

By Senator Deutch

30-1054-07

See HB 393

1                                   A bill to be entitled

2           An act relating to campaign financing; amending

3           s. 106.011, F.S.; revising definitions;

4           amending s. 106.06, F.S.; requiring

5           electioneering communications organizations to

6           keep certain financial records; providing for

7           inspection and preservation of such financial

8           records; amending s. 106.07, F.S.; removing an

9           exception to a reporting requirement to list

10          the occupation of certain contributors;

11          specifying additional reporting requirements

12          for electioneering communications organizations

13          and political committees; amending s. 106.071,

14          F.S.; prohibiting certain political party

15          committees from making expenditures for

16          electioneering communications; amending s.

17          106.08, F.S.; providing prohibitions relating

18          to contributions to electioneering

19          communications organizations to which penalties

20          apply; amending s. 106.087, F.S.; deleting

21          restrictions and fines on political committees

22          and committees of continuous existence relating

23          to independent expenditures; amending s.

24          106.12, F.S.; correcting a cross-reference;

25          amending s. 106.143, F.S.; providing additional

26          requirements relating to certain radio and

27          television political advertisements; amending

28          s. 106.1439, F.S.; revising the disclaimer

29          required in electioneering communications;

30          amending s. 106.147, F.S.; revising the

31          disclosure statement requirements for certain

1 telephone solicitations; amending s. 106.15,  
2 F.S.; prohibiting candidates from knowingly  
3 using the services of certain public employees  
4 under specified circumstances; amending s.  
5 106.19, F.S.; revising a ground for punishment  
6 of candidates, persons connected with  
7 campaigns, and committees relating to  
8 contribution acceptance in excess of proscribed  
9 limits; amending s. 106.295, F.S.; providing  
10 for the disposal of all leadership funds  
11 existing on a certain date; amending s. 106.33,  
12 F.S.; correcting a cross-reference; amending s.  
13 106.34, F.S.; deleting an obsolete reference;  
14 amending s. 106.35, F.S.; revising a provision  
15 relating to qualifying matching contributions  
16 under the Florida Election Campaign Financing  
17 Act; requiring candidates who receive funds  
18 under the act, or their political parties, to  
19 return such funds under specified  
20 circumstances; repealing s. 106.191, F.S.,  
21 relating to signatures gathered for initiative  
22 petitions; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26 Section 1. Subsections (6) through (19) of section  
27 106.011, Florida Statutes, are renumbered as subsections (7)  
28 through (20), respectively, and paragraph (b) of subsection  
29 (1), paragraph (a) of subsection (4), and subsections (5),  
30 (13), (17), and (18) are amended to read:

31

1           106.011 Definitions.--As used in this chapter, the  
2 following terms have the following meanings unless the context  
3 clearly indicates otherwise:

4           (1)

5           (b) Notwithstanding paragraph (a), the following  
6 entities are not considered political committees for purposes  
7 of this chapter:

8           1. Organizations which are certified by the Department  
9 of State as committees of continuous existence pursuant to s.  
10 106.04, national political parties, and the state and county  
11 executive committees of political parties regulated by chapter  
12 103.

13           2. Corporations regulated by chapter 607 or chapter  
14 617 or other business entities formed for purposes other than  
15 to support or oppose issues or candidates, if their political  
16 activities are limited to contributions to candidates,  
17 political parties, or political committees or expenditures in  
18 support of or opposition to an issue from corporate or  
19 business funds and if no contributions are received by such  
20 corporations or business entities.

21           3. Electioneering communications organizations as  
22 defined in subsection (20)~~(19)~~; however, such organizations  
23 shall be required to register with and report expenditures and  
24 contributions, including contributions received from  
25 committees of continuous existence, to the Division of  
26 Elections in the same manner, at the same time, and subject to  
27 the same penalties as a political committee supporting or  
28 opposing an issue or a legislative candidate, except as  
29 otherwise specifically provided in this chapter.

