14 days before the date the report is due.

2020       (c) Any candidate failing to file a report on the  
2021 designated due date shall be subject to a fine as provided in s.  
2022 106.07 for submitting late termination reports.

2023       (9)~~(8)~~ Any candidate elected to office who transfers  
2024 surplus campaign funds into an office account pursuant to  
2025 subsection (5) shall file a report on the 10th day following the  
2026 end of each calendar quarter until the account is closed. Such  
2027 reports shall contain the name and address of each person to  
2028 whom any disbursement of funds was made, together with the  
2029 amount thereof and the purpose therefor, and the name and  
2030 address of any person from whom the elected candidate received

576-04648-13

20131382c4

2031 any refund or reimbursement and the amount thereof. Such reports  
2032 shall be on forms prescribed by the Division of Elections,  
2033 signed by the elected candidate, certified as true and correct,  
2034 and filed with the officer with whom campaign reports were filed  
2035 pursuant to s. 106.07(2).

2036 (10)~~(9)~~ Any candidate, or any person on behalf of a  
2037 candidate, who accepts contributions after such candidate has  
2038 withdrawn his or her candidacy, after the candidate has become  
2039 an unopposed candidate, or after the candidate has been  
2040 eliminated as a candidate or elected to office commits a  
2041 misdemeanor of the first degree, punishable as provided in s.  
2042 775.082 or s. 775.083.

2043 (11)~~(10)~~ Any candidate who is required by the provisions of  
2044 this section to dispose of funds in his or her campaign account  
2045 and who fails to dispose of the funds in the manner provided in  
2046 this section commits a misdemeanor of the first degree,  
2047 punishable as provided in s. 775.082 or s. 775.083.

2048 Section 16. Section 106.29, Florida Statutes, is reenacted  
2049 and amended to read:

2050 106.29 Reports by political parties and affiliated party  
2051 committees; restrictions on contributions and expenditures;  
2052 penalties.—

2053 (1) (a) The state executive committee and each county  
2054 executive committee of each political party and any affiliated  
2055 party committee regulated by chapter 103 shall file regular  
2056 reports of all contributions received and all expenditures made  
2057 by such committee. However, the reports may ~~shall~~ not include  
2058 contributions and expenditures that are reported to the Federal  
2059 Election Commission.

576-04648-13

20131382c4

2060       (b) Each state executive committee and affiliated party  
2061 committee shall file regular reports with the Division of  
2062 Elections. Such reports must contain the same information as  
2063 reports required of candidates by s. 106.07 and must be filed at  
2064 the same times and subject to the same filing conditions  
2065 established by s. 106.07(1) and (2) for statewide candidate  
2066 reports filed with the division. Each county executive committee  
2067 shall file reports with the supervisor of elections in the  
2068 county in which such committee exists. Such reports must contain  
2069 the same information as reports required of candidates by s.  
2070 106.07 and must be filed at the same times and subject to the  
2071 same filing conditions established by s. 106.07(1) and (2) for  
2072 county candidate reports filed with the supervisor of elections.  
2073 In addition, when a special election is called to fill a vacancy  
2074 in office, each state executive committee, each affiliated party  
2075 committee, and each county executive committee making  
2076 contributions or expenditures to influence the results of the  
2077 special election or the preceding special primary election must  
2078 file campaign treasurers' reports on the dates set by the  
2079 Department of State pursuant to s. 100.111. ~~Such reports shall~~  
2080 ~~contain the same information as do reports required of~~  
2081 ~~candidates by s. 106.07 and shall be filed on the 10th day~~  
2082 ~~following the end of each calendar quarter, except that, during~~  
2083 ~~the period from the last day for candidate qualifying until the~~  
2084 ~~general election, such reports shall be filed on the Friday~~  
2085 ~~immediately preceding each special primary election, special~~  
2086 ~~election, primary election, and general election.~~  
2087       (c) In addition to the reports filed under this section,  
2088 the state executive committee, each county executive committee,



