

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative McKeel and Eisnaugle offered the following:

2  
3 **Substitute Amendment to Amendment (878357) (with title**  
4 **amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Section 2 of this act may be cited as the  
7 "Technology in Elections Act."

8 Section 2. Subsection (1) of section 106.143, Florida  
9 Statutes, is amended, present subsection (8) of that section is  
10 renumbered as subsection (9), and a new subsection (8) is added  
11 to that section, to read:

12 106.143 Political advertisements circulated prior to  
13 election; requirements.—

14 (1)(a) Any political advertisement that is paid for by a  
15 candidate and that is published, displayed, or circulated prior  
16 to, or on the day of, any election must prominently state:

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17        1. "Political advertisement paid for and approved by  
18        ...(name of candidate)..., ...(party affiliation)..., for  
19        ...(office sought)...."; or

20        2. "Paid by ...(name of candidate)..., ...(party  
21 affiliation)..., for ...(office sought)...."

22        (b) Any other political advertisement published,  
23        displayed, or circulated prior to, or on the day of, any  
24        election must prominently:

25            1. Be marked "paid political advertisement" or with the  
26            abbreviation "pd. pol. adv."

27            2. State the name and address of the persons sponsoring  
28            the advertisement.

29            3.a.(I) State whether the advertisement and the cost of  
30            production is paid for or provided in kind by or at the expense  
31            of the entity publishing, displaying, broadcasting, or  
32            circulating the political advertisement; or

33            (II) State who provided or paid for the advertisement and  
34            cost of production, if different from the source of sponsorship.

35            b. This subparagraph does not apply if the source of the  
36            sponsorship is patently clear from the content or format of the  
37            political advertisement.

38            (c) Any political advertisement made pursuant to s.  
39            106.021(3)(d) must be marked "paid political advertisement" or  
40            with the abbreviation "pd. pol. adv." and must prominently  
41            state, "Paid for and sponsored by ...(name of person paying for  
42            political advertisement).... Approved by ...(names of persons,  
43            party affiliation, and offices sought in the political  
44            advertisement)...."

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45  
46 ~~This subsection does not apply to campaign messages used by a~~  
47 ~~candidate and the candidate's supporters if those messages are~~  
48 ~~designed to be worn by a person.~~

49 (8) This section does not apply to any campaign message or  
50 political advertisement used by a candidate and the candidate's  
51 supporters or by a political committee if the message or  
52 advertisement is:

53 (a) Designed to be worn by a person.

54 (b) Placed as a paid link on an Internet website, provided  
55 the message or advertisement is no more than 200 characters in  
56 length and the link directs the user to another Internet website  
57 that complies with subsection (1).

58 (c) Placed as a graphic or picture link where compliance  
59 with the requirements of this section is not reasonably  
60 practical due to the size of the graphic or picture link and the  
61 link directs the user to another Internet website that complies  
62 with subsection (1).

63 (d) Placed at no cost on an Internet website for which  
64 there is no cost to post content for public users.

65 (e) Placed or distributed on an unpaid profile or account  
66 which is available to the public without charge or on a social  
67 networking Internet website, as long as the source of the  
68 message or advertisement is patently clear from the content or  
69 format of the message or advertisement. A candidate or political  
70 committee may prominently display a statement indicating that  
71 the website or account is an official website or account of the  
72 candidate or political committee and is approved by the

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73 candidate or political committee. A website or account may not  
74 be marked as official without prior approval by the candidate or  
75 political committee.

76 (f) Distributed as a text message or other message via  
77 Short Message Service, provided the message is no more than 200  
78 characters in length or requires the recipient to sign up or opt  
79 in to receive it.

80 (g) Connected with or included in any software application  
81 or accompanying function, provided that the user signs up, opts  
82 in, downloads, or otherwise accesses the application from or  
83 through a website that complies with subsection (1).

84 (h) Sent by a third-party user from or through a campaign  
85 or committee's website, provided the website complies with  
86 subsection (1).

87 (i) Contained in or distributed through any other  
88 technology-related item, service, or device for which compliance  
89 with subsection (1) is not reasonably practical due to the size  
90 or nature of such item, service, or device as available, or the  
91 means of displaying the message or advertisement makes  
92 compliance with subsection (1) impracticable.

93 (9)~~(8)~~ Any person who willfully violates any provision of  
94 this section is subject to the civil penalties prescribed in s.  
95 106.265.

96 Section 3. Paragraph (b) of subsection (1) of section  
97 106.011, Florida Statutes, is reenacted and amended, subsections  
98 (3) and (4) of that section are reenacted, subsection (14) of  
99 that section is amended, and subsections (18) and (19) of that  
100 section are reenacted and amended, to read:

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101 106.011 Definitions.—As used in this chapter, the  
102 following terms have the following meanings unless the context  
103 clearly indicates otherwise:

104 (1)

105 (b) Notwithstanding paragraph (a), the following entities  
106 are not considered political committees for purposes of this  
107 chapter:

108 1. Organizations which are certified by the Department of  
109 State as committees of continuous existence pursuant to s.  
110 106.04, national political parties, and the state and county  
111 executive committees of political parties regulated by chapter  
112 103.

113 2. Corporations regulated by chapter 607 or chapter 617 or  
114 other business entities formed for purposes other than to  
115 support or oppose issues or candidates, if their political  
116 activities are limited to contributions to candidates, political  
117 parties, or political committees or expenditures in support of  
118 or opposition to an issue from corporate or business funds and  
119 if no contributions are received by such corporations or  
120 business entities.

