

1 A bill to be entitled
2 An act relating to elections; providing a popular name;
3 amending s. 97.021, F.S.; defining the term "early
4 voting"; amending s. 101.015, F.S.; requiring supervisors
5 of elections to include written procedures for early
6 voting in their accuracy and security procedures and to
7 submit any revisions to those security procedures within a
8 specified period before early voting commences; amending
9 s. 101.5612, F.S.; providing for testing of tabulating
10 equipment prior to commencement of early voting and notice
11 thereof; amending s. 101.5613, F.S.; specifying the person
12 responsible for examination of equipment for purposes of
13 early voting; amending s. 101.657, F.S.; authorizing and
14 providing requirements for early voting; providing for
15 designation of certain facilities as early voting sites;
16 amending s. 106.011, F.S.; redefining the terms "political
17 committee," "contribution," "expenditure," "independent
18 expenditure," "communications media," and "political
19 advertisement"; defining the term "electioneering
20 communication"; amending s. 106.021, F.S.; providing
21 exceptions to a prohibition against making certain
22 contributions or expenditures in connection with a
23 campaign or activities of a political committee;
24 authorizing reimbursement of expenses incurred in
25 connection with a campaign or activities of a political
26 committee; requiring disclosure of the names and addresses
27 of persons reimbursed from a campaign account; providing
28 for retroactive operation; amending s. 106.023, F.S.;

29 | providing that the execution and filing of the statement
30 | of candidate does not in and of itself create a
31 | presumption that a violation of ch. 106 or ch. 104, F.S.,
32 | is a willful violation; amending s. 106.04, F.S.;
33 | modifying contribution reporting requirements for
34 | committees of continuous existence; modifying prohibitions
35 | on activities of committees of continuous existence;
36 | reducing the fine for late filing of campaign finance
37 | reports by committees of continuous existence for the
38 | first 3 days; providing for deposit of fine proceeds into
39 | the General Revenue Fund; amending s. 106.07, F.S.;
40 | revising requirements for filing campaign reports;
41 | revising requirements with respect to timely filing of
42 | mailed reports; requiring the reporting of the primary
43 | purposes of certain expenditures made indirectly through a
44 | campaign treasurer for certain goods and services;
45 | expanding grounds for appealing or disputing a fine;
46 | requiring the Florida Elections Commission to consider
47 | mitigating and aggravating circumstances in determining
48 | the amount of a fine, if any, to be waived for late-filed
49 | reports; providing for deposit of certain fine proceeds
50 | into the General Revenue Fund; limiting investigation of
51 | alleged late filing violations; providing for electronic
52 | filing of reports; allowing electronic receipts to be used
53 | as proof of filing; creating s. 106.0705, F.S.; providing
54 | for electronic filing of campaign finance reports;
55 | providing standards and guidelines; providing penalties;
56 | providing for adoption of rules; amending s. 106.071,

57 F.S.; establishing reporting requirements for certain
58 individuals making electioneering communications;
59 modifying sponsorship disclaimer requirements for
60 independent expenditures; creating an exemption; deleting
61 a limitation on contributions to fund independent
62 expenditures; amending s. 106.141, F.S.; increasing the
63 amount of surplus funds a candidate for the Florida Senate
64 can turn back to a political party; providing for deposit
65 into the General Revenue Fund of reimbursed election
66 assessments; amending s. 106.143, F.S.; modifying
67 sponsorship disclaimer requirements for political
68 advertisements; amending s. 106.1437, F.S.; creating
69 exemptions to disclaimer requirements for certain public
70 policy advertisements; creating s. 106.1439, F.S.;
71 creating disclaimer requirements for electioneering
72 communications; providing penalties; repealing s. 106.148,
73 F.S., relating to sponsorship disclaimer requirements for
74 certain computer messages; amending s. 106.25, F.S.;
75 restricting the alleged violations the commission may
76 investigate to those specifically contained within a sworn
77 complaint; providing restrictions on subsequent complaints
78 based on the same facts or allegations as a prior
79 complaint; authorizing respondents and complainants and
80 their counsels to attend hearings at which probable cause
81 is determined; requiring prior notice; permitting a brief
82 oral statement; specifying bases for determining probable
83 cause; amending s. 106.265, F.S.; providing liability of
84 complainants for costs and reasonable attorney's fees

85 | under certain circumstances; providing for civil actions
 86 | to collect such costs and fees; amending s. 106.29, F.S.;
 87 | providing that the proceeds of funds assessed against
 88 | political parties for the late filing of reports shall be
 89 | deposited into the General Revenue Fund; providing for
 90 | determination of fine for electronically filed campaign
 91 | finance reports; providing applicability of certain
 92 | sections of the bill to pending and future cases before
 93 | the Florida Elections Commission; providing for
 94 | severability; providing effective dates.

95 |
 96 | Be It Enacted by the Legislature of the State of Florida:

97 |
 98 | Section 1. This act shall be known by the popular name the
 99 | "Florida Advertising Campaign Exposure Act."

100 | Section 2. Subsections (7) through (38) are renumbered as
 101 | subsections (8) through (39), respectively, and a new subsection
 102 | (8) is added to said section to read:

103 | 97.021 Definitions.--For the purposes of this code, except
 104 | where the context clearly indicates otherwise, the term:

105 | (7) "Early voting" means casting a ballot prior to
 106 | election day at a location designated by the supervisor of
 107 | elections and depositing the voted ballot in the tabulation
 108 | system.

109 | Section 3. Paragraphs (b) and (c) of subsection (4) of
 110 | section 101.015, Florida Statutes, are amended to read:

111 | 101.015 Standards for voting systems.--
 112 | (4)

113 (b) Each supervisor of elections shall establish written
114 procedures to assure accuracy and security in his or her county,
115 including procedures related to early voting pursuant to s.
116 101.657. ~~and~~ Such procedures shall be reviewed in each odd-
117 numbered year by the Department of State.

118 (c) Each supervisor of elections shall submit any
119 revisions to the security procedures to the Department of State
120 at least 45 days before early voting commences pursuant to s.
121 101.657 in an ~~the first~~ election in which they are to take
122 effect.

123 Section 4. Subsection (2) of section 101.5612, Florida
124 Statutes, is amended to read:

125 101.5612 Testing of tabulating equipment.--

126 (2) On any day not more than 10 days prior to the
127 commencement of early voting as provided in s. 101.657 ~~election~~
128 ~~day~~, the supervisor of elections shall have the automatic
129 tabulating equipment publicly tested to ascertain that the
130 equipment will correctly count the votes cast for all offices
131 and on all measures. Public notice of the time and place of the
132 test shall be given at least 48 hours prior thereto by
133 publication once in one or more newspapers of general
134 circulation in the county or, if there is no newspaper of
135 general circulation in the county, by posting the ~~such~~ notice in
136 at least four conspicuous places in the county. The supervisor
137 or the municipal elections official may, at the time of
138 qualifying, give written notice of the time and location of the
139 ~~such~~ public preelection test to each candidate qualifying with
140 that office and obtain a signed receipt that the ~~such~~ notice has

141 | been given. The Department of State shall give written notice to
 142 | each statewide candidate at the time of qualifying, or
 143 | immediately at the end of qualifying, that the voting equipment
 144 | will be tested and advise each ~~such~~ candidate to contact the
 145 | county supervisor of elections as to the time and location of
 146 | the public preelection test. The supervisor or the municipal
 147 | elections official shall, at least 15 days prior to the
 148 | commencement of early voting as provided in s. 101.657 ~~an~~
 149 | ~~election~~, send written notice by certified mail to the county
 150 | party chair of each political party and to all candidates for
 151 | other than statewide office whose names appear on the ballot in
 152 | the county and who did not receive written notification from the
 153 | supervisor or municipal elections official at the time of
 154 | qualifying, stating the time and location of the public
 155 | preelection test of the automatic tabulating equipment. The
 156 | canvassing board shall convene, and each member of the
 157 | canvassing board shall certify to the accuracy of the test. For
 158 | the test, the canvassing board may designate one member to
 159 | represent it. The test shall be open to representatives of the
 160 | political parties, the press, and the public. Each political
 161 | party may designate one person with expertise in the computer
 162 | field who shall be allowed in the central counting room when all
 163 | tests are being conducted and when the official votes are being
 164 | counted. The ~~Such~~ designee shall not interfere with the normal
 165 | operation of the canvassing board.

