

1 A bill to be entitled
2 An act relating to campaign financing; amending s.
3 103.081, F.S.; permitting the use of a political party's
4 name, abbreviation, or symbol by an affiliated party
5 committee under certain circumstances; creating s.
6 103.092, F.S.; providing for the establishment of
7 affiliated party committees; providing a definition;
8 delineating duties and responsibilities of such
9 committees; amending s. 103.121, F.S.; requiring certain
10 assessments to be paid to an affiliated party committee;
11 amending s. 106.011, F.S.; revising the definition of the
12 term "political committee" to remove certain reporting
13 requirements included in the exclusion of electioneering
14 communications organizations from the definition and to
15 allow contributions to an affiliated party committee;
16 adding an affiliated party committee to the list of
17 entities not considered a political committee under
18 chapter 106, F.S.; revising the definition of the term
19 "independent expenditure" to specify that certain
20 expenditures are not considered an independent
21 expenditure; revising the definition of the term "person"
22 to include an affiliated party committee; revising the
23 definition of the term "filing officer" to expand
24 applicability to electioneering communications
25 organizations; revising the definition of the term
26 "electioneering communication" to conform to certain
27 federal requirements and to delineate what constitutes
28 such a communication; revising the definition of the term

29 | "electioneering communications organization"; amending s.
30 | 106.021, F.S.; providing that certain expenditures by an
31 | affiliated party committee are not considered a
32 | contribution or expenditure to or for a candidate;
33 | amending s. 106.025, F.S.; exempting an affiliated party
34 | committee from certain campaign fund raising requirements;
35 | amending s. 106.03, F.S.; revising the registration
36 | requirements for electioneering communications
37 | organizations; revising the statement of organization
38 | requirements; revising rule adoption requirements relating
39 | to dissolution of political committees and electioneering
40 | communications organizations; amending s. 106.04, F.S.;
41 | requiring that a committee of continuous existence report
42 | receipts from and transfers to an affiliated party
43 | committee; amending s. 106.0701, F.S.; exempting an
44 | affiliated party committee from certain filing
45 | requirements; amending s. 106.0703, F.S.; consolidating
46 | reporting requirements in ch. 106, F.S., applicable to
47 | electioneering communications organizations; providing
48 | penalties; conforming provisions; amending s. 106.0705,
49 | F.S., relating to electronic filing of campaign
50 | treasurer's reports; conforming provisions; requiring an
51 | affiliated party committee to file certain reports with
52 | the Division of Elections; providing that a report filed
53 | by the leader and treasurer of an affiliated party
54 | committee is considered to be under oath; amending s.
55 | 106.071, F.S.; increasing the aggregate amount of
56 | expenditures required for filing certain reports related

57 | to independent expenditures or electioneering
58 | communications; amending s. 106.08, F.S.; removing certain
59 | limitations on contributions received by an electioneering
60 | communications organization; providing that an affiliated
61 | party committee is treated like a political party
62 | regarding limitations on contributions; deleting the 28-
63 | day restriction on acceptance of certain funds preceding a
64 | general election; placing certain restrictions on
65 | solicitation for and making of contributions; providing
66 | guidelines for acceptance of in-kind contributions; adding
67 | an affiliated party committee to entities subject to
68 | penalties; creating s. 106.088, F.S.; requiring the
69 | subscribing to an oath or affirmation prior to receipt of
70 | certain funds; providing the form of the oath; providing
71 | penalties; providing that undistributed funds shall be
72 | deposited into the General Revenue Fund; amending s.
73 | 106.113, F.S., relating to expenditures by local
74 | governments; revising definitions; prohibiting a local
75 | government, or a person acting on behalf of a local
76 | government, from making a specific appropriation or
77 | designated expenditure of moneys under the jurisdiction or
78 | control of the local government; prohibiting certain
79 | persons or groups from accepting such moneys for the
80 | purpose of certain political advertisements; deleting an
81 | exception for certain electioneering communications;
82 | clarifying that certain provisions of state law do not
83 | preclude certain officials from expressing an opinion on
84 | an issue at any time; amending s. 106.141, F.S.; adding

85 affiliated party committees to the list of entities to
86 which a candidate may donate surplus funds; amending s.
87 106.143, F.S.; requiring an affiliated party committee,
88 like a political party, to obtain advance approval by a
89 candidate for political advertisements; amending s.
90 106.1439, F.S.; providing identification requirements for
91 certain electioneering communications; providing an
92 exception for telephone calls; amending s. 106.147, F.S.,
93 relating to telephone solicitation disclosure
94 requirements; removing requirements relating to
95 electioneering communication, to conform; revising the
96 definition of the term "person" to include an affiliated
97 party committee; providing penalties; amending s. 106.165,
98 F.S.; adding affiliated party committees to the entities
99 that must use closed captioning and descriptive narrative
100 in all television broadcasts; amending s. 106.17, F.S.;
101 adding affiliated party committees to those entities
102 authorized to conduct polls and surveys relating to
103 candidacies; amending s. 106.23, F.S.; providing that an
104 affiliated party committee shall be provided an advisory
105 opinion by the Division of Elections when requested;
106 amending s. 106.265, F.S.; authorizing the imposition of
107 civil penalties by the Florida Elections Commission for
108 certain violations by an affiliated party committee;
109 amending s. 106.27, F.S.; adding affiliated party
110 committees to those entities subject to certain
111 determinations and legal disposition by the Florida
112 Elections Commission; amending s. 106.29, F.S.; requiring

113 filing of certain reports by an affiliated party
114 committee; providing restrictions on certain expenditures
115 and contributions; providing penalties; amending s.
116 11.045, F.S., relating to lobbying before the Legislature;
117 excluding contributions and expenditures by an affiliated
118 party committee from the definition of the term
119 "expenditure"; amending s. 112.312, F.S.; providing that
120 certain activities pertaining to an affiliated party
121 committee are excluded from the definition of the term
122 "gift"; amending s. 112.3215, F.S., relating to lobbying
123 before the executive branch or the Constitution Revision
124 Commission; excluding contributions and expenditures by an
125 affiliated party committee from the definition of the term
126 "expenditure"; reenacting ss. 106.011(1)(b), (3), (4),
127 (18), and (19), 106.022(1), 106.03(1)(b), 106.04(5),
128 106.0703, 106.0705(2)(b), 106.071(1), 106.08(7), 106.1437,
129 106.1439, and 106.17, F.S., relating to definitions,
130 registered office and agent requirements, registration
131 requirements, prohibited activities for committees of
132 continuous existence, additional reporting requirements,
133 electronic filing requirements, expenditure reports,
134 penalties for violations pertaining to limitations on
135 contributions, miscellaneous advertisements,
136 electioneering communications disclaimers and penalties
137 for failure to include disclaimers, and polls and surveys
138 pertaining to candidacies, to cure and conform; providing
139 an effective date.

140

141 Be It Enacted by the Legislature of the State of Florida:

142
 143 Section 1. Subsection (4) is added to section 103.081,
 144 Florida Statutes, to read:

145 103.081 Use of party name; political advertising.—

146 (4) Notwithstanding any other provision of law to the
 147 contrary, an affiliated party committee shall be entitled to use
 148 the name, abbreviation, or symbol of the political party of its
 149 leader as defined in s. 103.092.

150 Section 2. Section 103.092, Florida Statutes, is created
 151 to read:

152 103.092 Affiliated party committees.—

153 (1) For purposes of this section, the term "leader" means
 154 the President of the Senate, the Speaker of the House of
 155 Representatives, or the minority leader of either house of the
 156 Legislature, until a person is designated by a political party
 157 conference of members of either house to succeed to any such
 158 position, at which time the designee becomes the leader for
 159 purposes of this section.

160 (2) The leader of each political party conference of the
 161 House of Representatives and the Senate may establish a
 162 separate, affiliated party committee to support the election of
 163 candidates of the leader's political party. The affiliated party
 164 committee is subject to the same provisions of chapter 106 as a
 165 political party.

166 (3) Each affiliated party committee shall:

167 (a) Adopt bylaws to include, at a minimum, the designation
 168 of a treasurer.

- 169 (b) Conduct campaigns for candidates who are members of
- 170 the leader's political party.
- 171 (c) Establish an account.
- 172 (d) Raise and expend funds. Such funds may not be expended
- 173 or committed to be expended except when authorized by the leader
- 174 of the affiliated party committee.

175 Section 3. Paragraph (b) of subsection (1) of section

176 103.121, Florida Statutes, is amended to read:

177 103.121 Powers and duties of executive committees.—

178 (1)

179 (b) The county executive committee shall receive payment

180 of assessments upon candidates to be voted for in a single

181 county except state senators, state ~~and members of the House of~~

182 ~~representatives,~~ and representatives to the Congress of the

183 United States; an affiliated party committee controlled by a

184 leader of the Senate as defined in s. 103.092 shall receive

185 payment of assessments upon candidates for the office of state

186 senator and an affiliated party committee controlled by a leader

187 of the House of Representatives as defined in s. 103.092 shall

188 receive payment of assessments upon candidates for the office of

189 state representative; and the state executive committees shall

190 receive all other assessments authorized. All party assessments

191 shall be 2 percent of the annual salary of the office sought by

192 the respective candidate. All such committee assessments shall

193 be remitted to the state executive committee of the appropriate

194 party and distributed in accordance with subsection (5), except

195 that assessments for candidates for the office of state senator

196 or state representative shall be remitted to the appropriate

197 affiliated party committee.

198 Section 4. Paragraph (a) of subsection (1) of section of
 199 section 106.011, Florida Statutes, is amended, paragraph (b) of
 200 subsection (1) of that section is reenacted and amended,
 201 subsections (3) and (4) of that section are reenacted,
 202 subsections (5), (8), and (14) of that section are amended, and
 203 subsections (18) and (19) of that section are reenacted and
 204 amended, to read:

205 106.011 Definitions.—As used in this chapter, the
 206 following terms have the following meanings unless the context
 207 clearly indicates otherwise:

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

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

212 a. Accepts contributions for the purpose of making
 213 contributions to any candidate, political committee, committee
 214 of continuous existence, affiliated party committee, or
 215 political party;

216 b. Accepts contributions for the purpose of expressly
 217 advocating the election or defeat of a candidate or the passage
 218 or defeat of an issue;

219 c. Makes expenditures that expressly advocate the election
 220 or defeat of a candidate or the passage or defeat of an issue;
 221 or

222 d. Makes contributions to a common fund, other than a
 223 joint checking account between spouses, from which contributions
 224 are made to any candidate, political committee, committee of

225 continuous existence, affiliated party committee, or political
 226 party;

227 2. The sponsor of a proposed constitutional amendment by
 228 initiative who intends to seek the signatures of registered
 229 electors.