576-04648-13

20131382c4

2089 and each affiliated party committee shall file a copy of each  
2090 prior written acceptance of an in-kind contribution given by the  
2091 committee during the preceding calendar quarter as required  
2092 under s. 106.08(6). ~~Each state executive committee and~~  
2093 ~~affiliated party committee shall file its reports with the~~  
2094 ~~Division of Elections. Each county executive committee shall~~  
2095 ~~file its reports with the supervisor of elections in the county~~  
2096 ~~in which such committee exists.~~

2097 (d) Any state or county executive committee or affiliated  
2098 party committee failing to file a report on the designated due  
2099 date ~~is shall be~~ subject to a fine as provided in subsection  
2100 (3). ~~A No~~ separate fine may not shall be assessed for failure to  
2101 file a copy of any report required by this section.

2102 (2) The chair and treasurer of each state or county  
2103 executive committee shall certify as to the correctness of each  
2104 report filed by them on behalf of such committee. The leader and  
2105 treasurer of each affiliated party committee under s. 103.092  
2106 shall certify as to the correctness of each report filed by them  
2107 on behalf of such committee. Any committee chair, leader, or  
2108 treasurer who certifies the correctness of any report while  
2109 knowing that such report is incorrect, false, or incomplete  
2110 commits a felony of the third degree, punishable as provided in  
2111 s. 775.082, s. 775.083, or s. 775.084.

2112 (3) (a) ~~A Any~~ state or county executive committee or  
2113 affiliated party committee that fails ~~failing~~ to file a report  
2114 on the designated due date ~~is shall be~~ subject to a fine as  
2115 provided in paragraph (b) for each late day. The fine shall be  
2116 assessed by the filing officer, and the moneys collected shall  
2117 be deposited in the General Revenue Fund.

576-04648-13

20131382c4

2118 (b) Upon determining that a report is late, the filing  
2119 officer shall immediately notify the chair of the executive  
2120 committee or the leader of the affiliated party committee as  
2121 defined in s. 103.092 as to the failure to file a report by the  
2122 designated due date and that a fine is being assessed for each  
2123 late day. The fine is ~~shall be~~ \$1,000 for a state executive  
2124 committee, \$1,000 for an affiliated party committee, and \$50 for  
2125 a county executive committee, per day for each late day, not to  
2126 exceed 25 percent of the total receipts or expenditures,  
2127 whichever is greater, for the period covered by the late report.  
2128 However, if an executive committee or an affiliated party  
2129 committee fails to file a report on the Friday immediately  
2130 preceding the special election or general election, the fine is  
2131 ~~shall be~~ \$10,000 per day for each day a state executive  
2132 committee is late, \$10,000 per day for each day an affiliated  
2133 party committee is late, and \$500 per day for each day a county  
2134 executive committee is late. Upon receipt of the report, the  
2135 filing officer shall determine the amount of the fine which is  
2136 due and shall notify the chair or leader as defined in s.  
2137 103.092. Notice is deemed complete upon proof of delivery of  
2138 written notice to the mailing or street address on record with  
2139 the filing officer. The filing officer shall determine the  
2140 amount of the fine due based upon the earliest of the following:  
2141 1. When the report is actually received by such officer.  
2142 2. When the report is postmarked.  
2143 3. When the certificate of mailing is dated.  
2144 4. When the receipt from an established courier company is  
2145 dated.  
2146 5. When the electronic receipt issued pursuant to s.

576-04648-13

20131382c4

2147 106.0705 is dated.

2148

2149 Such fine shall be paid to the filing officer within 20 days  
2150 after receipt of the notice of payment due, unless appeal is  
2151 made to the Florida Elections Commission pursuant to paragraph  
2152 (c). An officer or member of an executive committee is not ~~shall~~  
2153 ~~not be~~ personally liable for such fine.

