

By Senator Steube

23-00036-18

2018122__

1 A bill to be entitled
2 An act relating to campaign financing; amending s.
3 106.011, F.S.; redefining the term "contribution" to
4 conform to changes made by the act; amending ss.
5 106.07 and 106.0703, F.S.; modifying and clarifying
6 the schedule governing campaign finance reporting for
7 candidates, political committees, and electioneering
8 communications organizations; revising reporting
9 requirements regarding transfers made by political
10 committees and electioneering communications
11 organizations, to conform; creating s. 106.38, F.S.;
12 prohibiting a political committee or an electioneering
13 communications organization from transferring funds to
14 certain entities; providing a transitional provision
15 regarding final monthly reports by candidates,
16 political committees, and electioneering
17 communications organizations; providing an effective
18 date.

19
20 Be It Enacted by the Legislature of the State of Florida:

21
22 Section 1. Subsection (5) of section 106.011, Florida
23 Statutes, is amended to read:

24 106.011 Definitions.—As used in this chapter, the following
25 terms have the following meanings unless the context clearly
26 indicates otherwise:

27 (5) "Contribution" means:

28 (a) A gift, subscription, conveyance, deposit, loan,
29 payment, or distribution of money or anything of value,

23-00036-18

2018122__

30 including contributions in kind having an attributable monetary
31 value in any form, made for the purpose of influencing the
32 results of an election or making an electioneering
33 communication.

34 ~~(b) A transfer of funds between political committees,~~
35 ~~between electioneering communications organizations, or between~~
36 ~~any combination of these groups.~~

37 (b) ~~(e)~~ The payment, by a person other than a candidate or
38 political committee, of compensation for the personal services
39 of another person which are rendered to a candidate or political
40 committee without charge to the candidate or committee for such
41 services.

42 (c) ~~(d)~~ The transfer of funds by a campaign treasurer or
43 deputy campaign treasurer between a primary depository and a
44 separate interest-bearing account or certificate of deposit, and
45 the term includes interest earned on such account or
46 certificate.

47
48 Notwithstanding the foregoing meanings of "contribution," the
49 term may not be construed to include services, including, but
50 not limited to, legal and accounting services, provided without
51 compensation by individuals volunteering a portion or all of
52 their time on behalf of a candidate or political committee or
53 editorial endorsements.

54 Section 2. Subsections (1) and (2) and paragraph (a) of
55 subsection (4) of section 106.07, Florida Statutes, are amended
56 to read:

57 106.07 Reports; certification and filing.—

58 (1) Each campaign treasurer designated by a candidate or

23-00036-18

2018122__

59 political committee pursuant to s. 106.021 shall file regular
60 reports of all contributions received, and all expenditures
61 made, by or on behalf of such candidate or political committee.
62 Except for the third calendar quarter immediately preceding a
63 general election and as provided in paragraphs (a) and (b),
64 reports shall be filed on the 10th day following the end of each
65 calendar quarter ~~month~~ from the time the campaign treasurer is
66 appointed, except that, if the 10th day following the end of a
67 calendar quarter ~~month~~ occurs on a Saturday, Sunday, or legal
68 holiday, the report shall be filed on the next following day
69 that is not a Saturday, Sunday, or legal holiday. Quarterly
70 ~~Monthly~~ reports must ~~shall~~ include all contributions received
71 and expenditures made during the calendar quarter ~~month~~ which
72 have not otherwise been reported pursuant to this section.

73 (a) A statewide candidate ~~or a political committee required~~
74 ~~to file reports with the division~~ must file reports:

75 1. on the 60th day immediately preceding the primary
76 election, and each week thereafter, with the last weekly report
77 being filed on the 4th day immediately preceding the general
78 election.