166 | Section 5. Section 101.5613, Florida Statutes, is amended
 167 | to read:

168 101.5613 Examination of equipment during voting.--A member
 169 of the election board or, for purposes of early voting pursuant
 170 to s. 101.657, a representative of the supervisor of elections,
 171 shall occasionally examine the face of the voting device and the
 172 ballot information to determine that the device and the ballot
 173 information have not been damaged or tampered with.

174 Section 6. Section 101.657, Florida Statutes, is amended
 175 to read:

176 101.657 Early voting absentee ballots in person.--

177 ~~(1) Any qualified and registered elector may pick up and~~
 178 ~~vote an absentee ballot in person at the office of, and under~~
 179 ~~the supervision of, the supervisor of elections. Before~~
 180 ~~receiving the ballot, the elector must present a current and~~
 181 ~~valid picture identification as provided in s. 97.0535(3)(a). If~~
 182 ~~the elector fails to furnish the required identification, or if~~
 183 ~~the supervisor is in doubt as to the identity of the elector,~~
 184 ~~the supervisor must follow the procedure prescribed in s.~~
 185 ~~101.49. If the elector who fails to furnish the required~~
 186 ~~identification is a first-time voter who registered by mail and~~
 187 ~~has not provided the required identification to the supervisor~~
 188 ~~of elections prior to voting, the elector shall be allowed to~~
 189 ~~vote a provisional ballot. The canvassing board shall compare~~
 190 ~~the signature on the provisional ballot envelope with the~~
 191 ~~signature on the voter's registration and, if the signatures~~
 192 ~~match, shall count the ballot.~~

193 ~~(1)(a)(2) As an alternative to the provisions of ss.~~
 194 ~~101.64 and 101.65, The supervisor of elections shall~~ may allow
 195 an elector to vote early ~~cast an absentee ballot~~ in the main or

196 | branch office of the supervisor by depositing the voted ballot
 197 | in a voting device used by the supervisor to collect or tabulate
 198 | ballots. In order for a branch office to be used for early
 199 | voting, it shall be a full-service facility of the supervisor
 200 | and shall have been designated as such at least 1 year prior to
 201 | the election. The supervisor may designate any city hall or
 202 | public library as an early voting site; however, if so
 203 | designated, the site must be geographically located so as to
 204 | provide all voters in the county an equal opportunity to cast a
 205 | ballot, insofar as is practicable. The results or tabulation may
 206 | not be made before the close of the polls on election day.

207 | (b) Early voting shall begin on the 15th day before an
 208 | election and end on the day before an election. For purposes of
 209 | a special election held pursuant to s. 100.101, early voting
 210 | shall begin on the 8th day before an election and end on the day
 211 | before an election. Early voting shall be provided for at least
 212 | 8 hours per weekday during the applicable periods. Early voting
 213 | shall also be provided for 8 hours in the aggregate for each
 214 | weekend during the applicable periods.

215 | (2)(a) The elector must provide identification ~~as required~~
 216 | ~~in subsection (1)~~ and must complete an Early Voting In-Office
 217 | Voter Certificate in substantially the following form:

218 |
 219 | EARLY VOTING ~~IN-OFFICE~~ VOTER CERTIFICATE

220 |
 221 | I, _____, am a qualified elector in this election and registered
 222 | voter of _____ County, Florida. I do solemnly swear or affirm
 223 | that I am the person so listed on the voter registration rolls

224 | of _____ County and that I reside at the listed address. I
 225 | understand that if I commit or attempt to commit fraud in
 226 | connection with voting, vote a fraudulent ballot, or vote more
 227 | than once in an election I could be convicted of a felony of the
 228 | third degree and both fined up to \$5,000 and imprisoned for up
 229 | to 5 years. I understand that my failure to sign this
 230 | certificate ~~and have my signature witnessed~~ invalidates my
 231 | ballot.

232 |
 233 |
 234 | ... (Voter's Signature) ...

235 |
 236 | ... (Address) ...

237 |
 238 | ... (City/State) ...

239 |
 240 | ~~... (Name of Witness) ...~~

241 |
 242 | ~~... (Signature of Witness) ...~~

243 |
 244 | ~~... (Type of identification provided) ...~~

245 |
 246 | (b) Any elector may challenge an elector seeking to vote
 247 | early ~~east an absentee ballot~~ under the provisions of s.
 248 | 101.111. Any challenged voter ~~ballot~~ must vote ~~be placed in a~~
 249 | provisional ~~regular absentee ballot envelope~~. The canvassing
 250 | board shall review the ballot and decide the validity of the
 251 | ballot by majority vote.

252 (c) The canvass of returns for ballots cast under this
 253 subsection shall be substantially the same as votes cast by
 254 electors in precincts, as provided in s. 101.5614.

255 Section 7. Section 106.011, Florida Statutes, is amended
 256 to read:

257 106.011 Definitions.--As used in this chapter, the
 258 following terms have the following meanings unless the context
 259 clearly indicates otherwise:

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

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

264 a. Accepts contributions for the purpose of making
 265 contributions to any candidate, political committee, committee
 266 of continuous existence, or political party;

267 b. Accepts contributions for the purpose of expressly
 268 advocating the election or defeat of a candidate or the passage
 269 or defeat of an issue;

270 c. Makes expenditures that expressly advocate the election
 271 or defeat of a candidate or the passage or defeat of an issue;
 272 or

273 d. Makes contributions to a common fund, other than a
 274 joint checking account between spouses, from which contributions
 275 are made to any candidate, political committee, committee of
 276 continuous existence, or political party;;

277 2. The sponsor of a proposed constitutional amendment by
 278 initiative who intends to seek the signatures of registered
 279 electors.

280 (b) Notwithstanding paragraph (a), the following entities
281 are not considered political committees for purposes of this
282 chapter:

283 1. Organizations which are certified by the Department of
284 State as committees of continuous existence pursuant to s.
285 106.04, national political parties, and the state and county
286 executive committees of political parties regulated by chapter
287 103.

288 2. Corporations regulated by chapter 607 or chapter 617 or
289 other business entities formed for purposes other than to
290 support or oppose issues or candidates, if their political
291 activities are limited to contributions to candidates, political
292 parties, or political committees or expenditures in support of
293 or opposition to an issue from corporate or business funds and
294 if no contributions are received by such corporations or
295 business entities.

296 3. Organizations whose activities are limited to making
297 expenditures for electioneering communications or accepting
298 contributions for the purpose of making electioneering
299 communications; however, such organizations shall be required to
300 register and report contributions, including those received from
301 committees of continuous existence, and expenditures in the same
302 manner, at the same time, subject to the same penalties, and
303 with the same filing officer as a political committee supporting
304 or opposing a candidate or issue contained in the electioneering
305 communication. If any such organization would be required to
306 register and report with more than one filing officer, the

307 | organization shall register and report solely with the Division
 308 | of Elections.

309 | (2) "Committee of continuous existence" means any group,
 310 | organization, association, or other such entity which is
 311 | certified pursuant to the provisions of s. 106.04.

312 | (3) "Contribution" means:

313 | (a) A gift, subscription, conveyance, deposit, loan,
 314 | payment, or distribution of money or anything of value,
 315 | including contributions in kind having an attributable monetary
 316 | value in any form, made for the purpose of influencing the
 317 | results of an election or making an electioneering
 318 | communication.

