

1 A bill to be entitled
2 An act relating to the Florida Election Code;
3 repealing s. 106.04, F.S., relating to the
4 certification and political activities of committees
5 of continuous existence; prohibiting a committee of
6 continuous existence from accepting a contribution
7 after a 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 of the Department of State to provide
11 certain notifications to committees of continuous
12 existence; amending ss. 101.62, 102.031, and 111.075,
13 F.S.; conforming provisions; amending and reordering
14 s. 106.011, F.S., relating to definitions applicable
15 to provisions governing campaign financing; deleting
16 the definition of the term "committee of continuous
17 existence," to conform; conforming provisions and
18 cross-references; amending s. 106.022, F.S.;
19 conforming a provision; amending s. 106.025, F.S.;
20 providing that tickets or advertising for a campaign
21 fund raiser must comply with the requirements of
22 political advertisements circulated before an
23 election; amending s. 106.03, F.S.; conforming cross-
24 references; amending s. 106.05, F.S.; revising the
25 information that is required to appear on a campaign
26 bank account for deposit of funds; amending s. 106.07,
27 F.S.; revising reporting requirements for candidates
28 and political committees; conforming provisions;

29 | amending s. 106.0703, F.S.; revising reporting
30 | requirements for electioneering communications
31 | organizations; amending s. 106.0705, F.S.; conforming
32 | provisions and cross-references; amending s. 106.08,
33 | F.S.; revising limitations on campaign contributions;
34 | conforming provisions and a cross-reference; amending
35 | s. 106.087, F.S.; conforming provisions; amending s.
36 | 106.11, F.S.; revising the information that is
37 | required to appear on bank account checks of
38 | candidates or political committees; revising
39 | information used to determine when debit cards are
40 | considered bank checks; amending s. 106.12, F.S.;
41 | conforming a cross-reference; amending s. 106.141,
42 | F.S.; providing for retention of surplus campaign
43 | funds by a candidate for specified purposes; providing
44 | reporting requirements for surplus campaign funds;
45 | providing for disposition of the funds; amending ss.
46 | 106.147, 106.17, 106.23, 106.265, 106.27, 106.32,
47 | 106.33, 112.3148, 112.3149, 1004.28, 1004.70, and
48 | 1004.71, F.S.; conforming provisions and cross-
49 | references; directing the Division of Elections to
50 | submit a proposal to the Legislature for a mandatory
51 | statewide electronic filing system; providing
52 | appropriations; providing effective dates.

53 |
54 | Be It Enacted by the Legislature of the State of Florida:

55 |
56 | Section 1. Section 106.04, Florida Statutes, is repealed.

57 Section 2. (1) Effective August 1, 2013, a committee of
58 continuous existence may not accept a contribution as defined in
59 s. 106.011, Florida Statutes. By July 15, 2013, the Division of
60 Elections of the Department of State shall notify each committee
61 of continuous existence of the prohibition on accepting such a
62 contribution as provided in this subsection.

63 (2) Effective September 30, 2013, the certification of
64 each committee of continuous existence is revoked. By July 15,
65 2013, the Division of Elections of the Department of State shall
66 notify each committee of continuous existence of the revocation
67 of its certification pursuant to this subsection. Following such
68 revocation of certification, each committee of continuous
69 existence shall file any outstanding report as required by law.

70 (3) This section shall take effect upon this act becoming
71 a law.

72 Section 3. Subsection (3) of section 101.62, Florida
73 Statutes, is amended to read:

74 101.62 Request for absentee ballots.—

75 (3) For each request for an absentee ballot received, the
76 supervisor shall record the date the request was made, the date
77 the absentee ballot was delivered to the voter or the voter's
78 designee or the date the absentee ballot was delivered to the
79 post office or other carrier, the date the ballot was received
80 by the supervisor, and such other information he or she may deem
81 necessary. This information shall be provided in electronic
82 format as provided by rule adopted by the division. The
83 information shall be updated and made available no later than 8
84 a.m. of each day, including weekends, beginning 60 days before

85 | the primary until 15 days after the general election and shall
 86 | be contemporaneously provided to the division. This information
 87 | shall be confidential and exempt from the provisions of s.
 88 | 119.07(1) and shall be made available to or reproduced only for
 89 | the voter requesting the ballot, a canvassing board, an election
 90 | official, a political party or official thereof, a candidate who
 91 | has filed qualification papers and is opposed in an upcoming
 92 | election, and registered political committees ~~or registered~~
 93 | ~~committees of continuous existence~~, for political purposes only.

94 | Section 4. Paragraph (a) of subsection (4) of section
 95 | 102.031, Florida Statutes, is amended to read:

96 | 102.031 Maintenance of good order at polls; authorities;
 97 | persons allowed in polling rooms and early voting areas;
 98 | unlawful solicitation of voters.—

99 | (4) (a) No person, political committee, ~~committee of~~
 100 | ~~continuous existence~~, or other group or organization may solicit
 101 | voters inside the polling place or within 100 feet of the
 102 | entrance to any polling place, or polling room where the polling
 103 | place is also a polling room, or early voting site. Before the
 104 | opening of the polling place or early voting site, the clerk or
 105 | supervisor shall designate the no-solicitation zone and mark the
 106 | boundaries.

107 | Section 5. Section 111.075, Florida Statutes, is amended
 108 | to read:

109 | 111.075 Elected officials; prohibition concerning certain
 110 | committees.—Elected officials are prohibited from being employed
 111 | by, or acting as a consultant for compensation to, a political
 112 | committee ~~or committee of continuous existence~~.

113 Section 6. Section 106.011, Florida Statutes, is reordered
114 and amended to read:

115 106.011 Definitions.—As used in this chapter, the
116 following terms have the following meanings unless the context
117 clearly indicates otherwise:

118 (1)~~(11)~~ "Campaign fund raiser" means any affair held to
119 raise funds to be used in a campaign for public office.

120 (2)~~(9)~~ "Campaign treasurer" means an individual appointed
121 by a candidate or political committee as provided in this
122 chapter.

123 (3)~~(16)~~ "Candidate" means any person to whom any one or
124 more of the following apply:

125 (a) Any person who seeks to qualify for nomination or
126 election by means of the petitioning process.

127 (b) Any person who seeks to qualify for election as a
128 write-in candidate.

129 (c) Any person who receives contributions or makes
130 expenditures, or consents for any other person to receive
131 contributions or make expenditures, with a view to bring about
132 his or her nomination or election to, or retention in, public
133 office.

134 (d) Any person who appoints a treasurer and designates a
135 primary depository.

136 (e) Any person who files qualification papers and
137 subscribes to a candidate's oath as required by law.

138

139 However, this definition does not include any candidate for a
140 political party executive committee. Expenditures related to

141 potential candidate polls as provided in s. 106.17 are not
 142 contributions or expenditures for purposes of this subsection.

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

146 (4) ~~(13)~~ "Communications media" means broadcasting
 147 stations, newspapers, magazines, outdoor advertising facilities,
 148 printers, direct mail, advertising agencies, the Internet, and
 149 telephone companies; but with respect to telephones, an
 150 expenditure shall be deemed to be an expenditure for the use of
 151 communications media only if made for the costs of telephones,
 152 paid telephonists, or automatic telephone equipment to be used
 153 by a candidate or a political committee to communicate with
 154 potential voters but excluding any costs of telephones incurred
 155 by a volunteer for use of telephones by such volunteer; however,
 156 with respect to the Internet, an expenditure shall be deemed an
 157 expenditure for use of communications media only if made for the
 158 cost of creating or disseminating a message on a computer
 159 information system accessible by more than one person but
 160 excluding internal communications of a campaign or of any group.

161 (5) ~~(3)~~ "Contribution" means:

162 (a) A gift, subscription, conveyance, deposit, loan,
 163 payment, or distribution of money or anything of value,
 164 including contributions in kind having an attributable monetary
 165 value in any form, made for the purpose of influencing the
 166 results of an election or making an electioneering
 167 communication.

168 (b) A transfer of funds between political committees,

169 | ~~between committees of continuous existence,~~ between
170 | electioneering communications organizations, or between any
171 | combination of these groups.

