

**MARCH 13, 2012
ELECTION PACKET**

**Prepared By:
Town Clerk's Office**

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**MARCH 13, 2012 ELECTION
CANDIDATES ELECTION CALENDAR**

**ALL DOCUMENTS FILED WITH THE TOWN CLERK'S OFFICE
WILL BE PLACED ON THE TOWN'S WEBSITE**

January 3 (noon)	QUALIFYING OPENS (first workday in January; Laws of Florida, Chapter 2005-318(2))
January 10 (noon)	QUALIFYING CLOSES (7 days following first workday in January)
January 10	LAST DAY TO ACCEPT CONTRIBUTIONS FOR CANDIDATES WHO WERE UNOPPOSED (FSS 106.08(3))
January 13	SIGNS MAY BE POSTED ONLY IF SIGN BOND AND LIST OF SIGN LOCATIONS HAVE BEEN FILED WITH TOWN CLERK'S OFFICE (Town Code 12-243(D)(1)(b) - no more than 60 days prior to election)
January 27	TREASURER'S REPORT DUE (G1) (5 p.m.) (covering 01/01/12 - 01/20/12; FSS 106.07(a) - 46 days immediately preceding the election)
February 10	TREASURER'S REPORT DUE (G2) (5 p.m.) (covering 01/21/12 - 02/03/12; FSS 106.07(a) - 32 days preceding election)
February 24	TREASURER'S REPORT DUE (G3) (5 p.m.) (covering 02/04/12 to 02/17/12; FSS 106.07(a) - 18 days preceding election; FSS 106.07(2)(a))
February 27 (noon)	LAST DAY TO SUBMIT ORIGINAL POLLWATCHER APPLICATIONS TO THE TOWN CLERK'S OFFICE
February 28 (prior to noon)	LAST DAY FOR TOWN CLERK'S OFFICE TO SUBMIT ORIGINAL POLLWATCHER APPLICATIONS TO SUPERVISOR OF ELECTIONS (FSS 101.131(2) - second Tuesday preceding election)
March 7	LOGIC AND ACCURACY TEST (FSS 101.5612) (*date and time tentative - candidate will be notified of any changes)
March 8 (midnight)	LAST DAY TO ACCEPT CONTRIBUTIONS FOR CANDIDATES WHO WERE OPPOSED (FSS 106.08 - contributions may not be accepted less than 5 days prior to election)
March 9	TREASURER'S REPORT DUE (G4) (5 p.m.) (covering 02/18/12 to 03/08/12; FSS 106.07(a) - 4 days preceding election)
MARCH 13	ELECTION
March 20	SIGNS MUST BE REMOVED FOR BOND TO BE RETURNED (Town Code 12-243(D)(1)(c), not more than 7 days after election)
April 9	LAST DAY TO SUBMIT FINAL TREASURER'S REPORT DISPOSAL OF FUNDS FOR CANDIDATES WHO RAN <u>UNOPPOSED</u> (TR) (covering 01/01/12 to 04/09/12; FSS 106.07(c)- 90 day report)
June 11	LAST DAY TO SUBMIT FINAL TREASURER'S REPORT DISPOSAL OF FUNDS FOR CANDIDATES WHO RAN <u>OPPOSED</u> (TR) (covering 03/09/12 to 06/11/12; FSS 106.141(1).- 90 day report)

Any candidate who withdraws his/her candidacy or is eliminated, must file a report reflecting the disposition of all remaining funds within 90 days (106.141(1))

January 12

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
January 1	2	3	4	5	6	7
	New Year's Holiday	Qualifying Opens 12:00 noon.				
8	9	10	11	12	13	14
		- Qualifying closes 12:00 noon - Last day for unopposed candidates to accept contributions - FSS 106.08(3)			- Signs may be posted if sign bond has been provided to the Town Clerk's Office (Code Section 12-243(D)(1)(b) - no more than 60 days prior to election)	
15	16	17	18	19	20	21
	MLK Holiday					
22	23	24	25	26	27	28
					Treasurer's Report (G1) 5PM – FSS 106.07(1) (1/1/12 to 01/20/12) 46 days preceding election FSS 106.07(1)(a)	
29	30	31	February 1	2	3	4
ANY CANDIDATE WHO WITHDRAWS HIS/HER CANDIDACY OR IS ELIMINATED, MUST FILE A REPORT REFLECTING THE DISPOSITION OF ALL REMAINING FUNDS WITHIN 90 DAYS (106.141(1))						

February 12

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
January 29	30	31	February 1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	March 1	2	3
	Last day to register to vote				Treasurer's Report (G2) 5PM – FSS 106.071(1) (1/21/12 to 2/3/12) 32 days preceding election FSS 106.07(2)(a)	
	President's Holiday				- Treasurer's report (G3) 5 p.m. - FSS 106.071(1) (2/04/12 to 2/17/12) 18 days preceding election FSS 106.07(2)(a)	
	- Last Day to submit original pollworker applications to the Town Clerk's Office - no later than 12:00 noon	- Last Day for Town Clerk's Office to submit original pollworker applications to the Supervisor of Elections - no later than 12:00 noon (FSS 101.5612)				
ANY CANDIDATE WHO WITHDRAWS HIS/HER CANDIDACY OR IS ELIMINATED, MUST FILE A REPORT REFLECTING THE DISPOSITION OF ALL REMAINING FUNDS WITHIN 90 DAYS (106.141(1))						

March 12

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
February 26	27	28	29	March 1	2	3
4	5	6	7	8	9	10
			- Logic and Accuracy Test @ 2:00 p.m. - FSS 101.612 (date and time tentative - candidate will be notified of any changes)	Last day to accept contributions for candidates who were opposed (midnight) contributions may not be accepted less than 5 days prior to election (FSS 106.08)	Treasurer's Report (G4) 5pm - FSS 106.07 (2/18/12 to 3/08/12) 4 days preceding election FSS 106.07	
11	12	13	14	15	16	17
		ELECTION DAY		Certified Election Results Provided by SOE to Town Clerk		
18	19	20	21	22	23	24
		- Signs must be removed for bond to be returned (Code Section 12-243(D)(1)(b) - not more than 7 days after election				
25	26	27	28	29	30	31
ANY CANDIDATE WHO WITHDRAWS HIS/HER CANDIDACY OR IS ELIMINATED, MUST FILE A REPORT REFLECTING THE DISPOSITION OF ALL REMAINING FUNDS WITHIN 90 DAYS (106.141(1))						

April 12

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
April 1	2	3	4	5	6	7
8	9	10	11	12	13	14
	<p style="font-size: small; margin: 0;">- Last day to submit final treasurer's report disposal of funds for candidates who ran unopposed (TR) (1/01/12 to 4/09/12) 90 day report - FSS 106.07</p>					
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	May 1	2	3	4	5
<p style="margin: 0; font-weight: bold; font-size: small;">ANY CANDIDATE WHO WITHDRAWS HIS/HER CANDIDACY OR IS ELIMINATED, MUST FILE A REPORT REFLECTING THE DISPOSITION OF ALL REMAINING FUNDS WITHIN 90 DAYS (106.141(1))</p>						

June 12

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
May 27	28	29	30	31	June 1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
	<p>- Last day to submit final treasurer's report disposal of funds for candidates who were opposed (TR) (3/09/12 to 6/11/12) 90 day report - FSS 106.07</p>					
17	18	19	20	21	22	23
24	25	26	27	28	29	30



**INFORMATION FOR PROSPECTIVE CANDIDATES
MARCH 13, 2012 ELECTION**

**ALL DOCUMENTS FILED WITH THE TOWN CLERK'S OFFICE
WILL BE PLACED ON THE TOWN'S WEBSITE**

A. CANDIDATE REQUIREMENTS

1. Must be:

- a. A qualified elector of the Town of Davie
- b. A resident having resided in the District he/she may represent for six (6) months immediately preceding qualifying.

2. Must comply with:

- a. Federal Election Laws
- b. Public Disclosure and Conflict of Interest Act
- c. Florida Election Code (Florida Statutes, Chapters 97 to 106)
- d. Town Charter and Town Code of Ordinances
- e. Broward County Ethics Ordinance (2011-19)

B. PROCEDURE

1. Prior to qualifying for office, a candidate may announce his intention to run and secure promises for contributions and other assistance by:

- a. Obtaining necessary forms from the Town Clerk's Office to appoint Campaign Treasurer and Designate Depository
- b. Appoint Campaign Treasurer and Designate Depository (must be a registered voter; FSS 106.021(1)(c))
- c. Treasurer must accept appointment in writing on form
- d. Candidate may appoint HIMSELF/HERSELF as Treasurer
- e. File completed Campaign Treasurer and Depository form in the Town Clerk's Office. (THIS MUST BE DONE PRIOR TO ACCEPTING CONTRIBUTIONS.)
- f. May collect funds and make expenditures after designating depository (\$500.00 CONTRIBUTION LIMIT; FSS 106.08(1)(a))
- g. Complete Statement of Candidate regarding Florida State Statutes Chapter 106 (to be submitted to the Town Clerk's Office within 10 days of filing campaign treasurer's form).

2. Qualifying and filing for Office:

- a. Must be completed in accordance with designated dates (See Calendar).
- b. When a candidate files, he/she must:
 - 1) File appointment of Treasurer and Depository (if not previously done)
 - 2) Pay required filing fee of 3% plus election assessment of 1% based on annual salary - \$507.28 (\$380.46 qualifying fee (FSS 99.092(1)) and \$126.82 election assessment (FSS 99.093(1))
 - a) Fee shall be paid by a check drawn on the campaign account and made payable to the Town of Davie.
 - 3) Submit Financial Interest Form
 - 4) Sign Loyalty and Candidate Oath (at time of filing)
 - 5) Submit General Information Sheet
 - 6) Complete Notice of Pre-Election Testing (Logic & Accuracy Test)

3. After filing for office, a candidate will be responsible to submit Treasurer's Reports pursuant to the requirements in Florida State Statutes, Chapter 106



MARCH 13, 2012 ELECTION INFORMATION

The following information and forms can be found on the Town's [election](#) web page.

General Candidate Information - Candidates for Town Council must be a qualified elector and have resided in the District he/she may represent for six (6) months immediately preceding qualifying. Candidates for Mayor must be a qualified elector and have resided in the Town's limits for six (6) months immediately preceding qualifying.

Qualifying for Office - Qualifying opens and closes at noon on the respective dates shown below:

Mayor (term– March 2012 - March 2015) January 3 – 10, 2012
District 1 (term - March 2012 - March 2015) January 3 – 10, 2012

Qualifying and Assessment Fee ([Section 99.092\(1\)](#) and [99.093\(1\), F.S.](#)): A \$380.46 qualifying fee plus a \$126.82 election assessment fee equal to 1% of the annual salary must be paid at the time the candidate qualifies for office (total fee to be paid \$507.28). The fees must be paid by a check drawn from the campaign checking account.

Financial Disclosure: A completed Form 1 Statement of Financial Interests (reflecting the preceding tax year) must be filed at the time the candidate files his/her qualifying papers.

Statement of Candidate ([Section 106.023, F.S.](#)): Each candidate must file a statement with the Town within ten (10) days after he/she files his [Appointment of Campaign Treasurer and Designation of Campaign Depository](#) form, stating he/she has read and understands the requirements of Chapter 106, Florida Statutes.

Campaign Reporting Information - ALL DOCUMENTS FILED WITH THE TOWN CLERK'S OFFICE WILL BE PLACED ON THE TOWN'S WEBSITE.

Campaign Account & Treasurer ([Section 106.021, F.S.](#)): Before accepting any campaign contributions, expending any funds or qualifying as a candidate, a campaign depository must be designated and a campaign treasurer must be appointed. This appointment must be done by completing an "[Appointment of a Campaign Treasurer and Designation of Campaign Depository](#)" form. This form can be obtained from the Town Clerk's Office and is to be filed with the Town Clerk. Also, each candidate shall, at the same time the above form is filed, designate the office for which he/she is running.

Contribution Limits ([Section 106.08 F.S.](#)): The contribution limit for all municipal candidates is \$500 per contributor per election. (Contribution limits do not apply to contributions made by a candidate to his/her own campaign.) No unemancipated child under the age of 18 years may make a contribution to any candidate in excess of \$100 per election.

Campaign Reports - Due Dates ([Section 106.07 F.S.](#)): All candidates who are opposed in seeking election to an office must file reports with the Town Clerk on the 46th day, 32nd day, 18th day and 4th day immediately preceding the election. Any candidate who is unopposed must dispose of his/her funds and file a report reflecting the disposition within 90 days after becoming unopposed.

All reports must be filed by 5:00 p.m. on the designated day; however, any report postmarked by the US Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. A certificate of mailing obtained from and dated by the US Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due shall be proof of mailing in a timely manner.

Campaign Reporting Forms

Campaign Treasurer's Report-Summary ([DS-DE 12](#))

Campaign Treasurer's Report -Itemized Contributions ([DS-DE 13](#))

Campaign Treasurer's Report -Itemized Expenditures ([DS-DE 14](#))

Waiver of Report ([DS-DE 87](#))

Disposition of Funds ([Section 106.141 F.S.](#)): Any candidate who withdraws, becomes unopposed, is eliminated or is elected to office must dispose of his/her funds and file a report reflecting the disposition within 90 days after withdrawing, becoming unopposed, being eliminated or elected.

Campaign Reports - Late Filing Penalty ([Section 106.07\(8\)\(b\), F.S.](#)): Late filing of reports are subject to a \$50 fine for each late day for the first three days and, thereafter, \$500 per day for each late day. The fine is not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Late report penalties are the responsibility of the candidate and are to be paid from the personal funds of the candidate. Such fines are to be paid to the Town of Davie within 20 days after receipt of notice of payment due.

Regulations for Campaign Signs

Campaign Signs: The posting of campaign signs requires a \$300 deposit as a guarantee that all signs will be removed within seven (7) days after the date of the election to which the signs relate. If the signs are not removed by the end of the seven-day period, the Town shall have them removed and keep the full sum or any portion thereof to reimburse the Town for expenses incurred. For more information on sign requirements, please review [Code Section 12-243\(D\)\(1\)](#).

A sign bond application will need to be completed and submitted along with a check for \$300 made payable to the Town of Davie. After the election, the Town Clerk's Office will verify with the Code Compliance Division that all signs were removed within 7 days. Requests for reimbursement can be made to the Town Clerk's Office after the 8th day following the election.

Political Campaign Advertisements

- Advertisements circulated prior to the election - see [F.S. 106.143](#)
- Disclosure of telephone solicitation - see [F.S. 106.147](#)

It is not the responsibility of this office to interpret Florida Statutes as prescribed by Florida Law. For further interpretation or legal opinion, you may contact the Division of Elections at (850) 245-6240.



OFFICE OF THE TOWN CLERK

6591 ORANGE DRIVE • DAVIE, FLORIDA 33314
PHONE: 954.797.1023 • FAX: 954.797.1087 • WWW.DAVIE-FL.GOV

TO: All Election Candidates

SUBJECT: Political Campaign Signage

I am writing to request your cooperation in matters concerning the posting and placement of political signage during your upcoming election campaign. Prior to the posting of any political signage, you should have made application for a "Town of Davie Application for Sign Bond." A \$300 cash bond along with a completed application must be submitted to the Town Clerk's Office. Upon submittal of the bond and list of locations, your political signage may be posted no more than sixty (60) days prior to the election.

Florida Statutes 106.1435 state, in part, that no signage should be posted on telephone, electrical or other utility poles adjacent to roads. Signs posted in that manner are also very difficult to remove after an election and are often left behind by campaign workers. Posting of any type of sign on traffic control devices, such as "stop" or "yield" signs, is a direct violation of State Law and subjects the candidate to possible fines.

Pursuant to Town Code 12-243(D)(1)(e), political or election signs of any kind shall not be placed on property owned or used by the Town or by other governmental agencies or units in the Town. Endorsement of any candidate is not sanctioned by the Town and the placement of such signage could make it appear so.

As an additional reminder, political signage is not permitted to be posted on State or County road rights-of-way, including utility poles. The Town takes action to remove the signs posted in these areas resulting in a possible forfeiture of the bond; however, the State and County may also impose fines for signs posted in these areas.

Removal of all political signage is required within seven (7) days after the election to which the signage pertains per Section 12-243(D)(1)(c) of the Town's Code.