2154 (c) The chair of an executive committee or the leader of an  
2155 affiliated party committee as defined in s. 103.092 may appeal  
2156 or dispute the fine, based upon unusual circumstances  
2157 surrounding the failure to file on the designated due date, and  
2158 may request and is ~~shall be~~ entitled to a hearing before the  
2159 Florida Elections Commission, which has ~~shall have~~ the authority  
2160 to waive the fine in whole or in part. Any such request shall be  
2161 made within 20 days after receipt of the notice of payment due.  
2162 In such case, the chair of the executive committee or the leader  
2163 of the affiliated party committee as defined in s. 103.092  
2164 shall, within the 20-day period, notify the filing officer in  
2165 writing of his or her intention to bring the matter before the  
2166 commission.

2167 (d) The appropriate filing officer shall notify the Florida  
2168 Elections Commission of the repeated late filing by an executive  
2169 committee or affiliated party committee, the failure of an  
2170 executive committee or affiliated party committee to file a  
2171 report after notice, or the failure to pay the fine imposed.

2172 (4) Any contribution received by a state or county  
2173 executive committee or affiliated party committee less than 5  
2174 days before an election may ~~shall~~ not be used or expended in  
2175 behalf of any candidate, issue, affiliated party committee, or

576-04648-13

20131382c4

2176 political party participating in such election.

2177 (5) A ~~No~~ state or county executive committee or affiliated  
2178 party committee, in the furtherance of any candidate or  
2179 political party, directly or indirectly, may not ~~shall~~ give,  
2180 pay, or expend any money, give or pay anything of value,  
2181 authorize any expenditure, or become pecuniarily liable for any  
2182 expenditure prohibited by this chapter. However, the  
2183 contribution of funds by one executive committee to another or  
2184 to established party organizations for legitimate party or  
2185 campaign purposes is not prohibited, but all such contributions  
2186 shall be recorded and accounted for in the reports of the  
2187 contributor and recipient.

2188 (6) (a) The national, state, and county executive committees  
2189 of a political party and affiliated party committees may not  
2190 contribute to any candidate any amount in excess of the limits  
2191 contained in s. 106.08(2), and all contributions required to be  
2192 reported under s. 106.08(2) by the national executive committee  
2193 of a political party shall be reported by the state executive  
2194 committee of that political party.

2195 (b) A violation of the contribution limits contained in s.  
2196 106.08(2) is a misdemeanor of the first degree, punishable as  
2197 provided in s. 775.082 or s. 775.083. A civil penalty equal to  
2198 three times the amount in excess of the limits contained in s.  
2199 106.08(2) shall be assessed against any executive committee  
2200 found in violation thereof.

2201 Section 17. By December 1, 2013, the Division of Elections  
2202 shall submit a proposal to the President of the Senate and the  
2203 Speaker of the House of Representatives for a mandatory  
2204 statewide electronic filing system for all state and local

576-04648-13

20131382c4

2205 campaign filings required by s. 106.07, s. 106.0703, s. 106.141,  
2206 or s. 106.29.

2207 Section 18. Subsection (3) of section 101.62, Florida  
2208 Statutes, is amended to read:

2209 101.62 Request for absentee ballots.—

2210 (3) For each request for an absentee ballot received, the  
2211 supervisor shall record the date the request was made, the date  
2212 the absentee ballot was delivered to the voter or the voter's  
2213 designee or the date the absentee ballot was delivered to the  
2214 post office or other carrier, the date the ballot was received  
2215 by the supervisor, and such other information he or she may deem  
2216 necessary. This information shall be provided in electronic  
2217 format as provided by rule adopted by the division. The  
2218 information shall be updated and made available no later than 8  
2219 a.m. of each day, including weekends, beginning 60 days before  
2220 the primary until 15 days after the general election and shall  
2221 be contemporaneously provided to the division. This information  
2222 shall be confidential and exempt from the provisions of s.  
2223 119.07(1) and shall be made available to or reproduced only for  
2224 the voter requesting the ballot, a canvassing board, an election  
2225 official, a political party or official thereof, a candidate who  
2226 has filed qualification papers and is opposed in an upcoming  
2227 election, and registered political committees ~~or registered~~  
2228 ~~committees of continuous existence~~, for political purposes only.