172 | (c) The payment, by any person other than a candidate or
173 | political committee, of compensation for the personal services
174 | of another person which are rendered to a candidate or political
175 | committee without charge to the candidate or committee for such
176 | services.

177 | (d) The transfer of funds by a campaign treasurer or
178 | deputy campaign treasurer between a primary depository and a
179 | separate interest-bearing account or certificate of deposit, and
180 | the term includes any interest earned on such account or
181 | certificate.

182 |
183 | Notwithstanding the foregoing meanings of "contribution," the
184 | term may not be construed to include services, including, but
185 | not limited to, legal and accounting services, provided without
186 | compensation by individuals volunteering a portion or all of
187 | their time on behalf of a candidate or political committee or
188 | editorial endorsements.

189 | (6) ~~(12)~~ "Division" means the Division of Elections of the
190 | Department of State.

191 | (7) ~~(6)~~ "Election" means any primary election, special
192 | primary election, general election, special election, or
193 | municipal election held in this state for the purpose of
194 | nominating or electing candidates to public office, choosing
195 | delegates to the national nominating conventions of political
196 | parties, or submitting an issue to the electors for their

197 approval or rejection.

198 (8)~~(18)~~(a) "Electioneering communication" means any
199 communication that is publicly distributed by a television
200 station, radio station, cable television system, satellite
201 system, newspaper, magazine, direct mail, or telephone and that:

202 1. Refers to or depicts a clearly identified candidate for
203 office without expressly advocating the election or defeat of a
204 candidate but that is susceptible of no reasonable
205 interpretation other than an appeal to vote for or against a
206 specific candidate;

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

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

212 (b) The term "electioneering communication" does not
213 include:

214 1. A communication disseminated through a means of
215 communication other than a television station, radio station,
216 cable television system, satellite system, newspaper, magazine,
217 direct mail, telephone, or statement or depiction by an
218 organization, in existence prior to the time during which a
219 candidate named or depicted qualifies for that election, made in
220 that organization's newsletter, which newsletter is distributed
221 only to members of that organization.

222 2. A communication in a news story, commentary, or
223 editorial distributed through the facilities of any radio
224 station, television station, cable television system, or

225 satellite system, unless the facilities are owned or controlled
226 by any political party, political committee, or candidate. A
227 news story distributed through the facilities owned or
228 controlled by any political party, political committee, or
229 candidate may nevertheless be exempt if it represents a bona
230 fide news account communicated through a licensed broadcasting
231 facility and the communication is part of a general pattern of
232 campaign-related news accounts that give reasonably equal
233 coverage to all opposing candidates in the area.

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

240 a. The staging organization is either:

241 (I) A charitable organization that does not make other
242 electioneering communications and does not otherwise support or
243 oppose any political candidate or political party; or

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

246 b. The staging organization does not structure the debate
247 to promote or advance one candidate or issue position over
248 another.

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

252 (d) For purposes of this chapter, an electioneering

253 communication shall not constitute an independent expenditure
254 nor be subject to the limitations applicable to independent
255 expenditures.

256 (9) ~~(19)~~ "Electioneering communications organization" means
257 any group, other than a political party, affiliated party
258 committee, or political committee, ~~or committee of continuous~~
259 ~~existence~~, whose election-related activities are limited to
260 making expenditures for electioneering communications or
261 accepting contributions for the purpose of making electioneering
262 communications and whose activities would not otherwise require
263 the group to register as a political party or, political
264 committee, ~~or committee of continuous existence~~ under this
265 chapter.

266 (10) ~~(4)~~ (a) "Expenditure" means a purchase, payment,
267 distribution, loan, advance, transfer of funds by a campaign
268 treasurer or deputy campaign treasurer between a primary
269 depository and a separate interest-bearing account or
270 certificate of deposit, or gift of money or anything of value
271 made for the purpose of influencing the results of an election
272 or making an electioneering communication. However,
273 "expenditure" does not include a purchase, payment,
274 distribution, loan, advance, or gift of money or anything of
275 value made for the purpose of influencing the results of an
276 election when made by an organization, in existence prior to the
277 time during which a candidate qualifies or an issue is placed on
278 the ballot for that election, for the purpose of printing or
279 distributing such organization's newsletter, containing a
280 statement by such organization in support of or opposition to a

281 candidate or issue, which newsletter is distributed only to
282 members of such organization.

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

286 1. A person enters into a contract for applicable goods or
287 services;

288 2. A person makes payment, in whole or in part, for the
289 production or public dissemination of applicable goods or
290 services; or

291 3. The electioneering communication is publicly
292 disseminated.

293 (11)~~(14)~~ "Filing officer" means the person before whom a
294 candidate qualifies or, the agency or officer with whom a
295 political committee or an electioneering communications
296 organization registers, ~~or the agency by whom a committee of~~
297 ~~continuous existence is certified.~~

298 (12)~~(5)~~ (a) "Independent expenditure" means an expenditure
299 by a person for the purpose of expressly advocating the election
300 or defeat of a candidate or the approval or rejection of an
301 issue, which expenditure is not controlled by, coordinated with,
302 or made upon consultation with, any candidate, political
303 committee, or agent of such candidate or committee. An
304 expenditure for such purpose by a person having a contract with
305 the candidate, political committee, or agent of such candidate
306 or committee in a given election period shall not be deemed an
307 independent expenditure.

308 (b) An expenditure for the purpose of expressly advocating

309 the election or defeat of a candidate which is made by the
310 national, state, or county executive committee of a political
311 party, including any subordinate committee of the political
312 party, an affiliated party committee, a political committee, a
313 ~~committee of continuous existence,~~ or any other person shall not
314 be considered an independent expenditure if the committee or
315 person:

316 1. Communicates with the candidate, the candidate's
317 campaign, or an agent of the candidate acting on behalf of the
318 candidate, including any pollster, media consultant, advertising
319 agency, vendor, advisor, or staff member, concerning the
320 preparation of, use of, or payment for, the specific expenditure
321 or advertising campaign at issue; or

322 2. Makes a payment in cooperation, consultation, or
323 concert with, at the request or suggestion of, or pursuant to
324 any general or particular understanding with the candidate, the
325 candidate's campaign, a political committee supporting the
326 candidate, or an agent of the candidate relating to the specific
327 expenditure or advertising campaign at issue; or

328 3. Makes a payment for the dissemination, distribution, or
329 republication, in whole or in part, of any broadcast or any
330 written, graphic, or other form of campaign material prepared by
331 the candidate, the candidate's campaign, or an agent of the
332 candidate, including any pollster, media consultant, advertising
333 agency, vendor, advisor, or staff member; or

334 4. Makes a payment based on information about the
335 candidate's plans, projects, or needs communicated to a member
336 of the committee or person by the candidate or an agent of the

337 candidate, provided the committee or person uses the information
338 in any way, in whole or in part, either directly or indirectly,
339 to design, prepare, or pay for the specific expenditure or
340 advertising campaign at issue; or

341 5. After the last day of the qualifying period prescribed
342 for the candidate, consults about the candidate's plans,
343 projects, or needs in connection with the candidate's pursuit of
344 election to office and the information is used in any way to
345 plan, create, design, or prepare an independent expenditure or
346 advertising campaign, with:

347 a. Any officer, director, employee, or agent of a
348 national, state, or county executive committee of a political
349 party or an affiliated party committee that has made or intends
350 to make expenditures in connection with or contributions to the
351 candidate; or

352 b. Any person whose professional services have been
353 retained by a national, state, or county executive committee of
354 a political party or an affiliated party committee that has made
355 or intends to make expenditures in connection with or
356 contributions to the candidate; or

357 6. After the last day of the qualifying period prescribed
358 for the candidate, retains the professional services of any
359 person also providing those services to the candidate in
360 connection with the candidate's pursuit of election to office;
361 or

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

364 (13) ~~(7)~~ "Issue" means any proposition which is required by

365 the State Constitution, by law or resolution of the Legislature,
366 or by the charter, ordinance, or resolution of any political
367 subdivision of this state to be submitted to the electors for
368 their approval or rejection at an election, or any proposition
369 for which a petition is circulated in order to have such
370 proposition placed on the ballot at any election.