Failure to follow the regulations of Code Section 12-243(D) may result in the forfeiture of the posted bond(s) and removal and disposal of the signage by the Town.

I am certain that we can rely on your cooperation in these matters. If you have any questions, please contact the Town Clerk's Office at (954) 797-1023. Thanking you in advance for your assistance.

Sincerely,

Russell C. Muniz, MBA, MPA, MMC
Town Clerk

Sec. 12-243. - Detailed sign regulations.

- (A) *Residential Development Signs:* It is the intent of these regulations to encourage the incorporation of signage into entranceway features which include landscaping and other amenities that express and enhance the residential character of the development. To that end, the following shall apply:
- (1) Residential development signs shall only provide the name of the subdivision and primary address numeral(s).
 - (2) Lighting of a development sign may be provided by internal lighting, back-lighting, the general lighting of the sign area, or by shielded spotlights. Lighting shall not spill over onto residential lots.
 - (3) Residential development signage may be provided at each roadway entrance to the overall development. Signage may consist of a maximum of two (2) signs per entranceway; however, the total maximum sign area shall not exceed sixty-four (64) square feet per entranceway.
 - (4) All signage shall be subject to the site plan review process and approval.
 - (5) Within a designated scenic corridor, the following sign standards shall apply:
 - (a) Free-standing signs shall not exceed four and one-half (4.5) feet in height; and
 - (b) A planting bed at least four (4) feet in depth shall surround the sign. This bed shall contain one hundred (100) percent native shrubs and supplemental native ground cover, and shall be shown on the site plan.
- (B) *Directional Signs:* Off-site directional signs are permitted so as to give sufficient notice of the location of governmental facilities, hospitals, colleges, schools, unincorporated communities. The maximum size of each sign shall be four (4) square feet.
- (C) *Model Signs:* Model signs are permitted in all residential zoning districts as set forth below:
- (1) One (1) freestanding sign is allowed per model.
 - (2) The sign area is not to exceed three (3) square feet.
 - (3) The sign copy of a model sign may include only the following information:
 - (a) Model or development name;
 - (b) Builder, architect, agent;
 - (c) Number of bedrooms and baths;
 - (d) Telephone number; and
 - (e) Prices.
 - (4) One (1) flag per model.
 - (5) Model signs should be located on the lot of the model.
 - (6) Notwithstanding [section 12-238\(J\)](#), town council may approve residential development signs within town right-of-way subject to an agreement as deemed appropriate by the town attorney, and the applicant accepts maintenance of sign. The town council may also waive or modify any town Code provisions relating to these signs as deemed appropriate to the circumstance.
- (D) *Temporary Signs:* Temporary signs must conform to all regulations of this section. However, notwithstanding the requirements of this section, the town recognizes that signs erected, used or maintained on a farm by the owner or lessee of such farm and relating solely to farm produce, merchandise, service, or entertainment sold, produced, manufactured, or furnished on such farm are specifically excepted from the requirements of this subsection. It is specifically recognized that any structure that would otherwise constitute a billboard, shall be subject to all of this Code's conditions, restrictions and prohibitions applicable to billboards.
- (1) *Election campaign signs.* Temporary signs advertising political parties or candidates for election may be erected or displayed and maintained provided that:
 - (a) The size of any such sign is not in excess of sixteen (16) square feet.
 - (b) The election campaign signs shall not be erected or displayed earlier than sixty (60) days prior to the election to which they pertain; the placement of any such sign requires the permission and consent of the property owner.
 - (c) The political party or candidate, or an authorized agent, deposits with the town clerk the sum of three hundred dollars (\$300.00) as a guarantee that all the election campaign signs will be removed within seven (7) days after the date of the election to which the signs relate. If the signs are not removed at the end of the seven-day period, the town shall have them removed and be due the appropriate cost recovery fee from the deposit as reimbursement to the town for actual expenses incurred and as identified in town Code [section 6-9\(c\)](#).
 - (d) The provisions of this section shall not apply to what are commonly referred to as "bumper stickers" or "car-top" signs when such signs are placed on motor vehicle bumpers or tops, respectively.
 - (e) No political or election signs of any type or size, advertisements, handbills, snipe signs or billboards shall be placed on public property owned or used by the town or by other governmental agencies or units in the incorporated areas of the town except when permission

and consent is provided by the town or governmental agency; unapproved signs shall be removed immediately.

- (f) Any violation of this section shall result in the forfeiture of the appropriate cost recovery fee from the deposit required under paragraph (c) above and shall be subject to further ordinance enforcement penalties.
 - (g) No election campaign sign shall be placed or maintained in a manner that causes it to be a nuisance to the public health, safety or welfare due to its location, state of disrepair, or by placement in the sight triangle as noted in town Code [section 12-109\(A\)](#); if any election campaign sign shall be a nuisance, the town is hereby authorized to remove the sign immediately.
 - (h) Severability. This chapter and its sections hereunder, are hereby declared to be independent divisions, and notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any section of said chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections and the application of such sections to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections would have been passed independently of such section or provision so known or found to be invalid. Should any procedural aspect of this chapter be invalidated, such invalidation shall not affect the enforceability of the substantive aspects of this chapter.
- (2) *Real estate signs:*
- (a) Only one (1) real estate sign may be located adjacent to each separate street frontage of a lot, except as provided in (d) below. However, when the street frontage of a lot exceeds twelve hundred (1200) lineal feet, one (1) sign per twelve hundred (1200) lineal feet or fraction thereof may be permitted. Signs shall be located entirely within the property to which the signs apply; they shall not be directly illuminated. Real estate signs shall be removed within seven (7) days after a deed has been recorded for the same or a lease signed for the rental or lease of the property. Real estate signs shall not exceed the following maximum area requirements:
 1. For the SC, UC, FB, and Commercial Conservation districts: thirty-two (32) square feet.
 2. For all other districts: four (4) square feet.
 - (b) Real estate signs are permitted within the established setback areas of all zoning districts. However, no real estate sign shall be nearer than ten (10) feet from the property line if placed upon vacant property, and if placed on land improved by building, it shall not be placed nearer than five (5) feet from any property line unless the building is less than five (5) feet from the property line, in which case it may be placed in or upon a front or side door or window of the building. If there is a wall upon the property line, then such sign may be placed on or against such wall.
 - (c) In residential districts, a maximum of three (3) signs may be hung from or attached to the approved temporary sign for announcing additional information such as "By Appointment Only," "Sold," etc. A "Sold" sign may be attached to the sign for a period of ten (10) days subsequent to the date of closing. The maximum permitted size of such signs is eight (8) inches by twenty-four (24) inches.
 - (d) Residential transitory signs. Residential transitory signs are specific types of temporary signs. These signs are intended to facilitate garage sales, open houses, moving sales, yard sales, neighborhood meetings, HOA meetings, and the like. These types of signs shall be regulated by this section.
 1. In addition to one (1) sign at the residence where the activity is occurring, no more than two (2) directional signs may be permitted within the swale area of any two (2) lane street bounded on both sides by residential properties.
 2. Directional signs will not be permitted in the median or on any sidewalk, and must be set back at least five (5) feet from edge of pavement.
 3. These signs may not exceed a height and area of four (4) feet.
 4. The signs must be erected and taken down on the same calendar day, but no later than 9:00 p.m., if not, the signs may be removed by the town.
 5. These signs may only be staked to or pressed into the ground.
 6. Residential transitory signs shall not exceed a maximum of four (4) feet in area and shall indicate the responsible agency or owner of the property.
 7. Where the public interest in the road right-of-way is limited to an easement, the consent of the owner of the property is required.
 8. Any transitory sign deemed a safety hazard may be removed without notice by any public personnel.
 9. The name and telephone number of the party responsible for removal of the sign must be clearly displayed on the sign enabling the town to contact the responsible party if necessary.
- (3) *Temporary development signs.* Temporary signs advertising a pending development may be erected or displayed and maintained; provided, that:
- (a)

The sign copy may include only the following:

1. Name of the project;
 2. Nature of the development;
 3. General contractor;
 4. Architect;
 5. Lending institution;
 6. Owner or agent;
 7. Telephone number; and
 8. Price.
- (b) Such development signs shall not exceed thirty-two (32) square feet in area and may be permitted to be posted from the issuance date of a site development permit up to thirty (30) days after the date the final certificate of occupancy is issued on the site.
- (4) *Inflatable advertising devices or signs.* Inflatable advertising devices or signs may be allowed, pursuant to a building permit, provided said device or sign meets the following conditions:
- (a) A permit application for an inflatable device shall be accompanied by documentation indicating the approval of the landlord or property owner, if the landlord or property owner is not the permit applicant.
 - (b) No more than one (1) inflatable device may be displayed within a shopping center inclusive of outparcels at any one time.
 - (c) No more than one (1) inflatable device may be permitted per year per business.
 - (d) Such device or sign shall not be permitted to be displayed for a period greater than thirty (30) days.
 - (e) Such device or sign must be displayed on the building.
- (5) *Temporary banners.* Temporary banners may be permitted by a building permit to advertise a grand opening, special event or other special occasion, provided said banners meet the following conditions:
- (a) Such banner shall not be permitted to be displayed for a period greater than thirty (30) days.
 - (b) A banner may be displayed up to four (4) times per year per business establishment. Each display period must be separated by a minimum period of thirty (30) days.
 - (c) The maximum size of a banner shall not exceed four (4) square feet per lineal foot of storefront facade length. Where a building has more than one (1) facade length, the facade on which the banner will be located shall be used to determine maximum banner size.
 - (d) Said banner must be displayed on the building.

(Ord. No. 90-58, Â§ 2(12-226), 10-17-90; Ord. No. 90-67, Â§ 2, 12-19-90; Ord. No. 92-17, Â§ 7, 5-6-92; Ord. No. 2000-29, Â§ 7, 7-19-00; Ord. No. 2002-35, Â§ 1, 10-16-02; Ord. No. 2007-014, Â§ 1, 6-20-07; Ord. No. 2009-28, Â§ 2, 12-16-09; Ord. No. 2010-5, Â§ 2, 2-17-10)



Florida Department of Transportation

JEB BUSH
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JOSÉ ABREU
SECRETARY

August 4, 2003

Notice to candidates for election to offices in the State of Florida

As you begin your official campaign for office, we would like to remind you of State law regarding political campaign signs:

- (1) Signs placed on the State rights of way – Political campaign signs may not be placed in the right of way of any state or national highway (Chapter 479.11(8), Florida Statutes). Through a joint effort of the Florida Department of Transportation and the Florida Highway Patrol, a brochure explaining that the unauthorized use of the public rights of way is prohibited by Florida law and further outlining why the right of way is regulated and how to know the location of the right of way line is available through our office or from your local Supervisor of Election. We recommend this brochure be given to your campaign volunteers.
- (2) Signs placed on private property – Temporary political campaign signs may be placed on private property with the permission of the owner, and such signs do not require a permit under state law.

Please advise your campaign workers to ensure that signs are placed on private property. Signs placed on the State rights of way must be picked up by Department staff and placed in one of the Department's maintenance yards. We will make every effort to place a courtesy call to your campaign office advising of sign removal and the location of the maintenance yard where the signs have been stored, because we know your campaign signage is expensive.

If you have any questions regarding this issue, please contact the Department's Outdoor Advertising Office in Tallahassee at (850) 414-4545. If you would like copies of the encroachment brochure, please e-mail your address and quantity needed to juanice.hagan@dot.state.fl.us.

/s/ Kenneth M. Towcimak
Kenneth M. Towcimak, Director
Office of Right of Way

KMT:jh

2 WHY IS THE USE OF THE PUBLIC RIGHT OF WAY REGULATED?

Regulation of activities occurring within the right of way is necessary to help prevent:

- Distractions to motorists
- Unsafe pedestrian movement within travel lanes
- Sudden stoppage or slowdown of traffic
- Rapid lane changing and other dangerous traffic movements
- Increased vehicular accidents
- Motorist and pedestrian injuries and fatalities

WHAT IS THE RIGHT OF WAY AND HOW DO I KNOW WHERE IT IS?

The right of way for a road or other transportation facility is the paved area of the road, the road shoulders, sidewalks, swales, and all the other property adjacent to the road owned by the government for the construction and operation of the road or other facility. It may extend far beyond the paved road surface and may or may not be mowed or fenced.

Maps showing the location of the right of way for state roads are available from the Florida Department of Transportation. Maps for local streets and roads are available from the appropriate county or city offices.



The Florida Highway Patrol, the Florida Department of Transportation, and local law enforcement agencies monitor the use of the public rights of way and may issue citations when unauthorized uses are found.

Each offense may result in a fine of up to \$500 or imprisonment of up to 6 months or both. Local ordinances may impose additional fines.

Each day an unauthorized use continues is a separate offense.

If you have questions or would like to report illegal use of the right of way, please call the FDOT State Maintenance Office at (850) 488-8815.



GUIDELINES

FOR THE USE OF FLORIDA TRANSPORTATION RIGHTS OF WAY GUIDELINES

***Unauthorized
use of
the public
right of way is
prohibited by
Florida law.
Illegal use of
the right of way
is a crime.
Each day a
violation
continues is a
separate offense.***

Section 337.406, Florida Statutes

PROHIBITED USES OF THE RIGHTS OF WAY

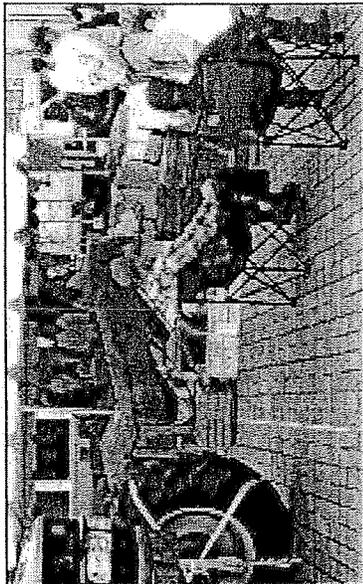
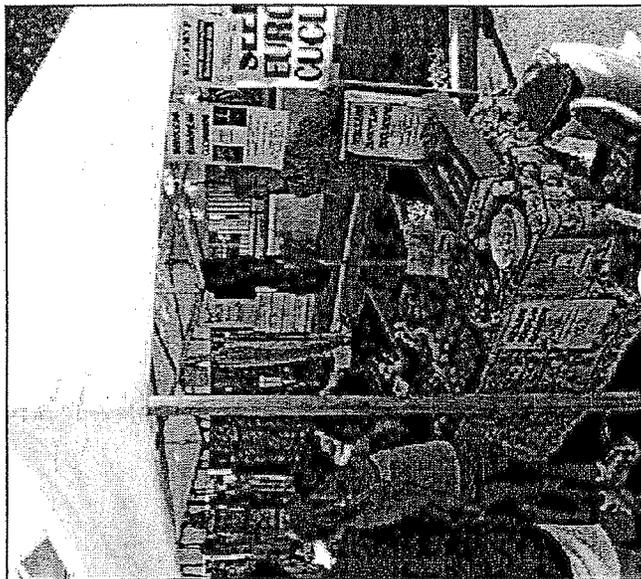
Any use which interferes with the safety and efficiency of the road.

Display of advertising of any sort.

Solicitation, including for charitable purposes.

Sale, display, or free distribution of any merchandise, goods, property or services.

Storage, servicing or non-emergency repairing of vehicles.



USES OF THE RIGHTS OF WAY THAT MAY BE ALLOWED BY PERMIT

Note: None of these uses are allowed on Interstate Highways.

Art festivals, parades, fairs, or other special events.

These may be allowed with a permit from the appropriate county or city government. Road closure by the county or city government requires FDOT approval. Temporary banners or similar devices may be allowed upon approval by local government and FDOT.

Temporary uses allowed by cities.

Cities may issue permits within their limits to allow uses which are ordinarily prohibited if the use is of limited duration, will not interfere with the safe and efficient movement of traffic and will cause no danger to the public.

Sales from vehicles standing on the right of way to occupants of abutting properties.

Such sales are permitted by persons holding valid peddlers' licenses issued by a county or city.

Solicitation for non-profit organizations.

Permits for solicitation for non-profit organizations may be issued by local governments.

USAGE AND REMOVAL OF POLITICAL CAMPAIGN ADVERTISEMENTS

F.S. 106.1435

(1) Each candidate, whether for federal, state, county, or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:

- (a) Withdrawal of his or her candidacy;
- (b) Having been eliminated as a candidate; or
- (c) Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.