319 | (b) A transfer of funds between political committees,
 320 | between committees of continuous existence, or between a
 321 | political committee and a committee of continuous existence.

322 | (c) The payment, by any person other than a candidate or
 323 | political committee, of compensation for the personal services
 324 | of another person which are rendered to a candidate or political
 325 | committee without charge to the candidate or committee for such
 326 | services.

327 | (d) The transfer of funds by a campaign treasurer or
 328 | deputy campaign treasurer between a primary depository and a
 329 | separate interest-bearing account or certificate of deposit, and
 330 | the term includes any interest earned on such account or
 331 | certificate.

332 |
 333 | Notwithstanding the foregoing meanings of "contribution," the
 334 | word shall not be construed to include services, including, but

335 not limited to, legal and accounting services, provided without
336 compensation by individuals volunteering a portion or all of
337 their time on behalf of a candidate or political committee.
338 This definition shall not be construed to include editorial
339 endorsements.

340 (4)(a) "Expenditure" means a purchase, payment,
341 distribution, loan, advance, transfer of funds by a campaign
342 treasurer or deputy campaign treasurer between a primary
343 depository and a separate interest-bearing account or
344 certificate of deposit, or gift of money or anything of value
345 made for the purpose of influencing the results of an election
346 or making an electioneering communication. However,
347 "expenditure" does not include a purchase, payment,
348 distribution, loan, advance, or gift of money or anything of
349 value made for the purpose of influencing the results of an
350 election when made by an organization, in existence prior to the
351 time during which a candidate qualifies or an issue is placed on
352 the ballot for that election, for the purpose of printing or
353 distributing such organization's newsletter, containing a
354 statement by such organization in support of or opposition to a
355 candidate or issue, which newsletter is distributed only to
356 members of such organization.

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

360 1. A person executes a contract for applicable goods or
361 services;

362 2. A person makes payment, in whole or in part, for
 363 applicable goods or services; or

364 3. The electioneering communication is publicly
 365 disseminated.

366 (5)(a) "Independent expenditure" means an expenditure by a
 367 person for the purpose of expressly advocating the election or
 368 defeat of a candidate or the approval or rejection of an issue,
 369 which expenditure is not controlled by, coordinated with, or
 370 made upon consultation with, any candidate, political committee,
 371 or agent of such candidate or committee. An expenditure for
 372 such purpose by a person having a contract with the candidate,
 373 political committee, or agent of such candidate or committee in
 374 a given election period shall not be deemed an independent
 375 expenditure.

376 (b) An expenditure for the purpose of expressly advocating
 377 the election or defeat of a candidate which is made by the
 378 national, state, or county executive committee of a political
 379 party, including any subordinate committee of a national, state,
 380 or county committee of a political party, or by any political
 381 committee or committee of continuous existence, or any other
 382 person, shall not be considered an independent expenditure if
 383 the committee or person:

384 1. Communicates with the candidate, the candidate's
 385 campaign, or an agent of the candidate acting on behalf of the
 386 candidate, including any pollster, media consultant, advertising
 387 agency, vendor, advisor, or staff member, concerning the
 388 preparation of, use of, or payment for, the specific expenditure
 389 or advertising campaign at issue; or

390 2. Makes a payment in cooperation, consultation, or
 391 concert with, at the request or suggestion of, or pursuant to
 392 any general or particular understanding with the candidate, the
 393 candidate's campaign, a political committee supporting the
 394 candidate, or an agent of the candidate relating to the specific
 395 expenditure or advertising campaign at issue; or

396 3. Makes a payment for the dissemination, distribution, or
 397 republication, in whole or in part, of any broadcast or any
 398 written, graphic, or other form of campaign material prepared by
 399 the candidate, the candidate's campaign, or an agent of the
 400 candidate, including any pollster, media consultant, advertising
 401 agency, vendor, advisor, or staff member; or

402 4. Makes a payment based on information about the
 403 candidate's plans, projects, or needs communicated to a member
 404 of the committee or person by the candidate or an agent of the
 405 candidate, provided the committee or person uses the information
 406 in any way, in whole or in part, either directly or indirectly,
 407 to design, prepare, or pay for the specific expenditure or
 408 advertising campaign at issue; or

409 5. After the last day of qualifying for statewide or
 410 legislative office, consults about the candidate's plans,
 411 projects, or needs in connection with the candidate's pursuit of
 412 election to office and the information is used in any way to
 413 plan, create, design, or prepare an independent expenditure or
 414 advertising campaign, with:

415 a. Any officer, director, employee, or agent of a
 416 national, state, or county executive committee of a political

417 party that has made or intends to make expenditures in
418 connection with or contributions to the candidate; or

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

423 6. After the last day of qualifying for statewide or
424 legislative office, retains the professional services of any
425 person also providing those services to the candidate in
426 connection with the candidate's pursuit of election to office;
427 or

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

430 (6) "Election" means any primary election, special primary
431 election, general election, special election, or municipal
432 election held in this state for the purpose of nominating or
433 electing candidates to public office, choosing delegates to the
434 national nominating conventions of political parties, or
435 submitting an issue to the electors for their approval or
436 rejection.

437 (7) "Issue" means any proposition which is required by the
438 State Constitution, by law or resolution of the Legislature, or
439 by the charter, ordinance, or resolution of any political
440 subdivision of this state to be submitted to the electors for
441 their approval or rejection at an election, or any proposition
442 for which a petition is circulated in order to have such
443 proposition placed on the ballot at any election.

444 (8) "Person" means an individual or a corporation,
 445 association, firm, partnership, joint venture, joint stock
 446 company, club, organization, estate, trust, business trust,
 447 syndicate, or other combination of individuals having collective
 448 capacity. The term includes a political party, political
 449 committee, or committee of continuous existence.

450 (9) "Campaign treasurer" means an individual appointed by
 451 a candidate or political committee as provided in this chapter.

452 (10) "Public office" means any state, county, municipal,
 453 or school or other district office or position which is filled
 454 by vote of the electors.

455 (11) "Campaign fund raiser" means any affair held to raise
 456 funds to be used in a campaign for public office.

457 (12) "Division" means the Division of Elections of the
 458 Department of State.

459 (13) "Communications media" means broadcasting stations,
 460 newspapers, magazines, outdoor advertising facilities, printers,
 461 direct mailing companies, advertising agencies, the Internet,
 462 and telephone companies; but with respect to telephones, an
 463 expenditure shall be deemed to be an expenditure for the use of
 464 communications media only if made for the costs of telephones,
 465 paid telephonists, or automatic telephone equipment to be used
 466 by a candidate or a political committee to communicate with
 467 potential voters but excluding any costs of telephones incurred
 468 by a volunteer for use of telephones by such volunteer; however,
 469 with respect to the Internet, an expenditure shall be deemed an
 470 expenditure for use of communications media only if made for the
 471 cost of creating or disseminating a message on a computer

472 information system accessible by more than one person but
473 excluding internal communications of a campaign or of any group.

474 (14) "Filing officer" means the person before whom a
475 candidate qualifies, the agency or officer with whom a political
476 committee registers, or the agency by whom a committee of
477 continuous existence is certified.

478 (15) "Unopposed candidate" means a candidate for
479 nomination or election to an office who, after the last day on
480 which any person, including a write-in candidate, may qualify,
481 is without opposition in the election at which the office is to
482 be filled or who is without such opposition after such date as a
483 result of any primary election or of withdrawal by other
484 candidates seeking the same office. A candidate is not an
485 unopposed candidate if there is a vacancy to be filled under s.
486 100.111(4), if there is a legal proceeding pending regarding the
487 right to a ballot position for the office sought by the
488 candidate, or if the candidate is seeking retention as a justice
489 or judge.