230 (b) Notwithstanding paragraph (a), the following entities
 231 are not considered political committees for purposes of this
 232 chapter:

233 1. Organizations which are certified by the Department of
 234 State as committees of continuous existence pursuant to s.
 235 106.04, national political parties, ~~and~~ the state and county
 236 executive committees of political parties, and affiliated party
 237 committees regulated by chapter 103.

238 2. Corporations regulated by chapter 607 or chapter 617 or
 239 other business entities formed for purposes other than to
 240 support or oppose issues or candidates, if their political
 241 activities are limited to contributions to candidates, political
 242 parties, affiliated party committees, or political committees or
 243 expenditures in support of or opposition to an issue from
 244 corporate or business funds and if no contributions are received
 245 by such corporations or business entities.

246 3. Electioneering communications organizations as defined
 247 in subsection (19); ~~however, such organizations shall be~~
 248 ~~required to register with and report expenditures and~~
 249 ~~contributions, including contributions received from committees~~
 250 ~~of continuous existence, to the Division of Elections in the~~
 251 ~~same manner, at the same time, and subject to the same penalties~~
 252 ~~as a political committee supporting or opposing an issue or a~~

253 ~~legislative candidate, except as otherwise specifically provided~~
 254 ~~in this chapter.~~

255 (3) "Contribution" means:

256 (a) A gift, subscription, conveyance, deposit, loan,
 257 payment, or distribution of money or anything of value,
 258 including contributions in kind having an attributable monetary
 259 value in any form, made for the purpose of influencing the
 260 results of an election or making an electioneering
 261 communication.

262 (b) A transfer of funds between political committees,
 263 between committees of continuous existence, between
 264 electioneering communications organizations, or between any
 265 combination of these groups.

266 (c) The payment, by any person other than a candidate or
 267 political committee, of compensation for the personal services
 268 of another person which are rendered to a candidate or political
 269 committee without charge to the candidate or committee for such
 270 services.

271 (d) The transfer of funds by a campaign treasurer or
 272 deputy campaign treasurer between a primary depository and a
 273 separate interest-bearing account or certificate of deposit, and
 274 the term includes any interest earned on such account or
 275 certificate.

276
 277 Notwithstanding the foregoing meanings of "contribution," the
 278 word shall not be construed to include services, including, but
 279 not limited to, legal and accounting services, provided without
 280 compensation by individuals volunteering a portion or all of

CS/HB 1207

2010

281 their time on behalf of a candidate or political committee. This
282 definition shall not be construed to include editorial
283 endorsements.

284 (4) (a) "Expenditure" means a purchase, payment,
285 distribution, loan, advance, transfer of funds by a campaign
286 treasurer or deputy campaign treasurer between a primary
287 depository and a separate interest-bearing account or
288 certificate of deposit, or gift of money or anything of value
289 made for the purpose of influencing the results of an election
290 or making an electioneering communication. However,
291 "expenditure" does not include a purchase, payment,
292 distribution, loan, advance, or gift of money or anything of
293 value made for the purpose of influencing the results of an
294 election when made by an organization, in existence prior to the
295 time during which a candidate qualifies or an issue is placed on
296 the ballot for that election, for the purpose of printing or
297 distributing such organization's newsletter, containing a
298 statement by such organization in support of or opposition to a
299 candidate or issue, which newsletter is distributed only to
300 members of such organization.

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

304 1. A person enters into a contract for applicable goods or
305 services;

306 2. A person makes payment, in whole or in part, for the
307 production or public dissemination of applicable goods or
308 services; or

309 3. The electioneering communication is publicly
310 disseminated.

311 (5) (a) "Independent expenditure" means an expenditure by a
312 person for the purpose of expressly advocating the election or
313 defeat of a candidate or the approval or rejection of an issue,
314 which expenditure is not controlled by, coordinated with, or
315 made upon consultation with, any candidate, political committee,
316 or agent of such candidate or committee. An expenditure for such
317 purpose by a person having a contract with the candidate,
318 political committee, or agent of such candidate or committee in
319 a given election period shall not be deemed an independent
320 expenditure.

321 (b) An expenditure for the purpose of expressly advocating
322 the election or defeat of a candidate which is made by the
323 national, state, or county executive committee of a political
324 party, including any subordinate committee of the ~~a national,~~
325 ~~state, or county committee of a political party,~~ an affiliated
326 party committee, ~~a~~ or by any political committee, ~~a~~ ~~or~~ committee
327 of continuous existence, or any other person, shall not be
328 considered an independent expenditure if the committee or
329 person:

330 1. Communicates with the candidate, the candidate's
331 campaign, or an agent of the candidate acting on behalf of the
332 candidate, including any pollster, media consultant, advertising
333 agency, vendor, advisor, or staff member, concerning the
334 preparation of, use of, or payment for, the specific expenditure
335 or advertising campaign at issue; or

336 2. Makes a payment in cooperation, consultation, or

337 concert with, at the request or suggestion of, or pursuant to
338 any general or particular understanding with the candidate, the
339 candidate's campaign, a political committee supporting the
340 candidate, or an agent of the candidate relating to the specific
341 expenditure or advertising campaign at issue; or

342 3. Makes a payment for the dissemination, distribution, or
343 republication, in whole or in part, of any broadcast or any
344 written, graphic, or other form of campaign material prepared by
345 the candidate, the candidate's campaign, or an agent of the
346 candidate, including any pollster, media consultant, advertising
347 agency, vendor, advisor, or staff member; or

348 4. Makes a payment based on information about the
349 candidate's plans, projects, or needs communicated to a member
350 of the committee or person by the candidate or an agent of the
351 candidate, provided the committee or person uses the information
352 in any way, in whole or in part, either directly or indirectly,
353 to design, prepare, or pay for the specific expenditure or
354 advertising campaign at issue; or

355 5. After the last day of qualifying for statewide or
356 legislative office, consults about the candidate's plans,
357 projects, or needs in connection with the candidate's pursuit of
358 election to office and the information is used in any way to
359 plan, create, design, or prepare an independent expenditure or
360 advertising campaign, with:

361 a. Any officer, director, employee, or agent of a
362 national, state, or county executive committee of a political
363 party or an affiliated party committee that has made or intends
364 to make expenditures in connection with or contributions to the

365 candidate; or

366 b. Any person whose professional services have been
 367 retained by a national, state, or county executive committee of
 368 a political party or an affiliated party committee that has made
 369 or intends to make expenditures in connection with or
 370 contributions to the candidate; or

371 6. After the last day of qualifying for statewide or
 372 legislative office, retains the professional services of any
 373 person also providing those services to the candidate in
 374 connection with the candidate's pursuit of election to office;
 375 or

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

378 (8) "Person" means an individual or a corporation,
 379 association, firm, partnership, joint venture, joint stock
 380 company, club, organization, estate, trust, business trust,
 381 syndicate, or other combination of individuals having collective
 382 capacity. The term includes a political party, affiliated party
 383 committee, political committee, or committee of continuous
 384 existence.

385 (14) "Filing officer" means the person before whom a
 386 candidate qualifies, the agency or officer with whom a political
 387 committee or an electioneering communications organization
 388 registers, or the agency by whom a committee of continuous
 389 existence is certified.

390 (18) (a) "Electioneering communication" means any
 391 communication publicly distributed by a television station,
 392 radio station, cable television system, satellite system,

393 newspaper, magazine, direct mail, or telephone ~~a paid expression~~
 394 ~~in any communications media prescribed in subsection (13) by~~
 395 ~~means other than the spoken word in direct conversation that:~~

396 1. ~~Refers to or depicts a clearly identified candidate for~~
 397 ~~office or contains a clear reference indicating that an issue is~~
 398 ~~to be voted on at an election,~~ without expressly advocating the
 399 election or defeat of a candidate but that is susceptible of no
 400 reasonable interpretation other than an appeal to vote for or
 401 against a specific candidate; ~~or the passage or defeat of an~~
 402 ~~issue.~~

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

406 3. ~~Is~~ ~~For communications referring to or depicting a~~
 407 ~~clearly identified candidate for office,~~ is targeted to the
 408 relevant electorate. ~~A communication is considered targeted if~~
 409 ~~1,000 or more persons~~ in the geographic area the candidate would
 410 represent if elected ~~will receive the communication.~~

411 3. ~~For communications containing a clear reference~~
 412 ~~indicating that an issue is to be voted on at an election, is~~
 413 ~~published after the issue is designated a ballot position or 120~~
 414 ~~days before the date of the election on the issue, whichever~~
 415 ~~occurs first.~~

416 (b) The term "electioneering communication" does not
 417 include:

418 1. A communication disseminated through a means of
 419 communication other than a television station, radio station,
 420 cable television system, satellite system, newspaper, magazine,

421 direct mail, telephone, or statement or depiction by an
 422 organization, in existence prior to the time during which a
 423 candidate named or depicted qualifies ~~or an issue identified is~~
 424 ~~placed on the ballot~~ for that election, made in that
 425 organization's newsletter, which newsletter is distributed only
 426 to members of that organization.