(2) If political campaign advertisements are not removed within the specified period, the political subdivision or governmental entity has the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected from removing such advertisements shall be deposited to the general revenue of the political subdivision.

(3) Pursuant to chapter 479, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on or above any state or county road right-of-way.

(4) The officer before whom a candidate qualifies for office shall notify the candidate, in writing, of the provisions in this section.

(5) This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political advertisements.

Please check with the Municipal Clerk regarding usage of signs and applicable bonds prior to posting any signs within a Municipality.

GLOSSARY OF TERMS

Campaign account - that designated account for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate.

Campaign contribution - a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or any thing of value, including contributions in kind having an attributable monetary value in any form, made for the purposes of influencing an election.

Campaign expenditure - purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy treasurer, or gift of money or anything of value made for the purpose of influencing the result of an election.

Candidate - any person who seeks to qualify for nomination or election by means of the petitioning process; who seeks to qualify for election as a write-in candidate; who receives contributions or makes expenditures, or consents for any other person to receive contributions or expenditures on his or her behalf, with a view to bringing about his or her nomination or election to, or retention in, public office; any person who appoints a treasurer and designates a primary depository; or any person who files qualification papers and subscribes to the candidate's oath as required by law.

Committee of Continuous Existence - a committee which may make contributions to candidates or political committees. In order to make independent expenditures or support or oppose an issue, the committee of continuous existence would have to register as a political committee.

DS200 - Digital Scan equipment used to tabulate the paper ballots now used for voting at the precincts and Early Voting.

Early Voting - the 15 day period prior to an election when a voter can cast a ballot. Locations are limited to offices of the Supervisor, city halls and public libraries.

Electronic Voter Identification (EVID) - equipment that verifies voter eligibility, updates voting history and issues voting pass to voter.

Filing Officer - the person before whom a candidate qualifies and political committees register.

Independent expenditure - expenditure which is not controlled by, coordinated with, or made upon consultation with the candidate, political committee or agent of the candidate.

iVotronic - touch screen voting equipment manufactured by ES&S and product used in Broward County for ADA voting.

Logic & Accuracy - a test of the automatic tabulation equipment to ascertain that the equipment will correctly count the votes cast for all offices and all measures.

Marksense - type of ballot now required in Florida where voter "bubbles in" the choices.

Political Committee - a combination of two or more individuals organized to support or oppose candidates, issues or political parties.

Personal Electronic Ballot (PEB) - a small plastic container with laser eye used to activate the ballot on the iVotronic.

Political Advertisement - any communication media that is supporting or opposing a candidate or an issue on the ballot.

Political Disclaimer - prescribed wording on any political advertisement advising the viewer who produced and paid for the document.

Poll Watcher - an individual designated by a candidate, political party or political committee to observe the conduct of electors and officials in the precinct or early voting site during the election.

Provisional Ballot - a conditional ballot, the validity of which is determined by the Canvassing Board.

Optical Scan - equipment used to read and record the marksense ballot.

Qualifying - period of time when a candidate files qualifying papers and pays a qualifying fee.

Relia-vote - Pitney Bowes equipment used for stuffing and tracking Absentee Ballots.

Voting System Technician (VST) - designated poll worker at each precinct who is specially trained to handle the iVotronic voting machines.

IT IS IMPORTANT TO REMEMBER

A pollwatcher is not allowed to interact with voters in the polling place or early voting site. When questioning a procedure, the pollwatcher must direct his / her inquiry to the precinct clerk. No pollwatcher may wear anything advertising a candidacy or promoting for or against an issue.

Pollwatchers are official observers only. They may observe the conduct of the election before, during and after the polls or early voting sites close. All pollwatchers must be certified by the Supervisor of Elections Office. The list of certified pollwatchers is prepared by the Supervisor of Elections Office.

The election board is the sole authority in the polling place on election day and at early voting areas. No person, except the board, may handle or touch election supplies and materials.

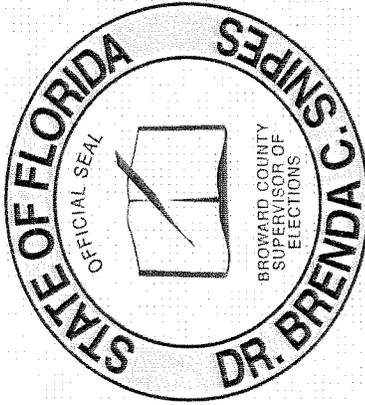
If the pollwatcher feels that a violation has taken place during an election, the pollwatcher must notify the clerk of the election board.

Electioneering, campaigning or solicitation within one hundred (100) feet of the entrance to the polling room or early voting area is prohibited.

Dear Pollwatchers:

Thank you for assisting us by being at a polling place on election day and / or at the early voting site to help insure a good election. It is our purpose, and yours, to achieve this for the people of Broward County.

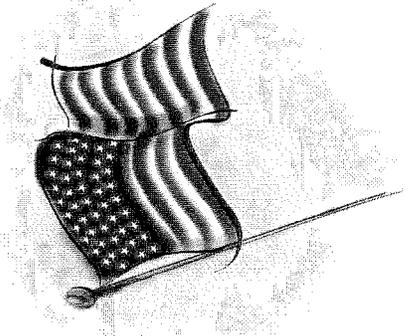
Dr. Brenda C. Snipes
Supervisor of Elections
Broward County



THE SUPERVISOR OF ELECTIONS

The primary goal of the Supervisor of Elections is to help bring about a greater understanding and participation in the electoral process. Authorities on Florida elections are available as speakers for civic organizations, schools, groups and the general public.

For more information on election laws and procedures, write, call or e-mail the Supervisor of Elections.



POLLWATCHERS ON WATCH

Prepared by:
Dr. Brenda C. Snipes
Supervisor of Elections

GOVERNMENTAL CENTER
115 S. ANDREWS AVENUE, ROOM 102
FORT LAUDERDALE, FL 33301
Website Address: www.browardsoe.org

Tel: 954-357-7050

Fax: 954-357-7070

e-mail: elections@browardsoe.org

WHAT IS A POLLWATCHER?

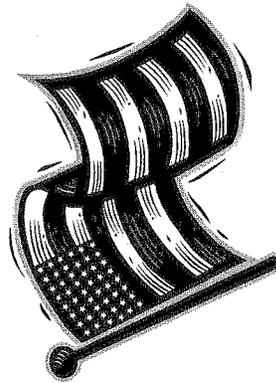
A person may be asked by a candidate, political party or political committee to go to a polling place or early voting site and observe. Florida Statute 101.131 defines this person as a pollwatcher. The pollwatcher watches to see if any violations of the election laws occur. If such a violation occurs, the pollwatcher is to inform the election board of the violation. The election board consists of the pollworkers or early voting staff.

WHAT QUALIFICATIONS ARE NEEDED TO BECOME A POLLWATCHER?

According to Florida Statutes, it is necessary for a pollwatcher to be a registered voter of Broward County. Applications for pollwatchers should be obtained through the candidate, party headquarters or political committee. Upon execution, and no later than noon on the 14th day prior to an election, applications must be filed with the Supervisor of Elections Office for certification. Either a candidate, party or political committee official or must sign each application prior to submitting same to the Supervisor of Elections.

WHO CANNOT BE A POLLWATCHER?

A candidate, sheriff, deputy sheriff, police officer or any other law enforcement officers are not allowed to be pollwatchers.



HOW MANY POLLWATCHERS ARE ALLOWED IN A POLLING PLACE?

Each political party, political committee and each candidate is allowed to have one watcher at each polling place or early voting site at any one time.

FROM WHOM DOES THE POLLWATCHER GET HIS AUTHORITY?

Upon receiving requests for pollwatchers, the Supervisor of Elections shall certify eligible applicants. This is done at least seven (7) days prior to the election. A list of the pollwatchers designated and certified will be furnished to each precinct or early voting site. Certified watchers will receive letters indicating certification and their assigned precinct(s) or early voting site(s). Pollwatchers will be permitted in assigned precinct(s) or early voting site(s) only.

DOES THE POLLWATCHER NEED ANYTHING?

Pollwatchers are responsible for supplying any necessities or materials needed while at the polls or early voting, i.e. chairs, tables, writing materials, etc. They cannot use the pollworkers' / early voting workers' supplies.

WHAT CANNOT THE POLLWATCHER DO?

- Pursuant to Florida Law, the pollwatcher:
- Should not interfere with or impede the conduct of any election.
 - Should come no closer to the official table or the voting booths than is reasonably necessary.
 - May not interact with the voters, unless there is an observation of questionable nature.
 - Is not permitted to speak to the election board and must direct his / her inquiries to the precinct / early voting clerk.

WHAT IS THE FUNCTION OF A POLLWATCHER?

A pollwatcher:

- May observe the activities at the polling place or early voting site.
- Has the right to observe the running of the "zero" tape, before the first vote is cast.
- May observe the distribution of the activation of the ballot for the voter.
- If he/ she thinks there might be a violation, he / she may question a voter's privilege by stating his / her case to the clerk of the election board. (Remember, the election board consists of the pollworkers at that precinct or early voting site.)
- May observe the closing of the machines, accumulating of votes on the Master PEB and the running of the "totals" tape.

QUESTIONS OR NEED MORE INFORMATION?

If you have any questions or would like more information regarding the pollwatcher program, please call the Supervisor of Elections office at: **(954)357-7050.**



Town of Davie

Council District Map

LEGEND

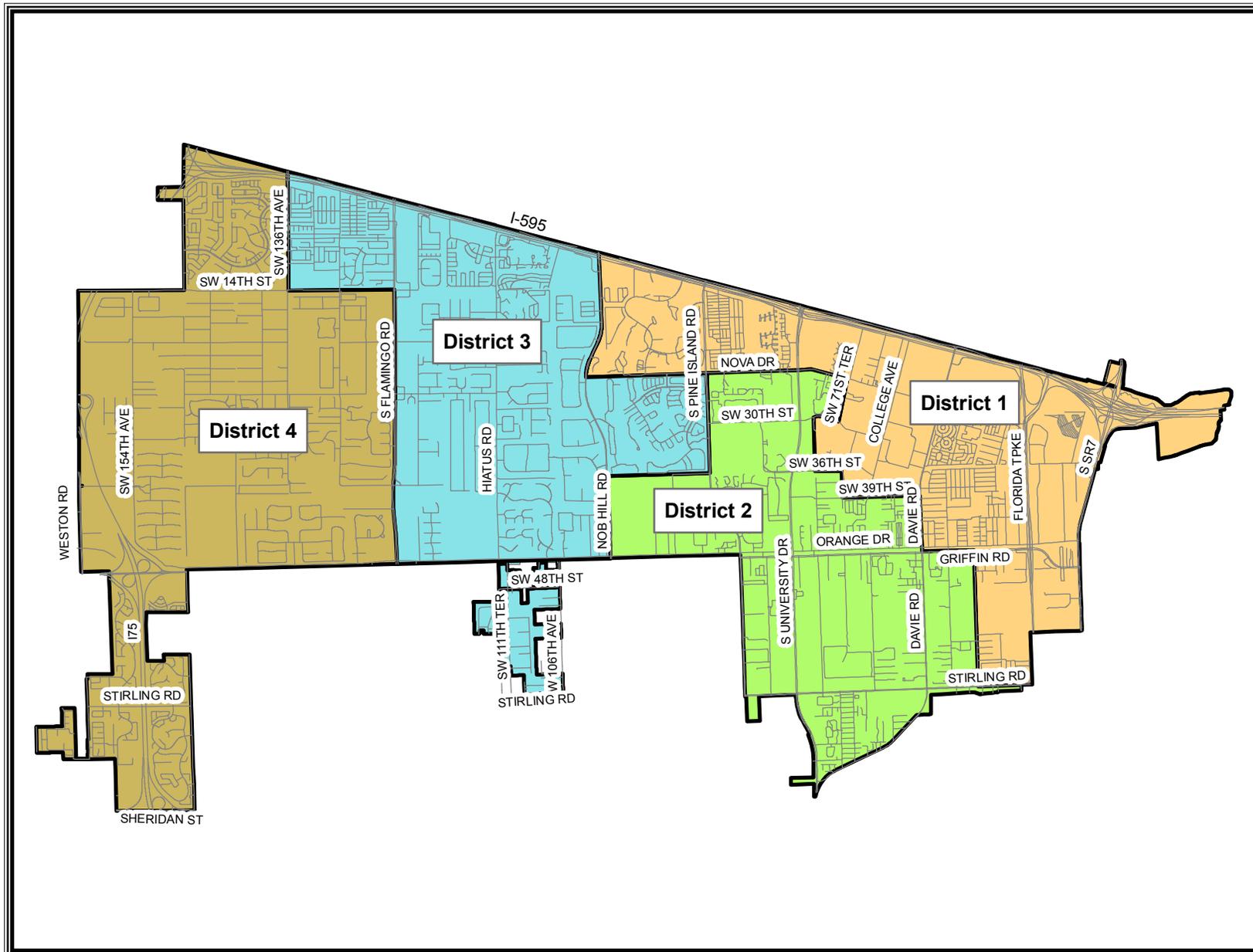
Council Districts

- District 1
- District 2
- District 3
- District 4



1:90,000

Prepared by the Town of Davie
GIS Division,
Prepared by I. DeGroot
March 14, 2007



PART I
CHARTER*

***Editor's note**—The Charter as set out in Part I hereof is derived from Ch. 61-2056, Laws of Florida, Sp. Acts 1961 as shown in the citations following each section. Only minor, nonsubstantive modifications have been made for the purposes of clarity, consistency and uniformity of style. Bracketed material has been added by the editor for the convenience of the user. Amendatory legislation shall be cited in chronological order following citations to Ch. 61-2056.

Ordinance No. 97-7, adopted January 15, 1997, and approved by a majority of the electors voting in a referendum held March 11, 1997, extensively amended the Charter by deleting and renumbering sections. For specific disposition, see the Charter Comparative Table.

Sec. 1. Creation and powers.

The Town of Davie created by Special Acts, Chapter 61-2056, § 6, Laws of Florida, shall continue and is hereby vested with the governmental, corporate and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services and may exercise any power for municipal purposes not expressly prohibited by the Constitution, general or special law or county charter. (Ord. No. 97-7, § 2, 1-15-97)

Sec. 2. Corporate limits.

The corporate limits of the Town of Davie, Florida, are as set forth in Exhibit "A" attached hereto. All ordinances of annexation of the town heretofore adopted and as may be adopted prior to the effective date of this Charter amendment are hereby incorporated herein and the lands described in such ordinances together with the boundaries of the town as described in Exhibit "A" attached hereto are hereby declared to be the corporate limits of the town. (Ord. No. 97-7, §§ 3, 8, 1-15-97)

Sec. 3. Powers and limitations.

The town shall have all the powers and privileges granted generally to municipalities by the Constitution and general laws of the State of Florida, the same as if said powers and privileges were herein recited in full; together with all of the implied powers necessary to carry into execution all of the powers granted; and in addition to the powers enumerated herein or implied hereby, or appropriate to the exercise of such powers, it is intended that the town shall have and may exercise all powers which under the Constitution of this state it would be competent for this Charter specifically to enumerate save only the extent that such powers are specifically limited by this Charter.

The power and jurisdiction of the town includes all extraterritorial powers and jurisdiction previously granted by any special or general law and shall include the power to acquire by purchase, gift, devise, condemnation, eminent domain, or otherwise, property, real or personal, or any estate therein, within or without the town, to be

used for any purpose necessary or to meet the needs of the town; and to operate, maintain, repair, improve any and all such properties, real or personal, including streets and sidewalks by expenditure of the money of the town for all lawful purposes. When zoning all areas encompassed by the town, the following should be considered as well as other applicable factors: safety, health, general welfare and compatible zoning in relation to surrounding areas.

(Sp. Acts, Ch. 61-2056, § 8; Sp. Acts, Ch. 67-1266, § 1; Sp. Acts, Ch. 67-1267, § 1; Sp. Acts, Ch. 69-979, § 1; Sp. Acts, Ch. 69-981, § 1; Sp. Acts, Ch. 69-982, § 1; Charter Amend. 4-17-73; Ord. No. 75-6, § 1, 4-2-75; Ord. No. 90-2, § 2, 1-17-90; Ord. No. 97-7, §§ 4, 9, 47, 1-15-97)

Sec. 4. Charter review board.