2229 Section 19. Paragraph (a) of subsection (4) of section  
2230 102.031, Florida Statutes, is amended to read:

2231 102.031 Maintenance of good order at polls; authorities;  
2232 persons allowed in polling rooms and early voting areas;  
2233 unlawful solicitation of voters.—

576-04648-13

20131382c4

2234 (4) (a) No person, political committee, ~~committee of~~  
2235 ~~continuous existence~~, or other group or organization may solicit  
2236 voters inside the polling place or within 100 feet of the  
2237 entrance to any polling place, or polling room where the polling  
2238 place is also a polling room, or early voting site. Before the  
2239 opening of the polling place or early voting site, the clerk or  
2240 supervisor shall designate the no-solicitation zone and mark the  
2241 boundaries.

2242 Section 20. Subsection (2) of section 106.087, Florida  
2243 Statutes, is amended to read:

2244 106.087 Independent expenditures; contribution limits;  
2245 restrictions on political parties and, political committees, ~~and~~  
2246 ~~committees of continuous existence.~~

2247 (2) (a) Any political committee ~~or committee of continuous~~  
2248 ~~existence~~ that accepts the use of public funds, equipment,  
2249 personnel, or other resources to collect dues from its members  
2250 agrees not to make independent expenditures in support of or  
2251 opposition to a candidate or elected public official. However,  
2252 expenditures may be made for the sole purpose of jointly  
2253 endorsing three or more candidates.

2254 (b) Any political committee ~~or committee of continuous~~  
2255 ~~existence~~ that violates this subsection is liable for a civil  
2256 fine of up to \$5,000 to be determined by the Florida Elections  
2257 Commission or the entire amount of the expenditures, whichever  
2258 is greater.

2259 Section 21. Subsection (3) of section 106.12, Florida  
2260 Statutes, is amended to read:

2261 106.12 Petty cash funds allowed.-

2262 (3) The petty cash fund so provided may ~~shall~~ be spent only

576-04648-13

20131382c4

2263 in amounts less than \$100 and only for office supplies,  
2264 transportation expenses, and other necessities. Petty cash may  
2265 ~~shall~~ not be used for the purchase of time, space, or services  
2266 from communications media as defined in s. 106.011 ~~106.011(13)~~.

2267 Section 22. Paragraph (b) of subsection (3) of section  
2268 106.147, Florida Statutes, is amended to read:

2269 106.147 Telephone solicitation; disclosure requirements;  
2270 prohibitions; exemptions; penalties.-

2271 (3)

2272 (b) For purposes of paragraph (a), the term "person"  
2273 includes any candidate; any officer of any political committee,  
2274 ~~committee of continuous existence~~, affiliated party committee,  
2275 or political party executive committee; any officer, partner,  
2276 attorney, or other representative of a corporation, partnership,  
2277 or other business entity; and any agent or other person acting  
2278 on behalf of any candidate, political committee, ~~committee of~~  
2279 ~~continuous existence~~, affiliated party committee, political  
2280 party executive committee, or corporation, partnership, or other  
2281 business entity.

2282 Section 23. Section 106.17, Florida Statutes, is amended to  
2283 read:

2284 106.17 Polls and surveys relating to candidacies.-Any  
2285 candidate, political committee, ~~committee of continuous~~  
2286 ~~existence~~, electioneering communication organization, affiliated  
2287 party committee, or state or county executive committee of a  
2288 political party may authorize or conduct a political poll,  
2289 survey, index, or measurement of any kind relating to candidacy  
2290 for public office so long as the candidate, political committee,  
2291 ~~committee of continuous existence~~, electioneering communication

576-04648-13

20131382c4

2292 organization, affiliated party committee, or political party  
2293 maintains complete jurisdiction over the poll in all its  
2294 aspects. State and county executive committees of a political  
2295 party or an affiliated party committee may authorize and conduct  
2296 political polls for the purpose of determining the viability of  
2297 potential candidates. Such poll results may be shared with  
2298 potential candidates, and expenditures incurred by state and  
2299 county executive committees or an affiliated party committee for  
2300 potential candidate polls are not contributions to the potential  
2301 candidates.