371 (14)~~(8)~~ "Person" means an individual or a corporation,
372 association, firm, partnership, joint venture, joint stock
373 company, club, organization, estate, trust, business trust,
374 syndicate, or other combination of individuals having collective
375 capacity. The term includes a political party, affiliated party
376 committee, or political committee,~~or committee of continuous~~
377 ~~existence.~~

378 (15)~~(17)~~ "Political advertisement" means a paid expression
379 in any communications media prescribed in subsection (4) ~~(13)~~,
380 whether radio, television, newspaper, magazine, periodical,
381 campaign literature, direct mail, or display or by means other
382 than the spoken word in direct conversation, which expressly
383 advocates the election or defeat of a candidate or the approval
384 or rejection of an issue. However, political advertisement does
385 not include:

386 (a) A statement by an organization, in existence prior to
387 the time during which a candidate qualifies or an issue is
388 placed on the ballot for that election, in support of or
389 opposition to a candidate or issue, in that organization's
390 newsletter, which newsletter is distributed only to the members
391 of that organization.

392 (b) Editorial endorsements by any newspaper, radio or

393 television station, or other recognized news medium.

394 (16)~~(1)~~(a) "Political committee" means:

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

398 a. Accepts contributions for the purpose of making
399 contributions to any candidate, political committee, ~~committee~~
400 ~~of continuous existence~~, affiliated party committee, or
401 political party;

402 b. Accepts contributions for the purpose of expressly
403 advocating the election or defeat of a candidate or the passage
404 or defeat of an issue;

405 c. Makes expenditures that expressly advocate the election
406 or defeat of a candidate or the passage or defeat of an issue;
407 or

408 d. Makes contributions to a common fund, other than a
409 joint checking account between spouses, from which contributions
410 are made to any candidate, political committee, ~~committee of~~
411 ~~continuous existence~~, affiliated party committee, or political
412 party;

413 2. The sponsor of a proposed constitutional amendment by
414 initiative who intends to seek the signatures of registered
415 electors.

416 (b) Notwithstanding paragraph (a), the following entities
417 are not considered political committees for purposes of this
418 chapter:

419 1. ~~Organizations which are certified by the Department of~~
420 ~~State as committees of continuous existence pursuant to s.~~

421 ~~106.04~~, National political parties, the state and county
422 executive committees of political parties, and affiliated party
423 committees regulated by chapter 103.

424 2. Corporations regulated by chapter 607 or chapter 617 or
425 other business entities formed for purposes other than to
426 support or oppose issues or candidates, if their political
427 activities are limited to contributions to candidates, political
428 parties, affiliated party committees, or political committees or
429 expenditures in support of or opposition to an issue from
430 corporate or business funds and if no contributions are received
431 by such corporations or business entities.

432 3. Electioneering communications organizations as defined
433 in subsection (9) ~~(19)~~.

434 (17) ~~(10)~~ "Public office" means any state, county,
435 municipal, or school or other district office or position which
436 is filled by vote of the electors.

437 (18) ~~(15)~~ "Unopposed candidate" means a candidate for
438 nomination or election to an office who, after the last day on
439 which any person, including a write-in candidate, may qualify,
440 is without opposition in the election at which the office is to
441 be filled or who is without such opposition after such date as a
442 result of any primary election or of withdrawal by other
443 candidates seeking the same office. A candidate is not an
444 unopposed candidate if there is a vacancy to be filled under s.
445 100.111(3), if there is a legal proceeding pending regarding the
446 right to a ballot position for the office sought by the
447 candidate, or if the candidate is seeking retention as a justice
448 or judge.

449 Section 7. Subsection (1) of section 106.022, Florida
 450 Statutes, is amended to read:

451 106.022 Appointment of a registered agent; duties.—

452 (1) Each political committee, ~~committee of continuous~~
 453 ~~existence,~~ or electioneering communications organization shall
 454 have and continuously maintain in this state a registered office
 455 and a registered agent and must file with the filing officer a
 456 statement of appointment for the registered office and
 457 registered agent. The statement of appointment must:

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

460 (b) Identify the entity for whom the registered agent
 461 serves;

462 (c) Designate the address the registered agent wishes to
 463 use to receive mail;

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

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

470 (f) Contain the signature of the registered agent and the
 471 entity engaging the registered agent.

472 Section 8. Paragraph (c) of subsection (1) of section
 473 106.025, Florida Statutes, is amended to read:

474 106.025 Campaign fund raisers.—

475 (1)

476 (c) Any tickets or advertising for ~~such~~ a campaign fund

477 raiser must comply with ~~is exempt from~~ the requirements of s.
478 106.143.

479 Section 9. Paragraph (b) of subsection (1) of section
480 106.03, Florida Statutes, is amended to read:

481 106.03 Registration of political committees and
482 electioneering communications organizations.—

483 (1)

484 (b)1. Each group shall file a statement of organization as
485 an electioneering communications organization within 24 hours
486 after the date on which it makes expenditures for an
487 electioneering communication in excess of \$5,000, if such
488 expenditures are made within the timeframes specified in s.
489 106.011(8)(a)2. ~~106.011(18)(a)2.~~ If the group makes
490 expenditures for an electioneering communication in excess of
491 \$5,000 before the timeframes specified in s. 106.011(8)(a)2.
492 ~~106.011(18)(a)2.~~, it shall file the statement of organization
493 within 24 hours after the 30th day before a primary or special
494 primary election, or within 24 hours after the 60th day before
495 any other election, whichever is applicable.

496 2.a. In a statewide, legislative, or multicounty election,
497 an electioneering communications organization shall file a
498 statement of organization with the Division of Elections.

499 b. In a countywide election or any election held on less
500 than a countywide basis, except as described in sub-subparagraph
501 c., an electioneering communications organization shall file a
502 statement of organization with the supervisor of elections of
503 the county in which the election is being held.

504 c. In a municipal election, an electioneering

505 | communications organization shall file a statement of
506 | organization with the officer before whom municipal candidates
507 | qualify.

508 | d. Any electioneering communications organization that
509 | would be required to file a statement of organization in two or
510 | more locations need only file a statement of organization with
511 | the Division of Elections.

512 | Section 10. Section 106.05, Florida Statutes, is amended
513 | to read:

514 | 106.05 Deposit of contributions; statement of campaign
515 | treasurer.—All funds received by the campaign treasurer of any
516 | candidate or political committee shall, prior to the end of the
517 | 5th business day following the receipt thereof, Saturdays,
518 | Sundays, and legal holidays excluded, be deposited in a campaign
519 | depository designated pursuant to s. 106.021, in an account that
520 | contains the designated "... (name of the candidate or
521 | committee.)... ~~Campaign Account.~~" Except for contributions to
522 | political committees made by payroll deduction, all deposits
523 | shall be accompanied by a bank deposit slip containing the name
524 | of each contributor and the amount contributed by each. If a
525 | contribution is deposited in a secondary campaign depository,
526 | the depository shall forward the full amount of the deposit,
527 | along with a copy of the deposit slip accompanying the deposit,
528 | to the primary campaign depository prior to the end of the 1st
529 | business day following the deposit.

530 | Section 11. Paragraphs (a) and (b) of subsection (1),
531 | subsection (7), and paragraph (b) of subsection (8) of section
532 | 106.07, Florida Statutes, are amended to read:

533 106.07 Reports; certification and filing.—

534 (1) Each campaign treasurer designated by a candidate or
535 political committee pursuant to s. 106.021 shall file regular
536 reports of all contributions received, and all expenditures
537 made, by or on behalf of such candidate or political committee.
538 Except as provided in paragraphs (a) and (b) ~~Except for the~~
539 ~~third calendar quarter immediately preceding a general election,~~
540 reports shall be filed on the 10th day following the end of each
541 calendar month ~~quarter~~ from the time the campaign treasurer is
542 appointed, except that, if the 10th day following the end of a
543 month ~~calendar quarter~~ occurs on a Saturday, Sunday, or legal
544 holiday, the report shall be filed on the next following day
545 which is not a Saturday, Sunday, or legal holiday. Monthly
546 ~~Quarterly~~ reports shall include all contributions received and
547 expenditures made during the calendar month ~~quarter~~ which have
548 not otherwise been reported pursuant to this section.