There shall be a Charter Review Board appointed by the members of the town council by April 2004, and at least every seven (7) years thereafter. Each councilmember shall select two (2) members to the Charter Review Board. The terms of the members shall commence upon their appointments and shall terminate upon the acceptance by the town council of the board's report.

Any vacancy occurring shall be filled by the appointing member of the town council for the remainder of the board member's unexpired term. All members of the Charter Review Board shall be electors of the town.

The Charter Review Board shall be empowered to conduct a comprehensive study of all phases of the Charter with the exception of district boundaries. Upon appointment of the Charter Review Board members, the board shall prepare a recommendation to the town council as to proposed amendments to the Charter. The board shall submit its report of recommendations to the town council within one hundred twenty (120) days from the date of appointment of the board.

In the event the Charter Review Board fails to submit its report to the town council within one hundred twenty (120) days from appointment of the board, the council may submit for referendum amendments to the Charter without the recommendation of the Charter Review Board.

(Ord. No. 97-7, §§ 5, 10, 1-15-97)

Sec. 5. Form of government.

The Town of Davie shall be governed by a council/manager form of government consisting of five (5) members, one of whom shall be the elected at-large mayor and one of whom shall be the vice mayor.

(Sp. Acts, Ch. 61-2056, § 9; Ord. No. 74-17, § 1, 4-3-74; Ord. No. 97-7, §§ 6, 11, 47, 1-15-97)

Elections, § 13.

Sec. 6. Administrative department.

(a) [*Administrative Head or Manager.*] The administrative duties of the town shall be conducted by an administrative head, and wherever the words "administrative head" or "manager" occur in the Charter, they shall mean and shall include "town administrator," which duties shall include the following, to wit:

- (1) Supervision over the administrative activities and provide for the coordination of such activities.
- (2) Powers granted to him in this Charter and the laws of the State of Florida concerning appointment and removal of administrative employees and commissions as herein provided.
- (3) Annual submission to the council for its consideration of an operating budget and a capital improvements program.
- (4) Exercise of the right to attend all council meetings and the authority to present messages, reports and other communications to the council as hereinafter provided.
- (5) Unless otherwise provided herein, appointing and discharging authority of all employees of the Town of Davie or its various departments.
- (6) Exercise of such other powers and performances of such other duties as may be prescribed by this Charter, town ordinances or resolutions, or by applicable laws of the State of Florida.

(b) *Reserved.*

(c) *Reserved.*

(d) *The Town Attorney.* The town attorney shall be a practicing attorney and a member of the Florida Bar. The town attorney shall be retained by the town council and shall act as the legal advisor to and counsellor for the town and all of its officers in matters relating to their official duties; provide written legal opinions on official matters when requested to do so by council members and/or town administrator; draft or review for legal correctness ordinances, contracts, franchises and other instruments; perform such other professional duties as may be assigned to him by the council and/or town administrator. For his services, the town attorney shall be compensated by a retainer set by the council.

(e) *Town Clerk's Office:*

- (1) The town administrator, subject to confirmation by the town council, shall appoint a town clerk and such assistant town clerk(s) as are required to perform such clerical work and duties as may be assigned to the town clerk by the town administrator.
- (2) The town clerk shall be responsible for the keeping of minutes of council meetings and advisory boards, ordinances, resolutions, all public hearings, and shall act as the town treasurer and shall be responsible as collector of all taxes and assessments and other monies due to the town; act as official custodian for all town monies; disburse funds on the basis of valid authorization; and file as a public record the annual audit report; and, in the administration of the town functions, comply with the provisions of this Charter, ordinances adopted hereunder, and the general laws of the State of Florida. Adequate surety bonds as determined by the town council must be carried by the town upon the town treasurer and employees in his office performing duties in connection with the collections, custody and disbursements of the town monies.

(f) *Reserved.*

(g) *Creation of Departments.* The council may by ordinances assign to existing departments any new functions or programs to be undertaken by

the town, but to the extent that this is not practicable, the council may create additional departments which shall in all respects be subject to the provisions of this Charter.

(h) *Advisory Committees.* The council may appoint advisory committees whose function shall include counsel and advice to the town council. Standing committees and special committees may be created by resolution. The length of service of each committee and terms of office shall be designated in the enacting resolution.

(i) *Reserved.*

(j) *Reserved.*

(k) *Sale of Town Property.*

(1) *Sale of Personal Property.* All confiscated, unclaimed or abandoned personal property coming into the possession of the town, or any personal property owned by the town which has become obsolete, or which has outlived its usefulness, or which has become inadequate for the public purposes for which it was intended, shall be disposed of by public auction, open competitive bidding, direct sale, trade or gift at least annually on a date set by the manager. In the event of public auction or open competitive bidding, there shall be notice of such public sale published in a daily newspaper with the publication to be at least thirty (30) days prior to the public sale. This section shall not apply to property obtained by the town pursuant to contraband forfeiture statutes. Contraband shall be disposed of in accordance with Florida Statutes.

(2) *Sale of Real Property.* All confiscated real property coming into the ownership of the town or any real property owned by the town which has outlived its usefulness or which has become inadequate or is not needed for public purpose, may be disposed of by the town. The disposition of the aforementioned property shall be accomplished by open competitive bidding or may be sold by direct sale, trade or gift, if it is deemed by the town council to be in the best interest of the Town of Davie. In

the event of open competitive bidding, direct sale, trade or gift, there shall be notice of such disposition of town real property in a daily newspaper of general circulation at least thirty (30) days prior to the disposition of such real property. The publication shall include notice that the approximate value of the real property, as determined by the town or its agents, will be available at Town Hall thirty (30) days prior to the scheduled sale. This section shall not apply to property obtained by the town pursuant to contraband forfeiture statutes. Contraband shall be disposed of in accordance with Florida Statutes.

(1) *Restriction of Employment of Relatives:*

(1) No individual may be appointed or hired as an officer or employee of the town who is a relative of an officer or employee within the same department of the town.

(2) "Relative" shall be given the same definition, for the purposes of this section, as the definition contained in Florida Statutes 116.111, as amended.

(m) *Definition of "Daily Newspaper."* "Daily newspaper," as used in this Charter, shall mean a newspaper as defined by State Statute 50.031. (Sp. Acts, Ch. 61-2056, § 10; Sp. Acts, Ch. 67-1271, § 1; Sp. Acts, Ch. 69-984, § 1; Ord. No. 71-11, § 1, 4-7-71; Ord. No. 71-12, § 1, 4-7-71; Charter Amend. 4-17-73; Ord. No. 74-17, § 2, 4-3-74; Ord. No. 75-6, § 2(1)-(10), 4-2-75; Ord. No. 7810, § 1, 2-1-78; Ord. No. 79-1, § 1, 1-3-79; Ord. No. 81-3, § 1, 2-4-81; Ord. No. 81-9, § 1, 3-4-81; Ord. No. 82-5, § 1, 1-21-82; Ord. No. 90-2, § 5, 1-17-90; Ord. No. 97-7, §§ 7, 12-17, 47, 1-15-97)

Sec. 7. The council, mayor and legislation.

(A) *Councilmembers, Mayor, Number, Term, and Selection.* The legislative body of the town shall be known as the town council which shall be composed of four (4) members who shall be known as councilmembers and who shall each be elected solely from the registered voters within the respective single member district from which he/she seeks election; and one member who shall be known as mayor/councilmember and he/she shall

be elected at large from all of the town's registered voters. Reference to "councilmember" in this Charter shall include the mayor/councilmember. All councilmembers shall be elected by the qualified electors on a nonpartisan basis. The town council shall be elected in five (5) separate classes. When qualifying for such office, each candidate shall designate the class he/she is qualifying for. One class shall consist of the office of mayor/councilmember without reference to any district. The remaining four (4) classes shall represent offices of councilmembers to be elected as representatives of four (4) single-member geographical districts established by ordinance, from time to time based upon reasonably equal areas of population.

- (1) *Boundaries.* The district boundaries for each district shall be provided by ordinance.
- (2) *Review of district boundaries.* District boundaries shall be reviewed upon the occurrence of any of the following events:
 - (a) The town's geographical boundaries change by ten (10) percent or more;
 - (b) The town's population changes by ten (10) percent or more;
 - (c) A single annexation causes the population of the town to increase by five (5) percent or more;
 - (d) The passage of at least five (5) years since the previous review of the town's boundaries.

A committee of ten (10) qualified electors of the town shall be created by the council of the Town of Davie. Each councilmember shall appoint two (2) members of the committee from his/her district to review, and, if found necessary, recommend district boundary changes.

- (3) *Term of office.* All council members shall serve for a period of three (3) years. Those council members elected in March of 1988 shall serve until the third Wednesday in March of 1991 and until their successors shall have qualified. Those council members who were elected in March of 1989 shall serve until the third Wednesday in

March of 1992 and until their successors have qualified. An election shall be held to elect successors for each council member so as to have the various successors elected at the expiration of the term of the respective council members.

(B) *Qualifications for Councilmen.* A councilman shall, at the time of his qualification for office, be a qualified elector of the Town of Davie. He shall have resided within the town or an area that at the time of his qualification is a part of the town and in the respective district that he may represent (if qualifying for a class based on district representation) for the six (6) months immediately preceding his qualifying for office. He shall remain residing in the geographical district he represents during his term in office, but any councilman who has his district changed by council action shall remain in office until the normal expiration of his term.

(C) *Council Powers and Duties.* All legislative powers of the town shall be exclusively vested in the council and shall be exercised by it in the manner subject to the limitations herein set forth. All laws of the State of Florida affecting matters of local concern but otherwise not inconsistent with the Charter shall have the force and effect of ordinances of the town. In addition to exercising its general legislative powers, the council shall confirm appointments as prescribed herein, adopt the budget, undertake necessary investigations, provide for an independent audit by an established and recognized accounting firm which should be reviewed and may be rotated at least every five (5) years, and take such other actions as it deems necessary and are consistent with this Charter and the laws of the State of Florida. This section shall not interfere with any contracts in existence at the time of its adoption. All legislative powers exercised by the council shall be consistent with provisions of this Charter, the United States Constitution, the Florida Constitution, laws of the State of Florida, and laws and ordinances of the town.

(D) *Recall of Council Member, Removal from and Vacancy of the Office of Council Member:*

- (1) *Recall of council member.* The Florida statutory provisions concerning recall of

members of municipal governing bodies are hereby adopted. In addition to the statutory grounds for removal of elected municipal officials, substance abuse shall be deemed grounds for removal of a member of the town council.

- (2) *Removal from and vacancy of the office of council member.* The office of a council member shall become vacant upon the death of an incumbent, upon the adjudication of incompetency of an incumbent, upon the resignation of an incumbent, or upon the following eventualities, to wit:
- (a) Failure to meet the qualifications for the office as prescribed by this Charter; or
 - (b) Failure to take his oath of office; or
 - (c) Ceasing to be a resident of the town, or ceasing to be a resident of his geographical district unless his district is changed by council action, in which case he shall remain in office until the normal expiration of his term; or
 - (d) Conviction of a felony or any crime involving the violation of his official oath or duties; or
 - (e) Being absent from council meetings for two (2) consecutive calendar months without being excused by the council; or
 - (f) Being absent from regular council meetings for three (3) consecutive months even if a number of absences have been excused by the council; or
 - (g) Acceptance of an appointment to an elective public office or being elected to a public office other than an office that is incidental to the duties of a council member.

(E) *Filling Vacancies of the Council and Mayor.* In the event that a vacancy should occur in the office of a councilmember or the mayor, the council shall forthwith elect by a vote of at least three (3) councilmembers a successor councilmember or mayor having such qualifications (including district resident requirements) as prescribed herein

for the office of councilmember or mayor until the next available general election. A successor councilmember or mayor shall then be elected to the office for the unexpired term. If the Council fails to elect a successor councilmember or mayor within the next three (3) ensuing meetings after such vacancy should occur, then a special election shall be declared to elect a successor councilmember or mayor to serve the balance of the unexpired term.

(F) *Mayor and Vice-Mayor of the Council.*

- (1) *[Election, qualification and tenure.]* At the meeting of the third Wednesday of March of each year, the council shall elect by majority vote one of its members as vice-mayor. The mayor shall preside at all meetings of the council. The vice-mayor shall preside at meetings of the council during the absence or disability of the mayor, and he shall serve as acting mayor during any period in which the mayor is absent or disabled.
- (2) *Powers and duties of mayor.* The mayor shall be recognized as the official head of the town for all ceremonial purposes and recognized by the courts for the purposes of serving civil processes but shall have no administrative duties. The mayor shall have the right to vote and debate as a councilman at all council meetings.

(G) *Council Meetings.* The term of the councilmembers shall begin on the first regular meeting following the general municipal election, and they shall meet at the town hall, or at some other designated place, on that day at 7:30 p.m. to take office and to organize for the purpose of carrying out their assigned duties. Thereafter, the council shall meet regularly as its rules may prescribe but not less often than twice each month. The first meeting of each month shall provide at the beginning thereof an opportunity for public input for a period of at least thirty (30) minutes or until all speakers are heard, whichever occurs first. Special meetings shall be called by the town clerk upon the written request of the mayor or any two (2) councilmembers. Such request shall state the subject to be considered at such special meeting, and no other subject shall be considered

thereat. Councilmembers shall be given at least twenty-four (24) hours' written notice of the time and place of such special meetings, except that only two (2) hours' notice shall be required when an emergency has been declared. All regular and special meetings of the council shall be open to the public. No ordinance, rule, resolution, regulation, order or directive shall be adopted except at a meeting open to the public.

(H) *Council and Board Procedure and Quorum.* In all matters, no less than three (3) members of the council shall be required to make any determination or effect any action, and all action to be valid must be voted upon affirmatively by no less than three (3) members. With three (3) council members present, a two (2) to one (1) vote automatically tables the question until the next regular meeting; with four (4) members of the council present, a tie vote automatically tables the question until the next regular meeting. The council and all boards shall conduct their meetings in accordance with Robert's Rules of Order, except that the council or boards may, by resolution, make specific exceptions to such rules. All actions of the Town Council for approval of or support for a land use amendment pursuant to Section 12-304 of Article X of Chapter 12 (as now numbered or as in the future renumbered) of the Code of the Town of Davie shall require an affirmative vote of no less than a super-majority of the members present of the Town Council ("super-majority" being defined as a majority plus one of the Town Council members present).

(I) *Council Journal.* The council shall cause the town clerk to keep a journal of its proceedings, which shall show every matter considered by it, its disposition, and the yeas and nays of every vote on each matter submitted for a vote. The journal shall be open to public inspection.

(J) *Salary for Councilmembers and Mayor:*

- (1) The salary to be paid to a councilmember and the mayor shall be determined by ordinance and shall not exceed six hundred dollars (\$600.00) per month plus expenses as determined by ordinance. The aforestated salary limitation shall be subject to a cost of living adjustment on an annual basis commencing in October, 1997.

The index for determining the adjustment and the method of computing the cost of living adjustment shall be the same as that used for the non-represented employees of the town.

(K) *Ordinances and Resolutions:*

- (1) *Form.* Every ordinance and resolution proposed for adoption by the town council shall be in the proper form as required by the Florida Statutes.
- (2) *Procedure.* An ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the town clerk shall distribute a copy to each council member and to the administrative head, shall file a reasonable number of copies in the office of the town clerk and such other public places as the council may designate, and shall publish the ordinance, by title only together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing the council may adopt the ordinance with or without amendment or reject it but, if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures hereinbefore required in the case of a newly introduced ordinance. This procedure will not be required for zoning ordinances but the requirements of the Florida Statutes must be followed.
- (3) [Reserved.]
- (4) *Effective date.* Except as otherwise provided in this Charter, every ordinance adopted by the council shall become effective immediately, unless otherwise provided therein, and shall be signed by the presiding officer of the council.