79 2. ~~On the 10th day immediately preceding the general~~
80 ~~election, and each day thereafter, with the last daily report~~
81 ~~being filed the 5th day immediately preceding the general~~
82 ~~election.~~

83 (b) Any other candidate or a political committee ~~required~~
84 ~~to file reports with a filing officer other than the division~~
85 must file reports on the 32nd, 25th, 18th, 11th, and 4th days
86 ~~60th day~~ immediately preceding the primary election, and on the
87 46th, 32nd, 25th, 18th, 11th, and 4th days ~~biweekly on each~~

23-00036-18

2018122__

88 ~~Friday thereafter through and including the 4th day immediately~~
89 ~~preceding the general election, with additional reports due on~~
90 ~~the 25th and 11th days before the primary election and the~~
91 ~~general election.~~

92 (c) Following the last day of qualifying for office, any
93 unopposed candidate need only file a report within 90 days after
94 the date such candidate became unopposed. Such report shall
95 contain all previously unreported contributions and expenditures
96 as required by this section and shall reflect disposition of
97 funds as required by s. 106.141.

98 (d)1. When a special election is called to fill a vacancy
99 in office, all political committees making contributions or
100 expenditures to influence the results of such special election
101 or the preceding special primary election shall file campaign
102 treasurers' reports with the filing officer on the dates set by
103 the Department of State pursuant to s. 100.111.

104 2. When an election is called for an issue to appear on the
105 ballot at a time when no candidates are scheduled to appear on
106 the ballot, all political committees making contributions or
107 expenditures in support of or in opposition to such issue shall
108 file reports on the 18th and 4th days before such election.

109 (e) The filing officer shall provide each candidate with a
110 schedule designating the beginning and end of reporting periods
111 as well as the corresponding designated due dates.

112 (2) (a)1. All reports required of a candidate by this
113 section shall be filed with the officer before whom the
114 candidate is required by law to qualify. All candidates who file
115 with the Department of State shall file their reports pursuant
116 to s. 106.0705. Except as provided in s. 106.0705, reports shall

23-00036-18

2018122__

117 be filed not later than 5 p.m. of the day designated; however,
118 any report postmarked by the United States Postal Service no
119 later than midnight of the day designated is deemed to have been
120 filed in a timely manner. Any report received by the filing
121 officer within 5 days after the designated due date that was
122 delivered by the United States Postal Service is deemed timely
123 filed unless it has a postmark that indicates that the report
124 was mailed after the designated due date. A certificate of
125 mailing obtained from and dated by the United States Postal
126 Service at the time of mailing, or a receipt from an established
127 courier company, which bears a date on or before the date on
128 which the report is due, suffices as proof of mailing in a
129 timely manner. Reports ~~other than daily reports~~ must contain
130 information on all previously unreported contributions received
131 and expenditures made as of the preceding Friday, except that
132 the report filed on the Friday immediately preceding the
133 election must contain information on all previously unreported
134 contributions received and expenditures made as of the day
135 preceding that designated due date; ~~daily reports must contain~~
136 ~~information on all previously unreported contributions received~~
137 ~~as of the preceding day~~. All such reports are open to public
138 inspection.

139 2. This subsection does not prohibit the governing body of
140 a political subdivision, by ordinance or resolution, from
141 imposing upon its own officers and candidates electronic filing
142 requirements not in conflict with s. 106.0705. Expenditure of
143 public funds for such purpose is deemed to be for a valid public
144 purpose.

145 (b)1. Any report that is deemed to be incomplete by the

23-00036-18

2018122__

146 officer with whom the candidate qualifies must be accepted on a
147 conditional basis. The campaign treasurer shall be notified by
148 certified mail or by another method using a common carrier that
149 provides a proof of delivery of the notice as to why the report
150 is incomplete and within 7 days after receipt of such notice
151 must file an addendum to the report providing all information
152 necessary to complete the report in compliance with this
153 section. Failure to file a complete report after such notice
154 constitutes a violation of this chapter.

155 2. Notice is deemed complete upon proof of delivery of a
156 written notice to the mailing or street address of the campaign
157 treasurer or registered agent of record with the filing officer.