549 (a) For a candidate who is opposed in seeking nomination
550 or election to an office or for a political committee, the
551 following reports shall also be filed if the candidate or
552 political committee is required by law to file reports with the
553 division:

554 1. On the 60th day immediately preceding the primary
555 election, and each week thereafter, with the last weekly report
556 being filed on the 11th day immediately preceding the general
557 election.

558 2. On the 10th day immediately preceding the general
559 election, and each day thereafter, with the last daily report
560 being filed the day before the general election ~~Except as~~

561 ~~provided in paragraph (b), the reports shall also be filed on~~
562 ~~the 32nd, 18th, and 4th days immediately preceding the primary~~
563 ~~and on the 46th, 32nd, 18th, and 4th days immediately preceding~~
564 ~~the election, for a candidate who is opposed in seeking~~
565 ~~nomination or election to any office, for a political committee,~~
566 ~~or for a committee of continuous existence.~~

567 (b) For a candidate who is opposed in seeking nomination
568 or election to an office or for a political committee, reports
569 shall also be filed on the 60th day immediately preceding the
570 primary election, and each week thereafter, with the last weekly
571 report being filed on the 4th day immediately preceding the
572 general election, if the candidate or political committee is
573 required by law to file reports with a supervisor of elections
574 or municipal officer ~~Any statewide candidate who has requested~~
575 ~~to receive contributions pursuant to the Florida Election~~
576 ~~Campaign Financing Act or any statewide candidate in a race with~~
577 ~~a candidate who has requested to receive contributions pursuant~~
578 ~~to the act shall also file reports on the 4th, 11th, 18th, 25th,~~
579 ~~and 32nd days prior to the primary election, and on the 4th,~~
580 ~~11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the~~
581 ~~general election.~~

582 (7) Notwithstanding any other provisions of this chapter,
583 in any reporting period during which a candidate or ~~or~~ political
584 committee, ~~or committee of continuous existence~~ has not received
585 funds, made any contributions, or expended any reportable funds,
586 the filing of the required report for that period is waived.
587 However, the next report filed must specify that the report
588 covers the entire period between the last submitted report and

589 the report being filed, and any candidate or, political
590 committee, ~~or committee of continuous existence~~ not reporting by
591 virtue of this subsection on dates prescribed elsewhere in this
592 chapter shall notify the filing officer in writing on the
593 prescribed reporting date that no report is being filed on that
594 date.

595 (8)

596 (b) Upon determining that a report is late, the filing
597 officer shall immediately notify the candidate or chair of the
598 political committee as to the failure to file a report by the
599 designated due date and that a fine is being assessed for each
600 late day. The fine shall be \$50 per day for the first 3 days
601 late and, thereafter, \$500 per day for each late day, not to
602 exceed 25 percent of the total receipts or expenditures,
603 whichever is greater, for the period covered by the late report.
604 However, for the reports immediately preceding each special
605 primary election, special election, primary election, and
606 general election, the fine shall be \$500 per day for each late
607 day, not to exceed 25 percent of the total receipts or
608 expenditures, whichever is greater, for the period covered by
609 the late report. For reports required under s. 106.141(8)
610 ~~106.141(7)~~, the fine is \$50 per day for each late day, not to
611 exceed 25 percent of the total receipts or expenditures,
612 whichever is greater, for the period covered by the late report.
613 Upon receipt of the report, the filing officer shall determine
614 the amount of the fine which is due and shall notify the
615 candidate or chair or registered agent of the political
616 committee. The filing officer shall determine the amount of the

617 fine due based upon the earliest of the following:

- 618 1. When the report is actually received by such officer.
- 619 2. When the report is postmarked.
- 620 3. When the certificate of mailing is dated.
- 621 4. When the receipt from an established courier company is
622 dated.
- 623 5. When the electronic receipt issued pursuant to s.
624 106.0705 or other electronic filing system authorized in this
625 section is dated.

626
627 Such fine shall be paid to the filing officer within 20 days
628 after receipt of the notice of payment due, unless appeal is
629 made to the Florida Elections Commission pursuant to paragraph
630 (c). Notice is deemed complete upon proof of delivery of written
631 notice to the mailing or street address on record with the
632 filing officer. In the case of a candidate, such fine shall not
633 be an allowable campaign expenditure and shall be paid only from
634 personal funds of the candidate. An officer or member of a
635 political committee shall not be personally liable for such
636 fine.

637 Section 12. Subsection (1) of section 106.0703, Florida
638 Statutes, is amended to read:

639 106.0703 Electioneering communications organizations;
640 reporting requirements; certification and filing; penalties.—

641 (1) (a) Each electioneering communications organization
642 shall file regular reports of all contributions received and all
643 expenditures made by or on behalf of the organization. Except as
644 provided in paragraphs (b) and (c), reports shall be filed on

645 the 10th day following the end of each calendar month ~~quarter~~
 646 from the time the organization is registered. However, if the
 647 10th day following the end of a calendar month ~~quarter~~ occurs on
 648 a Saturday, Sunday, or legal holiday, the report shall be filed
 649 on the next following day that is not a Saturday, Sunday, or
 650 legal holiday. Monthly ~~Quarterly~~ reports shall include all
 651 contributions received and expenditures made during the calendar
 652 month ~~quarter~~ that have not otherwise been reported pursuant to
 653 this section.

654 (b) For an electioneering communications organization
 655 required by law to file reports with the division, reports shall
 656 also be filed:

657 1. On the 60th day immediately preceding the primary
 658 election, and each week thereafter, with the last weekly report
 659 being filed on the 11th day immediately preceding the general
 660 election.

661 2. On the 10th day immediately preceding the general
 662 election, and every day thereafter, with the last daily report
 663 being filed the day before the general election ~~Following the~~
 664 ~~last day of candidates qualifying for office, the reports shall~~
 665 ~~be filed on the 32nd, 18th, and 4th days immediately preceding~~
 666 ~~the primary election and on the 46th, 32nd, 18th, and 4th days~~
 667 ~~immediately preceding the general election.~~

668 (c) For an electioneering communications organization
 669 required by law to file reports with a supervisor of elections
 670 or municipal officer, reports shall also be filed on the 60th
 671 day immediately preceding the primary election, and each week
 672 thereafter, with the last weekly report being filed on the 4th

673 | day immediately preceding the general election.

674 | (d) When a special election is called to fill a vacancy in
675 | office, all electioneering communications organizations making
676 | contributions or expenditures to influence the results of the
677 | special election shall file reports with the filing officer on
678 | the dates set by the Department of State pursuant to s. 100.111.

679 | (e)~~(d)~~ In addition to the reports required by paragraph
680 | (a), an electioneering communications organization that is
681 | registered with the Department of State and that makes a
682 | contribution or expenditure to influence the results of a county
683 | or municipal election that is not being held at the same time as
684 | a state or federal election must file reports with the county or
685 | municipal filing officer on the same dates as county or
686 | municipal candidates or committees for that election. The
687 | electioneering communications organization must also include the
688 | expenditure in the next report filed with the Division of
689 | Elections pursuant to this section following the county or
690 | municipal election.

691 | (f)~~(e)~~ The filing officer shall make available to each
692 | electioneering communications organization a schedule
693 | designating the beginning and end of reporting periods as well
694 | as the corresponding designated due dates.

695 | Section 13. Paragraph (b) of subsection (2) and
696 | subsections (3) and (4) of section 106.0705, Florida Statutes,
697 | are amended to read:

698 | 106.0705 Electronic filing of campaign treasurer's
699 | reports.—

700 | (2) (b) Each political committee, ~~committee of continuous~~

701 ~~existence,~~ electioneering communications organization,
702 affiliated party committee, or state executive committee that is
703 required to file reports with the division under ~~s. 106.04,~~ s.
704 106.07, s. 106.0703, or s. 106.29, as applicable, must file such
705 reports with the division by means of the division's electronic
706 filing system.