- (5) *"Publish" defined.* As used in this section, the term "published" means to print in one or more daily newspapers of general circulation in the town: (1) the ordinance or brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection.
- (6) *Emergency ordinances.* An ordinance may be passed as an emergency measure after one reading when the council shall find that an emergency exists and causes to be shown on its journal the nature of the emergency. An emergency ordinance may go into effect immediately or at a fixed time, or upon the occurrence of a named contingency. The vote of four (4) members of the council shall be required to pass an emergency ordinance. The emergency procedure shall be restricted to the following, to wit:
- (a) Ordinances dealing with conditions immediately affecting the peace, property, health, safety or morals of the community.
- (b) Ordinances making emergency appropriations or authorizing the issuance of emergency notes as hereafter provided.
- (7) *Record of ordinances.* Every ordinance shall upon its final passage be recorded in an ordinance book kept by the town clerk. Each ordinance shall be authenticated by the signatures of the presiding officer and town clerk. Such record shall be verified with the ordinance passed, and such ordinance book shall be properly indexed. After any ordinance has been copied into the ordinance book and authenticated by the signatures of the presiding officer and the town clerk, such shall be the official ordinance, and certified copies of same may be obtained upon request. Such certified copies may be received in evidence in all courts.
- (8) *Codification of ordinances.* The council shall arrange for a compilation or codification of all ordinances and must codify recently enacted ordinances at least every six (6) months. Such compilations or codifications shall be placed on file with the town clerk for public use and shall be made available for purchase at a reasonable price.
- (9) *Resolutions.* Resolutions may be introduced and passed by three (3) affirmative votes at any regular or special meeting of the town council. The adopting clause of all such resolutions shall be "Be it resolved by the Town Council of the Town of Davie, Florida." All resolutions shall become effective immediately unless otherwise specified therein.
- (10) *Records of resolutions.* Every resolution shall upon its final passage be recorded in a resolution book kept by the town clerk. Each resolution shall be authenticated by the signatures of the presiding officer and town clerk. Such record shall be verified with the resolution passed and such resolution book shall be properly indexed. After any resolution has been copied into the resolution book and authenticated by the signatures of the presiding officer and the town clerk, such shall be the official resolution, and certified copies of same may be obtained upon request.
- (L) *Reserved.*
- (M) *Initiating Referendums.* Proposed ordinances or proposed amendments to existing ordinances may be submitted to the council by a petition signed by registered voters of the town equal in number to at least ten (10) per cent of the registered voters. An initiative measure which requires the expenditure of funds must provide therein for the additional revenues which will be required to carry out the ordinance. Initiative petitions shall be uniform in character and shall contain the proposed ordinance in full, shall set forth the address of each person signing, shall be in the form prescribed by the town clerk, and shall be filed with the town clerk. The clerk shall, on the next working day after filing, transmit to the Broward County Supervisor of Elections, who shall, within the ensuing twenty (20) days, verify the sufficiency of the signatures thereto. The

Broward County Supervisor of Elections shall then certify to the town clerk the sufficiency of the signatures of town electors and, if found sufficient, transmit the petition to the council, which shall proceed with the proposal in the regular manner herein provided. The council shall either enact the ordinance without amendment in substance or reject it within thirty (30) days. In the event the council shall fail to enact such ordinance or amendment, the council shall, at the next regular election held within the town, submit the same to a vote of the people. The town clerk shall issue a proclamation notifying the electors at least thirty (30) days prior to such election, and shall cause to be published a notice that the ordinance will be voted on at the next general election and a copy of the proposed ordinance in a daily newspaper in general circulation within the town. Such publication shall be not more than twenty (20) nor less than ten (10) days before the election. All initiated ordinances shall have the title which shall state, in a general way, the purpose and intent of such ordinance. The form of ballot used for such referendum shall be prepared by the town attorney and shall contain a title of such ordinance. A majority of the electors voting shall be required to enact an ordinance of an initiated referendum.

(Sp. Acts, Ch. 61-2056, § 11; Sp. Acts, Ch. 69-976, § 1; Sp. Acts, Ch. 69-977, § 1; Sp. Acts, Ch. 69-987, § 1; Charter Amend. 4-17-73; Ord. No. 74-17, §§ 3, 4, 4-3-74; Ord. No. 75-6, § 3(2)—(12), 4-2-75; Charter Amend. 12-16-75; Ord. No. 78-10, § 2, 2-1-78; Ord. No. 80-4, § 1, 1-16-80; Ord. No. 81-10, §§ 1-4, 3-4-81; Ord. No. 82-5, §§ 2-7, 1-21-82; Ord. No. 85-1, § 1, 1-2-85; Ord. No. 88-6, § 1, 1-20-88; Ord. No. 88-48, § 1, 9-7-88; Ord. No. 90-2, §§ 6—8, 10, 1-17-90; Ord. No. 92-2, § 1, 1-2-92; Ord. No. 93-1, §§ 2, 3, 1-6-93; Ord. No. 97-7, §§ 8, 18—24, 47, 1-15-97; Ord. No. 98-35, § 2, 8-19-98; Ord. No. 2001-2, § 1, 1-3-01; Ord. No. 2001-3, § 1, 1-3-01)

Sec. 8. Finance.

(A) [*Finance Department.*] The finance department, as created by the town council, shall assist the town administrator in all budget matters.

(A.1) *Fiscal Year.* The fiscal year of the town shall begin on the first day of October and end on the last day of September.

(B) *Submission of Budget and Budget Message.* On or before the 1st day of August of each year, the administrative head shall submit to the council a budget for the ensuing fiscal year and an accompanying message.

(C) *Budget Message.* The administrative head's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the town for the ensuing fiscal year, describe important features of the budget, indicate any major changes from the current in financial policies, expenditures and revenues, together with the reason for such changes, summarize the town's debt position and include such other material as the administrative head deems desirable.

(D) *Budget.* The budget shall provide a complete financial plan of all town funds and activities for the ensuing fiscal year, and, except as required by law or this Charter, shall be in such form as the administrative head deems desirable or the council may require. In organizing the budget the administrative head shall utilize the most feasible combination of expenditures classification fund, organization unit, program, purpose or activity and object. It shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections:

- (1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs, and the method of financing such expenditures;
- (2) Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditures; and

- (3) Anticipated net surplus or deficit for the ensuing fiscal year of each utility owned or operated by the town and the proposed method of its disposition; subsidiary budgets for each such utility giving detailed income and expenditure information shall be attached as appendices to the budget.

The total of proposed expenditures shall not exceed the total of estimated income.

(E) *Capital Program:*

- (1) *Submission to council.* The administrative head shall prepare and submit to the council a five-year capital program at least three (3) months prior to the final date for submission of the budget.

(2) *Contents.* The capital program shall include:

- (a) A clear general summary of its contents;
- (b) A list of all capital improvements which are proposed to be undertaken during the five (5) fiscal years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (c) Cost estimates, method of financing and recommended time schedules for each such improvement; and
- (d) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(F) *Council Action on Budget:*

- (1) *Notice and hearing.* The council shall publish in one or more newspapers of general circulation a summary of the budget and a notice stating:
 - (a) The time and places where copies of the message and entire budget are available for the public; and
 - (b) The time and place, not less than one (1) week after such publication, for a public hearing on the budget. This section shall not, however, be construed to conflict with any statutory requirements.
- (2) *Amendment before adoption.* After the public hearing, the council may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any program or amounts, except expenditures required by law or for debt service or for estimated cash deficit; provided, that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated income.

(3) *Adoption.* The council shall adopt by ordinance the budget in accordance with the requirements of the Florida Statutes.

(G) *Council Action on Capital Program:*

- (1) *Notice and hearing.* The council shall publish in one or more daily newspapers of general circulation the general summary of the capital program and a notice stating:
 - (a) The times and places where copies of the capital program are available for inspection by the public; and
 - (b) The time and place, not less than two (2) weeks after such publication, for a public hearing on the capital program.
- (2) *Adoption.* The council by resolution shall adopt the capital program with or without amendment after the public hearing at the first regular meeting in June.

(H) *Public Records.* Copies of the budget and the capital program as adopted shall be public records and shall be made available to the public at suitable places in the town.

(I) *Amendments After Adoption:*

- (1) *Supplemental appropriations.* If during the fiscal year the administrative head certifies that there are available for appropriation revenues in excess of those estimated in the budget, the council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (2) *Emergency appropriations.* To meet a public emergency affecting life, health, property, or the public peace, the town administrator or designee may recommend emergency appropriations which may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall

be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- (3) *Reduction of appropriations.* If at any time during the fiscal year it appears probable to the administrative head that the revenues available will be insufficient to meet the amount appropriated, he shall report to the council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The council shall then take such further action as it deems necessary to prevent or minimize any deficit and for that purpose it may by ordinance reduce one or more appropriations.
- (4) *Transfer of appropriations.* At any time during the fiscal year the administrative head may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency provided the amount transferred shall not exceed one thousand dollars (\$1,000.00) unless approval of the town council is first obtained and, upon written request by the administrative head, the council may by resolution transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- (5) *Limitations; effective date.* No appropriations for debt service may be reduced or transferred, and no appropriation may be reduced by any amount required by law to be appropriated or by more than the amount of unencumbered balance thereof. The supplemental and emergency appropriation and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

(J) *Reserved.*

(K) *Reserved.*

(L) *Reserved.*

(M) *Transfer of Funds and Appropriations of Accruing Revenue:*

- (1) The town council shall have authority to transfer any part of any unencumbered balance of an appropriation to a purpose or object for which the appropriation of the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department, provided the provisions of this section shall not apply to special earmarked funds nor to the sinking funds.

[(2) *Reserved.*]

(N) *Reserved.*

(O) *Centralized Purchasing.* The administrative head, acting in accordance with this Charter, town ordinances and departmental rules and regulations, shall purchase and contract for all materials, parties, supplies, equipment and services required by any department or agency of the town. The town council shall adopt centralized purchasing procedures by duly enacted ordinances.

(P) *Insurance and Surety Bonds.* Insurance against fire, windstorm and other hazards shall be obtained for the protection of the property of the town in such amounts and under such conditions as the council shall deem necessary. The town may, without waiver of its governmental immunity, obtain liability insurance covering such risks and in such amounts as the council may deem necessary; provided, that all such policies stipulate that the insurer shall not assert the governmental immunity of the town as a defense in any claim or litigation. Subject to the conditions provided herein, the council shall determine which officials, officers and employees of the town shall be required to have surety bonds, and the council shall determine the amount of each such individual or blanket bond. All surety bonds shall be in favor of the town, and the premiums thereon shall be paid by the town. The town clerk shall obtain all insurance and surety bonds in accordance with ordinances or resolutions authorizing the same. All insurance and surety bonds shall be

obtained from companies licensed by the State of Florida to insure such risks in the amounts involved.

(Q) *Reserved.*

(R) *Revenue Collection, Custodian of Funds, and Surety of Employees.* The town clerk, under the direction of the administrative head, shall provide for the collection of all personal and special taxes or assessments due the town, act as official custodian for all town monies, disburse funds on the basis of valid authorizations in the administration of town functions, in accordance with Section 12(V), and comply with the provisions of this Charter and ordinances adopted hereunder. Adequate surety bonds for the town clerk and for employees in his office performing duties in connection with the collection, custody and disbursement of town monies shall be obtained in accordance with the provisions hereinabove set forth.

(S) *Notes and Bonds.* As used in this Charter, the term "notes" is defined as evidences of indebtedness which the council shall have authority to issue for municipal purposes, to pay operating expenses authorized in the budget or to pay expenditures ultimately to be financed with the proceeds of bonds previously authorized and to be issued pursuant to the provisions herein or the general laws. The term "bonds" is defined as evidences of indebtedness which the council shall have authority to issue in compliance with the applicable provisions of the Constitution and general laws. Bonds may be issued for the purpose of acquiring real property, constructing capital improvements, purchasing equipment, financing legal obligations of the town, or such projects as are allowed by law, or refunding outstanding bonded indebtedness. In all cases, all evidences of indebtedness shall bear interest at not more than the maximum rate specified by law.

There shall be a review of the firms and/or companies handling notes and bonds for the town including but not limited to competitive fees, interest and other service charges.

(T) *Reserved.*

(U) *Reserved.*

(V) [*Payment.*] Moneys shall be paid out of the town treasury only on warrants or checks signed by the mayor and the town clerk or their designees as provided by resolution of the town council. (Sp. Acts, Ch. 61-2056, § 12; Sp. Acts, Ch. 67-1269, § 1; Sp. Acts, Ch. 67-1273; § 1; Sp. Acts, Ch. 69-978, § 1; Sp. Acts, Ch. 69-980, § 1; Sp. Acts, Ch. 69-985, § 1, Sp. Acts, Ch. 69-986, § 1; Charter Amend. 4-17-73; Ord. No. 74-17, § 5, 4-3-74; Ord. No. 75-6, § 4(1)-(10), 4-2-75; Ord. No. 78-10, § 3, 2-1-78; Ord. No. 82-5, § 8-1, 1-21-82; Ord. No. 88-44, § 1, 8-17-88; Ord. No. 90-2, §§ 12-15, 17, 18, 1-17-90; Ord. No. 97-7, §§ 25-36, 47, 1-15-97)

Sec. 9. Town planning and development.

(A) *Town Plan.* It shall be the policy of the town to conserve and protect its natural resources, scenic beauty, rural character, and equestrian lifestyle. The town council shall identify the remaining rural and equestrian areas within the town and adopt appropriate legislation to ensure the preservation of these areas. This policy shall not interfere with the legally established property rights.

(B) *Reserved.*

(C) *Town Planning and Zoning Board.* The town council shall create and establish a town planning and zoning board, consisting of five (5) members, to serve without compensation at the discretion of the town council. Each councilmember shall be entitled to exclusively nominate one person. After nomination by the councilmember, if the nominee fails to be appointed by an affirmative vote of at least three (3) councilmembers, then the nominating councilmember shall nominate another person and shall be entitled to continue to nominate prospective members until a nominee is appointed by an affirmative vote of at least three (3) councilmembers. Each member shall be a resident of the town and a qualified voter of the town. Such board shall elect a chair and a vice-chair from its members. The town clerk, town building inspector, town attorney and other town officials delegated by the council shall serve as advisors to the board and may be called on from time to time to meet with said board as the board may deem necessary. Regular meetings of the board shall be held no less than once a

month provided there are matters pending. Minutes of the meetings shall be electronically recorded and preserved pursuant to state regulations and filed with the town clerk. Special meetings may be called upon seventy-two (72) hours' notice by the chair of the planning and zoning board. The duties of the planning and zoning board shall be as follows, to wit:

- (1) *Advisory capacity.* To act in an advisory capacity to the council on questions relating to zoning and to conduct investigations and hearings on matters and proposals to change zoning regulations, and report its findings and recommendations on such proposals to the council.
- (2) *Planning.* To study existing town plans with a view of improving and the probable future growth of the town, and from time to time make recommendations to the council for changes in the existing town plan so as to incorporate new developments or to adopt a new town plan in conformity with the provisions hereinabove set forth.
- (3) *Plats.* To investigate and make recommendations on new plats presented to the council for approval.
- (4) *General power.* To perform such other duties as may from time to time be assigned to such board by the council.
- (5) *Local planning agency.* To serve as a "local planning agency" for the Town of Davie as is required by Chapter 163 of the Florida Statutes, as it may be amended from time to time.

(D) [Reserved.]

(E) *New Streets.* No dedicated public street or alley can be constructed, improved or extended by private individuals except by consent and approval of the town or under its supervision. No such dedicated streets or alleys may be constructed except at street grades established by the town, and adequate easements and rights-of-way shall be provided for the installation and extension of water mains and other utilities. The

town shall specify the minimum base surface which may be permitted and the minimum right-of-way width.

(F) *Vacating or Abandoning Streets.* The council is hereby authorized to cause any street, alley or public highway to be opened, straightened, diverted, widened, narrowed or vacated. No street, alley or property dedicated to public use shall be vacated or abandoned except by ordinance and as provided herein. Streets, avenues, alleys or other public places or properties either appearing on any plat or record or dedicated to the public use cannot be vacated or abandoned without the person or parties desiring the vacating or abandonment making formal application to the town council for such vacating or abandonment. The town council shall refer such application for vacating or abandonment of street or alley to the town planning and zoning board for its recommendation, and thereafter the council shall cause a public hearing to be held on such matter at a regular meeting of the council not less than fifteen (15) days after the presentation of such application. Notice of such public hearing shall be duly advertised as prescribed by ordinance and/or duly posted within the town limits at two (2) public places prescribed by ordinance. After such public hearing, the council may vacate or abandon such street, alley or property by ordinance.

(G) *Illegal Erection of Buildings.* If any building or structure is erected, constructed, altered, repaired, converted or maintained, or any building[,] structure or land is used in violation of any ordinance or other regulations of the town, the council, in addition to its other remedies, may institute any appropriate action or proceeding: to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; to restrain, correct or abate such violations; to prevent any illegal act, conduct, business or use in above such premises, regardless of whether a permit for such construction has been issued or not. In the event the council fails to take proper action within a reasonable time, any resident free holder may do so.