121 3. Electioneering communications organizations as defined  
122 in subsection (19); ~~however, such organizations shall be~~  
123 ~~required to register with and report expenditures and~~  
124 ~~contributions, including contributions received from committees~~  
125 ~~of continuous existence, to the Division of Elections in the~~  
126 ~~same manner, at the same time, and subject to the same penalties~~  
127 ~~as a political committee supporting or opposing an issue or a~~

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128 ~~legislative candidate, except as otherwise specifically provided~~  
129 ~~in this chapter.~~

130 (3) "Contribution" means:

131 (a) A gift, subscription, conveyance, deposit, loan,  
132 payment, or distribution of money or anything of value,  
133 including contributions in kind having an attributable monetary  
134 value in any form, made for the purpose of influencing the  
135 results of an election or making an electioneering  
136 communication.

137 (b) A transfer of funds between political committees,  
138 between committees of continuous existence, between  
139 electioneering communications organizations, or between any  
140 combination of these groups.

141 (c) The payment, by any person other than a candidate or  
142 political committee, of compensation for the personal services  
143 of another person which are rendered to a candidate or political  
144 committee without charge to the candidate or committee for such  
145 services.

146 (d) The transfer of funds by a campaign treasurer or  
147 deputy campaign treasurer between a primary depository and a  
148 separate interest-bearing account or certificate of deposit, and  
149 the term includes any interest earned on such account or  
150 certificate.

151  
152 Notwithstanding the foregoing meanings of "contribution," the  
153 word shall not be construed to include services, including, but  
154 not limited to, legal and accounting services, provided without  
155 compensation by individuals volunteering a portion or all of

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156 their time on behalf of a candidate or political committee. This  
157 definition shall not be construed to include editorial  
158 endorsements.

159 (4) (a) "Expenditure" means a purchase, payment,  
160 distribution, loan, advance, transfer of funds by a campaign  
161 treasurer or deputy campaign treasurer between a primary  
162 depository and a separate interest-bearing account or  
163 certificate of deposit, or gift of money or anything of value  
164 made for the purpose of influencing the results of an election  
165 or making an electioneering communication. However,  
166 "expenditure" does not include a purchase, payment,  
167 distribution, loan, advance, or gift of money or anything of  
168 value made for the purpose of influencing the results of an  
169 election when made by an organization, in existence prior to the  
170 time during which a candidate qualifies or an issue is placed on  
171 the ballot for that election, for the purpose of printing or  
172 distributing such organization's newsletter, containing a  
173 statement by such organization in support of or opposition to a  
174 candidate or issue, which newsletter is distributed only to  
175 members of such organization.

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

179 1. A person enters into a contract for applicable goods or  
180 services;

181 2. A person makes payment, in whole or in part, for the  
182 production or public dissemination of applicable goods or  
183 services; or

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184 3. The electioneering communication is publicly  
185 disseminated.

186 (14) "Filing officer" means the person before whom a  
187 candidate qualifies, the agency or officer with whom a political  
188 committee or an electioneering communications organization  
189 registers, or the agency by whom a committee of continuous  
190 existence is certified.

191 (18) (a) "Electioneering communication" means any  
192 communication publicly distributed by a television station,  
193 radio station, cable television system, satellite system,  
194 newspaper, magazine, direct mail, or telephone ~~a paid expression~~  
195 ~~in any communications media prescribed in subsection (13) by~~  
196 ~~means other than the spoken word in direct conversation that:~~

197 1. Refers to or depicts a clearly identified candidate for  
198 office ~~or contains a clear reference indicating that an issue is~~  
199 ~~to be voted on at an election,~~ without expressly advocating the  
200 election or defeat of a candidate but that is susceptible of no  
201 reasonable interpretation other than an appeal to vote for or  
202 against a specific candidate; ~~or the passage or defeat of an~~  
203 ~~issue.~~

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

207 3. ~~Is For communications referring to or depicting a~~  
208 ~~clearly identified candidate for office, is targeted to the~~  
209 ~~relevant electorate. A communication is considered targeted if~~  
210 ~~1,000 or more persons in the geographic area the candidate would~~  
211 ~~represent if elected will receive the communication.~~

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212 ~~3. For communications containing a clear reference~~  
213 ~~indicating that an issue is to be voted on at an election, is~~  
214 ~~published after the issue is designated a ballot position or 120~~  
215 ~~days before the date of the election on the issue, whichever~~  
216 ~~occurs first.~~

217 (b) The term "electioneering communication" does not  
218 include:

219 1. A communication disseminated through a means of  
220 communication other than a television station, radio station,  
221 cable television system, satellite system, newspaper, magazine,  
222 direct mail, telephone, or statement or depiction by an  
223 organization, in existence prior to the time during which a  
224 candidate named or depicted qualifies or an issue identified is  
225 placed on the ballot for that election, made in that  
226 organization's newsletter, which newsletter is distributed only  
227 to members of that organization.