427 2. A communication in a news story, commentary, or
 428 editorial distributed through the facilities of any radio
 429 station, television station, cable television system, or
 430 satellite system, unless the facilities are owned or controlled
 431 by any political party, political committee, or candidate. A
 432 news story distributed through the facilities owned or
 433 controlled by any political party, political committee, or
 434 candidate may nevertheless be exempt if it represents a bona
 435 fide news account communicated through a licensed broadcasting
 436 facility and the communication is part of a general pattern of
 437 campaign-related news accounts that give reasonably equal
 438 coverage to all opposing candidates in the area ~~An editorial~~
 439 ~~endorsement, news story, commentary, or editorial by any~~
 440 ~~newspaper, radio, television station, or other recognized news~~
 441 ~~medium.~~

442 3. A communication that constitutes a public debate or
 443 forum that includes at least two opposing candidates for an
 444 office or one advocate and one opponent of an issue, or that
 445 solely promotes such a debate or forum and is made by or on
 446 behalf of the person sponsoring the debate or forum, provided
 447 that:

448 a. The staging organization is either:

449 (I) A charitable organization that does not make other
 450 electioneering communications and does not otherwise support or
 451 oppose any political candidate or political party; or

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

454 b. The staging organization does not structure the debate
 455 to promote or advance one candidate or issue position over
 456 another.

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

460 (d) For purposes of this chapter, an electioneering
 461 communication shall not constitute an independent expenditure
 462 nor be subject to the limitations applicable to independent
 463 expenditures.

464 (19) "Electioneering communications organization" means
 465 any group, other than a political party, affiliated party
 466 committee, political committee, or committee of continuous
 467 existence, whose election-related activities are limited to
 468 making expenditures for electioneering communications or
 469 accepting contributions for the purpose of making electioneering
 470 communications and whose activities would not otherwise require
 471 the group to register as a political party, political committee,
 472 or committee of continuous existence under this chapter.

473 Section 5. Subsection (3) of section 106.021, Florida
 474 Statutes, is amended to read:

475 106.021 Campaign treasurers; deputies; primary and
 476 secondary depositories.—

CS/HB 1207

2010

477 (3) No contribution or expenditure, including
478 contributions or expenditures of a candidate or of the
479 candidate's family, shall be directly or indirectly made or
480 received in furtherance of the candidacy of any person for
481 nomination or election to political office in the state or on
482 behalf of any political committee except through the duly
483 appointed campaign treasurer of the candidate or political
484 committee, subject to the following exceptions:

485 (a) Independent expenditures;

486 (b) Reimbursements to a candidate or any other individual
487 for expenses incurred in connection with the campaign or
488 activities of the political committee by a check drawn upon the
489 campaign account and reported pursuant to s. 106.07(4). After
490 July 1, 2004, the full name and address of each person to whom
491 the candidate or other individual made payment for which
492 reimbursement was made by check drawn upon the campaign account
493 shall be reported pursuant to s. 106.07(4), together with the
494 purpose of such payment;

495 (c) Expenditures made indirectly through a treasurer for
496 goods or services, such as communications media placement or
497 procurement services, campaign signs, insurance, or other
498 expenditures that include multiple integral components as part
499 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;

500 or

501 (d) Expenditures made directly by any political committee,
502 affiliated party committee, or political party regulated by
503 chapter 103 for obtaining time, space, or services in or by any
504 communications medium for the purpose of jointly endorsing three

505 or more candidates, and any such expenditure shall not be
 506 considered a contribution or expenditure to or on behalf of any
 507 such candidates for the purposes of this chapter.

508 Section 6. Subsection (1) of section 106.022, Florida
 509 Statutes, is reenacted to read:

510 106.022 Appointment of a registered agent; duties.—

511 (1) Each political committee, committee of continuous
 512 existence, or electioneering communications organization shall
 513 have and continuously maintain in this state a registered office
 514 and a registered agent and must file with the division a
 515 statement of appointment for the registered office and
 516 registered agent. The statement of appointment must:

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

519 (b) Identify the entity for whom the registered agent
 520 serves;

521 (c) Designate the address the registered agent wishes to
 522 use to receive mail;

523 (d) Include the entity's undertaking to inform the
 524 division of any change in such designated address;

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

529 (f) Contain the signature of the registered agent and the
 530 entity engaging the registered agent.

531 Section 7. Subsection (2) of section 106.025, Florida
 532 Statutes, is amended to read:

533 106.025 Campaign fund raisers.—

534 (2) This section shall not apply to any campaign fund
 535 raiser held on behalf of a political party by the state or
 536 county executive committee or an affiliated party committee of
 537 such party, provided that the proceeds of such campaign fund
 538 raiser are reported pursuant to s. 106.29.

539 Section 8. Paragraph (b) of subsection (1) of section
 540 106.03, Florida Statutes, is reenacted and amended, and
 541 subsections (2), (4), and (7) of that section are amended, to
 542 read:

543 106.03 Registration of political committees and
 544 electioneering communications organizations.—

545 (1)

546 (b)1. Each electioneering communications organization that
 547 receives ~~anticipates receiving~~ contributions or makes ~~making~~
 548 expenditures during a calendar year in an aggregate amount
 549 exceeding \$5,000 shall file a statement of organization as
 550 provided in subparagraph 2. ~~subsection (3)~~ by expedited delivery
 551 within 24 hours after its organization or, if later, within 24
 552 hours after the date on which it receives ~~has information that~~
 553 ~~causes the organization to anticipate that it will receive~~
 554 contributions or makes ~~make~~ expenditures for an electioneering
 555 communication in excess of \$5,000.

556 2.a. In a statewide, legislative, or multicounty election,
 557 an electioneering communications organization shall file a
 558 statement of organization with the Division of Elections.

559 b. In a countywide election or any election held on less
 560 than a countywide basis, except as described in sub-subparagraph

561 c., an electioneering communications organization shall file a
 562 statement of organization with the supervisor of elections of
 563 the county in which the election is being held.

564 c. In a municipal election, an electioneering
 565 communications organization shall file a statement of
 566 organization with the officer before whom municipal candidates
 567 qualify.

568 d. Any electioneering communications organization that
 569 would be required to file a statement of organization in two or
 570 more locations by reason of the organization's intention to
 571 support or oppose candidates at state or multicounty and local
 572 levels of government need only file a statement of organization
 573 with the Division of Elections.

574 (2) The statement of organization shall include:

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

577 (b) The names, street addresses, and relationships of
 578 affiliated or connected organizations;

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

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

583 (e) The name, mailing address, street address, and
 584 position of other principal officers, including the treasurer
 585 and deputy treasurer ~~including officers and members of the~~
 586 ~~finance committee,~~ if any;

587 (f) The name, address, office sought, and party
 588 affiliation of:

- 589 1. Each candidate whom the committee is supporting;
- 590 2. Any other individual, if any, whom the committee is
- 591 supporting for nomination for election, or election, to any
- 592 public office whatever;
- 593 (g) Any issue or issues the committee ~~such organization~~ is
- 594 supporting or opposing;
- 595 (h) If the committee is supporting the entire ticket of
- 596 any party, a statement to that effect and the name of the party;
- 597 (i) A statement of whether the committee is a continuing
- 598 one;
- 599 (j) Plans for the disposition of residual funds which will
- 600 be made in the event of dissolution;
- 601 (k) A listing of all banks, safe-deposit boxes, or other
- 602 depositories used for committee or electioneering communications
- 603 organization funds; ~~and~~
- 604 (l) A statement of the reports required to be filed by the
- 605 committee or the electioneering communications organization with
- 606 federal officials, if any, and the names, addresses, and
- 607 positions of such officials; and
- 608 (m) A statement of whether the electioneering
- 609 communications organization was formed as a newly created
- 610 organization during the current calendar quarter or was formed
- 611 from an organization existing prior to the current calendar
- 612 quarter. For purposes of this subsection, calendar quarters end
- 613 the last day of March, June, September, and December.
- 614 (4) Any change in information previously submitted in a
- 615 statement of organization shall be reported to the agency or
- 616 officer with whom such committee or electioneering

617 communications organization is required to register ~~pursuant to~~
 618 ~~subsection (3)~~, within 10 days following the change.

619 (7) The Division of Elections shall adopt ~~promulgate~~ rules
 620 to prescribe the manner in which ~~inactive~~ committees and
 621 electioneering communications organizations may be dissolved and
 622 have their registration canceled. Such rules shall, at a
 623 minimum, provide for:

624 (a) Notice which shall contain the facts and conduct which
 625 warrant the intended action, including but not limited to
 626 failure to file reports and limited activity.

627 (b) Adequate opportunity to respond.

628 (c) Appeal of the decision to the Florida Elections
 629 Commission. Such appeals shall be exempt from the
 630 confidentiality provisions of s. 106.25.

631 Section 9. Paragraph (c) of subsection (4) of section
 632 106.04, Florida Statutes, is amended, and subsection (5) of that
 633 section is reenacted, to read:

634 106.04 Committees of continuous existence.—

635 (4)

636 (c) All committees of continuous existence shall file
 637 their reports with the Division of Elections. Reports shall be
 638 filed in accordance with s. 106.0705 and shall contain the
 639 following information:

640 1. The full name, address, and occupation of each person
 641 who has made one or more contributions, including contributions
 642 that represent the payment of membership dues, to the committee
 643 during the reporting period, together with the amounts and dates
 644 of such contributions. For corporations, the report must provide

645 as clear a description as practicable of the principal type of
646 business conducted by the corporation. However, if the
647 contribution is \$100 or less, the occupation of the contributor
648 or principal type of business need not be listed. However, for
649 any contributions that represent the payment of dues by members
650 in a fixed amount aggregating no more than \$250 per calendar
651 year, pursuant to the schedule on file with the Division of
652 Elections, only the aggregate amount of such contributions need
653 be listed, together with the number of members paying such dues
654 and the amount of the membership dues.

655 2. The name and address of each political committee or
656 committee of continuous existence from which the reporting
657 committee received, or the name and address of each political
658 committee, committee of continuous existence, affiliated party
659 committee, or political party to which it made, any transfer of
660 funds, together with the amounts and dates of all transfers.

661 3. Any other receipt of funds not listed pursuant to
662 subparagraph 1. or subparagraph 2., including the sources and
663 amounts of all such funds.

664 4. The name and address of, and office sought by, each
665 candidate to whom the committee has made a contribution during
666 the reporting period, together with the amount and date of each
667 contribution.

668 5. The full name and address of each person to whom
669 expenditures have been made by or on behalf of the committee
670 within the reporting period; the amount, date, and purpose of
671 each such expenditure; and the name and address, and office
672 sought by, each candidate on whose behalf such expenditure was

673 made.