2302 Section 24. Subsection (2) of section 106.23, Florida  
2303 Statutes, is amended to read:

2304 106.23 Powers of the Division of Elections.—

2305 (2) The Division of Elections shall provide advisory  
2306 opinions when requested by any supervisor of elections,  
2307 candidate, local officer having election-related duties,  
2308 political party, affiliated party committee, political  
2309 committee, ~~committee of continuous existence~~, or other person or  
2310 organization engaged in political activity, relating to any  
2311 provisions or possible violations of Florida election laws with  
2312 respect to actions such supervisor, candidate, local officer  
2313 having election-related duties, political party, affiliated  
2314 party committee, committee, person, or organization has taken or  
2315 proposes to take. Requests for advisory opinions must be  
2316 submitted in accordance with rules adopted by the Department of  
2317 State. A written record of all such opinions issued by the  
2318 division, sequentially numbered, dated, and indexed by subject  
2319 matter, shall be retained. A copy shall be sent to said person  
2320 or organization upon request. Any such person or organization,



576-04648-13

20131382c4

2321 acting in good faith upon such an advisory opinion, shall not be  
2322 subject to any criminal penalty provided for in this chapter.  
2323 The opinion, until amended or revoked, shall be binding on any  
2324 person or organization who sought the opinion or with reference  
2325 to whom the opinion was sought, unless material facts were  
2326 omitted or misstated in the request for the advisory opinion.

2327 Section 25. Subsections (2) and (3) of section 106.265,  
2328 Florida Statutes, are amended to read:

2329 106.265 Civil penalties.—

2330 (2) In determining the amount of such civil penalties, the  
2331 commission or administrative law judge shall consider, among  
2332 other mitigating and aggravating circumstances:

2333 (a) The gravity of the act or omission;

2334 (b) Any previous history of similar acts or omissions;

2335 (c) The appropriateness of such penalty to the financial  
2336 resources of the person, political committee, ~~committee of~~  
2337 ~~continuous existence~~, affiliated party committee, electioneering  
2338 communications organization, or political party; and

2339 (d) Whether the person, political committee, ~~committee of~~  
2340 ~~continuous existence~~, affiliated party committee, electioneering  
2341 communications organization, or political party has shown good  
2342 faith in attempting to comply with the provisions of this  
2343 chapter or chapter 104.

2344 (3) If any person, political committee, ~~committee of~~  
2345 ~~continuous existence~~, affiliated party committee, electioneering  
2346 communications organization, or political party fails or refuses  
2347 to pay to the commission any civil penalties assessed pursuant  
2348 to the provisions of this section, the commission shall be  
2349 responsible for collecting the civil penalties resulting from

576-04648-13

20131382c4

2350 such action.

2351 Section 26. Subsection (2) of section 106.27, Florida  
2352 Statutes, is amended to read:

2353 106.27 Determinations by commission; legal disposition.—

2354 (2) Civil actions may be brought by the commission for  
2355 relief, including permanent or temporary injunctions,  
2356 restraining orders, or any other appropriate order for the  
2357 imposition of civil penalties provided by this chapter. Such  
2358 civil actions shall be brought by the commission in the  
2359 appropriate court of competent jurisdiction, and the venue shall  
2360 be in the county in which the alleged violation occurred or in  
2361 which the alleged violator or violators are found, reside, or  
2362 transact business. Upon a proper showing that such person,  
2363 political committee, ~~committee of continuous existence,~~  
2364 affiliated party committee, or political party has engaged, or  
2365 is about to engage, in prohibited acts or practices, a permanent  
2366 or temporary injunction, restraining order, or other order shall  
2367 be granted without bond by such court, and the civil fines  
2368 provided by this chapter may be imposed.