228 2. A communication in a news story, commentary, or  
229 editorial distributed through the facilities of any radio  
230 station, television station, cable television system, or  
231 satellite system, unless the facilities are owned or controlled  
232 by any political party, political committee, or candidate. A  
233 news story distributed through the facilities owned or  
234 controlled by any political party, political committee, or  
235 candidate may nevertheless be exempt if it represents a bona  
236 fide news account communicated through a licensed broadcasting  
237 facility and the communication is part of a general pattern of  
238 campaign-related news accounts that give reasonably equal  
239 coverage to all opposing candidates in the area ~~An editorial~~

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240 ~~endorsement, news story, commentary, or editorial by any~~  
241 ~~newspaper, radio, television station, or other recognized news~~  
242 ~~medium.~~

243 3. A communication that constitutes a public debate or  
244 forum that includes at least two opposing candidates for an  
245 office or one advocate and one opponent of an issue, or that  
246 solely promotes such a debate or forum and is made by or on  
247 behalf of the person sponsoring the debate or forum, provided  
248 that:

249 a. The staging organization is either:

250 (I) A charitable organization that does not make other  
251 electioneering communications and does not otherwise support or  
252 oppose any political candidate or political party; or

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

255 b. The staging organization does not structure the debate  
256 to promote or advance one candidate or issue position over  
257 another.

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

261 (d) For purposes of this chapter, an electioneering  
262 communication shall not constitute an independent expenditure  
263 nor be subject to the limitations applicable to independent  
264 expenditures.

265 (19) "Electioneering communications organization" means  
266 any group, other than a political party, political committee, or  
267 committee of continuous existence, whose election-related

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268 activities are limited to making expenditures for electioneering  
269 communications or accepting contributions for the purpose of  
270 making electioneering communications and whose activities would  
271 not otherwise require the group to register as a political  
272 party, political committee, or committee of continuous existence  
273 under this chapter.

274 Section 4. Subsection (1) of section 106.022, Florida  
275 Statutes, is reenacted to read:

276 106.022 Appointment of a registered agent; duties.—

277 (1) Each political committee, committee of continuous  
278 existence, or electioneering communications organization shall  
279 have and continuously maintain in this state a registered office  
280 and a registered agent and must file with the division a  
281 statement of appointment for the registered office and  
282 registered agent. The statement of appointment must:

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

285 (b) Identify the entity for whom the registered agent  
286 serves;

287 (c) Designate the address the registered agent wishes to  
288 use to receive mail;

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

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

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295 (f) Contain the signature of the registered agent and the  
296 entity engaging the registered agent.

297 Section 5. Paragraph (b) of subsection (1) of section  
298 106.03, Florida Statutes, is reenacted and amended, and  
299 subsections (2), (4), and (7) of that section are amended, to  
300 read:

301 106.03 Registration of political committees and  
302 electioneering communications organizations.—

303 (1)

304 (b)1. Each electioneering communications organization that  
305 receives ~~anticipates receiving~~ contributions or makes ~~making~~  
306 expenditures during a calendar year in an aggregate amount  
307 exceeding \$5,000 shall file a statement of organization as  
308 provided in subparagraph 2. ~~subsection (3)~~ by expedited delivery  
309 within 24 hours after its organization or, if later, within 24  
310 hours after the date on which it receives ~~has information that~~  
311 ~~causes the organization to anticipate that it will receive~~  
312 contributions or makes ~~make~~ expenditures for an electioneering  
313 communication in excess of \$5,000.

314 2.a. In a statewide, legislative, or multicounty election,  
315 an electioneering communications organization shall file a  
316 statement of organization with the Division of Elections.

317 b. In a countywide election or any election held on less  
318 than a countywide basis, except as described in sub-subparagraph  
319 c., an electioneering communications organization shall file a  
320 statement of organization with the supervisor of elections of  
321 the county in which the election is being held.

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322 c. In a municipal election, an electioneering  
323 communications organization shall file a statement of  
324 organization with the officer before whom municipal candidates  
325 qualify.

326 d. Any electioneering communications organization that  
327 would be required to file a statement of organization in two or  
328 more locations by reason of the organization's intention to  
329 support or oppose candidates at state or multicounty and local  
330 levels of government need only file a statement of organization  
331 with the Division of Elections.

332 (2) The statement of organization shall include:

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

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

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

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

341 (e) The name, mailing address, street address, and  
342 position of other principal officers, including the treasurer  
343 and deputy treasurer ~~including officers and members of the~~  
344 ~~finance committee~~, if any;

345 (f) The name, address, office sought, and party  
346 affiliation of:

347 1. Each candidate whom the committee is supporting;

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348 2. Any other individual, if any, whom the committee is  
349 supporting for nomination for election, or election, to any  
350 public office whatever;

351 (g) Any issue or issues the committee ~~such organization~~ is  
352 supporting or opposing;

353 (h) If the committee is supporting the entire ticket of  
354 any party, a statement to that effect and the name of the party;

355 (i) A statement of whether the committee is a continuing  
356 one;

357 (j) Plans for the disposition of residual funds which will  
358 be made in the event of dissolution;

359 (k) A listing of all banks, safe-deposit boxes, or other  
360 depositories used for committee or electioneering communications  
361 organization funds; ~~and~~

362 (l) A statement of the reports required to be filed by the  
363 committee or the electioneering communications organization with  
364 federal officials, if any, and the names, addresses, and  
365 positions of such officials; and

366 (m) A statement of whether the electioneering  
367 communications organization was formed as a newly created  
368 organization during the current calendar quarter or was formed  
369 from an organization existing prior to the current calendar  
370 quarter. For purposes of this subsection, calendar quarters end  
371 the last day of March, June, September, and December.