674 6. The full name and address of each person to whom an
675 expenditure for personal services, salary, or reimbursement for
676 authorized expenses has been made, including the full name and
677 address of each entity to whom the person made payment for which
678 reimbursement was made by check drawn upon the committee
679 account, together with the amount and purpose of such payment.

680 7. Transaction information from each credit card statement
681 that will be included in the next report following receipt
682 thereof by the committee. Receipts for each credit card purchase
683 shall be retained by the treasurer with the records for the
684 committee account.

685 8. The total sum of expenditures made by the committee
686 during the reporting period.

687 (5) No committee of continuous existence shall make an
688 electioneering communication, contribute to any candidate or
689 political committee an amount in excess of the limits contained
690 in s. 106.08(1), or participate in any activity which is
691 prohibited by this chapter. If any violation occurs, it shall be
692 punishable as provided in this chapter for the given offense. No
693 funds of a committee of continuous existence shall be expended
694 on behalf of a candidate, except by means of a contribution made
695 through the duly appointed campaign treasurer of a candidate. No
696 such committee shall make expenditures in support of, or in
697 opposition to, an issue unless such committee first registers as
698 a political committee pursuant to this chapter and undertakes
699 all the practices and procedures required thereof; provided such
700 committee may make contributions in a total amount not to exceed

CS/HB 1207

2010

701 25 percent of its aggregate income, as reflected in the annual
 702 report filed for the previous year, to one or more political
 703 committees registered pursuant to s. 106.03 and formed to
 704 support or oppose issues.

705 Section 10. Subsection (5) of section 106.0701, Florida
 706 Statutes, is amended to read:

707 106.0701 Solicitation of contributions on behalf of s. 527
 708 or s. 501(c)(4) organizations; reporting requirements; civil
 709 penalty; exemption.—

710 (5) The filing requirements of subsection (1) do not apply
 711 to an individual acting on behalf of his or her own campaign, ~~or~~
 712 a political party, or an affiliated party committee of which the
 713 individual is a member.

714 Section 11. Section 106.0703, Florida Statutes, is
 715 reenacted and amended to read:

716 106.0703 Electioneering communications organizations;
 717 ~~additional~~ reporting requirements; certification and filing;
 718 penalties.—

719 (1) (a) Each electioneering communications organization
 720 shall file regular reports of all contributions received and all
 721 expenditures made by or on behalf of the organization. Reports
 722 shall be filed on the 10th day following the end of each
 723 calendar quarter from the time the organization is registered.
 724 However, if the 10th day following the end of a calendar quarter
 725 occurs on a Saturday, Sunday, or legal holiday, the report shall
 726 be filed on the next following day that is not a Saturday,
 727 Sunday, or legal holiday. Quarterly reports shall include all
 728 contributions received and expenditures made during the calendar

729 quarter that have not otherwise been reported pursuant to this
730 section.

731 (b) Following the last day of candidates qualifying for
732 office, the reports shall be filed on the 32nd, 18th, and 4th
733 days immediately preceding the primary election and on the 46th,
734 32nd, 18th, and 4th days immediately preceding the general
735 election.

736 (c) When a special election is called to fill a vacancy in
737 office, all electioneering communications organizations making
738 contributions or expenditures to influence the results of the
739 special election shall file reports with the filing officer on
740 the dates set by the Department of State pursuant to s. 100.111.

741 (d) In addition to the reports required by paragraph (a),
742 an electioneering communications organization that is registered
743 with the Department of State and that makes a contribution or
744 expenditure to influence the results of a county or municipal
745 election that is not being held at the same time as a state or
746 federal election must file reports with the county or municipal
747 filing officer on the same dates as county or municipal
748 candidates or committees for that election. The electioneering
749 communications organization must also include the expenditure in
750 the next report filed with the Division of Elections pursuant to
751 this section following the county or municipal election.

752 (e) The filing officer shall make available to each
753 electioneering communications organization a schedule
754 designating the beginning and end of reporting periods as well
755 as the corresponding designated due dates.

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

778 (b)1. Any report that is deemed to be incomplete by the
779 officer with whom the electioneering communications organization
780 files shall be accepted on a conditional basis. The treasurer of
781 the electioneering communications organization shall be
782 notified, by certified mail or other common carrier that can
783 establish proof of delivery for the notice, as to why the report

784 is incomplete. Within 7 days after receipt of such notice, the
785 treasurer must file an addendum to the report providing all
786 information necessary to complete the report in compliance with
787 this section. Failure to file a complete report after such
788 notice constitutes a violation of this chapter.

789 2. Notice is deemed sufficient upon proof of delivery of
790 written notice to the mailing or street address of the treasurer
791 or registered agent of the electioneering communication
792 organization on record with the filing officer.

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

794 1. The full name, address, and occupation, if any, of each
795 person who has made one or more contributions to or for such
796 electioneering communications organization within the reporting
797 period, together with the amount and date of such contributions.
798 For corporations, the report must provide as clear a description
799 as practicable of the principal type of business conducted by
800 the corporation. However, if the contribution is \$100 or less,
801 the occupation of the contributor or the principal type of
802 business need not be listed.

803 2. The name and address of each political committee from
804 which or to which the reporting electioneering communications
805 organization made any transfer of funds, together with the
806 amounts and dates of all transfers.

807 3. Each loan for electioneering communication purposes to
808 or from any person or political committee within the reporting
809 period, together with the full names, addresses, and occupations
810 and principal places of business, if any, of the lender and
811 endorsers, if any, and the date and amount of such loans.

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

814 5. The total sums of all loans, in-kind contributions, and
815 other receipts by or for such electioneering communications
816 organization during the reporting period. The reporting forms
817 shall be designed to elicit separate totals for in-kind
818 contributions, loans, and other receipts.

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

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

827 8. The total sum of expenditures made by the
828 electioneering communications organization during the reporting
829 period.

830 9. The amount and nature of debts and obligations owed by
831 or to the electioneering communications organization that relate
832 to the conduct of any electioneering communication.

833 10. Transaction information for each credit card purchase.
834 Receipts for each credit card purchase shall be retained by the
835 electioneering communications organization.

836 11. The amount and nature of any separate interest-bearing
837 accounts or certificates of deposit and identification of the
838 financial institution in which such accounts or certificates of
839 deposit are located.

840 12. The primary purposes of an expenditure made indirectly
841 through an electioneering communications organization for goods
842 and services, such as communications media placement or
843 procurement services and other expenditures that include
844 multiple components as part of the expenditure. The primary
845 purpose of an expenditure shall be that purpose, including
846 integral and directly related components, that comprises 80
847 percent of such expenditure.

848 (b) The filing officer shall make available to any
849 electioneering communications organization a reporting form
850 which the electioneering communications organization may use to
851 indicate contributions received by the electioneering
852 communications organization but returned to the contributor
853 before deposit.

854 (4) The treasurer of the electioneering communications
855 organization shall certify as to the correctness of each report,
856 and each person so certifying shall bear the responsibility for
857 the accuracy and veracity of each report. Any treasurer who
858 willfully certifies the correctness of any report while knowing
859 that such report is incorrect, false, or incomplete commits a
860 misdemeanor of the first degree, punishable as provided in s.
861 775.082 or s. 775.083.

862 (5) The electioneering communications organization
863 depository shall provide statements reflecting deposits and
864 expenditures from the account to the treasurer, who shall retain
865 the records pursuant to s. 106.06. The records maintained by the
866 depository with respect to the account shall be subject to
867 inspection by an agent of the Division of Elections or the

868 Florida Elections Commission at any time during normal banking
869 hours, and such depository shall furnish certified copies of any
870 such records to the Division of Elections or the Florida
871 Elections Commission upon request.

872 (6) Notwithstanding any other provisions of this chapter,
873 in any reporting period during which an electioneering
874 communications organization has not received funds, made any
875 contributions, or expended any reportable funds, the treasurer
876 shall file a written report with the filing officer by the
877 prescribed reporting date that no reportable contributions or
878 expenditures were made during the reporting period.

879 (7) (a) Any electioneering communications organization
880 failing to file a report on the designated due date shall be
881 subject to a fine as provided in paragraph (b) for each late
882 day. The fine shall be assessed by the filing officer and the
883 moneys collected shall be deposited:

884 1. In the General Revenue Fund, in the case of an
885 electioneering communications organization that registers with
886 the Division of Elections; or

887 2. In the general revenue fund of the political
888 subdivision, in the case of an electioneering communications
889 organization that registers with an officer of a political
890 subdivision.

891
892 No separate fine shall be assessed for failure to file a copy of
893 any report required by this section.

894 (b) Upon determining that a report is late, the filing
895 officer shall immediately notify the electioneering

896 communications organization as to the failure to file a report
 897 by the designated due date and that a fine is being assessed for
 898 each late day. The fine shall be \$50 per day for the first 3
 899 days late and, thereafter, \$500 per day for each late day, not
 900 to exceed 25 percent of the total receipts or expenditures,
 901 whichever is greater, for the period covered by the late report.
 902 However, for the reports immediately preceding each primary and
 903 general election, the fine shall be \$500 per day for each late
 904 day, not to exceed 25 percent of the total receipts or
 905 expenditures, whichever is greater, for the period covered by
 906 the late report. Upon receipt of the report, the filing officer
 907 shall determine the amount of the fine which is due and shall
 908 notify the electioneering communications organization. The
 909 filing officer shall determine the amount of the fine due based
 910 upon the earliest of the following:

- 911 1. When the report is actually received by such officer.
- 912 2. When the report is postmarked.
- 913 3. When the certificate of mailing is dated.
- 914 4. When the receipt from an established courier company is
 915 dated.
- 916 5. When the electronic receipt issued pursuant to s.
 917 106.0705 or other electronic filing system authorized in this
 918 section is dated.

919
 920 Such fine shall be paid to the filing officer within 20 days
 921 after receipt of the notice of payment due, unless appeal is
 922 made to the Florida Elections Commission pursuant to paragraph
 923 (c). Notice is deemed sufficient upon proof of delivery of

924 written notice to the mailing or street address on record with
925 the filing officer. An officer or member of an electioneering
926 communications organization shall not be personally liable for
927 such fine.