707 (3) Reports filed pursuant to this section shall be
708 completed and filed through the electronic filing system not
709 later than midnight of the day designated. Reports not filed by
710 midnight of the day designated are late filed and are subject to
711 the penalties under ~~s. 106.04(9),~~ s. 106.07(8), s. 106.0703(7),
712 or s. 106.29(3), as applicable.

713 (4) Each report filed pursuant to this section is
714 considered to be under oath by the candidate and treasurer, the
715 chair and treasurer, the treasurer under s. 106.0703, or the
716 leader and treasurer under s. 103.092, whichever is applicable,
717 and such persons are subject to the provisions of ~~s.~~
718 ~~106.04(4)(d),~~ s. 106.07(5), s. 106.0703(4), or s. 106.29(2), as
719 applicable. Persons given a secure sign-on to the electronic
720 filing system are responsible for protecting such from
721 disclosure and are responsible for all filings using such
722 credentials, unless they have notified the division that their
723 credentials have been compromised.

724 Section 14. Effective July 1, 2013, paragraph (a) of
725 subsection (1) of section 106.08, Florida Statutes, is amended
726 to read:

727 106.08 Contributions; limitations on.—

728 (1) (a) Except for political parties or affiliated party

729 | committees, no person or, political committee, ~~or committee of~~
 730 | ~~continuous existence~~ may, in any election, make contributions in
 731 | excess of \$10,000 ~~\$500~~ to any candidate for election to or
 732 | retention in office ~~or to any political committee supporting or~~
 733 | ~~opposing one or more candidates~~. Candidates for the offices of
 734 | Governor and Lieutenant Governor on the same ticket are
 735 | considered a single candidate for the purpose of this section.

736 | Section 15. Paragraph (c) of subsection (1) and
 737 | subsections (7) and (10) of section 106.08, Florida Statutes,
 738 | are amended to read:

739 | 106.08 Contributions; limitations on.—

740 | (1)

741 | (c) The contribution limits of this subsection apply to
 742 | each election. For purposes of this subsection, the primary
 743 | election and general election are separate elections so long as
 744 | the candidate is not an unopposed candidate as defined in s.
 745 | 106.011 ~~106.011(15)~~. However, for the purpose of contribution
 746 | limits with respect to candidates for retention as a justice or
 747 | judge, there is only one election, which is the general
 748 | election.

749 | (7) (a) Any person who knowingly and willfully makes or
 750 | accepts no more than one contribution in violation of subsection
 751 | (1) or subsection (5), or any person who knowingly and willfully
 752 | fails or refuses to return any contribution as required in
 753 | subsection (3), commits a misdemeanor of the first degree,
 754 | punishable as provided in s. 775.082 or s. 775.083. If any
 755 | corporation, partnership, or other business entity or any
 756 | political party, affiliated party committee, political

757 | committee, ~~committee of continuous existence~~, or electioneering
758 | communications organization is convicted of knowingly and
759 | willfully violating any provision punishable under this
760 | paragraph, it shall be fined not less than \$1,000 and not more
761 | than \$10,000. If it is a domestic entity, it may be ordered
762 | dissolved by a court of competent jurisdiction; if it is a
763 | foreign or nonresident business entity, its right to do business
764 | in this state may be forfeited. Any officer, partner, agent,
765 | attorney, or other representative of a corporation, partnership,
766 | or other business entity, or of a political party, affiliated
767 | party committee, political committee, ~~committee of continuous~~
768 | ~~existence~~, electioneering communications organization, or
769 | organization exempt from taxation under s. 527 or s. 501(c)(4)
770 | of the Internal Revenue Code, who aids, abets, advises, or
771 | participates in a violation of any provision punishable under
772 | this paragraph commits a misdemeanor of the first degree,
773 | punishable as provided in s. 775.082 or s. 775.083.

774 | (b) Any person who knowingly and willfully makes or
775 | accepts two or more contributions in violation of subsection (1)
776 | or subsection (5) commits a felony of the third degree,
777 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
778 | If any corporation, partnership, or other business entity or any
779 | political party, affiliated party committee, political
780 | committee, ~~committee of continuous existence~~, or electioneering
781 | communications organization is convicted of knowingly and
782 | willfully violating any provision punishable under this
783 | paragraph, it shall be fined not less than \$10,000 and not more
784 | than \$50,000. If it is a domestic entity, it may be ordered

785 dissolved by a court of competent jurisdiction; if it is a
 786 foreign or nonresident business entity, its right to do business
 787 in this state may be forfeited. Any officer, partner, agent,
 788 attorney, or other representative of a corporation, partnership,
 789 or other business entity, or of a political committee, ~~committee~~
 790 ~~of continuous existence~~, political party, affiliated party
 791 committee, or electioneering communications organization, or
 792 organization exempt from taxation under s. 527 or s. 501(c)(4)
 793 of the Internal Revenue Code, who aids, abets, advises, or
 794 participates in a violation of any provision punishable under
 795 this paragraph commits a felony of the third degree, punishable
 796 as provided in s. 775.082, s. 775.083, or s. 775.084.

797 (10) Contributions to a political committee ~~or committee~~
 798 ~~of continuous existence~~ may be received by an affiliated
 799 organization and transferred to the bank account of the
 800 political committee ~~or committee of continuous existence~~ via
 801 check written from the affiliated organization if such
 802 contributions are specifically identified as intended to be
 803 contributed to the political committee ~~or committee of~~
 804 ~~continuous existence~~. All contributions received in this manner
 805 shall be reported pursuant to s. 106.07 by the political
 806 committee ~~or committee of continuous existence~~ as having been
 807 made by the original contributor.

808 Section 16. Subsection (2) of section 106.087, Florida
 809 Statutes, is amended to read:

810 106.087 Independent expenditures; contribution limits;
 811 restrictions on political parties and, political committees, ~~and~~
 812 ~~committees of continuous existence.~~

813 (2) (a) Any political committee ~~or committee of continuous~~
 814 ~~existence~~ that accepts the use of public funds, equipment,
 815 personnel, or other resources to collect dues from its members
 816 agrees not to make independent expenditures in support of or
 817 opposition to a candidate or elected public official. However,
 818 expenditures may be made for the sole purpose of jointly
 819 endorsing three or more candidates.

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

825 Section 17. Paragraph (b) of subsection (1) and paragraph
 826 (a) of subsection (2) of section 106.11, Florida Statutes, are
 827 amended to read:

828 106.11 Expenses of and expenditures by candidates and
 829 political committees.—Each candidate and each political
 830 committee which designates a primary campaign depository
 831 pursuant to s. 106.021(1) shall make expenditures from funds on
 832 deposit in such primary campaign depository only in the
 833 following manner, with the exception of expenditures made from
 834 petty cash funds provided by s. 106.12:

835 (1)

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

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

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

841 3. The exact amount of the expenditure.

842 4. The signature of the campaign treasurer or deputy
843 treasurer.

844 5. The exact purpose for which the expenditure is
845 authorized.

846 6. The name of the payee.

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

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

852 2. Debit cards are issued in the name of the treasurer,
853 deputy treasurer, or authorized user and contain the state
854 "... (name of the campaign account of the candidate or political
855 committee.) ... Campaign Account."

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

858 4. The person using the debit card does not receive cash
859 as part of, or independent of, any transaction for goods or
860 services.

861 5. All receipts for debit card transactions contain:

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

863 b. The exact amount of the expenditure.

864 c. The name of the payee.

865 d. The signature of the campaign treasurer, deputy
866 treasurer, or authorized user.

867 e. The exact purpose for which the expenditure is
868 authorized.

869 Any information required by this subparagraph but not included
870 on the debit card transaction receipt may be handwritten on, or
871 attached to, the receipt by the authorized user before
872 submission to the treasurer.