30           (4)(a) "Expenditure" means a purchase, payment,  
31 distribution, loan, advance, transfer of funds by a campaign

1 | treasurer or deputy campaign treasurer between a primary  
2 | depository and a separate interest-bearing account or  
3 | certificate of deposit, or gift of money or anything of value  
4 | made for the purpose of influencing the results of an election  
5 | or making an electioneering communication. However,  
6 | "expenditure" does not include a purchase, payment,  
7 | distribution, loan, advance, or gift of money or anything of  
8 | value made for the purpose of influencing the results of an  
9 | election when made by an organization, ~~in existence prior to~~  
10 | ~~the time during which a candidate qualifies or an issue is~~  
11 | ~~placed on the ballot for that election,~~ for the purpose of  
12 | communicating ~~printing or distributing such organization's~~  
13 | ~~newsletter, containing a statement by such organization in~~  
14 | ~~support of or opposition to a candidate or issue, which~~  
15 | ~~newsletter is distributed~~ only to members of such  
16 | organization.

17 |       (5)(a) "Independent expenditure" means an expenditure  
18 | by a person for the purpose of expressly advocating the  
19 | election or defeat of a candidate or the approval or rejection  
20 | of an issue, which expenditure is not controlled by,  
21 | coordinated with, or made upon consultation with, any  
22 | candidate, political committee, or agent of such candidate or  
23 | committee. An expenditure for such purpose by a person having  
24 | a contract with the candidate, political committee, or agent  
25 | of such candidate or committee in a given election period  
26 | shall not be deemed an independent expenditure.

27 |       (6)(b) "Coordinated expenditure" means an expenditure  
28 | for the purpose of ~~expressly~~ advocating the election or defeat  
29 | of a candidate, or for an electioneering communication, which  
30 | is made by the national, state, or county executive committee  
31 | of a political party, including any subordinate committee of a

1 national, state, or county committee of a political party, or  
2 by any political committee, ~~or~~ committee of continuous  
3 existence, or electioneering communications organization, or  
4 any other person, ~~shall not be considered an independent~~  
5 ~~expenditure~~ if the committee, organization, or person:

6 1. Communicates with the candidate, the candidate's  
7 campaign, the national, state, or county executive committee  
8 of a political party, including any subordinate committee of a  
9 national, state, or county committee of a political party  
10 under which the candidate is a registered elector thereof, or  
11 an agent of the candidate acting on behalf of the candidate,  
12 including any pollster, media consultant, advertising agency,  
13 vendor, advisor, or staff member, concerning the preparation  
14 of, use of, or payment for, the specific expenditure or  
15 advertising campaign at issue; or

16 2. Makes a payment in cooperation, consultation, or  
17 concert with, at the request or suggestion of, or pursuant to  
18 any general or particular understanding with the candidate,  
19 the candidate's campaign, a political committee supporting the  
20 candidate, the national, state, or county executive committee  
21 of a political party, including any subordinate committee of a  
22 national, state, or county committee of a political party  
23 under which the candidate is a registered elector thereof, or  
24 an agent of the candidate relating to the specific expenditure  
25 or advertising campaign at issue; or

26 3. Makes a payment for the dissemination,  
27 distribution, or republication, in whole or in part, of any  
28 broadcast or any written, graphic, or other form of campaign  
29 material prepared by the candidate;7 the candidate's  
30 campaign;7 the national, state, or county executive committee  
31 of a political party, including any subordinate committee of a

1 national, state, or county committee of a political party  
2 under which the candidate is a registered elector thereof; or  
3 an agent of the candidate, including any pollster, media  
4 consultant, advertising agency, vendor, advisor, or staff  
5 member; or

6 4. Makes a payment based on information about the  
7 candidate's plans, projects, or needs communicated to a member  
8 of the committee or person by the candidate or an agent of the  
9 candidate, provided the committee or person uses the  
10 information in any way, in whole or in part, either directly  
11 or indirectly, to design, prepare, or pay for the specific  
12 expenditure or advertising campaign at issue; or

13 5. ~~After the last day of qualifying for statewide or~~  
14 ~~legislative office,~~ Consults about the candidate's plans,  
15 projects, or needs in connection with the candidate's pursuit  
16 of election to office and the information is used in any way  
17 to plan, create, design, or prepare an independent expenditure  
18 or advertising campaign, with:

19 a. Any officer, director, employee, or agent of a  
20 national, state, or county executive committee of a political  
21 party that has made or intends to make expenditures in  
22 connection with or contributions to the candidate; or

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

28 6. ~~After the last day of qualifying for statewide or~~  
29 ~~legislative office,~~ Retains the professional services of any  
30 person also providing those services to the candidate in  
31

1 | connection with the candidate's pursuit of election to office;  
2 | or

3 |         7. Arranges, coordinates, or directs the expenditure,  
4 | in any way, with the candidate or an agent of the candidate.

