

By Senator Baxley

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2019272__

1 A bill to be entitled
2 An act relating to campaign finance; repealing ss.
3 106.30, 106.31, 106.32, 106.33, 106.34, 106.35,
4 106.353, 106.355, and 106.36, F.S., relating to the
5 Florida Election Campaign Financing Act; deleting
6 provisions governing the public funding of campaigns
7 for candidates for statewide office who agree to
8 certain expenditure limits; amending ss. 106.021,
9 106.141, 106.22, 328.72, and 607.1622, F.S.;
10 conforming cross-references and provisions to changes
11 made by the act; providing a contingent effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Sections 106.30, 106.31, 106.32, 106.33, 106.34,
17 106.35, 106.353, 106.355, and 106.36, Florida Statutes, are
18 repealed.

19 Section 2. Paragraph (a) of subsection (1) of section
20 106.021, Florida Statutes, is amended to read:

21 106.021 Campaign treasurers; deputies; primary and
22 secondary depositories.—

23 (1) (a) Each candidate for nomination or election to office
24 and each political committee shall appoint a campaign treasurer.
25 Each person who seeks to qualify for nomination or election to,
26 or retention in, office shall appoint a campaign treasurer and
27 designate a primary campaign depository before qualifying for
28 office. Any person who seeks to qualify for election or
29 nomination to any office by means of the petitioning process

12-00561-19

2019272__

30 shall appoint a treasurer and designate a primary depository on
31 or before the date he or she obtains the petitions. At the same
32 time a candidate designates a campaign depository and appoints a
33 treasurer, the candidate shall also designate the office for
34 which he or she is a candidate. If the candidate is running for
35 an office that will be grouped on the ballot with two or more
36 similar offices to be filled at the same election, the candidate
37 must indicate for which group or district office he or she is
38 running. This subsection does not prohibit a candidate, at a
39 later date, from changing the designation of the office for
40 which he or she is a candidate. However, if a candidate changes
41 the designated office for which he or she is a candidate, the
42 candidate must notify all contributors in writing of the intent
43 to seek a different office and offer to return pro rata, upon
44 their request, those contributions given in support of the
45 original office sought. This notification shall be given within
46 15 days after the filing of the change of designation and shall
47 include a standard form developed by the Division of Elections
48 for requesting the return of contributions. The notice
49 requirement does not apply to any change in a numerical
50 designation resulting solely from redistricting. If, within 30
51 days after being notified by the candidate of the intent to seek
52 a different office, the contributor notifies the candidate in
53 writing that the contributor wishes his or her contribution to
54 be returned, the candidate shall return the contribution, on a
55 pro rata basis, calculated as of the date the change of
56 designation is filed. Up to a maximum of the contribution limits
57 specified in s. 106.08, a candidate who runs for an office other
58 than the office originally designated may use any contribution

12-00561-19

2019272__

59 that a donor does not request be returned within the 30-day
60 period for the newly designated office, provided the candidate
61 disposes of any amount exceeding the contribution limit pursuant
62 to the options in s. 106.11(5)(b) and (c) or s. 106.141(4)(a),
63 (b), or (d) ~~s. 106.141(4)(a)1., 2., or 4.~~; notwithstanding, the
64 full amount of the contribution for the original office shall
65 count toward the contribution limits specified in s. 106.08 for
66 the newly designated office. A person may not accept any
67 contribution or make any expenditure with a view to bringing
68 about his or her nomination, election, or retention in public
69 office, or authorize another to accept such contributions or
70 make such expenditure on the person's behalf, unless such person
71 has appointed a campaign treasurer and designated a primary
72 campaign depository. A candidate for an office voted upon
73 statewide may appoint not more than 15 deputy campaign
74 treasurers, and any other candidate or political committee may
75 appoint not more than 3 deputy campaign treasurers. The names
76 and addresses of the campaign treasurer and deputy campaign
77 treasurers so appointed shall be filed with the officer before
78 whom such candidate is required to qualify or with whom such
79 political committee is required to register pursuant to s.
80 106.03.

81 Section 3. Subsection (4) of section 106.141, Florida
82 Statutes, is amended to read:

83 106.141 Disposition of surplus funds by candidates.—

84 ~~(4)(a) Except as provided in paragraph (b),~~ Any candidate
85 required to dispose of funds pursuant to this section shall, at
86 the option of the candidate, dispose of such funds by any of the
87 following means, or any combination thereof:

12-00561-19

2019272__

88 (a)1. Return pro rata to each contributor the funds that
89 have not been spent or obligated.