372 (4) Any change in information previously submitted in a  
373 statement of organization shall be reported to the agency or  
374 officer with whom such committee or electioneering

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

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

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

385 (b) Adequate opportunity to respond.

386 (c) Appeal of the decision to the Florida Elections  
387 Commission. Such appeals shall be exempt from the  
388 confidentiality provisions of s. 106.25.

389 Section 6. Subsection (5) of section 106.04, Florida  
390 Statutes, is reenacted to read:

391 106.04 Committees of continuous existence.—

392 (5) No committee of continuous existence shall make an  
393 electioneering communication, contribute to any candidate or  
394 political committee an amount in excess of the limits contained  
395 in s. 106.08(1), or participate in any activity which is  
396 prohibited by this chapter. If any violation occurs, it shall be  
397 punishable as provided in this chapter for the given offense. No  
398 funds of a committee of continuous existence shall be expended  
399 on behalf of a candidate, except by means of a contribution made  
400 through the duly appointed campaign treasurer of a candidate. No  
401 such committee shall make expenditures in support of, or in  
402 opposition to, an issue unless such committee first registers as  
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403 a political committee pursuant to this chapter and undertakes  
404 all the practices and procedures required thereof; provided such  
405 committee may make contributions in a total amount not to exceed  
406 25 percent of its aggregate income, as reflected in the annual  
407 report filed for the previous year, to one or more political  
408 committees registered pursuant to s. 106.03 and formed to  
409 support or oppose issues.

410 Section 7. Section 106.0703, Florida Statutes, is  
411 reenacted and amended to read:

412 106.0703 Electioneering communications organizations;  
413 ~~additional reporting requirements; certification and filing;~~  
414 penalties.-

415 (1) (a) Each electioneering communications organization  
416 shall file regular reports of all contributions received and all  
417 expenditures made by or on behalf of the organization. Reports  
418 shall be filed on the 10th day following the end of each  
419 calendar quarter from the time the organization is registered.  
420 However, if the 10th day following the end of a calendar quarter  
421 occurs on a Saturday, Sunday, or legal holiday, the report shall  
422 be filed on the next following day that is not a Saturday,  
423 Sunday, or legal holiday. Quarterly reports shall include all  
424 contributions received and expenditures made during the calendar  
425 quarter that have not otherwise been reported pursuant to this  
426 section.

427 (b) Following the last day of candidates qualifying for  
428 office, the reports shall be filed on the 32nd, 18th, and 4th  
429 days immediately preceding the primary election and on the 46th,

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430 32nd, 18th, and 4th days immediately preceding the general  
431 election.

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

437 (d) In addition to the reports required by paragraph (a),  
438 an electioneering communications organization that is registered  
439 with the Department of State and that makes a contribution or  
440 expenditure to influence the results of a county or municipal  
441 election that is not being held at the same time as a state or  
442 federal election must file reports with the county or municipal  
443 filing officer on the same dates as county or municipal  
444 candidates or committees for that election. The electioneering  
445 communications organization must also include the expenditure in  
446 the next report filed with the Division of Elections pursuant to  
447 this section following the county or municipal election.

448 (e) The filing officer shall make available to each  
449 electioneering communications organization a schedule  
450 designating the beginning and end of reporting periods as well  
451 as the corresponding designated due dates.

452 (2) (a) Except as provided in s. 106.0705, the reports  
453 required of an electioneering communications organization shall  
454 be filed with the filing officer not later than 5 p.m. of the  
455 day designated. However, any report postmarked by the United  
456 States Postal Service no later than midnight of the day  
457 designated shall be deemed to have been filed in a timely

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458 manner. Any report received by the filing officer within 5 days  
459 after the designated due date that was delivered by the United  
460 States Postal Service shall be deemed timely filed unless it has  
461 a postmark that indicates that the report was mailed after the  
462 designated due date. A certificate of mailing obtained from and  
463 dated by the United States Postal Service at the time of  
464 mailing, or a receipt from an established courier company, which  
465 bears a date on or before the date on which the report is due,  
466 shall be proof of mailing in a timely manner. Reports shall  
467 contain information of all previously unreported contributions  
468 received and expenditures made as of the preceding Friday,  
469 except that the report filed on the Friday immediately preceding  
470 the election shall contain information of all previously  
471 unreported contributions received and expenditures made as of  
472 the day preceding the designated due date. All such reports  
473 shall be open to public inspection.

474 (b)1. Any report that is deemed to be incomplete by the  
475 officer with whom the electioneering communications organization  
476 files shall be accepted on a conditional basis. The treasurer of  
477 the electioneering communications organization shall be  
478 notified, by certified mail or other common carrier that can  
479 establish proof of delivery for the notice, as to why the report  
480 is incomplete. Within 7 days after receipt of such notice, the  
481 treasurer must file an addendum to the report providing all  
482 information necessary to complete the report in compliance with  
483 this section. Failure to file a complete report after such  
484 notice constitutes a violation of this chapter.

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485 2. Notice is deemed sufficient upon proof of delivery of  
486 written notice to the mailing or street address of the treasurer  
487 or registered agent of the electioneering communication  
488 organization on record with the filing officer.