5 |         ~~(14)(13)~~ "Communications media" means broadcasting  
6 | stations, newspapers, magazines, outdoor advertising  
7 | facilities, printers, direct mail, advertising agencies, ~~the~~  
8 | ~~Internet~~, and telephone companies; but with respect to  
9 | telephones, an expenditure shall be deemed to be an  
10 | expenditure for the use of communications media only if made  
11 | for the costs of telephones, paid telephonists, or automatic  
12 | telephone equipment to be used by a candidate or a political  
13 | committee to communicate with potential voters but excluding  
14 | any costs of telephones incurred by a volunteer for use of  
15 | telephones by such volunteer; ~~however, with respect to the~~  
16 | ~~Internet, an expenditure shall be deemed an expenditure for~~  
17 | ~~use of communications media only if made for the cost of~~  
18 | ~~creating or disseminating a message on a computer information~~  
19 | ~~system accessible by more than one person but excluding~~  
20 | ~~internal communications of a campaign or of any group.~~

21 |         ~~(18)(17)~~ "Political advertisement" means a paid  
22 | expression in any communications media prescribed in  
23 | subsection ~~(14)(13)~~, whether radio, television, newspaper,  
24 | magazine, periodical, campaign literature, direct mail, or  
25 | display or by means other than the spoken word in direct  
26 | conversation, which expressly advocates the election or defeat  
27 | of a candidate or the approval or rejection of an issue.  
28 | However, political advertisement does not include:

29 |         (a) A statement or depiction by an organization, in  
30 | existence prior to the time during which a candidate qualifies  
31 | or an issue is placed on the ballot for that election, in

1 support of or opposition to a candidate or issue, made in that  
2 ~~organization's newsletter, which newsletter is distributed~~  
3 only to the members of that organization.

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

6 (19)~~(18)~~(a) "Electioneering communication" means a  
7 paid expression in any communications media prescribed in  
8 subsection(14)~~(13)~~ by means other than the spoken word in  
9 direct conversation that:

10 1. Refers to or depicts a clearly identified candidate  
11 for office or contains a clear reference indicating that an  
12 issue is to be voted on at an election, without expressly  
13 advocating the election or defeat of a candidate or the  
14 passage or defeat of an issue.

15 2. For communications referring to or depicting a  
16 clearly identified candidate for office, is targeted to the  
17 relevant electorate. A communication is considered targeted if  
18 1,000 or more persons in the geographic area the candidate  
19 would represent if elected will receive the communication.

20 3. For communications containing a clear reference  
21 indicating that an issue is to be voted on at an election, is  
22 published after the issue is designated a ballot position or  
23 120 days before the date of the election on the issue,  
24 whichever occurs first.

25 (b) The term "electioneering communication" does not  
26 include:

27 1. A statement or depiction by an organization, in  
28 existence prior to the time during which a candidate named or  
29 depicted qualifies or an issue identified is placed on the  
30 ballot for that election, ~~made in that organization's~~  
31

1 ~~newsletter, which newsletter is distributed~~ only to members of  
2 that organization.

3         2. An editorial endorsement, news story, commentary,  
4 or editorial by any newspaper, radio, television station, or  
5 other recognized news medium.

6         3. A communication that constitutes a public debate or  
7 forum that includes at least two opposing candidates for an  
8 office or one advocate and one opponent of an issue, or that  
9 solely promotes such a debate or forum and is made by or on  
10 behalf of the person sponsoring the debate or forum, provided  
11 that:

12             a. The staging organization is either:

13                 (I) A charitable organization that does not make other  
14 electioneering communications and does not otherwise support  
15 or oppose any political candidate or political party; or

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

18             b. The staging organization does not structure the  
19 debate to promote or advance one candidate or issue position  
20 over another.

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

25             (d) For purposes of this chapter, an electioneering  
26 communication shall not constitute an independent expenditure  
27 nor be subject to the limitations applicable to independent  
28 expenditures.

29         Section 2. Section 106.06, Florida Statutes, is  
30 amended to read:

31             106.06 Treasurer to keep records; inspections.--

1           (1) The campaign treasurer of each candidate and ~~the~~  
2 ~~campaign treasurer of each~~ political committee and each  
3 electioneering communications organization shall keep detailed  
4 accounts, current within not more than 2 days after the date  
5 of receiving a contribution or making an expenditure, of all  
6 contributions received and all expenditures made by or on  
7 behalf of the candidate, ~~or~~ political committee, or  
8 organization that are required to be set forth in a statement  
9 filed under this chapter. The campaign treasurer or  
10 organization shall also keep detailed accounts of all deposits  
11 made in any separate interest-bearing account or certificate  
12 of deposit and of all withdrawals made therefrom to the  
13 primary depository and of all interest earned thereon.