490 (16) "Candidate" means any person to whom any one or more
491 of the following apply:

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

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

496 (c) Any person who receives contributions or makes
497 expenditures, or consents for any other person to receive
498 contributions or make expenditures, with a view to bring about

499 his or her nomination or election to, or retention in, public
 500 office.

501 (d) Any person who appoints a treasurer and designates a
 502 primary depository.

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

505
 506 However, this definition does not include any candidate for a
 507 political party executive committee.

508 (17) "Political advertisement" means a paid expression in
 509 any communications media prescribed in subsection (13), whether
 510 radio, television, newspaper, magazine, periodical, campaign
 511 literature, direct mail, or display or by means other than the
 512 spoken word in direct conversation, which expressly advocates
 513 the election or defeat of a candidate or the approval or
 514 rejection of an issue ~~shall support or oppose any candidate,~~
 515 ~~elected public official, or issue.~~ However, political
 516 advertisement does not include:

517 (a) A statement by an organization, in existence prior to
 518 the time during which a candidate qualifies or an issue is
 519 placed on the ballot for that election, in support of or
 520 opposition to a candidate or issue, in that organization's
 521 newsletter, which newsletter is distributed only to the members
 522 of that organization.

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

525 (18)(a) "Electioneering communication" means a paid
 526 expression in any communications media prescribed in subsection

527 (13) by means other than the spoken word in direct conversation
528 that:

529 1. Refers to or depicts a clearly identified candidate for
530 office or contains a clear reference indicating that an issue is
531 to be voted on at an election, without expressly advocating the
532 election or defeat of a candidate or the passage or defeat of an
533 issue.

534 2. For communications referring to or depicting a clearly
535 identified candidate for office, is targeted to the relevant
536 electorate. A communication is considered targeted if 1,000 or
537 more persons in the geographic area the candidate would
538 represent if elected will receive the communication.

539 3. For communications referring to or depicting a clearly
540 identified candidate for office, is published after the end of
541 the candidate qualifying period for the office sought by the
542 candidate.

543 4. For communications containing a clear reference
544 indicating that an issue is to be voted on at an election, is
545 published after the issue is designated a ballot position or 120
546 days before the date of the election on the issue, whichever
547 occurs first.

548 (b) The term "electioneering communication" does not
549 include:

550 1. A statement or depiction by an organization, in
551 existence prior to the time during which a candidate named or
552 depicted qualifies or an issue identified is placed on the
553 ballot for that election, made in that organization's

554 newsletter, which newsletter is distributed only to members of
555 that organization.

556 2. An editorial endorsement, news story, commentary, or
557 editorial by any newspaper, radio, television station, or other
558 recognized news medium.

559 3. A communication that constitutes a public debate or
560 forum that includes at least two opposing candidates for an
561 office or one advocate and one opponent of an issue, or that
562 solely promotes such a debate or forum and is made by or on
563 behalf of the person sponsoring the debate or forum, provided
564 that:

565 a. The staging organization is either:

566 (I) A charitable organization that does not make other
567 electioneering communications and does not otherwise support or
568 oppose any political candidate or political party; or

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

571 b. The staging organization does not structure the debate
572 to promote or advance one candidate or issue position over
573 another.

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

577 (d) For purposes of this chapter, an electioneering
578 communication shall not constitute an independent expenditure
579 nor be subject to the limitations applicable to independent
580 expenditures.

581 Section 8. Effective July 1, 2004, and operating
 582 retroactively to January 1, 2002, subsection (3) of section
 583 106.021, Florida Statutes, is amended to read:

584 106.021 Campaign treasurers; deputies; primary and
 585 secondary depositories.--

586 (3) ~~Except for independent expenditures,~~ No contribution
 587 or expenditure, including contributions or expenditures of a
 588 candidate or of the candidate's family, shall be directly or
 589 indirectly made or received in furtherance of the candidacy of
 590 any person for nomination or election to political office in the
 591 state or on behalf of any political committee except through the
 592 duly appointed campaign treasurer of the candidate or political
 593 committee, subject to the following exceptions: ~~however,~~

594 (a) Independent expenditures;

595 (b) Reimbursements to a candidate or any other individual
 596 ~~may be reimbursed~~ for expenses incurred in connection with the
 597 campaign or activities of the political committee ~~for travel,~~
 598 ~~food and beverage, office supplies, and mementos expressing~~
 599 ~~gratitude to campaign supporters~~ by a check drawn upon the
 600 campaign account and reported pursuant to s. 106.07(4). After
 601 July 1, 2004, the full name and address of each person to whom
 602 the candidate or other individual made payment for which
 603 reimbursement was made by check drawn upon the campaign account
 604 shall be reported pursuant to s. 106.07(4), together with the
 605 purpose of such payment;

606 (c) Expenditures made indirectly through a treasurer for
 607 goods or services, such as communications media placement or
 608 procurement services, campaign signs, insurance, or other

609 expenditures that include multiple integral components as part
 610 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;
 611 or

612 (d) ~~In addition,~~ Expenditures ~~may be~~ made directly by any
 613 political committee or political party regulated by chapter 103
 614 for obtaining time, space, or services in or by any
 615 communications medium for the purpose of jointly endorsing three
 616 or more candidates, and any such expenditure shall not be
 617 considered a contribution or expenditure to or on behalf of any
 618 such candidates for the purposes of this chapter.

619 Section 9. Section 106.023, Florida Statutes, is amended
 620 to read:

621 106.023 Statement of candidate.--

622 (1) Each candidate must file a statement with the
 623 qualifying officer within 10 days after filing the appointment
 624 of campaign treasurer and designation of campaign depository,
 625 stating that the candidate has read and understands the
 626 requirements of this chapter. Such statement shall be provided
 627 by the filing officer and shall be in substantially the
 628 following form:

629 STATEMENT OF CANDIDATE

630
 631 I, _____, candidate for the office of _____, have received,
 632 read, and understand the requirements of Chapter 106, Florida
 633 Statutes.

634
 635 . . . (Signature of candidate) (Date) . . .
 636

637 Willful failure to file this form is a violation of ss.
 638 106.19(1)(c) and 106.25(3), F.S.

639 (2) The execution and filing of the statement of candidate
 640 does not in and of itself create a presumption that any
 641 violation of this chapter or chapter 104 is a willful violation
 642 as defined in s. 106.37.

643 Section 10. Subsections (4) and (5) and paragraph (a) of
 644 subsection (8) of section 106.04, Florida Statutes, are amended
 645 to read:

646 106.04 Committees of continuous existence.--

647 (4)(a) Each committee of continuous existence shall file
 648 an annual report with the Division of Elections during the month
 649 of January. Such annual reports shall contain the same
 650 information and shall be accompanied by the same materials as
 651 original applications filed pursuant to subsection (2). However,
 652 the charter or bylaws need not be filed if the annual report is
 653 accompanied by a sworn statement by the chair that no changes
 654 have been made to such charter or bylaws since the last filing.

655 (b)1. Each committee of continuous existence shall file
 656 regular reports with the Division of Elections at the same times
 657 and subject to the same filing conditions as are established by
 658 s. 106.07(1) and (2) for candidates' reports.

659 2. Any committee of continuous existence failing to so
 660 file a report with the Division of Elections pursuant to this
 661 paragraph on the designated due date shall be subject to a fine
 662 for late filing as provided by this section.