928 (c) The treasurer of an electioneering communications
929 organization may appeal or dispute the fine, based upon, but not
930 limited to, unusual circumstances surrounding the failure to
931 file on the designated due date, and may request and shall be
932 entitled to a hearing before the Florida Elections Commission,
933 which shall have the authority to waive the fine in whole or in
934 part. The Florida Elections Commission must consider the
935 mitigating and aggravating circumstances contained in s.
936 106.265(1) when determining the amount of a fine, if any, to be
937 waived. Any such request shall be made within 20 days after
938 receipt of the notice of payment due. In such case, the
939 treasurer of the electioneering communications organization
940 shall, within the 20-day period, notify the filing officer in
941 writing of his or her intention to bring the matter before the
942 commission.

943 (d) The appropriate filing officer shall notify the
944 Florida Elections Commission of the repeated late filing by an
945 electioneering communications organization, the failure of an
946 electioneering communications organization to file a report
947 after notice, or the failure to pay the fine imposed. The
948 commission shall investigate only those alleged late filing
949 violations specifically identified by the filing officer and as
950 set forth in the notification. Any other alleged violations must

951 be stated separately and reported by the division to the
 952 commission under s. 106.25(2).

953 (8) ~~In addition to the reporting requirements in s.~~
 954 ~~106.07,~~ An electioneering communications organization shall,
 955 within 2 days after receiving its initial password or secure
 956 sign-on from the Department of State allowing confidential
 957 access to the department's electronic campaign finance filing
 958 system, electronically file the periodic ~~campaign finance~~
 959 reports that would have been required pursuant to this section
 960 ~~s. 106.07~~ for reportable activities that occurred since the date
 961 of the last general election.

962 Section 12. Paragraph (b) of subsection (2) of section
 963 106.0705, Florida Statutes, is reenacted and amended, and
 964 subsections (3) and (4) of that section are amended, to read:

965 106.0705 Electronic filing of campaign treasurer's
 966 reports.—

967 (2)

968 (b) Each political committee, committee of continuous
 969 existence, electioneering communications organization,
 970 affiliated party committee, or state executive committee that is
 971 required to file reports with the division under s. 106.04, s.
 972 106.07, s. 106.0703, or s. 106.29, as applicable, must file such
 973 reports with the division by means of the division's electronic
 974 filing system.

975 (3) Reports filed pursuant to this section shall be
 976 completed and filed through the electronic filing system not
 977 later than midnight of the day designated. Reports not filed by
 978 midnight of the day designated are late filed and are subject to

979 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),
 980 or s. 106.29(3), as applicable.

981 (4) Each report filed pursuant to this section is
 982 considered to be under oath by the candidate and treasurer, ~~or~~
 983 the chair and treasurer, or the leader and treasurer under s.
 984 103.092, whichever is applicable, and such persons are subject
 985 to the provisions of s. 106.04(4)(d), s. 106.07(5), s.
 986 106.0703(4), or s. 106.29(2), as applicable. Persons given a
 987 secure sign-on to the electronic filing system are responsible
 988 for protecting such from disclosure and are responsible for all
 989 filings using such credentials, unless they have notified the
 990 division that their credentials have been compromised.

991 Section 13. Subsection (1) of section 106.071, Florida
 992 Statutes, is reenacted and amended to read:

993 106.071 Independent expenditures; electioneering
 994 communications; reports; disclaimers.-

995 (1) Each person who makes an independent expenditure with
 996 respect to any candidate or issue, and each individual who makes
 997 an expenditure for an electioneering communication which is not
 998 otherwise reported pursuant to this chapter, which expenditure,
 999 in the aggregate, is in the amount of \$5,000 ~~\$100~~ or more, shall
 1000 file periodic reports of such expenditures in the same manner,
 1001 at the same time, subject to the same penalties, and with the
 1002 same officer as a political committee supporting or opposing
 1003 such candidate or issue. The report shall contain the full name
 1004 and address of the person making the expenditure; the full name
 1005 and address of each person to whom and for whom each such
 1006 expenditure has been made; the amount, date, and purpose of each

1007 such expenditure; a description of the services or goods
 1008 obtained by each such expenditure; the issue to which the
 1009 expenditure relates; and the name and address of, and office
 1010 sought by, each candidate on whose behalf such expenditure was
 1011 made.

1012 Section 14. Subsections (1) , (2), (4), (5), and (6) of
 1013 section 106.08, Florida Statutes, are amended, and subsection
 1014 (7) of that section is reenacted and amended, to read:

1015 106.08 Contributions; limitations on.—

1016 (1) (a) Except for political parties or affiliated party
 1017 committees, no person, political committee, or committee of
 1018 continuous existence may, in any election, make contributions in
 1019 excess of \$500 to any candidate for election to or retention in
 1020 office or to any political committee supporting or opposing one
 1021 or more candidates. Candidates for the offices of Governor and
 1022 Lieutenant Governor on the same ticket are considered a single
 1023 candidate for the purpose of this section.

1024 (b)1. The contribution limits provided in this subsection
 1025 do not apply to contributions made by a state or county
 1026 executive committee of a political party or affiliated party
 1027 committee regulated by chapter 103 or to amounts contributed by
 1028 a candidate to his or her own campaign.

1029 2. Notwithstanding the limits provided in this subsection,
 1030 an unemancipated child under the age of 18 years of age may not
 1031 make a contribution in excess of \$100 to any candidate or to any
 1032 political committee supporting one or more candidates.

1033 (c) The contribution limits of this subsection apply to
 1034 each election. For purposes of this subsection, the primary

1035 election and general election are separate elections so long as
 1036 the candidate is not an unopposed candidate as defined in s.
 1037 106.011(15). However, for the purpose of contribution limits
 1038 with respect to candidates for retention as a justice or judge,
 1039 there is only one election, which is the general election.

1040 (2) (a) A candidate may not accept contributions from
 1041 national, state, or ~~including any subordinate committee of a~~
 1042 ~~national, state, or county committee of a political party, and~~
 1043 county executive committees of a political party, including any
 1044 subordinate committee of such political party or affiliated
 1045 party committees, which contributions in the aggregate exceed
 1046 \$50,000, ~~no more than \$25,000 of which may be accepted prior to~~
 1047 ~~the 28-day period immediately preceding the date of the general~~
 1048 ~~election.~~

1049 (b) A candidate for statewide office may not accept
 1050 contributions from national, state, or county executive
 1051 committees of a political party, including any subordinate
 1052 committee of the ~~a national, state, or county committee of a~~
 1053 ~~political party, or affiliated party committees,~~ which
 1054 contributions in the aggregate exceed \$250,000, ~~no more than~~
 1055 ~~\$125,000 of which may be accepted prior to the 28-day period~~
 1056 ~~immediately preceding the date of the general election.~~ Polling
 1057 services, research services, costs for campaign staff,
 1058 professional consulting services, and telephone calls are not
 1059 contributions to be counted toward the contribution limits of
 1060 paragraph (a) or this paragraph. Any item not expressly
 1061 identified in this paragraph as nonallocable is a contribution
 1062 in an amount equal to the fair market value of the item and must

CS/HB 1207

2010

1063 be counted as allocable toward the contribution limits of
 1064 paragraph (a) or this paragraph. Nonallocable, in-kind
 1065 contributions must be reported by the candidate under s. 106.07
 1066 and by the political party or affiliated party committee under
 1067 s. 106.29.

1068 (4) ~~(a)~~ Any contribution received by the chair, campaign
 1069 treasurer, or deputy campaign treasurer of a political committee
 1070 supporting or opposing a candidate with opposition in an
 1071 election or supporting or opposing an issue on the ballot in an
 1072 election on the day of that election or less than 5 days prior
 1073 to the day of that election may not be obligated or expended by
 1074 the committee until after the date of the election.

1075 ~~(b) Any contribution received by an electioneering~~
 1076 ~~communications organization on the day of an election or less~~
 1077 ~~than 5 days prior to the day of that election may not be~~
 1078 ~~obligated or expended by the organization until after the date~~
 1079 ~~of the election and may not be expended to pay for any~~
 1080 ~~obligation arising prior to the election.~~

1081 (5) (a) A person may not make any contribution through or
 1082 in the name of another, directly or indirectly, in any election.

1083 (b) Candidates, political committees, affiliated party
 1084 committees, and political parties may not solicit contributions
 1085 from any religious, charitable, civic, or other causes or
 1086 organizations established primarily for the public good.

1087 (c) Candidates, political committees, affiliated party
 1088 committees, and political parties may not make contributions, in
 1089 exchange for political support, to any religious, charitable,

1090 civic, or other cause or organization established primarily for
 1091 the public good. It is not a violation of this paragraph for:

1092 1. A candidate, political committee, affiliated party
 1093 committee, or political party executive committee to make gifts
 1094 of money in lieu of flowers in memory of a deceased person;

1095 2. A candidate to continue membership in, or make regular
 1096 donations from personal or business funds to, religious,
 1097 political party, affiliated party committee, civic, or
 1098 charitable groups of which the candidate is a member or to which
 1099 the candidate has been a regular donor for more than 6 months;
 1100 or

1101 3. A candidate to purchase, with campaign funds, tickets,
 1102 admission to events, or advertisements from religious, civic,
 1103 political party, affiliated party committee, or charitable
 1104 groups.

1105 ~~(d) An electioneering communications organization may not~~
 1106 ~~accept a contribution from an organization exempt from taxation~~
 1107 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~
 1108 ~~than a political committee, committee of continuous existence,~~
 1109 ~~or political party, unless the contributing organization has~~
 1110 ~~registered as if the organization were an electioneering~~
 1111 ~~communications organization pursuant to s. 106.03 and has filed~~
 1112 ~~all campaign finance reports required of electioneering~~
 1113 ~~communications organizations pursuant to ss. 106.07 and~~
 1114 ~~106.0703.~~

1115 (6) (a) A political party or affiliated party committee may
 1116 not accept any contribution that has been specifically
 1117 designated for the partial or exclusive use of a particular

1118 candidate. Any contribution so designated must be returned to
 1119 the contributor and may not be used or expended by or on behalf
 1120 of the candidate. Funds contributed to an affiliated party
 1121 committee shall not be deemed as designated for the partial or
 1122 exclusive use of a leader as defined in s. 103.092.