158 (4) (a) ~~Except for daily reports, to which only the~~
159 ~~contributions provisions below apply, and except~~ as provided in
160 paragraph (b), each report required by this section must
161 contain:

162 1. The full name, address, and occupation, if any, of each
163 person who has made one or more contributions to or for such
164 committee or candidate within the reporting period, together
165 with the amount and date of such contributions. For
166 corporations, the report must provide as clear a description as
167 practicable of the principal type of business conducted by the
168 corporation. However, if the contribution is \$100 or less or is
169 from a relative, as defined in s. 112.312, provided that the
170 relationship is reported, the occupation of the contributor or
171 the principal type of business need not be listed.

172 2. The name and address of each political committee from
173 which ~~the reporting committee or~~ the candidate received, or to
174 which the ~~reporting committee or~~ candidate made, any transfer of

23-00036-18

2018122__

175 funds, together with the amounts and dates of all transfers.

176 3. Each loan for campaign purposes to or from any person or
177 political committee within the reporting period, together with
178 the full names, addresses, and occupations, and principal places
179 of business, if any, of the lender and endorsers, if any, and
180 the date and amount of such loans.

181 4. A statement of each contribution, rebate, refund, or
182 other receipt not otherwise listed under subparagraphs 1.
183 through 3.

184 5. The total sums of all loans, in-kind contributions, and
185 other receipts by or for such committee or candidate during the
186 reporting period. The reporting forms shall be designed to
187 elicit separate totals for in-kind contributions, loans, and
188 other receipts.

189 6. The full name and address of each person to whom
190 expenditures have been made by or on behalf of the committee or
191 candidate within the reporting period; the amount, date, and
192 purpose of each such expenditure; and the name and address of,
193 and office sought by, each candidate on whose behalf such
194 expenditure was made. However, expenditures made from the petty
195 cash fund provided by s. 106.12 need not be reported
196 individually.

197 7. The full name and address of each person to whom an
198 expenditure for personal services, salary, or reimbursement for
199 authorized expenses as provided in s. 106.021(3) has been made
200 and which is not otherwise reported, including the amount, date,
201 and purpose of such expenditure. However, expenditures made from
202 the petty cash fund provided for in s. 106.12 need not be
203 reported individually. Receipts for reimbursement for authorized

23-00036-18

2018122__

204 expenditures shall be retained by the treasurer along with the
205 records for the campaign account.

206 8. The total amount withdrawn and the total amount spent
207 for petty cash purposes pursuant to this chapter during the
208 reporting period.

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

211 10. The amount and nature of debts and obligations owed by
212 or to the committee or candidate, which relate to the conduct of
213 any political campaign.

214 11. Transaction information for each credit card purchase.
215 Receipts for each credit card purchase shall be retained by the
216 treasurer with the records for the campaign account.

217 12. The amount and nature of any separate interest-bearing
218 accounts or certificates of deposit and identification of the
219 financial institution in which such accounts or certificates of
220 deposit are located.

221 13. The primary purposes of an expenditure made indirectly
222 through a campaign treasurer pursuant to s. 106.021(3) for goods
223 and services such as communications media placement or
224 procurement services, campaign signs, insurance, and other
225 expenditures that include multiple components as part of the
226 expenditure. The primary purpose of an expenditure shall be that
227 purpose, including integral and directly related components,
228 that comprises 80 percent of such expenditure.

229 Section 3. Subsections (1) and (2) and paragraph (a) of
230 subsection (3) of section 106.0703, Florida Statutes, are
231 amended to read:

232 106.0703 Electioneering communications organizations;

23-00036-18

2018122__

233 reporting requirements; certification and filing; penalties.-

234 (1) (a) Each electioneering communications organization
235 shall file regular reports of all contributions received and all
236 expenditures made by or on behalf of the organization. Except
237 for the third calendar quarter immediately preceding a general
238 election and as provided in paragraph (b) paragraphs (b) and
239 ~~(c)~~, reports must be filed on the 10th day following the end of
240 each calendar quarter ~~month~~ from the time the organization is
241 registered. However, if the 10th day following the end of a
242 calendar quarter ~~month~~ occurs on a Saturday, Sunday, or legal
243 holiday, the report must be filed on the next following day that
244 is not a Saturday, Sunday, or legal holiday. Quarterly ~~Monthly~~
245 reports must include all contributions received and expenditures
246 made during the calendar quarter ~~month~~ that have not otherwise
247 been reported pursuant to this section.