663 (c) All committees of continuous existence shall file the
 664 original and one copy of their reports with the Division of

665 Elections. In addition, a duplicate copy of each report shall
666 be filed with the supervisor of elections in the county in which
667 the committee maintains its books and records, except that if
668 the filing officer to whom the committee is required to report
669 is located in the same county as the supervisor no such
670 duplicate report is required to be filed with the supervisor.
671 Reports shall be on forms provided by the division and shall
672 contain the following information:

673 1. The full name, address, and occupation of each person
674 who has made one or more contributions, including contributions
675 that represent the payment of membership dues, to the committee
676 during the reporting period, together with the amounts and dates
677 of such contributions. For corporations, the report must provide
678 as clear a description as practicable of the principal type of
679 business conducted by the corporation. However, if the
680 contribution is \$100 or less, the occupation of the contributor
681 or principal type of business need not be listed. However, for
682 any contributions that ~~which~~ represent the payment of dues by
683 members in a fixed amount aggregating no more than \$250 per
684 calendar year, pursuant to the schedule on file with the
685 Division of Elections, only the aggregate amount of such
686 contributions need be listed, together with the number of
687 members paying such dues and the amount of the membership dues.

688 2. The name and address of each political committee or
689 committee of continuous existence from which the reporting
690 committee received, or the name and address of each political
691 committee, committee of continuous existence, or political party

692 | to which it made, any transfer of funds, together with the
 693 | amounts and dates of all transfers.

694 | 3. Any other receipt of funds not listed pursuant to
 695 | subparagraph 1. or subparagraph 2., including the sources and
 696 | amounts of all such funds.

697 | 4. The name and address of, and office sought by, each
 698 | candidate to whom the committee has made a contribution during
 699 | the reporting period, together with the amount and date of each
 700 | contribution.

701 | 5. The full name and address of each person to whom
 702 | expenditures have been made by or on behalf of the committee
 703 | within the reporting period; the amount, date, and purpose of
 704 | each such expenditure; and the name and address, and office
 705 | sought by, each candidate on whose behalf such expenditure was
 706 | made.

707 | 6. The total sum of expenditures made by the committee
 708 | during the reporting period.

709 | (d) The treasurer of each committee shall certify as to
 710 | the correctness of each report and shall bear the responsibility
 711 | for its accuracy and veracity. Any treasurer who willfully
 712 | certifies to the correctness of a report while knowing that such
 713 | report is incorrect, false, or incomplete commits a misdemeanor
 714 | of the first degree, punishable as provided in s. 775.082 or s.
 715 | 775.083.

716 | (5) No committee of continuous existence shall make an
 717 | electioneering communication, contribute to any candidate or
 718 | political committee an amount in excess of the limits contained
 719 | in s. 106.08(1), or participate in any ~~other~~ activity which is

720 prohibited by this chapter. If any violation occurs, it shall be
 721 punishable as provided in this chapter for the given offense.
 722 No funds of a committee of continuous existence shall be
 723 expended on behalf of a candidate, except by means of a
 724 contribution made through the duly appointed campaign treasurer
 725 of a candidate. No such committee shall make expenditures in
 726 support of, or in opposition to, an issue unless such committee
 727 first registers as a political committee pursuant to this
 728 chapter and undertakes all the practices and procedures required
 729 thereof; provided such committee may make contributions in a
 730 total amount not to exceed 25 percent of its aggregate income,
 731 as reflected in the annual report filed for the previous year,
 732 to one or more political committees registered pursuant to s.
 733 106.03 and formed to support or oppose issues.

734 (8)(a) Any committee of continuous existence failing to
 735 file a report on the designated due date shall be subject to a
 736 fine. The fine shall be \$50 per day for the first 3 days late
 737 and, thereafter, \$500 per day for each late day, not to exceed
 738 25 percent of the total receipts or expenditures, whichever is
 739 greater, for the period covered by the late report. The fine
 740 shall be assessed by the filing officer, and the moneys
 741 collected shall be deposited in the General Revenue Elections
 742 ~~Commission Trust~~ Fund. No separate fine shall be assessed for
 743 failure to file a copy of any report required by this section.

744 Section 11. Paragraph (a) of subsection (2), paragraph (a)
 745 of subsection (4), and paragraphs (a), (c), and (d) of
 746 subsection (8) of section 106.07, Florida Statutes, are amended
 747 to read:

748 106.07 Reports; certification and filing.--
749 (2)(a) All reports required of a candidate by this section
750 shall be filed with the officer before whom the candidate is
751 required by law to qualify. All candidates who file with the
752 Department of State shall file the original and one copy of
753 their reports. In addition, a copy of each report for candidates
754 for other than statewide office who qualify with the Department
755 of State shall be filed with the supervisor of elections in the
756 county where the candidate resides. Reports shall be filed not
757 later than 5 p.m. of the day designated; however, any report
758 postmarked by the United States Postal Service no later than
759 midnight of the day designated shall be deemed to have been
760 filed in a timely manner. Any report received by the filing
761 officer within 5 days after the designated due date that was
762 delivered by the United States Postal Service shall be deemed
763 timely filed unless it has a postmark that indicates that the
764 report was mailed after the designated due date. A certificate
765 of mailing obtained from and dated by the United States Postal
766 Service at the time of mailing, or a receipt from an established
767 courier company, which bears a date on or before the date on
768 which the report is due, shall be proof of mailing in a timely
769 manner. Reports shall contain information of all previously
770 unreported contributions received and expenditures made as of
771 the preceding Friday, except that the report filed on the Friday
772 immediately preceding the election shall contain information of
773 all previously unreported contributions received and
774 expenditures made as of the day preceding that designated due
775 date. All such reports shall be open to public inspection.

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

777 1. The full name, address, and occupation, if any of each
778 person who has made one or more contributions to or for such
779 committee or candidate within the reporting period, together
780 with the amount and date of such contributions. For
781 corporations, the report must provide as clear a description as
782 practicable of the principal type of business conducted by the
783 corporation. However, if the contribution is \$100 or less or is
784 from a relative, as defined in s. 112.312, provided that the
785 relationship is reported, the occupation of the contributor or
786 the principal type of business need not be listed.

787 2. The name and address of each political committee from
788 which the reporting committee or the candidate received, or to
789 which the reporting committee or candidate made, any transfer of
790 funds, together with the amounts and dates of all transfers.

791 3. Each loan for campaign purposes to or from any person
792 or political committee within the reporting period, together
793 with the full names, addresses, and occupations, and principal
794 places of business, if any, of the lender and endorsers, if any,
795 and the date and amount of such loans.

796 4. A statement of each contribution, rebate, refund, or
797 other receipt not otherwise listed under subparagraphs 1.
798 through 3.

799 5. The total sums of all loans, in-kind contributions, and
800 other receipts by or for such committee or candidate during the
801 reporting period. The reporting forms shall be designed to
802 elicit separate totals for in-kind contributions, loans, and
803 other receipts.

804 6. The full name and address of each person to whom
805 expenditures have been made by or on behalf of the committee or
806 candidate within the reporting period; the amount, date, and
807 purpose of each such expenditure; and the name and address of,
808 and office sought by, each candidate on whose behalf such
809 expenditure was made. However, expenditures made from the petty
810 cash fund provided by s. 106.12 need not be reported
811 individually.

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

819 8. The total amount withdrawn and the total amount spent
820 for petty cash purposes pursuant to this chapter during the
821 reporting period.

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

824 10. The amount and nature of debts and obligations owed by
825 or to the committee or candidate, which relate to the conduct of
826 any political campaign.

827 11. A copy of each credit card statement which shall be
828 included in the next report following receipt thereof by the
829 candidate or political committee. Receipts for each credit card
830 purchase shall be retained by the treasurer with the records for
831 the campaign account.

832 12. The amount and nature of any separate interest-bearing
 833 accounts or certificates of deposit and identification of the
 834 financial institution in which such accounts or certificates of
 835 deposit are located.

836 13. The primary purposes of an expenditure made indirectly
 837 through a campaign treasurer pursuant to s. 106.021(3) for goods
 838 and services such as communications media placement or
 839 procurement services, campaign signs, insurance, and other
 840 expenditures that include multiple components as part of the
 841 expenditure. The primary purpose of an expenditure shall be that
 842 purpose, including integral and directly related components,
 843 that comprises 80 percent of such expenditure.