2369 Section 27. Subsection (3) of section 106.32, Florida  
2370 Statutes, is amended to read:

2371 106.32 Election Campaign Financing Trust Fund.—

2372 (3) Proceeds from assessments pursuant to ss. ~~106.04,~~  
2373 ~~106.07,~~ and 106.29 shall be deposited into the Election Campaign  
2374 Financing Trust Fund as designated in those sections.

2375 Section 28. Section 106.33, Florida Statutes, is amended to  
2376 read:

2377 106.33 Election campaign financing; eligibility.—Each  
2378 candidate for the office of Governor or member of the Cabinet

576-04648-13

20131382c4

2379 who desires to receive contributions from the Election Campaign  
2380 Financing Trust Fund ~~shall~~, upon qualifying for office, shall  
2381 file a request for such contributions with the filing officer on  
2382 forms provided by the Division of Elections. If a candidate  
2383 requesting contributions from the fund desires to have such  
2384 funds distributed by electronic fund transfers, the request  
2385 shall include information necessary to implement that procedure.  
2386 For the purposes of ss. 106.30-106.36, the respective candidates  
2387 running for Governor and Lieutenant Governor on the same ticket  
2388 shall be considered as a single candidate. To be eligible to  
2389 receive contributions from the fund, a candidate may not be an  
2390 unopposed candidate as defined in s. 106.011 ~~106.011(15)~~ and  
2391 must:

2392 (1) Agree to abide by the expenditure limits provided in s.  
2393 106.34.

2394 (2) (a) Raise contributions as follows:

2395 1. One hundred fifty thousand dollars for a candidate for  
2396 Governor.

2397 2. One hundred thousand dollars for a candidate for Cabinet  
2398 office.

2399 (b) Contributions from individuals who at the time of  
2400 contributing are not state residents may not be used to meet the  
2401 threshold amounts in paragraph (a). For purposes of this  
2402 paragraph, any person validly registered to vote in this state  
2403 shall be considered a state resident.

2404 (3) Limit loans or contributions from the candidate's  
2405 personal funds to \$25,000 and contributions from national,  
2406 state, and county executive committees of a political party to  
2407 \$250,000 in the aggregate, which loans or contributions do ~~shall~~

576-04648-13

20131382c4

2408 not qualify for meeting the threshold amounts in subsection (2).

2409 (4) Submit to a postelection audit of the campaign account  
2410 by the division.

2411 Section 29. Section 111.075, Florida Statutes, is amended  
2412 to read:

2413 111.075 Elected officials; prohibition concerning certain  
2414 committees.—Elected officials are prohibited from being employed  
2415 by, or acting as a consultant for compensation to, a political  
2416 committee ~~or committee of continuous existence.~~

2417 Section 30. Subsections (3) and (4) and paragraph (a) of  
2418 subsection (5) of section 112.3148, Florida Statutes, are  
2419 amended to read:

2420 112.3148 Reporting and prohibited receipt of gifts by  
2421 individuals filing full or limited public disclosure of  
2422 financial interests and by procurement employees.—

2423 (3) A reporting individual or procurement employee is  
2424 prohibited from soliciting any gift from a political committee  
2425 ~~or committee of continuous existence~~, as defined in s. 106.011,  
2426 or from a lobbyist who lobbies the reporting individual's or  
2427 procurement employee's agency, or the partner, firm, employer,  
2428 or principal of such lobbyist, where such gift is for the  
2429 personal benefit of the reporting individual or procurement  
2430 employee, another reporting individual or procurement employee,  
2431 or any member of the immediate family of a reporting individual  
2432 or procurement employee.