14           (2) Accounts, including separate interest-bearing  
15 accounts and certificates of deposit, kept by the campaign  
16 treasurer of a candidate or political committee or by an  
17 electioneering communications organization may be inspected  
18 under reasonable circumstances before, during, or after the  
19 election to which the accounts refer by any authorized  
20 representative of the Division of Elections or the Florida  
21 Elections Commission. The right of inspection may be enforced  
22 by appropriate writ issued by any court of competent  
23 jurisdiction. The campaign treasurer of a political committee  
24 supporting a candidate may be joined with the campaign  
25 treasurer of the candidate as respondent in such a proceeding.

26           (3) Accounts kept by a campaign treasurer of a  
27 candidate shall be preserved by the campaign treasurer for a  
28 number of years equal to the term of office of the office to  
29 which the candidate seeks election. Accounts kept by a  
30 campaign treasurer of a political committee or by an  
31 electioneering communications organization shall be preserved

1 | by such treasurer for at least 2 years after the date of the  
2 | election to which the accounts refer.

3 |         Section 3. Subsection (4) of section 106.07, Florida  
4 | Statutes, is amended to read:

5 |             106.07 Reports; certification and filing.--

6 |             (4)(a) Each report required by this section shall  
7 | contain:

8 |             1. The full name, address, and occupation, if any, of  
9 | each person who has made one or more contributions to or for  
10 | such committee or candidate within the reporting period,  
11 | together with the amount and date of such contributions. For  
12 | corporations, the report must provide as clear a description  
13 | as practicable of the principal type of business conducted by  
14 | the corporation. However, if the contribution is \$100 or less  
15 | ~~or is from a relative, as defined in s. 112.312, provided that~~  
16 | ~~the relationship is reported~~, the occupation of the  
17 | contributor or the principal type of business need not be  
18 | listed.

19 |             2. The name and address of each political committee  
20 | from which the reporting committee or the candidate received,  
21 | or to which the reporting committee or candidate made, any  
22 | transfer of funds, together with the amounts and dates of all  
23 | transfers.

24 |             3. Each loan for campaign purposes to or from any  
25 | person or political committee within the reporting period,  
26 | together with the full names, addresses, and occupations, and  
27 | principal places of business, if any, of the lender and  
28 | endorsers, if any, and the date and amount of such loans.

29 |             4. A statement of each contribution, rebate, refund,  
30 | or other receipt not otherwise listed under subparagraphs 1.  
31 | through 3.

1           5. The total sums of all loans, in-kind contributions,  
2 and other receipts by or for such committee or candidate  
3 during the reporting period. The reporting forms shall be  
4 designed to elicit separate totals for in-kind contributions,  
5 loans, and other receipts.

6           6. The full name and address of each person to whom  
7 expenditures have been made by or on behalf of the committee  
8 or candidate within the reporting period; the amount, date,  
9 and purpose of each such expenditure; and the name and address  
10 of, and office sought by, each candidate on whose behalf such  
11 expenditure was made. However, expenditures made from the  
12 petty cash fund provided by s. 106.12 need not be reported  
13 individually.

14           7. The full name and address of each person to whom an  
15 expenditure for personal services, salary, or reimbursement  
16 for authorized expenses as provided in s. 106.021(3) has been  
17 made and which is not otherwise reported, including the  
18 amount, date, and purpose of such expenditure. However,  
19 expenditures made from the petty cash fund provided for in s.  
20 106.12 need not be reported individually.

21           8. The total amount withdrawn and the total amount  
22 spent for petty cash purposes pursuant to this chapter during  
23 the reporting period.

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

26           10. The amount and nature of debts and obligations  
27 owed by or to the committee or candidate, which relate to the  
28 conduct of any political campaign.

29           11. A copy of each credit card statement which shall  
30 be included in the next report following receipt thereof by  
31 the candidate or political committee. Receipts for each credit

1 card purchase shall be retained by the treasurer with the  
2 records for the campaign account.

3 12. The amount and nature of any separate  
4 interest-bearing accounts or certificates of deposit and  
5 identification of the financial institution in which such  
6 accounts or certificates of deposit are located.