248 (b) ~~For an electioneering communications organization~~
249 ~~required to file reports with the division, reports must be~~
250 ~~filed:~~

251 ~~1. On the 60th day immediately preceding the primary~~
252 ~~election, and each week thereafter, with the last weekly report~~
253 ~~being filed on the 4th day immediately preceding the general~~
254 ~~election.~~

255 ~~2. On the 10th day immediately preceding the general~~
256 ~~election, and every day thereafter excluding the 4th day~~
257 ~~immediately preceding the general election, with the last daily~~
258 ~~report being filed the day before the general election.~~

259 (c) ~~For~~ An electioneering communications organization must
260 file reports ~~required to file reports with a filing officer~~
261 ~~other than the division, reports must be filed on the 32nd,~~

23-00036-18

2018122__

262 25th, 18th, 11th, and 4th days ~~60th day~~ immediately preceding
263 the primary election, and on the 46th, 32nd, 25th, 18th, 11th,
264 and 4th days ~~biweekly on each Friday thereafter through and~~
265 ~~including the 4th day~~ immediately preceding the general
266 election, ~~with additional reports due on the 25th and 11th days~~
267 ~~before the primary election and the general election.~~

268 (c) ~~(d)~~ When a special election is called to fill a vacancy
269 in office, all electioneering communications organizations
270 making contributions or expenditures to influence the results of
271 the special election shall file reports with the filing officer
272 on the dates set by the Department of State pursuant to s.
273 100.111.

274 (d) ~~(e)~~ In addition to the reports required by paragraph
275 (a), an electioneering communications organization that is
276 registered with the Department of State and that makes a
277 contribution or expenditure to influence the results of a county
278 or municipal election that is not being held at the same time as
279 a state or federal election must file reports with the county or
280 municipal filing officer on the same dates as county or
281 municipal candidates or committees for that election. The
282 electioneering communications organization must also include the
283 expenditure in the next report filed with the Division of
284 Elections pursuant to this section following the county or
285 municipal election.

286 (e) ~~(f)~~ The filing officer shall make available to each
287 electioneering communications organization a schedule
288 designating the beginning and end of reporting periods as well
289 as the corresponding designated due dates.

290 (2) (a) Except as provided in s. 106.0705, the reports

23-00036-18

2018122__

291 required of an electioneering communications organization shall
292 be filed with the filing officer not later than 5 p.m. of the
293 day designated. However, any report postmarked by the United
294 States Postal Service no later than midnight of the day
295 designated is deemed to have been filed in a timely manner. Any
296 report received by the filing officer within 5 days after the
297 designated due date that was delivered by the United States
298 Postal Service is deemed timely filed unless it has a postmark
299 that indicates that the report was mailed after the designated
300 due date. A certificate of mailing obtained from and dated by
301 the United States Postal Service at the time of mailing, or a
302 receipt from an established courier company, which bears a date
303 on or before the date on which the report is due, suffices as
304 proof of mailing in a timely manner. Reports ~~other than daily~~
305 ~~reports~~ must contain information on all previously unreported
306 contributions received and expenditures made as of the preceding
307 Friday, except that the report filed on the Friday immediately
308 preceding the election must contain information on all
309 previously unreported contributions received and expenditures
310 made as of the day preceding the designated due date; ~~daily~~
311 ~~reports must contain information on all previously unreported~~
312 ~~contributions received as of the preceding day.~~ All such reports
313 are open to public inspection.

314 (b)1. Any report that is deemed to be incomplete by the
315 officer with whom the electioneering communications organization
316 files shall be accepted on a conditional basis. The treasurer of
317 the electioneering communications organization shall be
318 notified, by certified mail or other common carrier that can
319 establish proof of delivery for the notice, as to why the report

23-00036-18

2018122__

320 is incomplete. Within 7 days after receipt of such notice, the
321 treasurer must file an addendum to the report providing all
322 information necessary to complete the report in compliance with
323 this section. Failure to file a complete report after such
324 notice constitutes a violation of this chapter.