2433 (4) A reporting individual or procurement employee or any  
2434 other person on his or her behalf is prohibited from knowingly  
2435 accepting, directly or indirectly, a gift from a political  
2436 committee ~~or committee of continuous existence~~, as defined in s.

576-04648-13

20131382c4

2437 106.011, or from a lobbyist who lobbies the reporting  
2438 individual's or procurement employee's agency, or directly or  
2439 indirectly on behalf of the partner, firm, employer, or  
2440 principal of a lobbyist, if he or she knows or reasonably  
2441 believes that the gift has a value in excess of \$100; however,  
2442 such a gift may be accepted by such person on behalf of a  
2443 governmental entity or a charitable organization. If the gift is  
2444 accepted on behalf of a governmental entity or charitable  
2445 organization, the person receiving the gift shall not maintain  
2446 custody of the gift for any period of time beyond that  
2447 reasonably necessary to arrange for the transfer of custody and  
2448 ownership of the gift.

2449 (5) (a) A political committee ~~or a committee of continuous~~  
2450 ~~existence~~, as defined in s. 106.011; a lobbyist who lobbies a  
2451 reporting individual's or procurement employee's agency; the  
2452 partner, firm, employer, or principal of a lobbyist; or another  
2453 on behalf of the lobbyist or partner, firm, principal, or  
2454 employer of the lobbyist is prohibited from giving, either  
2455 directly or indirectly, a gift that has a value in excess of  
2456 \$100 to the reporting individual or procurement employee or any  
2457 other person on his or her behalf; however, such person may give  
2458 a gift having a value in excess of \$100 to a reporting  
2459 individual or procurement employee if the gift is intended to be  
2460 transferred to a governmental entity or a charitable  
2461 organization.

2462 Section 31. Subsections (3) and (4) of section 112.3149,  
2463 Florida Statutes, are amended to read:

2464 112.3149 Solicitation and disclosure of honoraria.—

2465 (3) A reporting individual or procurement employee is

576-04648-13

20131382c4

2466 prohibited from knowingly accepting an honorarium from a  
2467 political committee ~~or committee of continuous existence~~, as  
2468 defined in s. 106.011, from a lobbyist who lobbies the reporting  
2469 individual's or procurement employee's agency, or from the  
2470 employer, principal, partner, or firm of such a lobbyist.

2471 (4) A political committee ~~or committee of continuous~~  
2472 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a  
2473 reporting individual's or procurement employee's agency, or the  
2474 employer, principal, partner, or firm of such a lobbyist is  
2475 prohibited from giving an honorarium to a reporting individual  
2476 or procurement employee.

2477 Section 32. Subsection (4) of section 1004.28, Florida  
2478 Statutes, is amended to read:

2479 1004.28 Direct-support organizations; use of property;  
2480 board of directors; activities; audit; facilities.—

2481 (4) ACTIVITIES; RESTRICTION.—A university direct-support  
2482 organization is prohibited from giving, either directly or  
2483 indirectly, any gift to a political committee ~~or committee of~~  
2484 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
2485 other than those certified by a majority roll call vote of the  
2486 governing board of the direct-support organization at a  
2487 regularly scheduled meeting as being directly related to the  
2488 educational mission of the university.

2489 Section 33. Paragraph (d) of subsection (4) of section  
2490 1004.70, Florida Statutes, is amended to read:

2491 1004.70 Florida College System institution direct-support  
2492 organizations.—

2493 (4) ACTIVITIES; RESTRICTIONS.—

2494 (d) A Florida College System institution direct-support

576-04648-13

20131382c4

2495 organization is prohibited from giving, either directly or  
2496 indirectly, any gift to a political committee ~~or committee of~~  
2497 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
2498 other than those certified by a majority roll call vote of the  
2499 governing board of the direct-support organization at a  
2500 regularly scheduled meeting as being directly related to the  
2501 educational mission of the Florida College System institution.