1123 (b)1. A political party or affiliated party committee may
 1124 not accept any in-kind contribution that fails to provide a
 1125 direct benefit to the political party or affiliated party
 1126 committee. A "direct benefit" includes, but is not limited to,
 1127 fundraising or furthering the objectives of the political party
 1128 or affiliated party committee.

1129 2.a. An in-kind contribution to a state political party
 1130 may be accepted only by the chairperson of the state political
 1131 party or by the chairperson's designee or designees whose names
 1132 are on file with the division in a form acceptable to the
 1133 division prior to the date of the written notice required in
 1134 sub-subparagraph b. An in-kind contribution to a county
 1135 political party may be accepted only by the chairperson of the
 1136 county political party or by the county chairperson's designee
 1137 or designees whose names are on file with the supervisor of
 1138 elections of the respective county prior to the date of the
 1139 written notice required in sub-subparagraph b. An in-kind
 1140 contribution to an affiliated party committee may be accepted
 1141 only by the leader of the affiliated party committee as defined
 1142 in s. 103.092 or by the leader's designee or designees whose
 1143 names are on file with the division in a form acceptable to the
 1144 division prior to the date of the written notice required in
 1145 sub-subparagraph b.

1146 b. A person making an in-kind contribution to a state
1147 ~~political party~~ or county political party or affiliated party
1148 committee must provide prior written notice of the contribution
1149 to a person described in sub-subparagraph a. The prior written
1150 notice must be signed and dated and may be provided by an
1151 electronic or facsimile message. However, prior written notice
1152 is not required for an in-kind contribution that consists of
1153 food and beverage in an aggregate amount not exceeding \$1,500
1154 which is consumed at a single sitting or event if such in-kind
1155 contribution is accepted in advance by a person specified in
1156 sub-subparagraph a.

1157 c. A person described in sub-subparagraph a. may accept an
1158 in-kind contribution requiring prior written notice only in a
1159 writing that is signed and dated before the in-kind contribution
1160 is made. Failure to obtain the required written acceptance of an
1161 in-kind contribution to a state or county political party or
1162 affiliated party committee constitutes a refusal of the
1163 contribution.

1164 d. A copy of each prior written acceptance required under
1165 sub-subparagraph c. must be filed with the division at the time
1166 the regular reports of contributions and expenditures required
1167 under s. 106.29 are filed by the state executive committee, ~~and~~
1168 county executive committee, and affiliated party committee.

1169 e. An in-kind contribution may not be given to a state or
1170 county political party or affiliated party committee unless the
1171 in-kind contribution is made as provided in this subparagraph.

1172 (7) (a) Any person who knowingly and willfully makes or
1173 accepts no more than one contribution in violation of subsection

1174 (1) or subsection (5), or any person who knowingly and willfully
 1175 fails or refuses to return any contribution as required in
 1176 subsection (3), commits a misdemeanor of the first degree,
 1177 punishable as provided in s. 775.082 or s. 775.083. If any
 1178 corporation, partnership, or other business entity or any
 1179 political party, affiliated party committee, political
 1180 committee, committee of continuous existence, or electioneering
 1181 communications organization is convicted of knowingly and
 1182 willfully violating any provision punishable under this
 1183 paragraph, it shall be fined not less than \$1,000 and not more
 1184 than \$10,000. If it is a domestic entity, it may be ordered
 1185 dissolved by a court of competent jurisdiction; if it is a
 1186 foreign or nonresident business entity, its right to do business
 1187 in this state may be forfeited. Any officer, partner, agent,
 1188 attorney, or other representative of a corporation, partnership,
 1189 or other business entity, or of a political party, affiliated
 1190 party committee, political committee, committee of continuous
 1191 existence, electioneering communications organization, or
 1192 organization exempt from taxation under s. 527 or s. 501(c)(4)
 1193 of the Internal Revenue Code, who aids, abets, advises, or
 1194 participates in a violation of any provision punishable under
 1195 this paragraph commits a misdemeanor of the first degree,
 1196 punishable as provided in s. 775.082 or s. 775.083.

1197 (b) Any person who knowingly and willfully makes or
 1198 accepts two or more contributions in violation of subsection (1)
 1199 or subsection (5) commits a felony of the third degree,
 1200 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.
 1201 If any corporation, partnership, or other business entity or any

CS/HB 1207

2010

1202 political party, affiliated party committee, political
 1203 committee, committee of continuous existence, or electioneering
 1204 communications organization is convicted of knowingly and
 1205 willfully violating any provision punishable under this
 1206 paragraph, it shall be fined not less than \$10,000 and not more
 1207 than \$50,000. If it is a domestic entity, it may be ordered
 1208 dissolved by a court of competent jurisdiction; if it is a
 1209 foreign or nonresident business entity, its right to do business
 1210 in this state may be forfeited. Any officer, partner, agent,
 1211 attorney, or other representative of a corporation, partnership,
 1212 or other business entity, or of a political committee, committee
 1213 of continuous existence, political party, affiliated party
 1214 committee, or electioneering communications organization, or
 1215 organization exempt from taxation under s. 527 or s. 501(c)(4)
 1216 of the Internal Revenue Code, who aids, abets, advises, or
 1217 participates in a violation of any provision punishable under
 1218 this paragraph commits a felony of the third degree, punishable
 1219 as provided in s. 775.082, s. 775.083, or s. 775.084.

1220 Section 15. Section 106.088, Florida Statutes, is created
 1221 to read:

1222 106.088 Independent expenditures; contribution limits;
 1223 restrictions on affiliated party committees.—

1224 (1) As a condition of receiving a rebate of party
 1225 assessments under s. 103.121(1)(b), the leader or treasurer of
 1226 an affiliated party committee as defined in s. 103.092 shall
 1227 take and subscribe to an oath or affirmation in writing. During
 1228 the qualifying period for state candidates and prior to
 1229 distribution of such funds, a printed copy of the oath or

CS/HB 1207

2010

1230 affirmation shall be filed with the Secretary of State and shall
 1231 be substantially in the following form:

1232
 1233 State of Florida
 1234 County of _____

1235
 1236 Before me, an officer authorized to administer oaths, personally
 1237 appeared ... (name) ..., to me well known, who, being sworn, says
 1238 that he or she is the ... (title) ... of the ... (name of
 1239 party) (name of chamber) ... affiliated party committee;
 1240 that the affiliated party committee has not made, either
 1241 directly or indirectly, an independent expenditure in support of
 1242 or opposition to a candidate or elected public official in the
 1243 prior 6 months; that the affiliated party committee will not
 1244 make, either directly or indirectly, an independent expenditure
 1245 in support of or opposition to a candidate or elected public
 1246 official, through and including the upcoming general election;
 1247 and that the affiliated party committee will not violate the
 1248 contribution limits applicable to candidates under s. 106.08(2),
 1249 Florida Statutes.

1250 ... (Signature of committee officer) ...
 1251 ... (Address) ...

1252 Sworn to and subscribed before me this _____ day of _____,
 1253 ... (year) ..., at _____ County, Florida.

1254 ... (Signature and title of officer administering oath) ...

1255 (2) (a) Any affiliated party committee found to have
 1256 violated the provisions of the oath or affirmation prior to
 1257 receiving funds shall be ineligible to receive the rebate for

1258 | that general election year.

1259 | (b) Any affiliated party committee found to have violated
 1260 | the provisions of the oath or affirmation after receiving funds
 1261 | shall be ineligible to receive the rebate from candidates
 1262 | qualifying for the following general election cycle.

1263 | (3) Any funds not distributed to the affiliated party
 1264 | committee pursuant to this section shall be deposited into the
 1265 | General Revenue Fund of the state.

1266 | Section 16. Section 106.113, Florida Statutes, is amended
 1267 | to read:

1268 | 106.113 Expenditures by local governments.—

1269 | (1) As used in this section, the term:

1270 | ~~(a)~~ "local government" means:

1271 | (a)1. A county, municipality, school district, or other
 1272 | political subdivision in this state; and

1273 | (b)2. Any department, agency, board, bureau, district,
 1274 | commission, authority, or similar body of a county,
 1275 | municipality, school district, or other political subdivision of
 1276 | this state.

1277 | ~~(b) "Public funds" means all moneys under the jurisdiction~~
 1278 | ~~or control of the local government.~~

1279 | (2) A local government or a person acting on behalf of
 1280 | local government may not make a specific appropriation or
 1281 | designated expenditure of moneys under the jurisdiction or
 1282 | control of the local government ~~expend or authorize the~~
 1283 | ~~expenditure of~~, and a person or group may not accept such
 1284 | moneys, public funds for the purpose of a political
 1285 | advertisement ~~or electioneering communication~~ concerning an

1286 issue, referendum, or amendment, including any state question,
 1287 that is subject to a vote of the electors. ~~This subsection does~~
 1288 ~~not apply to an electioneering communication from a local~~
 1289 ~~government or a person acting on behalf of a local government~~
 1290 ~~which is limited to factual information.~~

1291 (3) With the exception of the prohibitions specified in
 1292 subsection (2), this section does not preclude an ~~elected~~
 1293 official of the local government from expressing an opinion on
 1294 any issue at any time.

1295 Section 17. Paragraph (a) of subsection (4) of section
 1296 106.141, Florida Statutes, is amended to read:

1297 106.141 Disposition of surplus funds by candidates.—

1298 (4) (a) Except as provided in paragraph (b), any candidate
 1299 required to dispose of funds pursuant to this section shall, at
 1300 the option of the candidate, dispose of such funds by any of the
 1301 following means, or any combination thereof:

1302 1. Return pro rata to each contributor the funds that have
 1303 not been spent or obligated.

1304 2. Donate the funds that have not been spent or obligated
 1305 to a charitable organization or organizations that meet the
 1306 qualifications of s. 501(c)(3) of the Internal Revenue Code.

1307 3. Give not more than \$10,000 of the funds that have not
 1308 been spent or obligated to the affiliated party committee or
 1309 political party of which such candidate is a member, except that
 1310 a candidate for the Florida Senate may give not more than
 1311 \$30,000 of such funds to the affiliated party committee or
 1312 political party of which the candidate is a member.