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

490 1. The full name, address, and occupation, if any, of each  
491 person who has made one or more contributions to or for such  
492 electioneering communications organization within the reporting  
493 period, together with the amount and date of such contributions.  
494 For corporations, the report must provide as clear a description  
495 as practicable of the principal type of business conducted by  
496 the corporation. However, if the contribution is \$100 or less,  
497 the occupation of the contributor or the principal type of  
498 business need not be listed.

499 2. The name and address of each political committee from  
500 which or to which the reporting electioneering communications  
501 organization made any transfer of funds, together with the  
502 amounts and dates of all transfers.

503 3. Each loan for electioneering communication purposes to  
504 or from any person or political committee within the reporting  
505 period, together with the full names, addresses, and occupations  
506 and principal places of business, if any, of the lender and  
507 endorsers, if any, and the date and amount of such loans.

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

510 5. The total sums of all loans, in-kind contributions, and  
511 other receipts by or for such electioneering communications  
512 organization during the reporting period. The reporting forms

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513 shall be designed to elicit separate totals for in-kind  
514 contributions, loans, and other receipts.

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

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

523 8. The total sum of expenditures made by the  
524 electioneering communications organization during the reporting  
525 period.

526 9. The amount and nature of debts and obligations owed by  
527 or to the electioneering communications organization that relate  
528 to the conduct of any electioneering communication.

529 10. Transaction information for each credit card purchase.  
530 Receipts for each credit card purchase shall be retained by the  
531 electioneering communications organization.

532 11. The amount and nature of any separate interest-bearing  
533 accounts or certificates of deposit and identification of the  
534 financial institution in which such accounts or certificates of  
535 deposit are located.

536 12. The primary purposes of an expenditure made indirectly  
537 through an electioneering communications organization for goods  
538 and services, such as communications media placement or  
539 procurement services and other expenditures that include  
540 multiple components as part of the expenditure. The primary

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541 purpose of an expenditure shall be that purpose, including  
542 integral and directly related components, that comprises 80  
543 percent of such expenditure.

544 (b) The filing officer shall make available to any  
545 electioneering communications organization a reporting form  
546 which the electioneering communications organization may use to  
547 indicate contributions received by the electioneering  
548 communications organization but returned to the contributor  
549 before deposit.

550 (4) The treasurer of the electioneering communications  
551 organization shall certify as to the correctness of each report,  
552 and each person so certifying shall bear the responsibility for  
553 the accuracy and veracity of each report. Any treasurer who  
554 willfully certifies the correctness of any report while knowing  
555 that such report is incorrect, false, or incomplete commits a  
556 misdemeanor of the first degree, punishable as provided in s.  
557 775.082 or s. 775.083.

558 (5) The electioneering communications organization  
559 depository shall provide statements reflecting deposits and  
560 expenditures from the account to the treasurer, who shall retain  
561 the records pursuant to s. 106.06. The records maintained by the  
562 depository with respect to the account shall be subject to  
563 inspection by an agent of the Division of Elections or the  
564 Florida Elections Commission at any time during normal banking  
565 hours, and such depository shall furnish certified copies of any  
566 such records to the Division of Elections or the Florida  
567 Elections Commission upon request.

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568 (6) Notwithstanding any other provisions of this chapter,  
569 in any reporting period during which an electioneering  
570 communications organization has not received funds, made any  
571 contributions, or expended any reportable funds, the treasurer  
572 shall file a written report with the filing officer by the  
573 prescribed reporting date that no reportable contributions or  
574 expenditures were made during the reporting period.

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

580 1. In the General Revenue Fund, in the case of an  
581 electioneering communications organization that registers with  
582 the Division of Elections; or

583 2. In the general revenue fund of the political  
584 subdivision, in the case of an electioneering communications  
585 organization that registers with an officer of a political  
586 subdivision.

587  
588 No separate fine shall be assessed for failure to file a copy of  
589 any report required by this section.

590 (b) Upon determining that a report is late, the filing  
591 officer shall immediately notify the electioneering  
592 communications organization as to the failure to file a report  
593 by the designated due date and that a fine is being assessed for  
594 each late day. The fine shall be \$50 per day for the first 3  
595 days late and, thereafter, \$500 per day for each late day, not

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596 to exceed 25 percent of the total receipts or expenditures,  
597 whichever is greater, for the period covered by the late report.  
598 However, for the reports immediately preceding each primary and  
599 general election, the fine shall be \$500 per day for each late  
600 day, not to exceed 25 percent of the total receipts or  
601 expenditures, whichever is greater, for the period covered by  
602 the late report. Upon receipt of the report, the filing officer  
603 shall determine the amount of the fine which is due and shall  
604 notify the electioneering communications organization. The  
605 filing officer shall determine the amount of the fine due based  
606 upon the earliest of the following:

- 607 1. When the report is actually received by such officer.
- 608 2. When the report is postmarked.
- 609 3. When the certificate of mailing is dated.
- 610 4. When the receipt from an established courier company is  
611 dated.
- 612 5. When the electronic receipt issued pursuant to s.  
613 106.0705 or other electronic filing system authorized in this  
614 section is dated.

615

616 Such fine shall be paid to the filing officer within 20 days  
617 after receipt of the notice of payment due, unless appeal is  
618 made to the Florida Elections Commission pursuant to paragraph  
619 (c). Notice is deemed sufficient upon proof of delivery of  
620 written notice to the mailing or street address on record with  
621 the filing officer. An officer or member of an electioneering  
622 communications organization shall not be personally liable for  
623 such fine.