2502 Section 34. Paragraph (c) of subsection (4) of section  
2503 1004.71, Florida Statutes, is amended to read:

2504 1004.71 Statewide Florida College System institution  
2505 direct-support organizations.—

2506 (4) RESTRICTIONS.—

2507 (c) A statewide Florida College System institution direct-  
2508 support organization is prohibited from giving, either directly  
2509 or indirectly, any gift to a political committee ~~or committee of~~  
2510 ~~continuous existence~~ as defined in s. 106.011 for any purpose  
2511 other than those certified by a majority roll call vote of the  
2512 governing board of the direct-support organization at a  
2513 regularly scheduled meeting as being directly related to the  
2514 educational mission of the State Board of Education.

2515 Section 35. For the purpose of incorporating the amendments  
2516 made by this act to sections 106.08 and 106.11, Florida  
2517 Statutes, in references thereto, section 106.19, Florida  
2518 Statutes, is reenacted to read:

2519 106.19 Violations by candidates, persons connected with  
2520 campaigns, and political committees.—

2521 (1) Any candidate; campaign manager, campaign treasurer, or  
2522 deputy treasurer of any candidate; committee chair, vice chair,  
2523 campaign treasurer, deputy treasurer, or other officer of any

576-04648-13

20131382c4

2524 political committee; agent or person acting on behalf of any  
2525 candidate or political committee; or other person who knowingly  
2526 and willfully:

2527 (a) Accepts a contribution in excess of the limits  
2528 prescribed by s. 106.08;

2529 (b) Fails to report any contribution required to be  
2530 reported by this chapter;

2531 (c) Falsely reports or deliberately fails to include any  
2532 information required by this chapter; or

2533 (d) Makes or authorizes any expenditure in violation of s.  
2534 106.11(4) or any other expenditure prohibited by this chapter;

2535  
2536 is guilty of a misdemeanor of the first degree, punishable as  
2537 provided in s. 775.082 or s. 775.083.

2538 (2) Any candidate, campaign treasurer, or deputy treasurer;  
2539 any chair, vice chair, or other officer of any political  
2540 committee; any agent or person acting on behalf of any candidate  
2541 or political committee; or any other person who violates  
2542 paragraph (1)(a), paragraph (1)(b), or paragraph (1)(d) shall be  
2543 subject to a civil penalty equal to three times the amount  
2544 involved in the illegal act. Such penalty may be in addition to  
2545 the penalties provided by subsection (1) and shall be paid into  
2546 the General Revenue Fund of this state.

2547 (3) A political committee sponsoring a constitutional  
2548 amendment proposed by initiative which submits a petition form  
2549 gathered by a paid petition circulator which does not provide  
2550 the name and address of the paid petition circulator on the form  
2551 is subject to the civil penalties prescribed in s. 106.265.

2552 (4) Except as otherwise expressly stated, the failure by a



576-04648-13

20131382c4

2553 candidate to comply with the requirements of this chapter has no  
2554 effect upon whether the candidate has qualified for the office  
2555 the candidate is seeking.

2556 Section 36. (1) For the 2013-2014 fiscal year, one full-  
2557 time equivalent position, with associated salary rate of 33,000,  
2558 is authorized, and \$42,900 in recurring funds from the Elections  
2559 Commission Trust Fund within the Department of Legal Affairs is  
2560 appropriated to the Florida Elections Commission to carry out  
2561 the provisions of this act.

2562 (2) For the 2013-2014 fiscal year, two full-time equivalent  
2563 positions, with associated salary rate of 57,297, are  
2564 authorized, and \$85,000 in recurring funds from the General  
2565 Revenue Fund is appropriated to the Division of Elections of the  
2566 Department of State to carry out the provisions of this act.

2567 (3) This section shall take effect July 1, 2013.

2568 Section 37. Except as otherwise expressly provided in this  
2569 act and except for this section, which shall take effect upon  
2570 becoming a law, this act shall take effect November 1, 2013.