1313 4. Give the funds that have not been spent or obligated:

CS/HB 1207

2010

1314 a. In the case of a candidate for state office, to the
 1315 state, to be deposited in either the Election Campaign Financing
 1316 Trust Fund or the General Revenue Fund, as designated by the
 1317 candidate; or

1318 b. In the case of a candidate for an office of a political
 1319 subdivision, to such political subdivision, to be deposited in
 1320 the general fund thereof.

1321 Section 18. Paragraph (a) of subsection (4) of section
 1322 106.143, Florida Statutes, is amended to read:

1323 106.143 Political advertisements circulated prior to
 1324 election; requirements.—

1325 (4)(a) Any political advertisement, including those paid
 1326 for by a political party or affiliated party committee, other
 1327 than an independent expenditure, offered by or on behalf of a
 1328 candidate must be approved in advance by the candidate. Such
 1329 political advertisement must expressly state that the content of
 1330 the advertisement was approved by the candidate and must state
 1331 who paid for the advertisement. The candidate shall provide a
 1332 written statement of authorization to the newspaper, radio
 1333 station, television station, or other medium for each such
 1334 advertisement submitted for publication, display, broadcast, or
 1335 other distribution.

1336 Section 19. Section 106.1437, Florida Statutes, is
 1337 reenacted to read:

1338 106.1437 Miscellaneous advertisements.—Any advertisement,
 1339 other than a political advertisement, independent expenditure,
 1340 or electioneering communication, on billboards, bumper stickers,
 1341 radio, or television, or in a newspaper, a magazine, or a

CS/HB 1207

2010

1342 periodical, intended to influence public policy or the vote of a
 1343 public official, shall clearly designate the sponsor of such
 1344 advertisement by including a clearly readable statement of
 1345 sponsorship. If the advertisement is broadcast on television,
 1346 the advertisement shall also contain a verbal statement of
 1347 sponsorship. This section shall not apply to an editorial
 1348 endorsement.

1349 Section 20. Section 106.1439, Florida Statutes, is
 1350 reenacted and amended to read:

1351 106.1439 Electioneering communications; disclaimers.-

1352 (1) Any electioneering communication, other than a
 1353 telephone call, shall prominently state: "Paid electioneering
 1354 communication paid for by ... (Name and address of person paying
 1355 for the communication)...."

1356 (2) Any electioneering communication telephone call shall
 1357 identify the persons or organizations sponsoring the call by
 1358 stating either: "Paid for by ... (insert name of persons or
 1359 organizations sponsoring the call)...." or "Paid for on behalf
 1360 of ... (insert name of persons or organizations authorizing
 1361 call)...." This subsection does not apply to any telephone call
 1362 in which the individual making the call is not being paid and
 1363 the individuals participating in the call know each other prior
 1364 to the call.

1365 (3) ~~(2)~~ Any person who fails to include the disclaimer
 1366 prescribed in this section in any electioneering communication
 1367 that is required to contain such disclaimer commits a
 1368 misdemeanor of the first degree, punishable as provided in s.
 1369 775.082 or s. 775.083.

CS/HB 1207

2010

1370 Section 21. Paragraphs (a) and (e) of subsection (1) and
 1371 subsection (3) of section 106.147, Florida Statutes, are amended
 1372 to read:

1373 106.147 Telephone solicitation; disclosure requirements;
 1374 prohibitions; exemptions; penalties.—

1375 (1) (a) Any ~~electioneering communication telephone call or~~
 1376 any telephone call supporting or opposing a candidate, elected
 1377 public official, or ballot proposal must identify the persons or
 1378 organizations sponsoring the call by stating either: "paid for
 1379 by ____" (insert name of persons or organizations sponsoring
 1380 the call) or "paid for on behalf of ____" (insert name of
 1381 persons or organizations authorizing call). This paragraph does
 1382 not apply to any telephone call in which both the individual
 1383 making the call is not being paid and the individuals
 1384 participating in the call know each other prior to the call.

1385 ~~(e) Any electioneering communication paid for with public~~
 1386 ~~funds must include a disclaimer containing the words "paid for~~
 1387 ~~by ... (Name of the government entity paying for the~~
 1388 ~~communication)...."~~

1389 (3) (a) Any person who willfully violates any provision of
 1390 this section commits a misdemeanor of the first degree,
 1391 punishable as provided in s. 775.082 or s. 775.083.

1392 (b) For purposes of paragraph (a), the term "person"
 1393 includes any candidate; any officer of any political committee,
 1394 committee of continuous existence, affiliated party committee,
 1395 or political party executive committee; any officer, partner,
 1396 attorney, or other representative of a corporation, partnership,
 1397 or other business entity; and any agent or other person acting

CS/HB 1207

2010

1398 on behalf of any candidate, political committee, committee of
 1399 continuous existence, affiliated party committee, political
 1400 party executive committee, or corporation, partnership, or other
 1401 business entity.

1402 Section 22. Section 106.165, Florida Statutes, is amended
 1403 to read:

1404 106.165 Use of closed captioning and descriptive narrative
 1405 in all television broadcasts.—Each candidate, political party,
 1406 affiliated party committee, and political committee must use
 1407 closed captioning and descriptive narrative in all television
 1408 broadcasts regulated by the Federal Communications Commission
 1409 that are on behalf of, or sponsored by, a candidate, political
 1410 party, affiliated party committee, or political committee or
 1411 must file a written statement with the qualifying officer
 1412 setting forth the reasons for not doing so. Failure to file this
 1413 statement with the appropriate qualifying officer constitutes a
 1414 violation of the Florida Election Code and is under the
 1415 jurisdiction of the Florida Elections Commission. The Department
 1416 of State may adopt rules in accordance with s. 120.54 which are
 1417 necessary to administer this section.

1418 Section 23. Section 106.17, Florida Statutes, is reenacted
 1419 and amended to read:

1420 106.17 Polls and surveys relating to candidacies.—Any
 1421 candidate, political committee, committee of continuous
 1422 existence, electioneering communication organization, affiliated
 1423 party committee, or state or county executive committee of a
 1424 political party may authorize or conduct a political poll,
 1425 survey, index, or measurement of any kind relating to candidacy

1426 | for public office so long as the candidate, political committee,
 1427 | committee of continuous existence, electioneering communication
 1428 | organization, affiliated party committee, or political party
 1429 | maintains complete jurisdiction over the poll in all its
 1430 | aspects.

1431 | Section 24. Subsection (2) of section 106.23, Florida
 1432 | Statutes, is amended to read:

1433 | 106.23 Powers of the Division of Elections.—

1434 | (2) The Division of Elections shall provide advisory
 1435 | opinions when requested by any supervisor of elections,
 1436 | candidate, local officer having election-related duties,
 1437 | political party, affiliated party committee, political
 1438 | committee, committee of continuous existence, or other person or
 1439 | organization engaged in political activity, relating to any
 1440 | provisions or possible violations of Florida election laws with
 1441 | respect to actions such supervisor, candidate, local officer
 1442 | having election-related duties, political party, affiliated
 1443 | party committee, committee, person, or organization has taken or
 1444 | proposes to take. Requests for advisory opinions must be
 1445 | submitted in accordance with rules adopted by the Department of
 1446 | State. A written record of all such opinions issued by the
 1447 | division, sequentially numbered, dated, and indexed by subject
 1448 | matter, shall be retained. A copy shall be sent to said person
 1449 | or organization upon request. Any such person or organization,
 1450 | acting in good faith upon such an advisory opinion, shall not be
 1451 | subject to any criminal penalty provided for in this chapter.
 1452 | The opinion, until amended or revoked, shall be binding on any
 1453 | person or organization who sought the opinion or with reference

CS/HB 1207

2010

1454 to whom the opinion was sought, unless material facts were
1455 omitted or misstated in the request for the advisory opinion.

1456 Section 25. Subsections (1) and (2) of section 106.265,
1457 Florida Statutes, are amended to read:

1458 106.265 Civil penalties.—

1459 (1) The commission is authorized upon the finding of a
1460 violation of this chapter or chapter 104 to impose civil
1461 penalties in the form of fines not to exceed \$1,000 per count.
1462 In determining the amount of such civil penalties, the
1463 commission shall consider, among other mitigating and
1464 aggravating circumstances:

1465 (a) The gravity of the act or omission;

1466 (b) Any previous history of similar acts or omissions;

1467 (c) The appropriateness of such penalty to the financial
1468 resources of the person, political committee, committee of
1469 continuous existence, affiliated party committee, or political
1470 party; and

1471 (d) Whether the person, political committee, committee of
1472 continuous existence, affiliated party committee, or political
1473 party has shown good faith in attempting to comply with the
1474 provisions of this chapter or chapter 104.

1475 (2) If any person, political committee, committee of
1476 continuous existence, affiliated party committee, or political
1477 party fails or refuses to pay to the commission any civil
1478 penalties assessed pursuant to the provisions of this section,
1479 the commission shall be responsible for collecting the civil
1480 penalties resulting from such action.

CS/HB 1207

2010

1481 Section 26. Subsection (2) of section 106.27, Florida
 1482 Statutes, is amended to read:

1483 106.27 Determinations by commission; legal disposition.—

1484 (2) Civil actions may be brought by the commission for
 1485 relief, including permanent or temporary injunctions,
 1486 restraining orders, or any other appropriate order for the
 1487 imposition of civil penalties provided by this chapter. Such
 1488 civil actions shall be brought by the commission in the
 1489 appropriate court of competent jurisdiction, and the venue shall
 1490 be in the county in which the alleged violation occurred or in
 1491 which the alleged violator or violators are found, reside, or
 1492 transact business. Upon a proper showing that such person,
 1493 political committee, committee of continuous existence,
 1494 affiliated party committee, or political party has engaged, or
 1495 is about to engage, in prohibited acts or practices, a permanent
 1496 or temporary injunction, restraining order, or other order shall
 1497 be granted without bond by such court, and the civil fines
 1498 provided by this chapter may be imposed.