7 13. The primary purposes of an expenditure made  
8 indirectly through a campaign treasurer pursuant to s.  
9 106.021(3) for goods and services such as communications media  
10 placement or procurement services, campaign signs, insurance,  
11 and other expenditures that include multiple components as  
12 part of the expenditure. The primary purpose of an expenditure  
13 shall be that purpose, including integral and directly related  
14 components, that comprises 80 percent of such expenditure.

15 (b) In addition to the requirements of paragraph (a):

16 1. Each political committee or electioneering  
17 communications organization report shall also include the name  
18 of the candidate on whose behalf the expenditure was made, if  
19 any expenditure was made to or for any communications media  
20 that depicted a candidate or a candidate's opponent in either  
21 a primary or general election. If the communication depicted  
22 more than one candidate, the expenditure shall be divided  
23 evenly among the depicted candidates.

24 2. Each electioneering communications organization  
25 report shall also include a certification of whether the  
26 expenditure was coordinated as defined by s. 106.011(6), if an  
27 electioneering communications organization made any  
28 expenditure.

29 ~~(c)(b)~~ The filing officer shall make available to any  
30 candidate or committee a reporting form which the candidate or  
31 committee may use to indicate contributions received by the

1 candidate or committee but returned to the contributor before  
2 deposit.

3 Section 4. Section 106.071, Florida Statutes, is  
4 amended to read:

5 106.071 Independent expenditures; expenditures;  
6 electioneering communications; reports; disclaimers.--

7 (1) Each person who makes an independent expenditure  
8 with respect to any candidate or issue, and each individual  
9 who makes an expenditure for an electioneering communication  
10 which is not otherwise reported pursuant to this chapter,  
11 which expenditure, in the aggregate, is in the amount of \$100  
12 or more, shall file periodic reports of such expenditures in  
13 the same manner, at the same time, subject to the same  
14 penalties, and with the same officer as a political committee  
15 supporting or opposing such candidate or issue. The report  
16 shall contain the full name and address of the person making  
17 the expenditure; the full name and address of each person to  
18 whom and for whom each such expenditure has been made; the  
19 amount, date, and purpose of each such expenditure; a  
20 description of the services or goods obtained by each such  
21 expenditure; the issue to which the expenditure relates; and  
22 the name and address of, and office sought by, each candidate  
23 on whose behalf such expenditure was made.

24 (2) Any political advertisement paid for by an  
25 independent expenditure shall prominently state "Paid  
26 political advertisement paid for by ...(Name and address of  
27 person paying for advertisement)... independently of any  
28 ...(candidate or committee)...."

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

1           (4) Any person who fails to include the disclaimer  
2 prescribed in subsection (2) in any political advertisement  
3 that is required to contain such disclaimer commits a  
4 misdemeanor of the first degree, punishable as provided in s.  
5 775.082 or s. 775.083.

6           (5) A national, state, or county executive committee  
7 of a political party, including any subordinate committee of a  
8 national, state, or county committee of a political party, may  
9 not make expenditures for an electioneering communication.

10           Section 5. Paragraph (c) of subsection (1) of section  
11 106.08, Florida Statutes, is amended, paragraph (d) is added  
12 to that subsection, and paragraph (e) is added to subsection  
13 (5) of that section, to read:

14           106.08 Contributions; limitations on.--

15           (1)

16           (c) The contribution limits of this subsection apply  
17 to each election. For purposes of this subsection, the primary  
18 election and general election are separate elections so long  
19 as the candidate is not an unopposed candidate as defined in  
20 s. 106.011~~(16)~~~~(15)~~. However, for the purpose of contribution  
21 limits with respect to candidates for retention as a justice  
22 or judge, there is only one election, which is the general  
23 election.

24           (d) No person, political committee, or committee of  
25 continuous existence may, in any election, make contributions  
26 in excess of \$5,000 to an electioneering communications  
27 organization that makes any coordinated expenditure as defined  
28 by s. 106.011(6). For purposes of this subsection, the primary  
29 election and general election are not separate elections.

30           (5)

1           (e) An electioneering communications organization may  
2 not accept a contribution from any other electioneering  
3 communications organization.