(Sp. Acts, Ch. 61-2056, § 14; Ord. No. 75-6, § 5(1), (2), 4-2-75; Ord. No. 90-2, §§ 20—22, 1-17-90; Ord. No. 97-7, §§ 38—40, 47, 1-15-97; Ord. No. 2001-5, § 1, 1-3-01)

Sec. 10. Police department.

The police department of Davie, Florida, is hereby created and established. The police department shall consist of a chief of police and as many subordinate officers as may be employed, and employees as may be necessary for the functioning of said department in accordance with applicable state laws, town ordinances and departmental rules and regulations. The chief of police may appoint additional police officers and other employees for temporary service. The chief of police shall be responsible for the enforcement of law and order in the town. The chief of police, under the direction of the town administrator, shall execute the legal commands of the council, and shall direct the activities of the police department in accordance with the policies set by the council. The police chief shall attend in person or by designee all regular meetings of the council, and perform such duties appropriate to the office as may be imposed by the laws of the State of Florida, the ordinances of the town and departmental rules and regulations. The police chief shall head the police department and be charged with the responsibility of seeing that the laws and ordinances of the town are enforced. All police officers or employees of the police department may be suspended or discharged by the chief of police on account of incompetency, general inefficiency, neglect of duty, immorality, drunkenness, substance abuse, failure to obey orders given by the proper authority, dishonesty or for any other just and reasonable cause prescribed by state law, town ordinance or resolution.

Every police officer of the town shall have the power to pursue a violator of any ordinance of the Town of Davie across and beyond the corporate limits and to any point in Broward County for the purpose of apprehending or arresting said violator, provided the violation is committed in the presence of the police officer and pursuit is continuous and is made immediately thereafter. The police officers of the Town of Davie having taken a person legally into custody for violation of any ordinance shall have the power and authority to exercise police jurisdiction over said person while in such custody any place in Broward County, Florida, to transport said person from any place in Broward County or to re-take in Broward

County any person without a warrant, who has been in legal custody and, before being released by order of any competent court, has escaped such custody.

Any nonemergency agreement between the town and the sheriff of Broward County providing for the sheriff to provide law enforcement services as an independent contractor to the town shall require prior authorization by a referendum in which not less than a majority of the town's registered electors voting upon said agreement approve such agreement. In the event no less than four (4) council members by affirmative vote deem the entry of such an agreement to be an emergency, then the agreement may be entered into without a referendum upon affirmative vote in favor of the agreement by no less than four (4) council members.

(Sp. Acts, Ch. 61-2056, § 15; Sp. Acts, Ch. 67-1272, § 1; Ord. No. 75-6, § 6, 4-2-75; Ord. No. 78-10, § 5, 2-1-78; Ord. No. 90-2, § 24, 1-17-90; Ord. No. 97-7, §§ 41, 47, 1-15-97)

Sec. 11. Fire department.

The town council is hereby authorized to create and establish a regular fire department for the town. The fire department shall consist of a fire chief and as many regular full-time firefighters and such additional employees as may be necessary for the efficient function of said department in accordance with applicable state laws, town ordinances and departmental rules and regulations. The chief of the fire department shall be the head of the department. He shall be responsible for the executive supervision and control of all personnel of the fire department. In the event of riot, conflagration or other emergencies, the chief may appoint additional firefighters for temporary service. The fire department shall have jurisdiction of all areas in the vicinity of a fire or conflagration and its personnel shall have the power to prevent any interference with the department or any of its companies, squads or members in the performance of their duties. The fire department shall keep an inventory of equipment, inspect buildings and premises of the town for the purpose of ascertaining and correcting fire hazards, and do all that is necessary and proper to eliminate fire risks and hazards. All officers or

employees of the fire department may be suspended or discharged by the fire chief on account of incompetency, general inefficiency, neglect of duty, immorality, drunkenness, substance abuse, failure to obey orders given by proper authority, dishonesty or for any other cause prescribed by state law, town ordinance or resolution. Notwithstanding any of the foregoing provisions, the fire department may cooperate with any volunteer or regular fire department even though such organization may be situated outside of town limits. Any non-emergency agreement between the Town and any other entity providing for that entity to provide firefighting and/or rescue services as an independent contractor to the town shall require prior authorization by a referendum in which not less than a majority of the Town's registered electors voting upon said agreement approve such agreement. In the event no fewer than four (4) councilmembers by affirmative vote deem an emergency to exist, a temporary agreement may be entered into without a referendum upon affirmative vote in favor of the temporary agreement by no fewer than four (4) councilmembers. A joint powers agreement with other governmental bodies authorized by Florida Statutes shall not be deemed an agreement with an independent contractor.

(Sp. Acts, Ch. 61-2056, § 16; Ord. No. 90-2, § 25, 1-17-90; Ord. No. 97-7, § 47, 1-15-97; Ord. No. 98-35, § 3, 8-19-98; Ord. No. 2001-6, § 1, 1-3-01)

Sec. 12. Franchises.

(A) *Franchise Grants.* The town council may grant a franchise to any individual, company, firm or corporation to exercise a public function in the town, or to operate any public utility in the town or on the streets and public grounds of the town, or to use public property. Before granting a franchise the town council shall give public notice of the holding of a public hearing. Public notice shall consist of publication, in a daily newspaper within the town, of two (2) weekly notices of the time, place and subject matter of the hearing, not more than thirty (30) days or less than ten (10) days prior to the hearing date; and such notice shall also be posted in two (2) public places within the town limits for not less than ten (10) days before the hearing. To the extent allowable by law,

franchises shall be granted by ordinance or resolution only after competitive bidding or negotiations and any such grant thereof shall not be made in violation of any of the limitations contained herein.

(B) *Period of Grants.* No such grant or franchise shall be made for a longer period than thirty (30) years. All extensions of a franchise shall be subject as far as practicable to the terms of the original grant and shall expire therewith. All such individuals or corporations performing functions under such franchises shall be liable for damages caused by their negligent acts.

(C) *Conditions.* All franchise grants shall provide that the rate to be charged shall at all times be under the supervision, direction and control of the town council, and no rate shall be in effect unless same is approved by said town council; provided, that the provisions of this section or any other section of this Charter shall not be inconsistent with the rules and regulations of the Florida Public Service Commission. No ordinance shall prevent the town from acquiring the property of any utility by condemnation proceedings, or in any other lawful manner. Notwithstanding any thing to the contrary therein contained, all grants, renewals, extensions or amendments of public utility franchises, whether or not it is so provided in such grant, applicable ordinance or resolution, shall be subject to the rights of the town to do the following:

- (1) *Repeal for cause.* To repeal the same by ordinance at any time for misuse, nonuse, failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.
- (2) *Require extensions.* To require proper and rates.
- (3) *Require efficiency.* To require the maintenance of the plant and the fixtures at the highest practicable standard of efficiency.
- (4) *Require standards.* To establish reasonable standards of service and quality for products and to prevent unjust discrimination in service or adequate extensions of plant and service.

- (5) *Prescribe accounting.* To prescribe the form of accounts and other records, and at any time to examine and audit the accounts and other records of any such utility; but if public service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state, the forms so prescribed shall be controlling so far as they go, but the council may prescribe more detailed forms for the utilities within its jurisdiction.
- (6) *General regulations.* To impose such other regulations as may be conducive to the safety, welfare and accommodations of the public.

- (7) *Charter provisions.* To impose all of the terms and conditions of this Charter, whether or not such terms are specifically mentioned in the grant, or applicable resolution or ordinance.

(Sp. Acts, Ch. 61-2056, § 19; Sp. Acts, Ch. 67-1270, § 1, Charter Amend. 4-17-73; Ord. No. 90-2, § 27, 1-17-90; Ord. No. 97-7, §§ 43, 47, 1-15-97)

Sec. 13. Elections.

Elections in the Town of Davie shall be held in a manner and time as specified and required by prevailing state statutes as same now exist or may hereafter be amended.

(Sp. Acts, Ch. 61-2056, § 22; Sp. Acts, Ch. 67-1268, § 1; Sp. Acts, Ch. 69-983, § 1; Ord. No. 71-13, § 1, 4-7-71; Charter Amend. 4-17-73; Ord. No. 75-6, § 10(1)—(8), 4-2-75; Ord. No. 78-10, § 8, 2-1-78; Ord. No. 97-7, §§ 37, 47, 1-15-97)

Sec. 14. Fees of offices; nuisances; sanitation.

(A) Fees. No officer or employee of the town shall retain any fees or costs for any services he may perform, nor shall he receive any compensation other than the salary affixed by ordinance except as may be provided by ordinance. All fees and remuneration for services shall be part of the revenue of the town and shall be paid to the town clerk by the town official or employee receiving same.

(B) [Reserved.]

(Sp. Acts, Ch. 61-2056, § 23; Ord. No. 90-2, § 29, 1-17-90; Ord. No. 97-7, § 47, 1-15-97)

Sec. 15. Severability.

If any one or more sections, paragraphs, sentences, clauses or provisions of this Charter is held invalid or unenforceable by final judgment of any court of competent jurisdiction, such holdings shall not affect the validity or enforceability of the remainder hereby, nor of said portion so held invalid under other circumstances if such holding should apply only to particular circumstances.

(Charter Amend. 4-17-73; Ord. No. 97-7, § 47, 1-15-97)

Sec. 16. Gender neutral references.

Whenever this Charter contains the terms "he," "him" or "his" they shall be read as gender neutral descriptions so as to include "she," "her" or "hers." (Ord. No. 97-7, § 46, 1-15-97)

Editor's note—Section 46 of Ord. No. 97-7, adopted January 15, 1997, and approved by a majority of the electors voting in a referendum held March 11, 1997, added a new section to the Charter but did not specify designation; hence, inclusion of such new provisions as § 16 was at the discretion of the editor.

EXHIBIT A. DESCRIPTION OF TOWN LIMITS OF THE TOWN OF DAVIE

[The corporate limits of the Town of Davie are declared to be as follows:] COMMENCE at the Southwest corner of Section 33, Township 50 South, Range 41 East, Broward County, Florida; thence Easterly along the South line of said Section 33 to the Southwest corner of the East one-half (E ½) of the West one-half (W ½) of said Section 33 and the POINT OF BEGINNING; thence Northerly along the West line of the East one-half (E ½) of the West one-half (W ½) of said Section 33 to the Southwest corner of the East one-half (E ½) of the West one-half (W ½) of said Section 33 to the Southwest corner of the East one-half (E ½) of the West one-half (W ½) of said Section 28, Township 50 South, Range 41 East; thence continue Northerly along the West line of the East one-half (E ½) of the West one-half (W ½) of said Section 28 to a point on the original centerline of the South New River Canal (C-11 South) (260 foot right-of-way); thence Westerly along said centerline to an intersection with the East line of Section 28, Township 50 South, Range 40 East; thence southerly along said East line and the East line of Section 33, Township 50 South, Range 40 East of the Plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1", according to the Plat thereof as recorded in Plat Book 2, Page 17 of the Public Records of Dade County, Florida to a point of intersection with the South boundary of the Plat of "REGENCY" (Plat Book 121, Page 48, Broward County Records); thence Westerly along said South boundary to an intersection with the Easterly right-of-way line of Interstate 75; thence Southerly along said right-of-way line to an intersection with the South line

of Tract 64 in said Section 33; thence Easterly along said South line of Tract 64 to the Southeast corner thereof; thence Northerly along the Easterly line of said Tract and a Northerly prolongation thereof to an intersection with the North line of the Southeast one-quarter (SE $\frac{1}{4}$) of said Section 33; thence Easterly along said North line to an intersection with the East section line of said Section 33; thence Southerly along said line and the east line of Section 4, Township 51 South, Range 40 East of "CHAMBERS LAND COMPANY SUBDIVISION", as recorded in Plat Book 1, Page 5B of the Public Records of Broward County, Florida to an intersection with the South line of said Section 4; thence Westerly along said South line to an intersection with the West line of the East one-half (E $\frac{1}{2}$) of the Southwest one-quarter (SW $\frac{1}{4}$) of said Section 4; thence Northerly along said West line to an intersection with the South line of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 4; thence Westerly along said South line to an intersection with the East line of Section 5, Township 51 South, Range 40 East of said plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; thence Westerly along the South line of the Northeast one-quarter (NE $\frac{1}{4}$) of said Section 5, also being the South line of Tract 8 of said Section 5, to the Southwest corner of said Tract 8; thence Northerly along the West line of Tract 8 and Tract 7 of said Section 5 to an intersection with a line being parallel with and 13.30 feet North of the South line of Tract 10 of said Section 5; thence Westerly along said parallel line to an intersection with the West line of the East one-half (E $\frac{1}{2}$) of said Tract 10; thence Southerly along said West line to an intersection with the South line of said Tract 10; thence Westerly along said South line to the southwest corner of said Tract 10; thence northerly along the west line of Tracts 10 through 13 to the northwest corner of Tract 13; thence Easterly along the North line of said Tract 13 to the Northeast corner of said Tract 13, also being the Southwest corner of Tract 3 of said Section 5; thence Northerly along the West line of Tracts 3, 2 and 1 of said Section 5 to an intersection with a line 55 feet south of the north line of said Tract 1; thence Easterly along said line to an intersection with the East line of the West one-half (W $\frac{1}{2}$) of Tracts 1 through 5 inclusive; thence Southerly

along said East line to an intersection with the north line of Tract 6 of said Section 5; thence Easterly along said North line to a point of intersection with the West right-of-way line of S.W. 160th Avenue; thence Northerly along said right-of-way line to a point 1400 feet North of the South line of Section 33, Township 51 South, Range 40 East; thence Easterly to a point of intersection with a line 55 feet east of and parallel to the west line of said Section 33; thence Northerly along said parallel line to an intersection with the North line of Tract 45 of Section 33, Township 50 South, Range 40 East; thence Easterly along said North line to an intersection with the West line of the East one-half (E $\frac{1}{2}$) of the West one-half of said Section 33; thence Northerly along said West line and the West line of the East one-half (E $\frac{1}{2}$) of the West one-half (W $\frac{1}{2}$) of Section 28, Township 50 South, Range 40 East, to an intersection with the Original Centerline of the South New River Canal (C-11 South); thence Westerly along said centerline to an intersection with the West right-of-way line of Southwest 160th Avenue, being a line being parallel with and 100 feet West of the West line of said Section 28; thence Northerly along said parallel line and along a line being 100 feet West of and parallel with the West line of Section 21, 16 and 9 of Township 50 South, Range 40 East to an intersection with a line being parallel with and 15.00 feet North of the South line of said Section 9; thence Easterly along said parallel line to an intersection with the West line of Section 10, Township 50 South, Range 40 East; thence Northerly along the West line of said Section 10 to an intersection with the South boundary of the North one-half (N $\frac{1}{2}$) of the Northeast one-quarter (NE $\frac{1}{4}$) of the Northeast one-quarter (NE $\frac{1}{4}$) of Section 9, Township 50 South, Range 40 East of said Plat of "FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1"; thence Westerly along said South boundary also being the South line of Tract 2 of said Section 9 to the Southwest corner of said Tract 2; thence Northerly along the West boundary of said North one-half (N $\frac{1}{2}$) of the Northeast one-quarter (NE $\frac{1}{4}$) of the North east one-quarter (NE $\frac{1}{4}$) of said Section 9, also being the West line of said Tract 2 and Tract 1 of said Section 9 to an intersection with the North line of said Section 9; thence Easterly along said North line to the