90 (b)2. Donate the funds that have not been spent or
91 obligated to a charitable organization or organizations that
92 meet the qualifications of s. 501(c)(3) of the Internal Revenue
93 Code.

94 (c)3. Give not more than \$25,000 of the funds that have not
95 been spent or obligated to the affiliated party committee or
96 political party of which such candidate is a member.

97 (d)4. Give the funds that have not been spent or obligated:

98 1.a. In the case of a candidate for state office, to the
99 state, to be deposited in ~~either the Election Campaign Financing~~
100 ~~Trust Fund or the General Revenue Fund, as designated by the~~
101 ~~candidate; or~~

102 2.b. In the case of a candidate for an office of a
103 political subdivision, to such political subdivision, to be
104 deposited in the general fund thereof.

105 ~~(b) Any candidate required to dispose of funds pursuant to~~
106 ~~this section who has received contributions pursuant to the~~
107 ~~Florida Election Campaign Financing Act shall, after all~~
108 ~~monetary commitments pursuant to s. 106.11(5)(b) and (c) have~~
109 ~~been met, return all surplus campaign funds to the General~~
110 ~~Revenue Fund.~~

111 Section 4. Subsection (6) of section 106.22, Florida
112 Statutes, is amended to read:

113 106.22 Duties of the Division of Elections.—It is the duty
114 of the Division of Elections to:

115 (6) Make, from time to time, audits and field
116 investigations with respect to reports and statements filed

12-00561-19

2019272__

117 under the provisions of this chapter and with respect to alleged
118 failures to file any report or statement required under the
119 provisions of this chapter. ~~The division shall conduct a~~
120 ~~postelection audit of the campaign accounts of all candidates~~
121 ~~receiving contributions from the Election Campaign Financing~~
122 ~~Trust Fund.~~

123 Section 5. Subsection (11) of section 328.72, Florida
124 Statutes, is amended to read:

125 328.72 Classification; registration; fees and charges;
126 surcharge; disposition of fees; fines; marine turtle stickers.-

127 (11) VOLUNTARY CONTRIBUTIONS.-The application form for boat
128 registration shall include a provision to allow each applicant
129 to indicate a desire to pay an additional voluntary contribution
130 to the Save the Manatee Trust Fund to be used for the purposes
131 specified in s. 379.2431(4). This contribution shall be in
132 addition to all other fees and charges. The amount of the
133 request for a voluntary contribution solicited shall be \$2 or \$5
134 per registrant. A registrant who provides a voluntary
135 contribution of \$5 or more shall be given a sticker or emblem by
136 the tax collector to display, which signifies support for the
137 Save the Manatee Trust Fund. All voluntary contributions shall
138 be deposited in the Save the Manatee Trust Fund and shall be
139 used for the purposes specified in s. 379.2431(4). ~~The form~~
140 ~~shall also include language permitting a voluntary contribution~~
141 ~~of \$5 per applicant, which contribution shall be transferred~~
142 ~~into the Election Campaign Financing Trust Fund. A statement~~
143 ~~providing an explanation of the purpose of the trust fund shall~~
144 ~~also be included.~~

145 Section 6. Subsection (1) of section 607.1622, Florida

12-00561-19

2019272__

146 Statutes, is amended to read:

147 607.1622 Annual report for Department of State.—

148 (1) Each domestic corporation and each foreign corporation
149 authorized to transact business in this state shall deliver to
150 the Department of State for filing a sworn annual report on such
151 forms as the Department of State prescribes that sets forth:

152 (a) The name of the corporation and the state or country
153 under the law of which it is incorporated;

154 (b) The date of incorporation or, if a foreign corporation,
155 the date on which it was admitted to do business in this state;

156 (c) The address of its principal office and the mailing
157 address of the corporation;

158 (d) The corporation's federal employer identification
159 number, if any, or, if none, whether one has been applied for;

160 (e) The names and business street addresses of its
161 directors and principal officers;

162 (f) The street address of its registered office and the
163 name of its registered agent at that office in this state; and

164 ~~(g) Language permitting a voluntary contribution of \$5 per
165 taxpayer, which contribution shall be transferred into the
166 Election Campaign Financing Trust Fund. A statement providing an
167 explanation of the purpose of the trust fund shall also be
168 included; and~~

169 (g) ~~(h)~~ Such additional information as may be necessary or
170 appropriate to enable the Department of State to carry out the
171 provisions of this act.

172 Section 7. This act shall take effect on the effective date
173 of SJR __, or a similar joint resolution having substantially
174 the same specific intent and purpose, if that joint resolution

12-00561-19

2019272__

175 is approved by the electors at the general election to be held
176 in November 2020, or at an earlier special election specifically
177 authorized by law for that purpose.