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624       (c) The treasurer of an electioneering communications  
625 organization may appeal or dispute the fine, based upon, but not  
626 limited to, unusual circumstances surrounding the failure to  
627 file on the designated due date, and may request and shall be  
628 entitled to a hearing before the Florida Elections Commission,  
629 which shall have the authority to waive the fine in whole or in  
630 part. The Florida Elections Commission must consider the  
631 mitigating and aggravating circumstances contained in s.  
632 106.265(1) when determining the amount of a fine, if any, to be  
633 waived. Any such request shall be made within 20 days after  
634 receipt of the notice of payment due. In such case, the  
635 treasurer of the electioneering communications organization  
636 shall, within the 20-day period, notify the filing officer in  
637 writing of his or her intention to bring the matter before the  
638 commission.

639       (d) The appropriate filing officer shall notify the  
640 Florida Elections Commission of the repeated late filing by an  
641 electioneering communications organization, the failure of an  
642 electioneering communications organization to file a report  
643 after notice, or the failure to pay the fine imposed. The  
644 commission shall investigate only those alleged late filing  
645 violations specifically identified by the filing officer and as  
646 set forth in the notification. Any other alleged violations must  
647 be stated separately and reported by the division to the  
648 commission under s. 106.25(2).

649       ~~(8) In addition to the reporting requirements in s.~~  
650 ~~106.07,~~ An electioneering communications organization shall,  
651 within 2 days after receiving its initial password or secure  
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652 sign-on from the Department of State allowing confidential  
653 access to the department's electronic campaign finance filing  
654 system, electronically file the periodic ~~campaign finance~~  
655 reports that would have been required pursuant to this section  
656 ~~s. 106.07~~ for reportable activities that occurred since the date  
657 of the last general election.

658 Section 8. Paragraph (b) of subsection (2) of section  
659 106.0705, Florida Statutes, is reenacted, and subsections (3)  
660 and (4) of that section are amended, to read:

661 106.0705 Electronic filing of campaign treasurer's  
662 reports.—

663 (2)

664 (b) Each political committee, committee of continuous  
665 existence, electioneering communications organization, or state  
666 executive committee that is required to file reports with the  
667 division under s. 106.04, s. 106.07, s. 106.0703, or s. 106.29,  
668 as applicable, must file such reports with the division by means  
669 of the division's electronic filing system.

670 (3) Reports filed pursuant to this section shall be  
671 completed and filed through the electronic filing system not  
672 later than midnight of the day designated. Reports not filed by  
673 midnight of the day designated are late filed and are subject to  
674 the penalties under s. 106.04(8), s. 106.07(8), s. 106.0703(7),  
675 or s. 106.29(3), as applicable.

676 (4) Each report filed pursuant to this section is  
677 considered to be under oath by the candidate and treasurer, ~~or~~  
678 the chair and treasurer, or the treasurer under s. 106.0703,  
679 whichever is applicable, and such persons are subject to the  
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680 provisions of s. 106.04(4)(d), s. 106.07(5), s. 106.0703(4), or  
681 s. 106.29(2), as applicable. Persons given a secure sign-on to  
682 the electronic filing system are responsible for protecting such  
683 from disclosure and are responsible for all filings using such  
684 credentials, unless they have notified the division that their  
685 credentials have been compromised.

686 Section 9. Subsection (1) of section 106.071, Florida  
687 Statutes, is reenacted and amended to read:

688 106.071 Independent expenditures; electioneering  
689 communications; reports; disclaimers.-

690 (1) Each person who makes an independent expenditure with  
691 respect to any candidate or issue, and each individual who makes  
692 an expenditure for an electioneering communication which is not  
693 otherwise reported pursuant to this chapter, which expenditure,  
694 in the aggregate, is in the amount of \$5,000 ~~\$100~~ or more, shall  
695 file periodic reports of such expenditures in the same manner,  
696 at the same time, subject to the same penalties, and with the  
697 same officer as a political committee supporting or opposing  
698 such candidate or issue. The report shall contain the full name  
699 and address of the person making the expenditure; the full name  
700 and address of each person to whom and for whom each such  
701 expenditure has been made; the amount, date, and purpose of each  
702 such expenditure; a description of the services or goods  
703 obtained by each such expenditure; the issue to which the  
704 expenditure relates; and the name and address of, and office  
705 sought by, each candidate on whose behalf such expenditure was  
706 made.

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707 Section 10. Subsections (4) and (5) of section 106.08,  
708 Florida Statutes, are amended, and subsection (7) of that  
709 section is reenacted, to read:

710 106.08 Contributions; limitations on.—

711 (4) ~~(a)~~ Any contribution received by the chair, campaign  
712 treasurer, or deputy campaign treasurer of a political committee  
713 supporting or opposing a candidate with opposition in an  
714 election or supporting or opposing an issue on the ballot in an  
715 election on the day of that election or less than 5 days prior  
716 to the day of that election may not be obligated or expended by  
717 the committee until after the date of the election.

718 ~~(b) Any contribution received by an electioneering~~  
719 ~~communications organization on the day of an election or less~~  
720 ~~than 5 days prior to the day of that election may not be~~  
721 ~~obligated or expended by the organization until after the date~~  
722 ~~of the election and may not be expended to pay for any~~  
723 ~~obligation arising prior to the election.~~

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

726 (b) Candidates, political committees, and political  
727 parties may not solicit contributions from any religious,  
728 charitable, civic, or other causes or organizations established  
729 primarily for the public good.