873 Section 18. Subsection (3) of section 106.12, Florida
874 Statutes, is amended to read:

875 106.12 Petty cash funds allowed.—

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

881 Section 19. Section 106.141, Florida Statutes, is amended
882 to read:

883 106.141 Disposition of surplus funds by candidates.—

884 (1) Except as provided in subsection (6), each candidate
885 who withdraws his or her candidacy, becomes an unopposed
886 candidate, or is eliminated as a candidate or elected to office
887 shall, within 90 days, dispose of the funds on deposit in his or
888 her campaign account and file a report reflecting the
889 disposition of all remaining funds. Such candidate shall not
890 accept any contributions, nor shall any person accept
891 contributions on behalf of such candidate, after the candidate
892 withdraws his or her candidacy, becomes unopposed, or is
893 eliminated or elected. However, if a candidate receives a refund
894 check after all surplus funds have been disposed of, the check
895 may be endorsed by the candidate and the refund disposed of
896 under this section. An amended report must be filed showing the

897 refund and subsequent disposition.

898 (2) Any candidate required to dispose of funds pursuant to
899 this section may, prior to such disposition, be reimbursed by
900 the campaign, in full or in part, for any reported contributions
901 by the candidate to the campaign.

902 (3) The campaign treasurer of a candidate who withdraws
903 his or her candidacy, becomes unopposed, or is eliminated as a
904 candidate or elected to office and who has funds on deposit in a
905 separate interest-bearing account or certificate of deposit
906 shall, within 7 days after the date of becoming unopposed or the
907 date of such withdrawal, elimination, or election, transfer such
908 funds and the accumulated interest earned thereon to the
909 campaign account of the candidate for disposal under this
910 section. However, if the funds are in an account in which
911 penalties will apply for withdrawal within the 7-day period, the
912 campaign treasurer shall transfer such funds and the accumulated
913 interest earned thereon as soon as the funds can be withdrawn
914 without penalty, or within 90 days after the candidate becomes
915 unopposed, withdraws his or her candidacy, or is eliminated or
916 elected, whichever comes first.

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

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

923 2. Donate the funds that have not been spent or obligated
924 to a charitable organization or organizations that meet the

925 | qualifications of s. 501(c)(3) of the Internal Revenue Code.

926 | 3. Give the funds that have not been spent or obligated to
 927 | the affiliated party committee or political party of which such
 928 | candidate is a member.

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

930 | a. In the case of a candidate for state office, to the
 931 | state, to be deposited in either the Election Campaign Financing
 932 | Trust Fund or the General Revenue Fund, as designated by the
 933 | candidate; or

934 | b. In the case of a candidate for an office of a political
 935 | subdivision, to such political subdivision, to be deposited in
 936 | the general fund thereof.

937 | (b) Any candidate required to dispose of funds pursuant to
 938 | this section who has received contributions pursuant to the
 939 | Florida Election Campaign Financing Act shall, after all
 940 | monetary commitments pursuant to s. 106.11(5)(b) and (c) have
 941 | been met, return all surplus campaign funds to the General
 942 | Revenue Fund.

943 | (5) A candidate elected to office or a candidate who will
 944 | be elected to office by virtue of his or her being unopposed
 945 | may, in addition to the disposition methods provided in
 946 | subsection (4), transfer from the campaign account to an office
 947 | account any amount of the funds on deposit in such campaign
 948 | account up to:

949 | (a) Twenty thousand dollars, for a candidate for statewide
 950 | office. The Governor and Lieutenant Governor shall be considered
 951 | separate candidates for the purpose of this section.

952 | (b) Five thousand dollars, for a candidate for multicounty

953 office.

954 (c) Five thousand dollars multiplied by the number of
955 years in the term of office for which elected, for a candidate
956 for legislative office.

957 (d) Two thousand five hundred dollars multiplied by the
958 number of years in the term of office for which elected, for a
959 candidate for county office or for a candidate in any election
960 conducted on less than a countywide basis.

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

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

965 (g) One thousand five hundred dollars, for a candidate for
966 county court judge or circuit judge.

967

968 The office account established pursuant to this subsection shall
969 be separate from any personal or other account. Any funds so
970 transferred by a candidate shall be used only for legitimate
971 expenses in connection with the candidate's public office. Such
972 expenses may include travel expenses incurred by the officer or
973 a staff member, personal taxes payable on office account funds
974 by the candidate or elected public official, or expenses
975 incurred in the operation of his or her office, including the
976 employment of additional staff. The funds may be deposited in a
977 savings account; however, all deposits, withdrawals, and
978 interest earned thereon shall be reported at the appropriate
979 reporting period. If a candidate is reelected to office or
980 elected to another office and has funds remaining in his or her

981 office account, he or she may transfer surplus campaign funds to
982 the office account. At no time may the funds in the office
983 account exceed the limitation imposed by this subsection. Upon
984 leaving public office, any person who has funds in an office
985 account pursuant to this subsection remaining on deposit shall
986 give such funds to a charitable organization or organizations
987 which meet the requirements of s. 501(c)(3) of the Internal
988 Revenue Code or, in the case of a state officer, to the state to
989 be deposited in the General Revenue Fund or, in the case of an
990 officer of a political subdivision, to the political subdivision
991 to be deposited in the general fund thereof.

992 (6) (a) A candidate elected to state office or a candidate
993 who will be elected to state office by virtue of his or her
994 being unopposed may, in addition to the disposition methods
995 provided in subsections (4) and (5), retain up to \$100,000 in
996 his or her campaign account, or in an interest-bearing account
997 or certificate of deposit, for use in his or her next campaign
998 for the same office. All requirements applicable to candidate
999 campaign accounts under this chapter, including disclosure
1000 requirements applicable to candidate campaign accounts,
1001 limitations on expenditures, and limitations on contributions,
1002 shall apply to any retained funds.

1003 (b) If a candidate who retained funds under this
1004 subsection does not qualify as a candidate for the same office
1005 when the office is next on the ballot, all retained funds shall
1006 be disposed of as otherwise required by this section within 90
1007 days after the last day of qualifying for that office.
1008 Requirements in this section applicable to the disposal of

1009 surplus funds, including reporting requirements, are applicable
1010 to the disposal of retained funds.

1011 (7)~~(6)~~ Prior to disposing of funds pursuant to subsection
1012 (4) or transferring funds into an office account pursuant to
1013 subsection (5), any candidate who filed an oath stating that he
1014 or she was unable to pay the election assessment or fee for
1015 verification of petition signatures without imposing an undue
1016 burden on his or her personal resources or on resources
1017 otherwise available to him or her, or who filed both such oaths,
1018 or who qualified by the petition process and was not required to
1019 pay an election assessment, shall reimburse the state or local
1020 governmental entity, whichever is applicable, for such waived
1021 assessment or fee or both. Such reimbursement shall be made
1022 first for the cost of petition verification and then, if funds
1023 are remaining, for the amount of the election assessment. If
1024 there are insufficient funds in the account to pay the full
1025 amount of either the assessment or the fee or both, the
1026 remaining funds shall be disbursed in the above manner until no
1027 funds remain. All funds disbursed pursuant to this subsection
1028 shall be remitted to the qualifying officer. Any reimbursement
1029 for petition verification costs which are reimbursable by the
1030 state shall be forwarded by the qualifying officer to the state
1031 for deposit in the General Revenue Fund. All reimbursements for
1032 the amount of the election assessment shall be forwarded by the
1033 qualifying officer to the Department of State for deposit in the
1034 General Revenue Fund.

1035 (8)~~(7)~~(a) Any candidate required to dispose of campaign
1036 funds pursuant to this section shall do so within the time

1037 required by this section and shall, on or before the date by
1038 which such disposition is to have been made, file with the
1039 officer with whom reports are required to be filed pursuant to
1040 s. 106.07 a form prescribed by the Division of Elections
1041 listing:

1042 1. The name and address of each person or unit of
1043 government to whom any of the funds were distributed and the
1044 amounts thereof;

1045 2. The name and address of each person to whom an
1046 expenditure was made, together with the amount thereof and
1047 purpose therefor; ~~and~~

1048 3. The amount of such funds transferred to an office
1049 account by the candidate, together with the name and address of
1050 the bank in which the office account is located; and

1051 4. The amount of such funds retained pursuant to
1052 subsection (6).