1499 Section 27. Section 106.29, Florida Statutes, is amended
 1500 to read:

1501 106.29 Reports by political parties and affiliated party
 1502 committees; restrictions on contributions and expenditures;
 1503 penalties.—

1504 (1) The state executive committee and each county
 1505 executive committee of each political party and any affiliated
 1506 party committee regulated by chapter 103 shall file regular
 1507 reports of all contributions received and all expenditures made
 1508 by such committee. Such reports shall contain the same

1509 information as do reports required of candidates by s. 106.07
 1510 and shall be filed on the 10th day following the end of each
 1511 calendar quarter, except that, during the period from the last
 1512 day for candidate qualifying until the general election, such
 1513 reports shall be filed on the Friday immediately preceding both
 1514 the primary election and the general election. In addition to
 1515 the reports filed under this section, the state executive
 1516 committee, ~~and~~ each county executive committee, and each
 1517 affiliated party committee shall file a copy of each prior
 1518 written acceptance of an in-kind contribution given by the
 1519 committee during the preceding calendar quarter as required
 1520 under s. 106.08(6). Each state executive committee and
 1521 affiliated party committee shall file the original and one copy
 1522 of its reports with the Division of Elections. Each county
 1523 executive committee shall file its reports with the supervisor
 1524 of elections in the county in which such committee exists. Any
 1525 state or county executive committee or affiliated party
 1526 committee failing to file a report on the designated due date
 1527 shall be subject to a fine as provided in subsection (3). No
 1528 separate fine shall be assessed for failure to file a copy of
 1529 any report required by this section.

1530 (2) The chair and treasurer of each state or county
 1531 executive committee shall certify as to the correctness of each
 1532 report filed by them on behalf of such committee. The leader and
 1533 treasurer of each affiliated party committee under s. 103.092
 1534 shall certify as to the correctness of each report filed by them
 1535 on behalf of such committee. Any committee chair, leader, or
 1536 treasurer who certifies the correctness of any report while

CS/HB 1207

2010

1537 knowing that such report is incorrect, false, or incomplete
1538 commits a felony of the third degree, punishable as provided in
1539 s. 775.082, s. 775.083, or s. 775.084.

1540 (3) (a) Any state or county executive committee or
1541 affiliated party committee failing to file a report on the
1542 designated due date shall be subject to a fine as provided in
1543 paragraph (b) for each late day. The fine shall be assessed by
1544 the filing officer, and the moneys collected shall be deposited
1545 in the General Revenue Fund.

1546 (b) Upon determining that a report is late, the filing
1547 officer shall immediately notify the chair of the executive
1548 committee or the leader of the affiliated party committee as
1549 defined in s. 103.092 as to the failure to file a report by the
1550 designated due date and that a fine is being assessed for each
1551 late day. The fine shall be \$1,000 for a state executive
1552 committee, \$1,000 for an affiliated party committee, and \$50 for
1553 a county executive committee, per day for each late day, not to
1554 exceed 25 percent of the total receipts or expenditures,
1555 whichever is greater, for the period covered by the late report.
1556 However, if an executive committee or an affiliated party
1557 committee fails to file a report on the Friday immediately
1558 preceding the general election, the fine shall be \$10,000 per
1559 day for each day a state executive committee is late, \$10,000
1560 per day for each day an affiliated party committee is late, and
1561 \$500 per day for each day a county executive committee is late.
1562 Upon receipt of the report, the filing officer shall determine
1563 the amount of the fine which is due and shall notify the chair
1564 or leader as defined in s. 103.092. The filing officer shall

CS/HB 1207

2010

1565 determine the amount of the fine due based upon the earliest of
 1566 the following:

- 1567 1. When the report is actually received by such officer.
- 1568 2. When the report is postmarked.
- 1569 3. When the certificate of mailing is dated.
- 1570 4. When the receipt from an established courier company is
 1571 dated.
- 1572 5. When the electronic receipt issued pursuant to s.
 1573 106.0705 is dated.

1574
 1575 Such fine shall be paid to the filing officer within 20 days
 1576 after receipt of the notice of payment due, unless appeal is
 1577 made to the Florida Elections Commission pursuant to paragraph
 1578 (c). An officer or member of an executive committee shall not be
 1579 personally liable for such fine.

1580 (c) The chair of an executive committee or the leader of
 1581 an affiliated party committee as defined in s. 103.092 may
 1582 appeal or dispute the fine, based upon unusual circumstances
 1583 surrounding the failure to file on the designated due date, and
 1584 may request and shall be entitled to a hearing before the
 1585 Florida Elections Commission, which shall have the authority to
 1586 waive the fine in whole or in part. Any such request shall be
 1587 made within 20 days after receipt of the notice of payment due.
 1588 In such case, the chair of the executive committee or the leader
 1589 of the affiliated party committee as defined in s. 103.092
 1590 shall, within the 20-day period, notify the filing officer in
 1591 writing of his or her intention to bring the matter before the
 1592 commission.

CS/HB 1207

2010

1593 (d) The appropriate filing officer shall notify the
1594 Florida Elections Commission of the repeated late filing by an
1595 executive committee or affiliated party committee, the failure
1596 of an executive committee or affiliated party committee to file
1597 a report after notice, or the failure to pay the fine imposed.

1598 (4) Any contribution received by a state or county
1599 executive committee or affiliated party committee less than 5
1600 days before an election shall not be used or expended in behalf
1601 of any candidate, issue, affiliated party committee, or
1602 political party participating in such election.

1603 (5) No state or county executive committee or affiliated
1604 party committee, in the furtherance of any candidate or
1605 political party, directly or indirectly, shall give, pay, or
1606 expend any money, give or pay anything of value, authorize any
1607 expenditure, or become pecuniarily liable for any expenditure
1608 prohibited by this chapter. However, the contribution of funds
1609 by one executive committee to another or to established party
1610 organizations for legitimate party or campaign purposes is not
1611 prohibited, but all such contributions shall be recorded and
1612 accounted for in the reports of the contributor and recipient.

1613 (6) (a) The national, state, and county executive
1614 committees of a political party and affiliated party committees
1615 may not contribute to any candidate any amount in excess of the
1616 limits contained in s. 106.08(2), and all contributions required
1617 to be reported under s. 106.08(2) by the national executive
1618 committee of a political party shall be reported by the state
1619 executive committee of that political party.

1620 (b) A violation of the contribution limits contained in s.

CS/HB 1207

2010

1621 106.08(2) is a misdemeanor of the first degree, punishable as
 1622 provided in s. 775.082 or s. 775.083. A civil penalty equal to
 1623 three times the amount in excess of the limits contained in s.
 1624 106.08(2) shall be assessed against any executive committee
 1625 found in violation thereof.

1626 Section 28. Paragraph (d) of subsection (1) of section
 1627 11.045, Florida Statutes, is amended to read:

1628 11.045 Lobbying before the Legislature; registration and
 1629 reporting; exemptions; penalties.—

1630 (1) As used in this section, unless the context otherwise
 1631 requires:

1632 (d) "Expenditure" means a payment, distribution, loan,
 1633 advance, reimbursement, deposit, or anything of value made by a
 1634 lobbyist or principal for the purpose of lobbying. The term
 1635 "expenditure" does not include contributions or expenditures
 1636 reported pursuant to chapter 106 or federal election law,
 1637 campaign-related personal services provided without compensation
 1638 by individuals volunteering their time, any other contribution
 1639 or expenditure made by or to a political party or affiliated
 1640 party committee, or any other contribution or expenditure made
 1641 by an organization that is exempt from taxation under 26 U.S.C.
 1642 s. 527 or s. 501(c)(4).

1643 Section 29. Paragraph (b) of subsection (12) of section
 1644 112.312, Florida Statutes, is amended to read:

1645 112.312 Definitions.—As used in this part and for purposes
 1646 of the provisions of s. 8, Art. II of the State Constitution,
 1647 unless the context otherwise requires:

1648 (12)

- 1649 (b) "Gift" does not include:
- 1650 1. Salary, benefits, services, fees, commissions, gifts,
- 1651 or expenses associated primarily with the donee's employment,
- 1652 business, or service as an officer or director of a corporation
- 1653 or organization.
- 1654 2. Contributions or expenditures reported pursuant to
- 1655 chapter 106, campaign-related personal services provided without
- 1656 compensation by individuals volunteering their time, or any
- 1657 other contribution or expenditure by a political party or
- 1658 affiliated party committee.
- 1659 3. An honorarium or an expense related to an honorarium
- 1660 event paid to a person or the person's spouse.
- 1661 4. An award, plaque, certificate, or similar personalized
- 1662 item given in recognition of the donee's public, civic,
- 1663 charitable, or professional service.
- 1664 5. An honorary membership in a service or fraternal
- 1665 organization presented merely as a courtesy by such
- 1666 organization.
- 1667 6. The use of a public facility or public property, made
- 1668 available by a governmental agency, for a public purpose.
- 1669 7. Transportation provided to a public officer or employee
- 1670 by an agency in relation to officially approved governmental
- 1671 business.
- 1672 8. Gifts provided directly or indirectly by a state,
- 1673 regional, or national organization which promotes the exchange
- 1674 of ideas between, or the professional development of,
- 1675 governmental officials or employees, and whose membership is
- 1676 primarily composed of elected or appointed public officials or

CS/HB 1207

2010

1677 staff, to members of that organization or officials or staff of
 1678 a governmental agency that is a member of that organization.

1679 Section 30. Paragraph (d) of subsection (1) of section
 1680 112.3215, Florida Statutes, is amended to read:

1681 112.3215 Lobbying before the executive branch or the
 1682 Constitution Revision Commission; registration and reporting;
 1683 investigation by commission.—

1684 (1) For the purposes of this section:

1685 (d) "Expenditure" means a payment, distribution, loan,
 1686 advance, reimbursement, deposit, or anything of value made by a
 1687 lobbyist or principal for the purpose of lobbying. The term
 1688 "expenditure" does not include contributions or expenditures
 1689 reported pursuant to chapter 106 or federal election law,
 1690 campaign-related personal services provided without compensation
 1691 by individuals volunteering their time, any other contribution
 1692 or expenditure made by or to a political party or an affiliated
 1693 party committee, or any other contribution or expenditure made
 1694 by an organization that is exempt from taxation under 26 U.S.C.
 1695 s. 527 or s. 501(c) (4).

1696 Section 31. This act shall take effect July 1, 2010.