325 2. Notice is deemed sufficient upon proof of delivery of
326 written notice to the mailing or street address of the treasurer
327 or registered agent of the electioneering communication
328 organization on record with the filing officer.

329 ~~(3) (a) Except for daily reports, to which only the~~
330 ~~contribution provisions below apply,~~ Each report required by
331 this section must contain:

332 1. The full name, address, and occupation, if any, of each
333 person who has made one or more contributions to or for such
334 electioneering communications organization within the reporting
335 period, together with the amount and date of such contributions.
336 For corporations, the report must provide as clear a description
337 as practicable of the principal type of business conducted by
338 the corporation. However, if the contribution is \$100 or less,
339 the occupation of the contributor or the principal type of
340 business need not be listed.

341 ~~2. The name and address of each political committee from~~
342 ~~which or to which the reporting electioneering communications~~
343 ~~organization made any transfer of funds, together with the~~
344 ~~amounts and dates of all transfers.~~

345 2.3. Each loan for electioneering communication purposes to
346 or from any person or political committee within the reporting
347 period, together with the full names, addresses, and occupations
348 and principal places of business, if any, of the lender and

23-00036-18

2018122__

349 endorsers, if any, and the date and amount of such loans.

350 ~~3.4.~~ A statement of each contribution, rebate, refund, or
351 other receipt not otherwise listed under subparagraph 1. or
352 subparagraph 2. ~~subparagraphs 1.-3.~~

353 ~~4.5.~~ The total sums of all loans, in-kind contributions,
354 and other receipts by or for such electioneering communications
355 organization during the reporting period. The reporting forms
356 shall be designed to elicit separate totals for in-kind
357 contributions, loans, and other receipts.

358 ~~5.6.~~ The full name and address of each person to whom
359 expenditures have been made by or on behalf of the
360 electioneering communications organization within the reporting
361 period and the amount, date, and purpose of each expenditure.

362 ~~6.7.~~ The full name and address of each person to whom an
363 expenditure for personal services, salary, or reimbursement for
364 expenses has been made and that is not otherwise reported,
365 including the amount, date, and purpose of the expenditure.

366 ~~7.8.~~ The total sum of expenditures made by the
367 electioneering communications organization during the reporting
368 period.

369 ~~8.9.~~ The amount and nature of debts and obligations owed by
370 or to the electioneering communications organization that relate
371 to the conduct of any electioneering communication.

372 ~~9.10.~~ Transaction information for each credit card
373 purchase. Receipts for each credit card purchase shall be
374 retained by the electioneering communications organization.

375 ~~10.11.~~ The amount and nature of any separate interest-
376 bearing accounts or certificates of deposit and identification
377 of the financial institution in which such accounts or

23-00036-18

2018122__

378 certificates of deposit are located.

379 ~~11.12.~~ The primary purposes of an expenditure made
380 indirectly through an electioneering communications organization
381 for goods and services, such as communications media placement
382 or procurement services and other expenditures that include
383 multiple components as part of the expenditure. The primary
384 purpose of an expenditure shall be that purpose, including
385 integral and directly related components, that comprises 80
386 percent of such expenditure.

387 Section 4. Section 106.38, Florida Statutes, is created to
388 read:

389 106.38 Transfer of political committee and electioneering
390 communications organization funds.—A political committee or an
391 electioneering communications organization may not transfer
392 funds to another political committee, another electioneering
393 communications organization, or to a political party or an
394 affiliated party committee.

395 Section 5. Final monthly campaign finance reports for
396 December 2018 filed by candidates, political committees, and
397 electioneering communications organizations pursuant to present
398 ss. 106.07(1) and 106.0703(1), Florida Statutes, respectively,
399 are due on Tuesday, January 10, 2019.

400 Section 6. This act shall take effect January 1, 2019.