844 (8)(a) Any candidate or political committee failing to
 845 file a report on the designated due date shall be subject to a
 846 fine as provided in paragraph (b) for each late day, and, in the
 847 case of a candidate, such fine shall be paid only from personal
 848 funds of the candidate. The fine shall be assessed by the filing
 849 officer and the moneys collected shall be deposited:

850 1. In the General Revenue ~~Elections Commission Trust~~ Fund,
 851 in the case of a candidate for state office or a political
 852 committee that registers with the Division of Elections; or

853 2. In the general revenue fund of the political
 854 subdivision, in the case of a candidate for an office of a
 855 political subdivision or a political committee that registers
 856 with an officer of a political subdivision.

857
 858 No separate fine shall be assessed for failure to file a copy of
 859 any report required by this section.

860 (c) Any candidate or chair of a political committee may
861 appeal or dispute the fine, based upon, but not limited to,
862 unusual circumstances surrounding the failure to file on the
863 designated due date, and may request and shall be entitled to a
864 hearing before the Florida Elections Commission, which shall
865 have the authority to waive the fine in whole or in part. The
866 Florida Elections Commission must consider the mitigating and
867 aggravating circumstances contained in s. 106.265(1) when
868 determining the amount of a fine, if any, to be waived. Any such
869 request shall be made within 20 days after receipt of the notice
870 of payment due. In such case, the candidate or chair of the
871 political committee shall, within the 20-day period, notify the
872 filing officer in writing of his or her intention to bring the
873 matter before the commission.

874 (d) The appropriate filing officer shall notify the
875 Florida Elections Commission of the repeated late filing by a
876 candidate or political committee, the failure of a candidate or
877 political committee to file a report after notice, or the
878 failure to pay the fine imposed. The commission shall
879 investigate only those alleged late filing violations
880 specifically identified by the filing officer and as set forth
881 in the notification. Any other alleged violations must be
882 separately stated and reported by the division to the commission
883 under s. 106.25(2).

884 Section 12. Effective January 1, 2005, paragraph (a) of
885 subsection (2) of section 106.07, Florida Statutes, as amended
886 by this act, and paragraph (b) of subsection (2), subsection

887 (3), and paragraph (b) of subsection (8) of said section, are
888 amended to read:

889 106.07 Reports; certification and filing.--

890 (2)(a) All reports required of a candidate by this section
891 shall be filed with the officer before whom the candidate is
892 required by law to qualify. All candidates who file with the
893 Department of State shall file ~~the original and one copy of~~
894 their reports pursuant to s. 106.0705. In addition, a copy of
895 each report for candidates for other than statewide office who
896 qualify with the Department of State shall be filed with the
897 supervisor of elections in the county where the candidate
898 resides. Except as provided in s. 106.0705, reports shall be
899 filed not later than 5 p.m. of the day designated; however, any
900 report postmarked by the United States Postal Service no later
901 than midnight of the day designated shall be deemed to have been
902 filed in a timely manner. Any report received by the filing
903 officer within 5 days after the designated due date that was
904 delivered by the United States Postal Service shall be deemed
905 timely filed unless it has a postmark that indicates that the
906 report was mailed after the designated due date. A certificate
907 of mailing obtained from and dated by the United States Postal
908 Service at the time of mailing, or a receipt from an established
909 courier company, which bears a date on or before the date on
910 which the report is due, shall be proof of mailing in a timely
911 manner. Reports shall contain information of all previously
912 unreported contributions received and expenditures made as of
913 the preceding Friday, except that the report filed on the Friday
914 immediately preceding the election shall contain information of

915 | all previously unreported contributions received and
 916 | expenditures made as of the day preceding that designated due
 917 | date. All such reports shall be open to public inspection.

918 | (b)1. Any report which is deemed to be incomplete by the
 919 | officer with whom the candidate qualifies shall be accepted on a
 920 | conditional basis, and the campaign treasurer shall be notified
 921 | by registered mail as to why the report is incomplete and be
 922 | given 3 days from receipt of such notice to file an addendum to
 923 | the report providing all information necessary to complete the
 924 | report in compliance with this section. Failure to file a
 925 | complete report after such notice constitutes a violation of
 926 | this chapter.

927 | 2. In lieu of the notice by registered mail as required in
 928 | subparagraph 1., the qualifying officer may notify the campaign
 929 | treasurer by telephone that the report is incomplete and request
 930 | the information necessary to complete the report. If, however,
 931 | such information is not received by the qualifying officer
 932 | within 3 days after ~~of~~ the telephone request therefor, notice
 933 | shall be sent by registered mail as provided in subparagraph 1.

934 | (3) Reports required of a political committee shall be
 935 | filed with the agency or officer before whom such committee
 936 | registers pursuant to s. 106.03(3) and shall be subject to the
 937 | same filing conditions as established for candidates' reports.
 938 | ~~Only committees that file with the Department of State shall~~
 939 | ~~file the original and one copy of their reports.~~ Incomplete
 940 | reports by political committees shall be treated in the manner
 941 | provided for incomplete reports by candidates in subsection (2).

942 | (8)

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

- 963 1. When the report is actually received by such officer.
- 964 2. When the report is postmarked.
- 965 3. When the certificate of mailing is dated.
- 966 4. When the receipt from an established courier company is
 967 dated.
- 968 5. When the electronic receipt issued pursuant to s.
 969 106.0705 is dated.

970

971 Such fine shall be paid to the filing officer within 20 days
972 after receipt of the notice of payment due, unless appeal is
973 made to the Florida Elections Commission pursuant to paragraph
974 (c). In the case of a candidate, such fine shall not be an
975 allowable campaign expenditure and shall be paid only from
976 personal funds of the candidate. An officer or member of a
977 political committee shall not be personally liable for such
978 fine.

979 Section 13. Effective January 1, 2005, section 106.0705,
980 Florida Statutes, is created to read:

981 106.0705 Electronic filing of campaign treasurer's
982 reports.--

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

986 (2)(a) Each candidate who is required to file reports
987 pursuant to s. 106.07 with the division must file such reports
988 with the division by means of the division's electronic filing
989 system.

990 (b) Each political committee, committee of continuous
991 existence, or state executive committee that is required to file
992 reports with the division under s. 106.04, s. 106.07, or s.
993 106.29, as applicable, must file such reports with the division
994 by means of the division's electronic filing system.

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

999 (3) Reports filed pursuant to this section shall be
1000 completed and filed through the electronic filing system not
1001 later than midnight of the day designated. Reports not filed by
1002 midnight of the day designated are late filed and are subject to
1003 the penalties under s. 106.04(8), s. 106.07(8), or s. 106.29(3),
1004 as applicable.

1005 (4) Each report filed pursuant to this section is
1006 considered to be under oath by the candidate and treasurer or
1007 the chair and treasurer, whichever is applicable, and such
1008 persons are subject to the provisions of s. 106.04(4)(d), s.
1009 106.07(5), or s. 106.29(2), as applicable. Persons given a
1010 secure sign-on to the electronic filing system are responsible
1011 for protecting such from disclosure and are responsible for all
1012 filings using such credentials, unless they have notified the
1013 division that their credentials have been compromised.

1014 (5) The electronic filing system developed by the division
1015 must:

1016 (a) Be based on access by means of the Internet.

1017 (b) Be accessible by anyone with Internet access using
1018 standard web-browsing software.

1019 (c) Provide for direct entry of campaign finance
1020 information as well as upload of such information from campaign
1021 finance software certified by the division.

1022 (d) Provide a method that prevents unauthorized access to
1023 electronic filing system functions.