1053
1054 Such report shall be signed by the candidate and the campaign
1055 treasurer and certified as true and correct pursuant to s.
1056 106.07.

1057 (b) The filing officer shall notify each candidate at
1058 least 14 days before the date the report is due.

1059 (c) Any candidate failing to file a report on the
1060 designated due date shall be subject to a fine as provided in s.
1061 106.07 for submitting late termination reports.

1062 (9) ~~(8)~~ Any candidate elected to office who transfers
1063 surplus campaign funds into an office account pursuant to
1064 subsection (5) shall file a report on the 10th day following the

1065 end of each calendar quarter until the account is closed. Such
1066 reports shall contain the name and address of each person to
1067 whom any disbursement of funds was made, together with the
1068 amount thereof and the purpose therefor, and the name and
1069 address of any person from whom the elected candidate received
1070 any refund or reimbursement and the amount thereof. Such reports
1071 shall be on forms prescribed by the Division of Elections,
1072 signed by the elected candidate, certified as true and correct,
1073 and filed with the officer with whom campaign reports were filed
1074 pursuant to s. 106.07(2).

1075 (10)~~(9)~~ Any candidate, or any person on behalf of a
1076 candidate, who accepts contributions after such candidate has
1077 withdrawn his or her candidacy, after the candidate has become
1078 an unopposed candidate, or after the candidate has been
1079 eliminated as a candidate or elected to office commits a
1080 misdemeanor of the first degree, punishable as provided in s.
1081 775.082 or s. 775.083.

1082 (11)~~(10)~~ Any candidate who is required by the provisions
1083 of this section to dispose of funds in his or her campaign
1084 account and who fails to dispose of the funds in the manner
1085 provided in this section commits a misdemeanor of the first
1086 degree, punishable as provided in s. 775.082 or s. 775.083.

1087 Section 20. Paragraph (b) of subsection (3) of section
1088 106.147, Florida Statutes, is amended to read:

1089 106.147 Telephone solicitation; disclosure requirements;
1090 prohibitions; exemptions; penalties.—

1091 (3) (b) For purposes of paragraph (a), the term "person"
1092 includes any candidate; any officer of any political committee,

1093 ~~committee of continuous existence,~~ affiliated party committee,
 1094 or political party executive committee; any officer, partner,
 1095 attorney, or other representative of a corporation, partnership,
 1096 or other business entity; and any agent or other person acting
 1097 on behalf of any candidate, political committee, ~~committee of~~
 1098 ~~continuous existence,~~ affiliated party committee, political
 1099 party executive committee, or corporation, partnership, or other
 1100 business entity.

1101 Section 21. Section 106.17, Florida Statutes, is amended
 1102 to read:

1103 106.17 Polls and surveys relating to candidacies.—Any
 1104 candidate, political committee, ~~committee of continuous~~
 1105 ~~existence,~~ electioneering communication organization, affiliated
 1106 party committee, or state or county executive committee of a
 1107 political party may authorize or conduct a political poll,
 1108 survey, index, or measurement of any kind relating to candidacy
 1109 for public office so long as the candidate, political committee,
 1110 ~~committee of continuous existence,~~ electioneering communication
 1111 organization, affiliated party committee, or political party
 1112 maintains complete jurisdiction over the poll in all its
 1113 aspects. State and county executive committees of a political
 1114 party or an affiliated party committee may authorize and conduct
 1115 political polls for the purpose of determining the viability of
 1116 potential candidates. Such poll results may be shared with
 1117 potential candidates, and expenditures incurred by state and
 1118 county executive committees or an affiliated party committee for
 1119 potential candidate polls are not contributions to the potential
 1120 candidates.

1121 Section 22. Subsection (2) of section 106.23, Florida
 1122 Statutes, is amended to read:

1123 106.23 Powers of the Division of Elections.—

1124 (2) The Division of Elections shall provide advisory
 1125 opinions when requested by any supervisor of elections,
 1126 candidate, local officer having election-related duties,
 1127 political party, affiliated party committee, political
 1128 committee, ~~committee of continuous existence~~, or other person or
 1129 organization engaged in political activity, relating to any
 1130 provisions or possible violations of Florida election laws with
 1131 respect to actions such supervisor, candidate, local officer
 1132 having election-related duties, political party, affiliated
 1133 party committee, committee, person, or organization has taken or
 1134 proposes to take. Requests for advisory opinions must be
 1135 submitted in accordance with rules adopted by the Department of
 1136 State. A written record of all such opinions issued by the
 1137 division, sequentially numbered, dated, and indexed by subject
 1138 matter, shall be retained. A copy shall be sent to said person
 1139 or organization upon request. Any such person or organization,
 1140 acting in good faith upon such an advisory opinion, shall not be
 1141 subject to any criminal penalty provided for in this chapter.
 1142 The opinion, until amended or revoked, shall be binding on any
 1143 person or organization who sought the opinion or with reference
 1144 to whom the opinion was sought, unless material facts were
 1145 omitted or misstated in the request for the advisory opinion.

1146 Section 23. Subsections (2) and (3) of section 106.265,
 1147 Florida Statutes, are amended to read:

1148 106.265 Civil penalties.—

1149 (2) In determining the amount of such civil penalties, the
 1150 commission or administrative law judge shall consider, among
 1151 other mitigating and aggravating circumstances:

1152 (a) The gravity of the act or omission;

1153 (b) Any previous history of similar acts or omissions;

1154 (c) The appropriateness of such penalty to the financial
 1155 resources of the person, political committee, ~~committee of~~
 1156 ~~continuous existence~~, affiliated party committee, electioneering
 1157 communications organization, or political party; and

1158 (d) Whether the person, political committee, ~~committee of~~
 1159 ~~continuous existence~~, affiliated party committee, electioneering
 1160 communications organization, or political party has shown good
 1161 faith in attempting to comply with the provisions of this
 1162 chapter or chapter 104.

1163 (3) If any person, political committee, ~~committee of~~
 1164 ~~continuous existence~~, affiliated party committee, electioneering
 1165 communications organization, or political party fails or refuses
 1166 to pay to the commission any civil penalties assessed pursuant
 1167 to the provisions of this section, the commission shall be
 1168 responsible for collecting the civil penalties resulting from
 1169 such action.

1170 Section 24. Subsection (2) of section 106.27, Florida
 1171 Statutes, is amended to read:

1172 106.27 Determinations by commission; legal disposition.—

1173 (2) Civil actions may be brought by the commission for
 1174 relief, including permanent or temporary injunctions,
 1175 restraining orders, or any other appropriate order for the
 1176 imposition of civil penalties provided by this chapter. Such

1177 civil actions shall be brought by the commission in the
 1178 appropriate court of competent jurisdiction, and the venue shall
 1179 be in the county in which the alleged violation occurred or in
 1180 which the alleged violator or violators are found, reside, or
 1181 transact business. Upon a proper showing that such person,
 1182 political committee, ~~committee of continuous existence,~~
 1183 affiliated party committee, or political party has engaged, or
 1184 is about to engage, in prohibited acts or practices, a permanent
 1185 or temporary injunction, restraining order, or other order shall
 1186 be granted without bond by such court, and the civil fines
 1187 provided by this chapter may be imposed.

1188 Section 25. Subsection (3) of section 106.32, Florida
 1189 Statutes, is amended to read:

1190 106.32 Election Campaign Financing Trust Fund.—

1191 (3) Proceeds from assessments pursuant to ss. ~~106.04,~~
 1192 ~~106.07~~ and 106.29 shall be deposited into the Election Campaign
 1193 Financing Trust Fund as designated in those sections.

1194 Section 26. Section 106.33, Florida Statutes, is amended
 1195 to read:

1196 106.33 Election campaign financing; eligibility.—Each
 1197 candidate for the office of Governor or member of the Cabinet
 1198 who desires to receive contributions from the Election Campaign
 1199 Financing Trust Fund shall, upon qualifying for office, file a
 1200 request for such contributions with the filing officer on forms
 1201 provided by the Division of Elections. If a candidate requesting
 1202 contributions from the fund desires to have such funds
 1203 distributed by electronic fund transfers, the request shall
 1204 include information necessary to implement that procedure. For

1205 the purposes of ss. 106.30-106.36, candidates for Governor and
 1206 Lieutenant Governor on the same ticket shall be considered as a
 1207 single candidate. To be eligible to receive contributions from
 1208 the fund, a candidate may not be an unopposed candidate as
 1209 defined in s. 106.011 ~~106.011(15)~~ and must:

1210 (1) Agree to abide by the expenditure limits provided in
 1211 s. 106.34.

