

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Reagan offered the following:

2  
3 **Amendment (with title amendment)**

4 On page 13, line 5, to page 26, line 31,  
5 remove: all of said lines,

6  
7 and insert:

8 Section 4. Paragraph (c) of subsection (4) of section  
9 106.04, Florida Statutes, is amended to read:

10 106.04 Committees of continuous existence.--

11 (4)

12 (c) All committees of continuous existence shall file ~~the~~  
13 ~~original and one copy of~~ their reports with the Division of  
14 Elections. ~~In addition, a duplicate copy of each report shall be~~  
15 ~~filed with the supervisor of elections in the county in which~~  
16 ~~the committee maintains its books and records, except that if~~  
17 ~~the filing officer to whom the committee is required to report~~

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18 ~~is located in the same county as the supervisor no such~~  
19 ~~duplicate report is required to be filed with the supervisor.~~  
20 Reports shall be filed in accordance with s. 106.0705 ~~on forms~~  
21 ~~provided by the division~~ and shall contain the following  
22 information:

23 1. The full name, address, and occupation of each person  
24 who has made one or more contributions, including contributions  
25 that represent the payment of membership dues, to the committee  
26 during the reporting period, together with the amounts and dates  
27 of such contributions. For corporations, the report must provide  
28 as clear a description as practicable of the principal type of  
29 business conducted by the corporation. However, if the  
30 contribution is \$100 or less, the occupation of the contributor  
31 or principal type of business need not be listed. However, for  
32 any contributions that represent the payment of dues by members  
33 in a fixed amount aggregating no more than \$250 per calendar  
34 year, pursuant to the schedule on file with the Division of  
35 Elections, only the aggregate amount of such contributions need  
36 be listed, together with the number of members paying such dues  
37 and the amount of the membership dues.

38 2. The name and address of each political committee or  
39 committee of continuous existence from which the reporting  
40 committee received, or the name and address of each political  
41 committee, committee of continuous existence, or political party  
42 to which it made, any transfer of funds, together with the  
43 amounts and dates of all transfers.

44 3. Any other receipt of funds not listed pursuant to  
45 subparagraph 1. or subparagraph 2., including the sources and  
46 amounts of all such funds.

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47 4. The name and address of, and office sought by, each  
48 candidate to whom the committee has made a contribution during  
49 the reporting period, together with the amount and date of each  
50 contribution.

51 5. The full name and address of each person to whom  
52 expenditures have been made by or on behalf of the committee  
53 within the reporting period; the amount, date, and purpose of  
54 each such expenditure; and the name and address, and office  
55 sought by, each candidate on whose behalf such expenditure was  
56 made.

57 6. The full name and address of each person to whom an  
58 expenditure for personal services, salary, or reimbursement for  
59 authorized expenses has been made, including the full name and  
60 address of each entity to whom the person made payment for which  
61 reimbursement was made by check drawn upon the committee  
62 account, together with the amount and purpose of such payment.

63 7. Transaction information from each credit card statement  
64 that will be included in the next report following receipt  
65 thereof by the committee. Receipts for each credit card purchase  
66 shall be retained by the treasurer with the records for the  
67 committee account.

68 ~~8.6-~~ The total sum of expenditures made by the committee  
69 during the reporting period.

70 Section 5. Paragraph (a) of subsection (2) of section  
71 106.07, Florida Statutes, is amended to read:

72 106.07 Reports; certification and filing.--

73 (2)(a) All reports required of a candidate by this section  
74 shall be filed with the officer before whom the candidate is  
75 required by law to qualify. All candidates who file with the  
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76 Department of State shall file their reports pursuant to s.  
77 106.0705. ~~In addition, a copy of each report for candidates for~~  
78 ~~other than statewide office who qualify with the Department of~~  
79 ~~State shall be filed with the supervisor of elections in the~~  
80 ~~county where the candidate resides.~~ Except as provided in s.  
81 106.0705, reports shall be filed not later than 5 p.m. of the  
82 day designated; however, any report postmarked by the United  
83 States Postal Service no later than midnight of the day  
84 designated shall be deemed to have been filed in a timely  
85 manner. Any report received by the filing officer within 5 days  
86 after the designated due date that was delivered by the United  
87 States Postal Service shall be deemed timely filed unless it has  
88 a postmark that indicates that the report was mailed after the  
89 designated due date. A certificate of mailing obtained from and  
90 dated by the United States Postal Service at the time of  
91 mailing, or a receipt from an established courier company, which  
92 bears a date on or before the date on which the report is due,  
93 shall be proof of mailing in a timely manner. Reports shall  
94 contain information of all previously unreported contributions  
95 received and expenditures made as of the preceding Friday,  
96 except that the report filed on the Friday immediately preceding  
97 the election shall contain information of all previously  
98 unreported contributions received and expenditures made as of  
99 the day preceding that designated due date. All such reports  
100 shall be open to public inspection.