1024 (6) The division shall adopt rules pursuant to ss.
1025 120.536(1) and 120.54 to administer this section and provide for

1026 the reports required to be filed pursuant to this section. Such
1027 rules shall, at a minimum, provide:

1028 (a) Alternate filing procedures in case the division's
1029 electronic filing system is not operable.

1030 (b) For the issuance of an electronic receipt to the
1031 person submitting the report indicating and verifying that the
1032 report has been filed.

1033 Section 14. Section 106.071, Florida Statutes, is amended
1034 to read:

1035 106.071 Independent expenditures; electioneering
1036 communications; reports; disclaimers.--

1037 (1) Each person who makes an independent expenditure with
1038 respect to any candidate or issue, and each individual who makes
1039 an expenditure for an electioneering communication which is not
1040 otherwise reported pursuant to this chapter, which expenditure,
1041 in the aggregate, is in the amount of \$100 or more, shall file
1042 periodic reports of such expenditures in the same manner, at the
1043 same time, subject to the same penalties, and with the same
1044 officer as a political committee supporting or opposing such
1045 candidate or issue. The report shall contain the full name and
1046 address of the person making the expenditure; the full name and
1047 address of each person to whom and for whom each such
1048 expenditure has been made; the amount, date, and purpose of each
1049 such expenditure; a description of the services or goods
1050 obtained by each such expenditure; the issue to which the
1051 expenditure relates; and the name and address of, and office
1052 sought by, each candidate on whose behalf such expenditure was
1053 made.

1054 (2) Any political advertisement paid for by an independent
 1055 expenditure shall prominently state "Paid political
 1056 advertisement paid for by . . . (Name and address of person ~~or~~
 1057 ~~committee~~ paying for advertisement) . . . independently of any
 1058 . . . (candidate or committee)" and shall contain the
 1059 ~~name and address of the person paying for the political~~
 1060 ~~advertisement.~~

1061 (3) Subsection (2) does not apply to novelty items having
 1062 a retail value of \$10 or less which support, but do not oppose,
 1063 a candidate or issue.

1064 (4)(2) Any person who fails to include the disclaimer
 1065 prescribed in subsection (2) ~~(1)~~ in any political advertisement
 1066 that which is required to contain such disclaimer commits is
 1067 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 1068 provided in s. 775.082 or s. 775.083.

1069 ~~(3) No person may make a contribution in excess of \$1,000~~
 1070 ~~to any other person, to be used by such other person to make an~~
 1071 ~~independent expenditure.~~

1072 Section 15. Paragraph (a) of subsection (4) and subsection
 1073 (6) of section 106.141, Florida Statutes, are amended to read:

1074 106.141 Disposition of surplus funds by candidates.--

1075 (4)(a) Except as provided in paragraph (b), any candidate
 1076 required to dispose of funds pursuant to this section shall, at
 1077 the option of the candidate, dispose of such funds by any of the
 1078 following means, or any combination thereof:

1079 1. Return pro rata to each contributor the funds that have
 1080 not been spent or obligated.

1081 2. Donate the funds that have not been spent or obligated
 1082 to a charitable organization or organizations that meet the
 1083 qualifications of s. 501(c)(3) of the Internal Revenue Code.

1084 3. Give not more than \$10,000 of the funds that have not
 1085 been spent or obligated to the political party of which such
 1086 candidate is a member, except that a candidate for the Florida
 1087 Senate may give not more than \$30,000 of such funds to the
 1088 political party of which the candidate is a member.

1089 4. Give the funds that have not been spent or obligated:

1090 a. In the case of a candidate for state office, to the
 1091 state, to be deposited in either the Election Campaign Financing
 1092 Trust Fund or the General Revenue Fund, as designated by the
 1093 candidate; or

1094 b. In the case of a candidate for an office of a political
 1095 subdivision, to such political subdivision, to be deposited in
 1096 the general fund thereof.

1097 (6) Prior to disposing of funds pursuant to subsection (4)
 1098 or transferring funds into an office account pursuant to
 1099 subsection (5), any candidate who filed an oath stating that he
 1100 or she was unable to pay the election assessment or fee for
 1101 verification of petition signatures without imposing an undue
 1102 burden on his or her personal resources or on resources
 1103 otherwise available to him or her, or who filed both such oaths,
 1104 or who qualified by the alternative method and was not required
 1105 to pay an election assessment, shall reimburse the state or
 1106 local governmental entity, whichever is applicable, for such
 1107 waived assessment or fee or both. Such reimbursement shall be
 1108 made first for the cost of petition verification and then, if

1109 funds are remaining, for the amount of the election assessment.
 1110 If there are insufficient funds in the account to pay the full
 1111 amount of either the assessment or the fee or both, the
 1112 remaining funds shall be disbursed in the above manner until no
 1113 funds remain. All funds disbursed pursuant to this subsection
 1114 shall be remitted to the qualifying officer. Any reimbursement
 1115 for petition verification costs which are reimbursable by the
 1116 state shall be forwarded by the qualifying officer to the state
 1117 for deposit in the General Revenue Fund. All reimbursements for
 1118 the amount of the election assessment shall be forwarded by the
 1119 qualifying officer to the Department of State for deposit in the
 1120 General Revenue ~~Elections Commission Trust~~ Fund.

1121 Section 16. Subsection (1) of section 106.143, Florida
 1122 Statutes, is amended to read:

1123 106.143 Political advertisements circulated prior to
 1124 election; requirements.--

1125 (1)(a) Any political advertisement that is paid for by a
 1126 candidate and that is published, displayed, or circulated prior
 1127 to, or on the day of, any election must prominently state:
 1128 "Political advertisement paid for and approved by . . . (name
 1129 of candidate) . . . , . . . (party affiliation) . . . , for
 1130 . . . (office sought)"

1131 (b) Any other political advertisement ~~and any campaign~~
 1132 ~~literature~~ published, displayed, or circulated prior to, or on
 1133 the day of, any election must prominently shall:

1134 1.(a) Be marked "paid political advertisement" or with the
 1135 abbreviation "pd. pol. adv."

1136 | 2. State the name and address of the persons sponsoring
 1137 | the advertisement.

1138 | ~~(b) Identify the persons or organizations sponsoring the~~
 1139 | ~~advertisement.~~

1140 | 3.a.(I)(e)1.a. State whether the advertisement and the
 1141 | cost of production is paid for or provided in kind by or at the
 1142 | expense of the entity publishing, displaying, broadcasting, or
 1143 | circulating the political advertisement; or

1144 | (II)b. State who provided or paid for the advertisement
 1145 | and cost of production, if different from the source of
 1146 | sponsorship.

1147 | ~~b.2.~~ This subparagraph does ~~paragraph~~ shall not apply if
 1148 | the source of the sponsorship is patently clear from the content
 1149 | or format of the political advertisement ~~or campaign literature.~~

1150 |
 1151 | This subsection does not apply to campaign messages used by a
 1152 | candidate and the candidate's supporters if those messages are
 1153 | designed to be worn by a person.

1154 | Section 17. Section 106.1437, Florida Statutes, is amended
 1155 | to read:

1156 | 106.1437 Miscellaneous advertisements.--Any advertisement,
 1157 | other than a political advertisement, independent expenditure,
 1158 | or electioneering communication, on billboards, bumper stickers,
 1159 | radio, or television, or in a newspaper, a magazine, or a
 1160 | periodical, intended to influence public policy or the vote of a
 1161 | public official, shall clearly designate the sponsor of such
 1162 | advertisement by including a clearly readable statement of
 1163 | sponsorship. If the advertisement is broadcast on television,

1164 the advertisement shall also contain a verbal statement of
 1165 sponsorship. This section shall not apply to an editorial
 1166 endorsement.

1167 Section 18. Section 106.1439, Florida Statutes, is created
 1168 to read:

1169 106.1439 Electioneering communications; disclaimers.--

1170 (1) Any electioneering communication shall prominently
 1171 state, "Paid electioneering communication paid for by . . .
 1172 (Name and address of person paying for the communication) . . .
 1173 ."