4           Section 6. Section 106.087, Florida Statutes, is  
5 amended to read:

6           106.087 Independent expenditures; contribution limits;  
7 restrictions on political parties and political committees,  
8 ~~and committees of continuous existence.--~~

9           (1)~~(a)~~ As a condition of receiving a rebate of filing  
10 fees and party assessment funds pursuant to s. 99.061(2), s.  
11 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or  
12 treasurer of a state or county executive committee shall take  
13 and subscribe to an oath or affirmation in writing. During the  
14 qualifying period for state candidates and prior to  
15 distribution of such funds, a printed copy of the oath or  
16 affirmation shall be filed with the Secretary of State and  
17 shall be substantially in the following form:

18  
19 State of Florida

20 County of....

21           Before me, an officer authorized to administer oaths,  
22 personally appeared ...(name)..., to me well known, who, being  
23 sworn, says that he or she is the ...(title)... of the  
24 ...(name of party)... ...(state or specified county)...  
25 executive committee; that the executive committee has not  
26 made, either directly or indirectly, an independent  
27 expenditure in support of or opposition to a candidate or  
28 elected public official in the prior 6 months; that the  
29 executive committee will not make, either directly or  
30 indirectly, an independent expenditure in support of or  
31 opposition to a candidate or elected public official, through

1 and including the upcoming general election; and that the  
2 executive committee will not violate the contribution limits  
3 applicable to candidates under s. 106.08(2), Florida Statutes.

4 ... (Signature of committee officer) ...

5 ... (Address) ...

6  
7 Sworn to and subscribed before me this .... day of ....,  
8 ... (year) ..., at .... County, Florida.

9 ... (Signature and title of officer administering oath) ...

10 (2)(b) Any executive committee found to have violated  
11 the provisions of the oath or affirmation in this section  
12 prior to receiving funds shall be ineligible to receive the  
13 rebate for that general election year.

14 (3)(c) Any executive committee found to have violated  
15 the provisions of the oath or affirmation in this section  
16 after receiving funds shall be ineligible to receive the  
17 rebate from candidates qualifying for the following general  
18 election cycle.

19 (4)(d) Any funds not distributed to the state or  
20 county executive committee pursuant to this section shall be  
21 deposited into the General Revenue Fund of the state.

22 ~~(2)(a) Any political committee or committee of~~  
23 ~~continuous existence that accepts the use of public funds,~~  
24 ~~equipment, personnel, or other resources to collect dues from~~  
25 ~~its members agrees not to make independent expenditures in~~  
26 ~~support of or opposition to a candidate or elected public~~  
27 ~~official. However, expenditures may be made for the sole~~  
28 ~~purpose of jointly endorsing three or more candidates.~~

29 ~~(b) Any political committee or committee of continuous~~  
30 ~~existence that violates this subsection is liable for a civil~~  
31 ~~fine of up to \$5,000 to be determined by the Florida Elections~~

1 ~~Commission or the entire amount of the expenditures, whichever~~  
2 ~~is greater.~~

3           Section 7. Subsection (3) of section 106.12, Florida  
4 Statutes, is amended to read:

5           106.12 Petty cash funds allowed.--

6           (3) The petty cash fund so provided shall be spent  
7 only in amounts less than \$100 and only for office supplies,  
8 transportation expenses, and other necessities. Petty cash  
9 shall not be used for the purchase of time, space, or services  
10 from communications media as defined in s. 106.011(14)(~~13~~).

11           Section 8. Subsection (4) of section 106.143, Florida  
12 Statutes, is amended to read:

13           106.143 Political advertisements circulated prior to  
14 election; requirements.--

15           (4)(a) Any political advertisement, including those  
16 paid for by a political party, other than an independent  
17 expenditure, offered by or on behalf of a candidate must be  
18 approved in advance by the candidate. Such political  
19 advertisement must expressly state that the content of the  
20 advertisement was approved by the candidate and must state who  
21 paid for the advertisement. The candidate shall provide a  
22 written statement of authorization to the newspaper, radio  
23 station, television station, or other medium for each such  
24 advertisement submitted for publication, display, broadcast,  
25 or other distribution.

26           (b) Any person who makes an independent expenditure  
27 for a political advertisement shall provide a written  
28 statement that no candidate has approved the advertisement to  
29 the newspaper, radio station, television station, or other  
30 medium for each such advertisement submitted for publication,  
31 display, broadcast, or other distribution. The advertisement

1 must also contain a statement that no candidate has approved  
2 the advertisement.