730 (c) Candidates, political committees, and political  
731 parties may not make contributions, in exchange for political  
732 support, to any religious, charitable, civic, or other cause or  
733 organization established primarily for the public good. It is  
734 not a violation of this paragraph for:

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735 1. A candidate, political committee, or political party  
736 executive committee to make gifts of money in lieu of flowers in  
737 memory of a deceased person;

738 2. A candidate to continue membership in, or make regular  
739 donations from personal or business funds to, religious,  
740 political party, civic, or charitable groups of which the  
741 candidate is a member or to which the candidate has been a  
742 regular donor for more than 6 months; or

743 3. A candidate to purchase, with campaign funds, tickets,  
744 admission to events, or advertisements from religious, civic,  
745 political party, or charitable groups.

746 ~~(d) An electioneering communications organization may not~~  
747 ~~accept a contribution from an organization exempt from taxation~~  
748 ~~under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other~~  
749 ~~than a political committee, committee of continuous existence,~~  
750 ~~or political party, unless the contributing organization has~~  
751 ~~registered as if the organization were an electioneering~~  
752 ~~communications organization pursuant to s. 106.03 and has filed~~  
753 ~~all campaign finance reports required of electioneering~~  
754 ~~communications organizations pursuant to ss. 106.07 and~~  
755 ~~106.0703.~~

756 (7) (a) Any person who knowingly and willfully makes or  
757 accepts no more than one contribution in violation of subsection  
758 (1) or subsection (5), or any person who knowingly and willfully  
759 fails or refuses to return any contribution as required in  
760 subsection (3), commits a misdemeanor of the first degree,  
761 punishable as provided in s. 775.082 or s. 775.083. If any  
762 corporation, partnership, or other business entity or any  
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763 political party, political committee, committee of continuous  
764 existence, or electioneering communications organization is  
765 convicted of knowingly and willfully violating any provision  
766 punishable under this paragraph, it shall be fined not less than  
767 \$1,000 and not more than \$10,000. If it is a domestic entity, it  
768 may be ordered dissolved by a court of competent jurisdiction;  
769 if it is a foreign or nonresident business entity, its right to  
770 do business in this state may be forfeited. Any officer,  
771 partner, agent, attorney, or other representative of a  
772 corporation, partnership, or other business entity, or of a  
773 political party, political committee, committee of continuous  
774 existence, electioneering communications organization, or  
775 organization exempt from taxation under s. 527 or s. 501(c)(4)  
776 of the Internal Revenue Code, who aids, abets, advises, or  
777 participates in a violation of any provision punishable under  
778 this paragraph commits a misdemeanor of the first degree,  
779 punishable as provided in s. 775.082 or s. 775.083.

780 (b) Any person who knowingly and willfully makes or  
781 accepts two or more contributions in violation of subsection (1)  
782 or subsection (5) commits a felony of the third degree,  
783 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
784 If any corporation, partnership, or other business entity or any  
785 political party, political committee, committee of continuous  
786 existence, or electioneering communications organization is  
787 convicted of knowingly and willfully violating any provision  
788 punishable under this paragraph, it shall be fined not less than  
789 \$10,000 and not more than \$50,000. If it is a domestic entity,  
790 it may be ordered dissolved by a court of competent

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791 jurisdiction; if it is a foreign or nonresident business entity,  
792 its right to do business in this state may be forfeited. Any  
793 officer, partner, agent, attorney, or other representative of a  
794 corporation, partnership, or other business entity, or of a  
795 political committee, committee of continuous existence,  
796 political party, or electioneering communications organization,  
797 or organization exempt from taxation under s. 527 or s.  
798 501(c)(4) of the Internal Revenue Code, who aids, abets,  
799 advises, or participates in a violation of any provision  
800 punishable under this paragraph commits a felony of the third  
801 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
802 775.084.

803 Section 11. Section 106.1437, Florida Statutes, is  
804 reenacted to read:

805 106.1437 Miscellaneous advertisements.—Any advertisement,  
806 other than a political advertisement, independent expenditure,  
807 or electioneering communication, on billboards, bumper stickers,  
808 radio, or television, or in a newspaper, a magazine, or a  
809 periodical, intended to influence public policy or the vote of a  
810 public official, shall clearly designate the sponsor of such  
811 advertisement by including a clearly readable statement of  
812 sponsorship. If the advertisement is broadcast on television,  
813 the advertisement shall also contain a verbal statement of  
814 sponsorship. This section shall not apply to an editorial  
815 endorsement.

816 Section 12. Section 106.1439, Florida Statutes, is  
817 reenacted and amended to read:

818 106.1439 Electioneering communications; disclaimers.—  
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819 (1) Any electioneering communication, other than a  
820 telephone call, shall prominently state: "Paid electioneering  
821 communication paid for by ... (Name and address of person paying  
822 for the communication)...."

823 (2) Any electioneering communication telephone call shall  
824 identify the persons or organizations sponsoring the call by  
825 stating either: "Paid for by ... (insert name of persons or  
826 organizations sponsoring the call)...." or "Paid for on behalf  
827 of ... (insert name of persons or organizations authorizing  
828 call)...." This subsection does not apply to any telephone call  
829 in which the individual making the call is not being paid and  
830 the individuals participating in the call know each other prior  
831 to the call.