101 Section 6. Section 106.0701, Florida Statutes, is created  
102 to read:

103 106.0701 Solicitation of contributions and disclosure;  
104 registration.--

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105       (1) (a) The Governor, Lieutenant Governor, members of the  
106       Cabinet, state legislators, or candidates for such offices who  
107       directly or indirectly solicit, cause to be solicited, or accept  
108       any contribution on behalf of an organization that is exempt  
109       from taxation under s. 527 or s. 501(c)(4) of the Internal  
110       Revenue Code, which such persons, in whole or in part,  
111       establish, maintain, or control, shall file a statement with the  
112       Division of Elections within 5 days after commencing such  
113       activity on behalf of the organization. Such statement shall  
114       contain the following information:

115               1. The name of the person acting on behalf of the  
116               organization.

117               2. The name and type of the organization.

118               3. A description of the relationship between the person  
119               and the organization.

120       (b) Failure to timely file the statement shall subject the  
121       person to a civil penalty of \$50 per day for each late day,  
122       payable from the personal funds of the violator.

123       (c) Upon filing a statement with the Division of  
124       Elections, a person subject to the requirements of paragraph (a)  
125       shall promptly create a public website that contains a mission  
126       statement and the names of persons associated with the  
127       organization. The address of the website shall be reported to  
128       the division within 5 business days after the website is  
129       created.

130       (d) All contributions received shall be disclosed on the  
131       website within 5 business days after deposit, together with the  
132       name, address, and occupation of the donor. All expenditures by

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133 | the organization shall be individually disclosed on the website  
134 | within 5 business days after being made.

135 | (2) The requirements of subsection (1) do not apply to a  
136 | person acting on behalf of his or her own campaign or a  
137 | political party of which the person is a member.

138 | Section 7. Section 106.0703, Florida Statutes, is created  
139 | to read:

140 | 106.0703 Electioneering communications organizations;  
141 | additional reporting requirements.--In addition to the reporting  
142 | requirements in s. 106.07, an electioneering communications  
143 | organization shall, within 2 days after receiving its initial  
144 | password or secure sign-on from the Department of State allowing  
145 | confidential access to the department's electronic campaign  
146 | finance filing system, electronically file the periodic campaign  
147 | finance reports that would have been required pursuant to s.  
148 | 106.07 for reportable activities that occurred since the date of  
149 | the last general election.

150 | Section 8. Paragraph (b) of subsection (2) of section  
151 | 106.0705, Florida Statutes, is amended to read:

152 | 106.0705 Electronic filing of campaign treasurer's  
153 | reports.--

154 | (2)

155 | (b) Each political committee, committee of continuous  
156 | existence, electioneering communications organization, or state  
157 | executive committee that is required to file reports with the  
158 | division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29,  
159 | as applicable, must file such reports with the division by means  
160 | of the division's electronic filing system.

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161 Section 9. Subsections (4) and (7) of section 106.08,  
162 Florida Statutes, are amended, paragraph (d) is added to  
163 subsection (5) of that section, and subsection (8) of that  
164 section is reenacted, to read:

165 106.08 Contributions; limitations on.--

166 (4) (a) Any contribution received by the chair, campaign  
167 treasurer, or deputy campaign treasurer of a political committee  
168 supporting or opposing a candidate with opposition in an  
169 election or supporting or opposing an issue on the ballot in an  
170 election on the day of that election or less than 5 days prior  
171 to the day of that election may not be obligated or expended by  
172 the committee until after the date of the election.

173 (b) Any contribution received by an electioneering  
174 communications organization on the day of an election or less  
175 than 5 days prior to the day of that election may not be  
176 obligated or expended by the organization until after the date  
177 of the election and may not be expended to pay for any  
178 obligation arising prior to the election.

179 (5)

180 (d) An electioneering communications organization may not  
181 accept a contribution from an organization exempt from taxation  
182 under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other  
183 than a political committee, committee of continuous existence,  
184 or political party, unless the contributing organization has  
185 registered as if the organization were an electioneering  
186 communications organization pursuant to s. 106.03 and has filed  
187 all campaign finance reports required of electioneering  
188 communications organizations pursuant to ss. 106.07 and  
189 106.0703.