3 (c) Any radio political advertisement paid for by a  
4 political party and approved by the candidate, including any  
5 such advertisement that references or depicts the candidate's  
6 opponent, must contain a disclaimer recorded by the candidate  
7 that approved the content of the advertisement, which states:  
8 "This is (name of candidate), (party affiliation), for (office  
9 sought), and I approve this message paid for by (political  
10 party or committee paying for advertisement)".

11 (d) Any television political advertisement paid for by  
12 a political party and approved by the candidate, including any  
13 such advertisement that references or depicts the candidate's  
14 opponent, must contain the same recorded disclaimer as  
15 required by paragraph (c) except that the candidate must  
16 appear on the screen while the disclaimer is read.

17 (e)(e) This subsection does not apply to campaign  
18 messages used by a candidate and his or her supporters if  
19 those messages are designed to be worn by a person.

20 Section 9. Section 106.1439, Florida Statutes, is  
21 amended to read:

22 106.1439 Electioneering communications; disclaimers.--

23 (1) Any electioneering communication shall prominently  
24 state: "Paid electioneering communication paid for by (Name  
25 and address of person paying for the communication), an  
26 organization funded by [the top three contributors as  
27 described in s. 106.1439(2)]."

28 (2) Any electioneering communication shall prominently  
29 state in the disclaimer the names of the top three  
30 contributors to the electioneering communications organization  
31

1 during the 12 months preceding the date on which the  
2 electioneering communication is printed or disseminated.

3 ~~(3)(2)~~ Any person who fails to include the disclaimer  
4 prescribed in this section in any electioneering communication  
5 that is required to contain such disclaimer commits a  
6 misdemeanor of the first degree, punishable as provided in s.  
7 775.082 or s. 775.083.

8 Section 10. Paragraph (a) of subsection (1) of section  
9 106.147, Florida Statutes, is amended to read:

10 106.147 Telephone solicitation; disclosure  
11 requirements; prohibitions; exemptions; penalties.--

12 (1)(a) Any telephone call supporting or opposing a  
13 candidate, elected public official, or ballot proposal must  
14 identify the persons or organizations sponsoring the call by  
15 stating at the beginning of the call either: "The following is  
16 a paid telephone call paid for by\_\_\_\_\_" (insert name of  
17 persons or organizations sponsoring the call) or "paid for on  
18 behalf of\_\_\_\_\_" (insert name of persons or organizations  
19 authorizing call). This paragraph does not apply to any  
20 telephone call in which both the individual making the call is  
21 not being paid and the individuals participating in the call  
22 know each other prior to the call.

23 Section 11. Subsection (3) of section 106.15, Florida  
24 Statutes, is amended to read:

25 106.15 Certain acts prohibited.--

26 (3) A candidate may not, in the furtherance of his or  
27 her candidacy for nomination or election to public office in  
28 any election, knowingly use the services of any state, county,  
29 municipal, or district officer or employee during working  
30 hours.

31

1           Section 12. Paragraph (a) of subsection (1) of section  
2 106.19, Florida Statutes, is amended to read:

3           106.19 Violations by candidates, persons connected  
4 with campaigns, and political committees.--

5           (1) Any candidate; campaign manager, campaign  
6 treasurer, or deputy treasurer of any candidate; committee  
7 chair, vice chair, campaign treasurer, deputy treasurer, or  
8 other officer of any political committee; agent or person  
9 acting on behalf of any candidate or political committee; or  
10 other person who knowingly and willfully:

11           (a) Accepts a contribution in excess of the limits  
12 prescribed by s. 106.08 and does not return the amount by  
13 which the contribution exceeds the limits set forth in s.  
14 106.08 within 48 hours;

15  
16 is guilty of a misdemeanor of the first degree, punishable as  
17 provided in s. 775.082 or s. 775.083.

18           Section 13. Subsection (3) of section 106.295, Florida  
19 Statutes, is amended to read:

20           106.295 Leadership fund.--

21           (3) This section applies to all leadership funds in  
22 existence on or after July 1, 2006. Any leadership fund in  
23 existence on July 1, 2006, shall dispose of all funds by  
24 relinquishing control over how the funds are designated by the  
25 political party ~~or after January 1, 1990.~~

26           Section 14. Section 106.33, Florida Statutes, is  
27 amended to read:

28           106.33 Election campaign financing; eligibility.--Each  
29 candidate for the office of Governor or member of the Cabinet  
30 who desires to receive contributions from the Election  
31 Campaign Financing Trust Fund shall, upon qualifying for