Northeast corner of said Section 9, also being the Southwest corner of Section 3, Township 50 South, Range 40 East; thence Northerly along the West line of said Section 3 to an intersection with the North right-of-way line of State Road No. 84, also being the South right-of-way line of the North New River Canal (C-11 North); thence Southeast-erly along said South right-of-way line to the Northwest corner of the East one-half (E ½) of Tract 1, Tier 7 in Section 24, Township 50 South, Range 41 East of said Plat of "JOHN W. NEWMAN'S SURVEY"; thence Northeasterly along an extension of the Westerly line of said East one-half (E ½) of said Tract 1 to the South bank of said North New River Canal; thence Southeast-erly along said bank to the Westerly right-of-way line of State Road No. 7; thence Northeasterly along said right-of-way line to the centerline of said North New River Canal; thence Northwest-erly along said centerline to the Southwesterly extension of the West right-of-way line of South-west 41st Avenue; thence Northeasterly along said right-of-way line and its extension to the North line of Section 24, Township 50 South, Range 41 East; thence Easterly to a point on the Easterly right-of-way line of Southwest 41st Ave-nue being 298.34 feet Northerly from the South-west corner of Tract 2, Tier 4 of said Plat of "JOHN W. NEWMAN'S SURVEY"; thence South-easterly to a point on the Westerly right-of-way line of State Road No. 7, being 300.00 feet, (as measured along said Westerly right-of-way line) from the Southerly line of said Tract 2; thence Northerly along said Westerly right-of-way line to its intersection with the Westerly prolongation of the North right-of-way line of Riverland Road; thence Easterly along said prolongation to the Easterly right-of-way line of State Road No. 7; thence Southerly along said East right-of-way line to an intersection with the centerline of said North New River Canal; thence Easterly along said centerline to its intersection with the West line of the Southeast one-quarter (SE ¼) of the Northeast one-quarter (NE ¼) of Section 19, Township 50 South, Range 42 East; thence South-erly along said West line to the South bank of said Canal; thence Easterly and Southerly along said South bank and the Westerly bank of the South Fork of the New River Canal to the Northerly right-of-way line of State Road No. 84; thence

Westerly along said Northerly right-of-way line to the East boundary of Section 19, Township 50 South, Range 42 East; thence Southerly along said East boundary to the Southerly right-of-way line of State Road No. 84; thence Westerly along said right-of-way line to the West line of the East 192.00 feet of said Section 19; thence Southerly along said West line to the Northerly bank of the South Fork of the New River Canal; thence South-westerly along said Northerly bank to a point lying 3478.00 feet West of, (as measured at right angles to) the East line of said Section 19, thence Northerly and parallel with the East line of said Section 19 to the Southerly Limited Access right-of-way line of Interstate 595 as shown on the Florida Department of Transportation Right-of-Way Map, Project Section No. 86095-2403; thence Westerly and Southwesterly along said Limited Access right-of-way line to an intersection with the Northerly line of Tract 5, Tier 1 in Section 24, Township 50 South, Range 41 East of "JOHN W. NEWMAN'S SURVEY", (Plat Book 2, Page 26, Dade County Records); thence Southeast-erly along said Northerly line 50.78 feet to the Easterly right-of-way line of Access Road 7 as shown on the aforesaid Interstate 595 Right-of-Way Map, Project Section No. 86095-2403; thence Southwesterly along said Easterly right-of-way line to an inter-section with the North line of Section 25, Town-ship 50 South, Range 41 East; thence Westerly along said North line to an intersection with the Northerly prolongation of the East line of the West three-quarters (W ¾) of Tract 3 of said Section 25; thence Southerly along said prolonga-tion and said East line to the Southeast corner of said West three-quarters (W ¾) of the North one-half (N ½) of the North one-half (N ½) of said Tract 3; thence Westerly along the South line of the West three-quarters (W ¾) of the North one-half (N ½) of the North one-half (N ½) of said Tract 3 to the Easterly right-of-way line of State Road No. 7; thence Southwesterly along said Easterly right-of-way line to a point radially South-east from the intersection of the West line of Tract 20 in said Section 25 of said Plat of "JOHN W. NEWMAN'S SURVEY" with the Westerly right-of-way line of State Road No. 7; thence radially Northwest from said point to the Westerly right-of-way line of State Road No. 7; thence Southerly along said Westerly right-of-way line to an inter-

section with the centerline of said South New River Canal; thence Easterly along said centerline to an intersection with the East right-of-way line of State Road No. 7; thence Southerly along said right-of-way line to an intersection with the easterly prolongation of the North line of Tracts 11 and 12 in Section 36, Township 50 South, Range 41 East of "JOHN W. NEWMAN'S SURVEY"; thence Westerly along said line to an intersection with the West right-of-way line of the Sunshine State Parkway; thence Southerly along the right-of-way line to the intersection with the South line of Section 36, Township 50 South, Range 41 East; thence Westerly along the South line of Section 36 and 35, Township 50 South, Range 41 East to the Northeast corner of Section 2, Township 51 South, Range 41 East; thence Southerly along the East line of said Section 2 for 289.55 feet to a point on the North line of Northwest 42nd Street; thence Westerly along the North line of Northwest 42nd Street for 1215.54 feet, more or less, to a point on the West line of Northwest 65th Avenue; thence Southerly along said West line 30 feet to a point on the South line of Parcel "A" in Block 1 of "LINWOOD GARDENS" (Plat Book 46, Page 5, Broward County Records); thence Westerly along the South line of said Parcel "A", for 105 feet to the Southwest corner of said Parcel "A"; thence Southerly along the East line of the Northeast one-quarter (NE $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of the Northeast one-quarter (NE $\frac{1}{4}$) of said Section 2 for 67.77 feet, more or less, to the Southeast corner of Lot 4 in Block 1 of the Plat of "HERITAGE LAKE ESTATES SECTION 1" (Plat Book 53, Page 16, Broward County Records); thence Westerly along the South line of said Lot 4, in Block 1 and along the South line of Lot 4 in Block 2 of said Plat of "HERITAGE LAKES ESTATES SECTION 1" for 275.14 feet more or less to a point on the East line of Tract "B" of said Plat of "HERITAGE LAKES ESTATES SECTION 1"; thence Southerly along the East line of said Tract "B" for 3.34 feet, more or less, to a point of curvature of a circular curve to the right; thence Southwesterly along the arc of said circular curve to the right, at the Southeast corner of said Tract "B", having a radius of 27 feet, for an arc distance of 42.08 feet to a point of tangency with the South line of said Tract "B"; thence Westerly along the South line of said Tract "B" and along the South

line of Tract "A" of said "HERITAGE LAKES ESTATES SECTION 1" for 510.53 feet, more or less, to a point of curvature of a circular curve to the right; thence Westerly along the South line of said Tract "A" and along the arc of said circular curve to the right having a radius of 340 feet, for an arc distance of 149.82 feet to a point of reverse curvature; thence Westerly along the arc of a circular curve reversing to the left, being the South line of said Tract "A", having a radius of 630 feet, for an arc distance of 277.60 feet to a point of tangency with the South line of said Tract "A"; thence Westerly along the South line of said Tract "A" for 120.76 feet, more or less, to the East line of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 2; thence Southerly along the East line of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 2 for 18.31 feet; thence Westerly along a line parallel with and 313 feet South of the North line of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 2 for 1980.2 feet, more or less, to the East line of the West one-half (W $\frac{1}{2}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 2; thence Southerly along the East line of the West one-half (W $\frac{1}{2}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 2 for 1001.97 feet, more or less, to the Southeast corner of the West one-half (W $\frac{1}{2}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 2; thence Westerly along the South line of the West one-half (W $\frac{1}{2}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of the Northwest one-quarter (NW $\frac{1}{4}$) of said Section 2 and along the North line of Tract 5 of the Plat of "A.J. BENDLE SUBDIVISION OF SECTION 3, TOWNSHIP 51 SOUTH, RANGE 41 EAST" (Plat Book 1, Page 27, Dade County Records) to a point of intersection with the Northwesterly right-of-way line of Davie Road Extension according to the Davie Road Extension Centerline Location Map Number (M-197 r/w) dated March 1957, Field Book 56-2, File No. 491, Broward County Engineering Department; thence Southwesterly along said Northwesterly right-of-way line to a point of intersection with the South line of Section 4, Township 51 South, Range 41 East; thence Westerly along said South line to an intersection with the West line of that certain 100 foot canal reservation whose easterly line is contiguous with the

westerly right-of-way line of University Drive; thence Northerly along said West line to an intersection with the South line of Tract 62 of said Section 4, of "THE EVERGLADES SUGAR AND LAND COMPANY'S SUBDIVISION" (Plat Book 2, Page 75, Dade County Records); thence West-erly along said South line to the Southwest corner of said Tract 62; thence Northerly along the West line of said Tract 62, to the Northwest corner of said Tract 62; thence Easterly along the North line of said Tract 62 to the West line of said 100 foot canal reservation; thence northerly along the westerly line of said canal reservation to its northern terminus; thence northeasterly along the northerly line of said canal reservation and a prolongation thereof to a point of intersection with the easterly right-of-way line of University Drive; thence Southerly along said easterly right-of-way line to an intersection with a line being parallel with and 150.00 feet West of the East line of said Section 4; thence Northerly along said parallel line to a point of intersection with the southerly right-of-way line of Stirling Road; thence westerly along said southerly right-of-way line to a point of intersection with the east line of the west one-half of Tract 9; thence Southerly along the East line of the West one-half (W ½) of said Tract 9 to the South line of said Tract 9; thence Westerly along the South line of Tracts 9, 10 and 11 of said Section 4 to an intersection of the West line of the East one-half (E ½) of said Tract 11; thence Northerly along the West line of the East one-half (E ½) of said Tract 11 and its Northerly extension to the South line of Section 33, Town-ship 50 South, Range 41 East; thence Westerly along the South line of said Section 33 to the Southwest corner of the East one-half (E ½) of the West one-half (W ½) of said Section 33 and the POINT OF BEGINNING.

LESS THEREFROM

Commencing at the southwest corner of the southeast one-quarter of Section 12, Township 50 South, Range 40 East, thence northerly along the west line of said southeast one-quarter to a point of intersection with a line 60 feet north of and parallel with the south line of said southeast one-quarter; thence easterly along said parallel line to a point of intersection with the westerly line of Block 12 of Rexmere Village Tree, accord-

ing to the plat thereof, as recorded in Plat Book 79, Page 50 of the Public Records of Broward County, Florida; thence northerly along the west-erly line of said Block 12 and Block 24 of REXMERE VILLAGE TWO, according to the Plat thereof, as recorded in Plat Book 78, Page 24 of the Public Records of Broward County, Florida, to the north-west corner of Lot 29 of said Block 24; thence northeasterly along the northeasterly line of said Block 24 to the northern most corner of Lot 33 of said Block 24; thence northerly along the north-westerly line of Lot 35 of said Block 24 to the northwest corner thereof; thence easterly along the northerly line of said Lot 35 and its easterly projection to the northwest corner of Lot 84, Block 1, said REXMERE VILLAGE TWO; thence south-easterly along the northerly line of said Block 1 and the northerly line of Block 1 of REXMERE VILLAGE ONE, according to the Plat thereof, as recorded in Plat Book 75, Page 21 of the Public Records of Broward County, Florida, to a point, and its southeasterly projection to a point of intersection with the westerly right-of-way line of Hiatus Road (Southwest 112th Avenue); thence southerly along said westerly right-of-way line to a point of intersection with a line 60.00 feet north of and parallel with the south line of said south-east one-quarter, and the south line of Block 12 of said REXMERE VILLAGE THREE; thence west-erly along said parallel line and said southerly line of Block 12 to the POINT OF BEGINNING;

AND ALSO LESS THEREFROM:

Commence at the northwest corner of Section 18, Township 50 South, Range 41 East, run on an assumed bearing of north 88 degrees 55 minutes 20 seconds east along the north line of said Section 18 for a distance of 2931.32 feet; thence run south 15 degrees 07 minutes 20 seconds west for a distance of 401.40 feet; thence run south 0 degrees 15 minutes 20 seconds west for a distance of 508.54 feet; thence run south 88 degrees 55 minutes 20 seconds west for a distance of 2901.54 feet; thence run north 0 degrees 13 minutes 56 seconds east along the east boundary of Range 40 East, for a distance of 894.01 feet; thence run north 88 degrees 51 minutes 2 seconds east for a distance of 73.60 feet to the Point of Beginning; less and except therefrom the right-of-way of Hiatus Road.

AND ALSO LESS THEREFROM:

Commencing at the northeast corner of Section 11, Township 50 South, Range 40 East; thence southerly along the east line of said Section 11 to a point of intersection with the easterly extension of the north line of Tract 'A' of "ARBORETUM" according to the Plat thereof as recorded in Plat Book 148, Page 22 of the Public Records of Broward County, Florida; thence Westerly along said extension to the West right-of-way line of Flamingo Road and the POINT OF BEGINNING; thence continue Westerly along said North line to the Northwest corner of Lot 13 of said "ARBORETUM"; thence Northerly along the Westerly line [of] Grollier Village, according to the plat thereof, as recorded in Plat Book 71, Page 4 of the Public Records of Broward County, Florida, and Kings Manor Estates West, according to the plat thereof, as recorded in Plat Book 75, Page 6 of the Public Records of Broward County, Florida, to the northwest corner of said Kings Manor Estate West; thence easterly along the northerly line of said Kings Manor Estates West to a point of intersection with the southerly right-of-way line of State Road 84; thence southeasterly along said southerly right-of-way line to a point of intersection with the westerly right-of-way line of Flamingo Road; thence southerly along said westerly right-of-way line to the Point of Beginning.

AND ALSO LESS THEREFROM:

Commencing at the southeast corner of Section 17, Township 50 South, Range 41 East; thence westerly along the south line of said Section 17 to a point of intersection with the west right-of-way line of Pine Island Road (Southwest 88th Avenue); thence northerly along said west right-of-way line to a point of intersection with the south right-of-way line of Orange Grove Drive; thence westerly and southwesterly along said southerly right-of-way line to a point of intersection with the southeasterly projection of the southerly line of Tract "C" of NEW ISLAND PLAZA ASSOCIATES, according to the Plat thereof, as recorded in Plat Book 115, Page 35 of the Public Records of Broward County, Florida; thence northwesterly along said southeasterly projection and the southerly line of said Tract "C" and its northwesterly projection to a point of intersection with the westerly right-of-

way line of Pine Ridge Drive; thence northeasterly along said westerly right-of-way line of the southeast corner of Tract "Q", RIDGE PLAZA, according to the Plat thereof, as recorded in Plat Book 116, Page 27 of the Public Records of Broward County, Florida; thence northwesterly along the southerly line of said Tract "Q" to the Northeast corner of Tract "A", PINE ISLAND RIDGE SECTION 2, according to the plat thereof, as recorded in Plat Book 83, Page 20 of the Public Records of Broward County, Florida; thence southwesterly along the southerly line of said Tract "A" to the southwest corner thereof; thence northeasterly along the westerly line of said Tract "A" and the westerly line of Tract 1, Tier 81 of NEWMAN'S SURVEY", according to the Plat thereof, as recorded in Plat Book 2, Page 26 of the Public records of Dade County, Florida; and the westerly line of ROUTE 84 SQUARE, according to the Plat thereof, as recorded in Plat Book 117, Page 11 of the Public Records of Broward County, Florida, to a point of intersection with the southerly right-of-way line of State Road No. 84; thence northwesterly along said southerly right-of-way line to a point of intersection the easterly line of T. BRYAN'S SUBDIVISION, according to the Plat thereof, as recorded in Plat Book 32, Page 16 of the Public Records of Broward County, Florida; thence southerly along the east line of said T. BRYAN'S SUBDIVISION and the southerly prolongation of said east line to a point of intersection with the northerly right-of-way line of Pine Ridge Drive; thence southwesterly along the curve of said northerly right-of-way line to a point of intersection with a line 500 feet south and parallel to the south line of Tract 3 of T. BRYAN'S SUBDIVISION; thence westerly along said parallel line to a point of intersection with the easterly right-of-way line of Nob Hill Road (Southwest 100th Avenue); thence southerly along said easterly right-of-way line to a point of intersection with the south line of said Section 17; thence easterly along said south line to the POINT OF BEGINNING.