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190 (7) (a) Any person who knowingly and willfully makes no  
191 more than one contribution in violation of subsection (1) or  
192 subsection (5), or any person who knowingly and willfully fails  
193 or refuses to return any contribution as required in subsection  
194 (3), commits a misdemeanor of the first degree, punishable as  
195 provided in s. 775.082 or s. 775.083. If any corporation,  
196 partnership, or other business entity or any political party,  
197 political committee, ~~or~~ committee of continuous existence, or  
198 electioneering communications organization is convicted of  
199 knowingly and willfully violating any provision punishable under  
200 this paragraph, it shall be fined not less than \$1,000 and not  
201 more than \$10,000. If it is a domestic entity, it may be ordered  
202 dissolved by a court of competent jurisdiction; if it is a  
203 foreign or nonresident business entity, its right to do business  
204 in this state may be forfeited. Any officer, partner, agent,  
205 attorney, or other representative of a corporation, partnership,  
206 or other business entity, or of a political party, political  
207 committee, ~~or~~ committee of continuous existence, electioneering  
208 communications organization, or organization exempt from  
209 taxation under s. 527 or s. 501(c)(4) of the Internal Revenue  
210 Code, who aids, abets, advises, or participates in a violation  
211 of any provision punishable under this paragraph commits a  
212 misdemeanor of the first degree, punishable as provided in s.  
213 775.082 or s. 775.083.

214 (b) Any person who knowingly and willfully makes two or  
215 more contributions in violation of subsection (1) or subsection  
216 (5) commits a felony of the third degree, punishable as provided  
217 in s. 775.082, s. 775.083, or s. 775.084. If any corporation,  
218 partnership, or other business entity or any political party,  
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219 | political committee, ~~or~~ committee of continuous existence, or  
 220 | electioneering communications organization is convicted of  
 221 | knowingly and willfully violating any provision punishable under  
 222 | this paragraph, it shall be fined not less than \$10,000 and not  
 223 | more than \$50,000. If it is a domestic entity, it may be ordered  
 224 | dissolved by a court of competent jurisdiction; if it is a  
 225 | foreign or nonresident business entity, its right to do business  
 226 | in this state may be forfeited. Any officer, partner, agent,  
 227 | attorney, or other representative of a corporation, partnership,  
 228 | or other business entity, or of a political committee, committee  
 229 | of continuous existence, ~~or~~ political party, or electioneering  
 230 | communications organization, or organization exempt from  
 231 | taxation under s. 527 or s. 501(c)(4) of the Internal Revenue  
 232 | Code, who aids, abets, advises, or participates in a violation  
 233 | of any provision punishable under this paragraph commits a  
 234 | felony of the third degree, punishable as provided in s.  
 235 | 775.082, s. 775.083, or s. 775.084.

236 | (8) Except when otherwise provided in subsection (7), any  
 237 | person who knowingly and willfully violates any provision of  
 238 | this section shall, in addition to any other penalty prescribed  
 239 | by this chapter, pay to the state a sum equal to twice the  
 240 | amount contributed in violation of this chapter. Each campaign  
 241 | treasurer shall pay all amounts contributed in violation of this  
 242 | section to the state for deposit in the General Revenue Fund.

243 |  
 244 |  
 245 |

246 | ===== T I T L E A M E N D M E N T =====

247 | On page 1, line 14, to page 2, line 4,  
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248 remove: all of said lines,  
249  
250 and insert:  
251 amending s. 106.04, F.S.; revising certain filing requirements  
252 and reporting requirements for committees of continuous  
253 existence; amending s. 106.07, F.S.; deleting a report filing  
254 requirement for certain candidates for other than statewide  
255 office; creating s. 106.0701; establishing campaign finance  
256 reporting requirements for certain officers and candidates  
257 soliciting contributions for certain committees and  
258 organizations; providing definitions; providing a civil penalty;  
259 providing for nonapplication to certain persons; creating s.  
260 106.0703, F.S.; establishing campaign finance reporting  
261 requirements for electioneering communications organizations;  
262 amending s. 106.0705, F.S.; incorporating the new campaign  
263 finance reporting requirements for electioneering communications  
264 organizations into the Department of State's electronic campaign  
265 finance reporting system; amending s. 106.08, F.S.; prohibiting  
266 the use of certain contributions received by an electioneering  
267 communications organization proximate to an election; limiting  
268 contributions to certain committees of continuous existence,  
269 electioneering communications organizations, and tax-exempt  
270 organizations pursuant to 26 U.S.C. s. 527 and 501(c)(4);  
271 providing criminal penalties; reenacting ss.

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