1212 (2) (a) Raise contributions as follows:

1213 1. One hundred fifty thousand dollars for a candidate for
 1214 Governor.

1215 2. One hundred thousand dollars for a candidate for
 1216 Cabinet office.

1217 (b) Contributions from individuals who at the time of
 1218 contributing are not state residents may not be used to meet the
 1219 threshold amounts in paragraph (a). For purposes of this
 1220 paragraph, any person validly registered to vote in this state
 1221 shall be considered a state resident.

1222 (3) Limit loans or contributions from the candidate's
 1223 personal funds to \$25,000 and contributions from national,
 1224 state, and county executive committees of a political party to
 1225 \$250,000 in the aggregate, which loans or contributions shall
 1226 not qualify for meeting the threshold amounts in subsection (2).

1227 (4) Submit to a postelection audit of the campaign account
 1228 by the division.

1229 Section 27. Subsections (3) and (4) and paragraph (a) of
 1230 subsection (5) of section 112.3148, Florida Statutes, are
 1231 amended to read:

1232 112.3148 Reporting and prohibited receipt of gifts by

1233 individuals filing full or limited public disclosure of
1234 financial interests and by procurement employees.—

1235 (3) A reporting individual or procurement employee is
1236 prohibited from soliciting any gift from a political committee
1237 ~~or committee of continuous existence~~, as defined in s. 106.011,
1238 or from a lobbyist who lobbies the reporting individual's or
1239 procurement employee's agency, or the partner, firm, employer,
1240 or principal of such lobbyist, where such gift is for the
1241 personal benefit of the reporting individual or procurement
1242 employee, another reporting individual or procurement employee,
1243 or any member of the immediate family of a reporting individual
1244 or procurement employee.

1245 (4) A reporting individual or procurement employee or any
1246 other person on his or her behalf is prohibited from knowingly
1247 accepting, directly or indirectly, a gift from a political
1248 ~~committee or committee of continuous existence~~, as defined in s.
1249 106.011, or from a lobbyist who lobbies the reporting
1250 individual's or procurement employee's agency, or directly or
1251 indirectly on behalf of the partner, firm, employer, or
1252 principal of a lobbyist, if he or she knows or reasonably
1253 believes that the gift has a value in excess of \$100; however,
1254 such a gift may be accepted by such person on behalf of a
1255 governmental entity or a charitable organization. If the gift is
1256 accepted on behalf of a governmental entity or charitable
1257 organization, the person receiving the gift shall not maintain
1258 custody of the gift for any period of time beyond that
1259 reasonably necessary to arrange for the transfer of custody and
1260 ownership of the gift.

1261 (5) (a) A political committee ~~or a committee of continuous~~
 1262 ~~existence~~, as defined in s. 106.011; a lobbyist who lobbies a
 1263 reporting individual's or procurement employee's agency; the
 1264 partner, firm, employer, or principal of a lobbyist; or another
 1265 on behalf of the lobbyist or partner, firm, principal, or
 1266 employer of the lobbyist is prohibited from giving, either
 1267 directly or indirectly, a gift that has a value in excess of
 1268 \$100 to the reporting individual or procurement employee or any
 1269 other person on his or her behalf; however, such person may give
 1270 a gift having a value in excess of \$100 to a reporting
 1271 individual or procurement employee if the gift is intended to be
 1272 transferred to a governmental entity or a charitable
 1273 organization.

1274 Section 28. Subsections (3) and (4) of section 112.3149,
 1275 Florida Statutes, are amended to read:

1276 112.3149 Solicitation and disclosure of honoraria.—

1277 (3) A reporting individual or procurement employee is
 1278 prohibited from knowingly accepting an honorarium from a
 1279 political committee ~~or committee of continuous existence~~, as
 1280 defined in s. 106.011, from a lobbyist who lobbies the reporting
 1281 individual's or procurement employee's agency, or from the
 1282 employer, principal, partner, or firm of such a lobbyist.

1283 (4) A political committee ~~or committee of continuous~~
 1284 ~~existence~~, as defined in s. 106.011, a lobbyist who lobbies a
 1285 reporting individual's or procurement employee's agency, or the
 1286 employer, principal, partner, or firm of such a lobbyist is
 1287 prohibited from giving an honorarium to a reporting individual
 1288 or procurement employee.

1289 Section 29. Subsection (4) of section 1004.28, Florida
 1290 Statutes, is amended to read:

1291 1004.28 Direct-support organizations; use of property;
 1292 board of directors; activities; audit; facilities.—

1293 (4) ACTIVITIES; RESTRICTION.—A university direct-support
 1294 organization is prohibited from giving, either directly or
 1295 indirectly, any gift to a political committee ~~or committee of~~
 1296 ~~continuous existence~~ as defined in s. 106.011 for any purpose
 1297 other than those certified by a majority roll call vote of the
 1298 governing board of the direct-support organization at a
 1299 regularly scheduled meeting as being directly related to the
 1300 educational mission of the university.

1301 Section 30. Paragraph (d) of subsection (4) of section
 1302 1004.70, Florida Statutes, is amended to read:

1303 1004.70 Florida College System institution direct-support
 1304 organizations.—

1305 (4) ACTIVITIES; RESTRICTIONS.—

1306 (d) A Florida College System institution direct-support
 1307 organization is prohibited from giving, either directly or
 1308 indirectly, any gift to a political committee ~~or committee of~~
 1309 ~~continuous existence~~ as defined in s. 106.011 for any purpose
 1310 other than those certified by a majority roll call vote of the
 1311 governing board of the direct-support organization at a
 1312 regularly scheduled meeting as being directly related to the
 1313 educational mission of the Florida College System institution.

1314 Section 31. Paragraph (c) of subsection (4) of section
 1315 1004.71, Florida Statutes, is amended to read:

1316 1004.71 Statewide Florida College System institution

1317 direct-support organizations.—

1318 (4) RESTRICTIONS.—

1319 (c) A statewide Florida College System institution direct-
1320 support organization is prohibited from giving, either directly
1321 or indirectly, any gift to a political committee ~~or committee of~~
1322 ~~continuous existence~~ as defined in s. 106.011 for any purpose
1323 other than those certified by a majority roll call vote of the
1324 governing board of the direct-support organization at a
1325 regularly scheduled meeting as being directly related to the
1326 educational mission of the State Board of Education.

1327 Section 32. By December 1, 2013, the Division of Elections
1328 of the Department of State shall submit a proposal to the
1329 President of the Senate and the Speaker of the House of
1330 Representatives for a mandatory statewide electronic filing
1331 system for all state and local campaign finance reports required
1332 by s. 106.07, Florida Statutes, s. 106.0703, Florida Statutes,
1333 or s. 106.29, Florida Statutes.

1334 Section 33. (1) For Fiscal Year 2013-2014, one full-time
1335 equivalent position, with associated salary rate of 33,000, is
1336 authorized and \$42,900 in recurring funds from the Elections
1337 Commission Trust Fund within the Department of Legal Affairs is
1338 appropriated to the Florida Elections Commission to carry out
1339 the provisions of this act.

1340 (2) For Fiscal Year 2013-2014, two full-time equivalent
1341 positions, with associated salary rate of 57,297, are authorized
1342 and \$85,000 in recurring funds from the General Revenue Fund is
1343 appropriated to the Division of Elections of the Department of
1344 State to carry out the provisions of this act.

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1345 | (3) This section shall take effect July 1, 2013.
1346 | Section 34. Except as otherwise expressly provided in this
1347 | act and except for this section, which shall take effect upon
1348 | this act becoming a law, this act shall take effect November 1,
1349 | 2013.