1 office, file a request for such contributions with the filing  
2 officer on forms provided by the Division of Elections. If a  
3 candidate requesting contributions from the fund desires to  
4 have such funds distributed by electronic fund transfers, the  
5 request shall include information necessary to implement that  
6 procedure. For the purposes of ss. 106.30-106.36, candidates  
7 for Governor and Lieutenant Governor on the same ticket shall  
8 be considered as a single candidate. To be eligible to receive  
9 contributions from the fund, a candidate may not be an  
10 unopposed candidate as defined in s. 106.011(16)(~~15~~) and must:  
11 (1) Agree to abide by the expenditure limits provided  
12 in s. 106.34.  
13 (2)(a) Raise contributions as follows:  
14 1. One hundred fifty thousand dollars for a candidate  
15 for Governor.  
16 2. One hundred thousand dollars for a candidate for  
17 Cabinet office.  
18 (b) Contributions from individuals who at the time of  
19 contributing are not state residents may not be used to meet  
20 the threshold amounts in paragraph (a). For purposes of this  
21 paragraph, any person validly registered to vote in this state  
22 shall be considered a state resident.  
23 (3) Limit loans or contributions from the candidate's  
24 personal funds to \$25,000 and contributions from national,  
25 state, and county executive committees of a political party to  
26 \$250,000 in the aggregate, which loans or contributions shall  
27 not qualify for meeting the threshold amounts in subsection  
28 (2).  
29 (4) Submit to a postelection audit of the campaign  
30 account by the division.  
31

1           Section 15. Subsection (3) of section 106.34, Florida  
2 Statutes, is amended to read:

3           106.34 Expenditure limits.--

4           (3) For purposes of this section, "Florida-registered  
5 voter" means a voter who is registered to vote in Florida as  
6 of June 30 of each odd-numbered year. The Division of  
7 Elections shall certify the total number of Florida-registered  
8 voters no later than July 31 of each odd-numbered year. Such  
9 total number shall be calculated by adding the number of  
10 registered voters in each county as of June 30 in the year of  
11 the certification date. ~~For the 2006 general election, the~~  
12 ~~Division of Elections shall certify the total number of~~  
13 ~~Florida registered voters by July 31, 2005.~~

14           Section 16. Paragraph (b) of subsection (2) of section  
15 106.35, Florida Statutes, is amended, and subsection (6) is  
16 added to that section, to read:

17           106.35 Distribution of funds.--

18           (2)

19           (b) Qualifying matching contributions are those of  
20 \$250 or less from an individual, ~~made after September 1 of the~~  
21 ~~calendar year prior to the election.~~ Any contribution received  
22 from an individual who is not a state resident at the time the  
23 contribution is made shall not be considered a qualifying  
24 matching contribution. For purposes of this paragraph, any  
25 person validly registered to vote in this state shall be  
26 considered a state resident. Aggregate contributions from an  
27 individual in excess of \$250 will be matched only up to \$250.  
28 A contribution from an individual, if made by check, must be  
29 drawn on the personal bank account of the individual making  
30 the contribution, as opposed to any form of business account,  
31 regardless of whether the business account is for a

1 corporation, partnership, sole proprietorship, trust, or other  
2 form of business arrangement. For contributions made by check  
3 from a personal joint account, the match shall only be for the  
4 individual who actually signs the check.

5 (6) Any candidate who receives funds under the Florida  
6 Election Campaign Financing Act shall return such funds to the  
7 General Revenue Fund as follows:

8 (a) During a primary election, a candidate who expends  
9 funds on any political advertisement that depicts, shows, or  
10 references the candidate's opponent in the primary or general  
11 election shall return to the General Revenue Fund an amount  
12 equal to the amount of such expenditure. In no case shall the  
13 candidate be required to return to the General Revenue Fund  
14 more than the candidate received under the act.

15 (b) During a general election, a candidate, or the  
16 political party of which the candidate is the nominee, who  
17 expends funds on any political advertisement that depicts,  
18 shows, or references the candidate's opponent in the general  
19 election shall return to the General Revenue Fund an amount  
20 equal to the amount of such expenditure. If the expenditure is  
21 more than the candidate received under the act, then the  
22 political party of which the candidate is the nominee shall  
23 return such funds.

24 Section 17. Section 106.191, Florida Statutes, is  
25 repealed.

26 Section 18. This act shall take effect July 1, 2007.  
27  
28  
29  
30  
31