1174 (2) Any person who fails to include the disclaimer
 1175 prescribed in this section in any electioneering communication
 1176 that is required to contain such disclaimer commits a
 1177 misdemeanor of the first degree, punishable as provided in s.
 1178 775.082 or s. 775.083.

1179 Section 19. Section 106.148, Florida Statutes, is
 1180 repealed.

1181 Section 20. Subsections (2) and (4) of section 106.25,
 1182 Florida Statutes, are amended to read:

1183 106.25 Reports of alleged violations to Florida Elections
 1184 Commission; disposition of findings.--

1185 (2) The commission shall investigate all violations of
 1186 this chapter and chapter 104, but only after having received
 1187 either a sworn complaint or information reported to it under
 1188 this subsection by the Division of Elections. Any person, other
 1189 than the division, having information of any violation of this
 1190 chapter or chapter 104 shall file a sworn complaint with the
 1191 commission. The commission shall investigate only those alleged

1192 violations specifically contained within the sworn complaint. If
1193 any complainant fails to allege all violations that arise from
1194 the facts or allegations alleged in a complaint, the commission
1195 shall be barred from investigating a subsequent complaint from
1196 such complainant that is based upon such facts or allegations
1197 that were raised or could have been raised in the first
1198 complaint. Such sworn complaint shall state whether a complaint
1199 of the same violation has been made to any state attorney.
1200 Within 5 days after receipt of a sworn complaint, the commission
1201 shall transmit a copy of the complaint to the alleged violator.
1202 All sworn complaints alleging violations of the Florida Election
1203 Code over which the commission has jurisdiction shall be filed
1204 with the commission within 2 years after ~~of~~ the alleged
1205 violations. The period of limitations is tolled on the day a
1206 sworn complaint is filed with the commission.

1207 (4) The commission shall undertake a preliminary
1208 investigation to determine if the facts alleged in a sworn
1209 complaint or a matter initiated by the division constitute
1210 probable cause to believe that a violation has occurred. The
1211 respondent, the complainant, and their respective counsels shall
1212 be permitted to attend the hearing at which the probable cause
1213 determination is made. Notice of the hearing shall be sent to
1214 the respondent and the complainant at least 14 days prior to the
1215 date of the hearing. The respondent and his or her counsel shall
1216 be permitted to make a brief oral statement in the nature of
1217 oral argument to the commission before the probable cause
1218 determination. The commission's determination shall be based
1219 upon the investigator's report, the complaint, and staff

1220 recommendations, as well as any written statements submitted by
 1221 the respondent and any oral statements made at the hearing. No
 1222 testimony or other evidence shall be accepted at the hearing.
 1223 Upon completion of the preliminary investigation, the commission
 1224 shall, by written report, find probable cause or no probable
 1225 cause to believe that this chapter or chapter 104 has been
 1226 violated.

1227 (a) If no probable cause is found, the commission shall
 1228 dismiss the case and the case shall become a matter of public
 1229 record, except as otherwise provided in this section, together
 1230 with a written statement of the findings of the preliminary
 1231 investigation and a summary of the facts which the commission
 1232 shall send to the complainant and the alleged violator.

1233 (b) If probable cause is found, the commission shall so
 1234 notify the complainant and the alleged violator in writing. All
 1235 documents made or received in the disposition of the complaint
 1236 shall become public records upon a finding by the commission.

1237
 1238 In a case where probable cause is found, the commission shall
 1239 make a preliminary determination to consider the matter or to
 1240 refer the matter to the state attorney for the judicial circuit
 1241 in which the alleged violation occurred.

1242 Section 21. Subsection (5) is added to section 106.265,
 1243 Florida Statutes, to read:

1244 106.265 Civil penalties.--

1245 (5) In any case in which the commission determines that a
 1246 person has filed a complaint against another person with a
 1247 malicious intent to injure the reputation of the person

1248 complained against by filing the complaint with knowledge that
 1249 the complaint contains one or more false allegations or with
 1250 reckless disregard for whether the complaint contains false
 1251 allegations of fact material to a violation of this chapter or
 1252 chapter 104, the complainant shall be liable for costs and
 1253 reasonable attorney's fees incurred in the defense of the person
 1254 complained against, including the costs and reasonable
 1255 attorney's fees incurred in proving entitlement to and the
 1256 amount of costs and fees. If the complainant fails to pay such
 1257 costs and fees voluntarily within 30 days following such finding
 1258 by the commission, the commission shall forward such information
 1259 to the Department of Legal Affairs, which shall bring a civil
 1260 action in a court of competent jurisdiction to recover the
 1261 amount of such costs and fees awarded by the commission.

1262 Section 22. Paragraph (a) of subsection (3) of section
 1263 106.29, Florida Statutes, is amended to read:

1264 106.29 Reports by political parties; restrictions on
 1265 contributions and expenditures; penalties.--

1266 (3)(a) Any state or county executive committee failing to
 1267 file a report on the designated due date shall be subject to a
 1268 fine as provided in paragraph (b) for each late day. The fine
 1269 shall be assessed by the filing officer, and the moneys
 1270 collected shall be deposited in the General Revenue Elections
 1271 ~~Commission Trust~~ Fund.

1272 Section 23. Effective January 1, 2005, paragraph (b) of
 1273 subsection (3) of section 106.29, Florida Statutes, is amended
 1274 to read:

1275 106.29 Reports by political parties; restrictions on
 1276 contributions and expenditures; penalties.--
 1277 (3)
 1278 (b) Upon determining that a report is late, the filing
 1279 officer shall immediately notify the chair of the executive
 1280 committee as to the failure to file a report by the designated
 1281 due date and that a fine is being assessed for each late day.
 1282 The fine shall be \$1,000 for a state executive committee, and
 1283 \$50 for a county executive committee, per day for each late day,
 1284 not to exceed 25 percent of the total receipts or expenditures,
 1285 whichever is greater, for the period covered by the late report.
 1286 However, if an executive committee fails to file a report on the
 1287 Friday immediately preceding the general election, the fine
 1288 shall be \$10,000 per day for each day a state executive
 1289 committee is late and \$500 per day for each day a county
 1290 executive committee is late. Upon receipt of the report, the
 1291 filing officer shall determine the amount of the fine which is
 1292 due and shall notify the chair. The filing officer shall
 1293 determine the amount of the fine due based upon the earliest of
 1294 the following:
 1295 1. When the report is actually received by such officer.
 1296 2. When the report is postmarked.
 1297 3. When the certificate of mailing is dated.
 1298 4. When the receipt from an established courier company is
 1299 dated.
 1300 5. When the electronic receipt issued pursuant to s.
 1301 106.0705 is dated.
 1302

1303 Such fine shall be paid to the filing officer within 20 days
1304 after receipt of the notice of payment due, unless appeal is
1305 made to the Florida Elections Commission pursuant to paragraph
1306 (c). An officer or member of an executive committee shall not be
1307 personally liable for such fine.

1308 Section 24. To provide for uniformity of the proceedings,
1309 the amendments to sections 106.021, 106.023, 106.04(8), 106.07,
1310 and 106.25, Florida Statutes, in sections 8, 9, 10, 11, and 20
1311 of this act, respectively, shall apply to all cases before the
1312 Florida Elections Commission pending on or filed on or after the
1313 effective date of this act.

1314 Section 25. If any provision of this act or its
1315 application to any person or circumstance is held invalid, the
1316 invalidity does not affect other provisions or applications of
1317 the act which can be given effect without the invalid provision
1318 or application, and to this end the provisions of this act are
1319 severable.

1320 Section 26. Except as otherwise provided herein, this act
1321 shall take effect July 1, 2004.
1322