832 (3) (2) Any person who fails to include the disclaimer  
833 prescribed in this section in any electioneering communication  
834 that is required to contain such disclaimer commits a  
835 misdemeanor of the first degree, punishable as provided in s.  
836 775.082 or s. 775.083.

837 Section 13. Paragraphs (a) and (e) of subsection (1) of  
838 section 106.147, Florida Statutes, are amended to read:

839 106.147 Telephone solicitation; disclosure requirements;  
840 prohibitions; exemptions; penalties.-

841 (1) (a) ~~Any electioneering communication telephone call or~~  
842 ~~any~~ telephone call supporting or opposing a candidate, elected  
843 public official, or ballot proposal must identify the persons or  
844 organizations sponsoring the call by stating either: "paid for  
845 by \_\_\_\_" (insert name of persons or organizations sponsoring  
846 the call) or "paid for on behalf of \_\_\_\_" (insert name of  
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847 persons or organizations authorizing call). This paragraph does  
848 not apply to any telephone call in which both the individual  
849 making the call is not being paid and the individuals  
850 participating in the call know each other prior to the call.

851 ~~(c) Any electioneering communication paid for with public~~  
852 ~~funds must include a disclaimer containing the words "paid for~~  
853 ~~by ... (Name of the government entity paying for the~~  
854 ~~communication)...."~~

855 Section 14. Section 106.17, Florida Statutes, is reenacted  
856 to read:

857 106.17 Polls and surveys relating to candidacies.—Any  
858 candidate, political committee, committee of continuous  
859 existence, electioneering communication organization, or state  
860 or county executive committee of a political party may authorize  
861 or conduct a political poll, survey, index, or measurement of  
862 any kind relating to candidacy for public office so long as the  
863 candidate, political committee, committee of continuous  
864 existence, electioneering communication organization, or  
865 political party maintains complete jurisdiction over the poll in  
866 all its aspects.

867 Section 15. This act shall take effect upon becoming a  
868 law.

869  
870

871 -----

872 **T I T L E A M E N D M E N T**

873 Remove the entire title and insert:

874 A bill to be entitled

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## Amendment No.

875 An act relating to campaign financing; providing a short  
876 title; amending s. 106.143, F.S.; providing an  
877 alternative statement that may be used to identify a  
878 candidate as the sponsor of a political advertisement  
879 under certain circumstances; providing circumstances  
880 under which certain campaign messages and political  
881 advertisements are not required to state or display  
882 specific information regarding the identity of the  
883 candidate, his or her party affiliation, and the office  
884 sought in the message or advertisement; authorizing a  
885 candidate or political committee to place a statement on  
886 a social networking website or account indicating that  
887 the site or account is an official site or account  
888 approved by the candidate or political committee;  
889 prohibiting an official designation without the prior  
890 approval by the candidate or political committee;  
891 amending s. 106.011, F.S.; revising the definition of the  
892 term "political committee" to remove certain reporting  
893 requirements included in the exclusion of electioneering  
894 communications organizations from the definition;  
895 revising the definition of the term "filing officer" to  
896 expand applicability to electioneering communications  
897 organizations; revising the definition of the term  
898 "electioneering communication" to conform to certain  
899 federal requirements and to delineate what constitutes  
900 such a communication; revising the definition of the term  
901 "electioneering communications organization"; amending s.  
902 106.03, F.S.; revising the registration requirements for

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903 electioneering communications organizations; revising the  
904 statement of organization requirements; revising rule  
905 adoption requirements relating to dissolution of  
906 political committees and electioneering communications  
907 organizations; amending s. 106.0703, F.S.; consolidating  
908 reporting requirements in ch. 106, F.S., applicable to  
909 electioneering communications organizations; providing  
910 penalties; conforming provisions; amending s. 106.0705,  
911 F.S., relating to electronic filing of campaign  
912 treasurer's reports; conforming provisions; amending s.  
913 106.071, F.S.; increasing the aggregate amount of  
914 expenditures required for filing certain reports related  
915 to independent expenditures or electioneering  
916 communications; amending s. 106.08, F.S.; removing  
917 certain limitations on contributions received by an  
918 electioneering communications organization; amending s.  
919 106.1439, F.S.; providing identification requirements for  
920 certain electioneering communications; providing an  
921 exception for telephone calls; amending s. 106.147, F.S.,  
922 relating to telephone solicitation disclosure  
923 requirements; removing requirements relating to  
924 electioneering communication, to conform; reenacting ss.  
925 106.011(1)(b), (3), (4), (18), and (19), 106.022(1),  
926 106.03(1)(b), 106.04(5), 106.0703, 106.0705(2)(b),  
927 106.071(1), 106.08(7), 106.1437, 106.1439, and 106.17,  
928 F.S., relating to definitions, registered office and  
929 agent requirements, registration requirements, prohibited  
930 activities for committees of continuous existence,

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931 additional reporting requirements, electronic filing  
932 requirements, expenditure reports, penalties for  
933 violations pertaining to limitations on contributions,  
934 miscellaneous advertisements, electioneering  
935 communications disclaimers and penalties for failure to  
936 include disclaimers, and polls and surveys pertaining to  
937 candidacies, to cure and conform; providing an effective  
938 date.