AND ALSO LESS THEREFROM:

Commence at the northwest corner of Section 16, Township 50 South, Range 41 East; thence southerly along the west line of said Section 16 to a point of intersection with the westerly projection of the southerly right-of-way line of Berkley

Drive; thence southeasterly along said westerly projection to a point of intersection with the easterly right-of-way line of Pine Island Road and the Point of Beginning; thence continuing along said southerly right-of-way line to a point of intersection with the easterly line of Block 12 of Park City Section 3; according to the Plat thereof as recorded in Plat Book 65, Page 5 of the Public Record of Broward County, Florida; thence southerly along the easterly line of said Block 12 and the easterly line of Park City Section Three A, according to the Plat thereof as recorded in Plat Book 71, Page 8 of the Public Records of Broward County, Florida, and the easterly line of Park City Section Three B, according to the Plat thereof as recorded in Plat Book 75, Page 11 of the Public records of Broward County, Florida, to the southeast corner of Lot 36, Block 1 of said Park City Section Three B; thence northwesterly along the southerly line of said Lot 36, Block 1 to a point of intersection with the southerly right-of-way line of Southwest 23rd Place; thence southwestery and westerly along said southerly right-of-way line to the northeast corner of Lot 2, Block 4 of said Park City Section Three B; thence southerly along the easterly line of said Block 4 to a point of intersection with the northerly right-of-way line of Southwest 24th Street; thence westerly along said northerly right-of-way line to a point of intersection with the easterly right-of-way line of Pine Island Road; thence northerly along said easterly right-of-way to the Point of Beginning.
(Ord. No. 97-7, § 8, 1-15-97)

NOTICE OF LOGIC AND ACCURACY TEST
F.S. 101.5612 – Testing of Tabulating Equipment

Notice is hereby given that the pre-election Logic and Accuracy test for the automatic tabling equipment for the Municipal Elections will take place at 2:00 p.m. on Wednesday, March 7, 2012* at the site listed below. Attendance at this test of the equipment is strictly optional and you are welcome to observe.

DATE: March 7, 2012*

TIME: 2:00 p.m.

PLACE: Voting Equipment Center II
(entrance on the west side of the Lauderhill Mall)
1501 NW 40 Avenue
Lauderhill, Florida

*tentative - should the date and time be amended, the candidate will be notified

CANDIDATE AND CAMPAIGN TREASURER HANDBOOK



November 2011

Florida Department of State
Division of Elections
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250
Phone: 850.245.6240

<http://elections.myflorida.com>

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Chapter 1 Background

The information contained in this publication is intended as a quick reference guide only and is current upon publication. Chapters 97-106, Florida Statutes, the Constitution of the State of Florida, Division of Elections' opinions and rules, Attorney General opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding campaign financing and qualifying.

In addition, the following publications produced by the Florida Department of State, Division of Elections should be reviewed for further information:

- State Qualifying Handbook
- Federal Qualifying Handbook
- Candidate Petition Handbook
- Candidate Electronic Filing System User's Guide (Form DS-DE 110A)
- Calendar of Reporting Dates

All forms and publications mentioned in this handbook are available on the Division of Elections' website at <http://elections.myflorida.com>.

Please direct any questions to either your county supervisor of elections or the Florida Department of State, Division of Elections at 850.245.6240. Below you will find some other useful websites:

Florida Division of Elections	http://elections.myflorida.com
Florida Elections Commission	http://www.fec.state.fl.us
Florida Elected Officials	http://election.dos.state.fl.us/contact-us/contact-elected-officials.shtml
Florida Supervisors of Elections	https://doe.dos.state.fl.us/SOE/supervisor_elections.shtml
Florida Association of City Clerks	http://www.floridaclerks.org
Florida Attorney General	http://myfloridalegal.com
Federal Election Commission	http://www.fec.gov

This publication is available in alternate format upon request by contacting 850.245.6240.

Chapter 2

The Campaign Financing Act

Chapter 106, Florida Statutes, regulates campaign financing for all candidates, including judicial candidates, political committees, committees of continuous existence, electioneering communication organizations, and political parties. ***It does not regulate campaign financing for candidates for federal office or candidates for a political party executive committee.***

The Division of Elections:

- Oversees the interpretation of and provides guidance on the election laws.
- Provides advisory opinions to supervisors of elections, candidates, local officers having election related duties, political parties, political committees, committees of continuous existence, or other persons or organizations engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such person or entity has taken or proposes to take. *(Section 106.23(2), F.S.)*
- *Conducts audits with respect to reports and statements filed under chapter 106. (Section 106.22, F.S.)*
- *Reports to the Florida Elections commission any apparent violations of Chapter 106. (Section 106.22(7), F. S.)*
- Prescribes rules and regulations to carry out the provisions of Chapter 106, Florida Statutes. *(Section 106.22(9), F.S.)*

Chapter 3

Offices to be Elected

Federal Offices

President and Vice President
United States Senator
Representative in Congress (all districts)

Multicounty and District Offices

State Attorney (Circuits 1- 19)
Public Defender (Circuits 1-19)
State Senator (specific districts up for election unknown until redistricting complete)
State Representative (all districts)

County Offices

These vary from county to county, however, most will elect:

Board of County Commissioners
School Board
Other offices depending on county.

Information for a particular county can be obtained from the county supervisor of elections.

Judicial Retention (Nonpartisan)

Justice of the Supreme Court (only those whose terms expire January 2013)
Judge, District Court of Appeal (only those whose terms expire January 2013)

Circuit Judges (Nonpartisan)

Only those whose terms expire January 2013

County Court Judges (Nonpartisan)

Only those whose terms expire January 2013

Chapter 4

Glossary of Terms

Campaign Fund Raiser: Any affair held to raise funds to be used in a campaign for public office. (*Section 106.011(11), F.S.*)

Campaign Treasurer: An individual appointed by a candidate or political committee as provided in Chapter 106, F.S. (*Section 106.011(9), F.S.*)

Candidate: Any person to whom any one or more of the following applies:

- Any person who seeks to qualify for nomination or election by means of the petitioning process;
- Any person who seeks to qualify for election as a write-in candidate;
- Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office;
- Any person who appoints a campaign treasurer and designates a primary depository; or
- Any person who files qualification papers and subscribes to a candidate's oath as required by law.

This definition does not include any candidate for a political party executive committee. (*Sections 97.021(5) and 106.011(16), F.S.*)

Contribution: (*See Section 106.011(3), F.S. and Chapter 10, Contributions.*)

Election: Any primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, or submitting an issue to the electors for their approval or rejection. (*Section 106.011(6), F.S.*)

Electioneering Communication: Any communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that (1) refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; (2) is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and (3) is targeted to the relevant electorate in the geographical area the candidate would represent if elected. (*Section 106.011(18), F.S.*)

Expenditure: (*See Section 106.011(4), F.S. and Chapter 11, Expenditures.*)

Filing Officer: The person before whom a candidate qualifies, the agency or officer with whom a political committee registers, or the agency by whom a committee of continuous existence is certified. (*Section 106.011(14), F.S.*)

General Election: An election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law. (*Section 97.021(15), F.S.*)

Independent Expenditure: (*See Section 106.011(5), F.S. and Chapter 11, Expenditures.*)

In-Kind Contribution: In-kind contributions are anything of value made for the purpose of influencing the results of an election except money, personal services provided without compensation by individual volunteers, independent expenditures, as defined in Section 106.011(5), F.S., or endorsements of three or more candidates by political committees or political parties. *(See Division of Elections Opinion 04-06)*

Judicial Office: Includes the office of Justice of the Supreme Court, judge of a district court of appeal, judge of a circuit court, and county court judge. A judicial office is a nonpartisan office and a candidate for election or retention thereto is prohibited from campaigning or qualifying for such an office based on party affiliation. *(Section 105.011, F.S.)*

Minor Political Party: Any group which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the state. *(Section 97.021(18), F.S.)*

Nominal Value: Having a retail value of \$10 or less. *(Section 97.021(20), F.S.)*

Nonpartisan Office: An office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation. *(Section 97.021(21), F.S.)*

Office Account: A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may transfer funds from the campaign account to an office account up to limits listed under Section 106.141(5), F.S. This fund must be used only for legitimate expenses in connection with the candidate's public office. *(Section 106.141, F.S.)*

Person: An individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, affiliated party committee, political committee, or committee of continuous existence. *(Section 106.011(8), F.S.)*

Petty Cash: Cash spent in amounts of less than \$100 to be used only for office supplies, transportation expenses, and other necessities by the candidate. *(Sections 106.07 and 106.12, F.S.)*

Political Advertisement: *(See Section 106.011(17), F.S. and Chapter 12, Political Advertising.)*

Primary Election: An election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. *(Section 97.021(28), F.S.)*

Public Office: Any state, county, municipal, or school or other district office or position which is filled by vote of the electors. *(Section 106.011(10), F.S.)*

Special Election: Called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office. *(Section 97.021(33), F.S.)*

Special Primary Election: A special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election. *(Section 97.021(34), F.S.)*

Statewide Office: Governor, Cabinet, and Supreme Court Justice.

Unopposed Candidate: A candidate for nomination or election to an office, who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under Section 100.111(4), F.S., if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge. *(Section 106.011(15), F.S.)*

Chapter 5

Becoming a Candidate

A candidate is any person who:

1. Seeks to qualify for nomination or election by means of the petition process;
2. Seeks to qualify for election as a write-in candidate;
3. Receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office;
4. Appoints a treasurer and designates a primary depository; or
5. Files qualification papers and subscribes to a candidate's oath as required by law.
6. However, this definition does not include any candidate for a political party executive committee.

(Section 106.011(16), F.S.)

What to File

Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates is the first document that must be filed with the filing officer to become a candidate. At the same time, the candidate must designate the office for which he or she is running. A candidate can appoint a campaign treasurer and designate a campaign depository at any time, but **no later** than the date the candidate qualifies for office. Nothing prohibits a person from announcing their intention to become a candidate prior to filing Form DS-DE 9, **as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition.**

Form DS-DE 9:

1. Shall be filed with the filing officer **prior** to opening the campaign account.

Note: The campaign depository should not be opened until after the DS-DE 9 is on file with the filing officer.

2. Is not effective until the campaign treasurer signs it and it is filed with the filing officer.
3. Is considered "filed" only when the filing officer receives the form, not upon mailing.
4. Shall be on file with the filing officer **prior** to the candidate accepting any contributions or making any expenditures, or authorizing another to accept contributions or make expenditures on the person's behalf.
5. Shall be on file with the filing officer **prior** to obtaining signatures on a DS-DE 104, Candidate Petition.

Form DS-DE 84, Statement of Candidate, must be filed with the filing officer within 10 days after filing Form DS-DE 9. This form states that the candidate has been provided access to read and understand the requirements of Chapter 106, F.S. The execution and filing of the statement of candidate does not in and of itself create a presumption that any violation of Chapter 106, F.S., or Chapter 104, F.S., is a willful violation as defined in Section 106.37, F.S.

Form DS-DE 83, Statement of Candidate for Judicial Office, must be filed by each candidate for judicial office, including an incumbent judge, within 10 days after filing Form DS-DE 9. This form states that the judicial candidate has received, read, and understands the requirements of the Florida Code of Judicial Conduct.

(Sections 105.031, 106.021 and 106.023, F.S.)

Filing Officer

The filing officer is the person before whom a candidate qualifies:

Division of Elections State, multicounty, district, and judicial offices
(except county court judge)

Supervisor of Elections County court judge, countywide, and district offices
(except multicounty offices)

Municipal Clerk Municipal offices

(Section 106.011(14), F.S.)

Resign-to-Run

No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other, without resigning from the office he or she presently holds. The resignation is irrevocable.

The written resignation must be submitted at least **ten days** prior to the first day of qualifying for the office. The resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or
2. The date the officer's successor is required to take office.

(Section 99.012(3), F.S.)

A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to this chapter if the person is seeking to qualify for a public office that is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for reelection to that office.

(Section 99.012(4), F.S.)

The resign-to-run law does not apply to political party offices, persons serving without salary as members of an appointive board or authority, and persons holding federal office.

(Section 99.012(6) and (7), F.S.)

For additional information regarding resign-to-run, see the Division's Frequently Asked Questions page: <http://elections.myflorida.com/gen-faq.shtml>.

Federal Hatch Act for State and Local Employees

Although a person may not be someone who would have to resign under Florida's resign-to run law, the person may be precluded by the federal Hatch Act (5 USC § 1501 – 1508) from holding his or her current job and becoming a candidate in a partisan election. The Hatch Act restricts the political activity of individuals principally employed by the state, county, or municipal executive agencies in connection with programs financed in whole or in part by loans or grants made by the U.S. or a federal agency. If the state, county or municipal employee performs duties in connection with an activity financed in whole or in part by federal funds, that employee is precluded from being a candidate for public office in a partisan election. With local governments making increasing use of federal grants, state and local government employees must be cognizant of the Hatch Act as it relates to their political activities.

Please note, however, that pursuant to 5 USC § 1502(c), Governors, Lieutenant Governors, mayors, elected heads of executive departments, and individuals holding elective office are exempt from the prohibition against being a candidate for public office. So, the Hatch Act prohibits state, county and municipal employees seeking public office in a partisan election, not an elected officer seeking re-election or election to another office.

The Division of Elections has no authority to advise individuals on the applicability of the Hatch Act; however, the U.S. Office of Special Counsel provides advisory opinions to potential candidates. Inquiries about the Hatch Act should be directed to the Special Counsel's "Hatch Act Unit." The contact may be in writing or by telephone at:

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
Tel: (800) 85-HATCH or (800) 854-2824
(202) 254-3650

Requests for Hatch Act advisory opinions may be made by e-mail to: hatchact@osc.gov.

Information about the Hatch Act as it pertains to state and local employees may be found at:

<http://www.osc.gov/hatchact.htm>

Federal Hatch Act for Federal Employees

All civilian employees in the executive branch of the federal government, except the President and the Vice President, are covered by the provisions of the Hatch Act. Employees of the U.S. Postal Service and the District of Columbia, except for the Mayor of the District of Columbia, the District of Columbia's City Council and the District's Recorder of the Deeds, are also covered by the Act. Part-time federal employees are covered by the Act. If covered by the act, a federal employee may not be a candidate in a partisan election. For more information about the Hatch Act as it relates to federal employees, see: <http://www.osc.gov/hatchact.htm>

Changing Parties for Partisan Offices

A candidate seeking to qualify as a political party candidate may not have been a registered member of any other political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

(Section 99.021, F.S.)

Changing the Designation of Office

A candidate can change the designation of office by filing a new Form DS-DE 9 and a written statement indicating the change with the filing officer. However, the candidate must notify each contributor in writing and offer to return their contribution using the following procedure:

1. Within fifteen days after filing the change with the filing officer the candidate must send a written notice to all contributors.
2. The candidate must offer (in the notice) to return to the contributor on a pro rata basis all contributions given in support of the original office.
3. The candidate must include (with the notice) a copy of **Form DS-DE 86, Request for Return of Contribution.**
4. If the contributor returns Form DS-DE 86 within 30 days of receiving the notice, the candidate must return a pro rata share of all contributions given in support of the original office.
5. If the contributor does not return Form DS-DE 86 within 30 days of receiving the notice, the candidate may use the contribution for the newly designated office.

If the candidate is changing the numerical designation of the office that has resulted solely from redistricting the above notice requirement is unnecessary.

The following formula is used to determine the pro rata share:

The amount of contributions contributed to the campaign that remain in the campaign account on the date the candidate filed the change of designation

MINUS

The amount already obligated for goods or services

DIVIDED BY

The total amount of contributions contributed to the campaign

MULTIPLIED BY

The amount of the contribution contributed by the individual contributor

Pro Rata Refund Example

The candidate received a total of \$5,000 from all contributors. Of this amount, the candidate has \$2,500 remaining in the campaign account with an outstanding amount of \$500 owed for goods and services. This leaves \$2,000 in the account to be used for pro rata refunds. One contributor gave a \$500 original contribution and wishes to have it returned.

$$\$2,500 - \$500 = \$2,000 \div \$5,000 = 40\% \times \$500 = \$200 \text{ pro rata refund to the contributor}$$

(Section 106.021(1), F.S.)

Chapter 6

Statement of Solicitation

Who Must File Form DS-DE 102, Statement of Solicitation

The Governor, Lieutenant Governor, members of the Cabinet, state legislators, or candidates for such offices who directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of an organization that is exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, which such individuals, in whole or in part, establish, maintain, or control, must file Form DS-DE 102.

When to File

Each office holder or candidate must file form DS-DE 102 within **5 days** after he or she directly or indirectly solicits, causes to be solicited, or accepts any contribution on behalf of a 527 or 501(c)(4) organization. An office holder or candidate is required to file this form only once for each organization.

Form DS-DE 102, Statement of Solicitation shall be filed with the Division of Elections and, at a minimum, must contain the following information:

- 1) The name of the person acting on behalf of the organization.
- 2) The name and type of the organization.
- 3) A description of the relationship between the person and the organization.

Penalty for Late Filing

Failure to timely file Form DS-DE 102 shall subject the person to a civil penalty of \$50 per day for each late day, payable from the personal funds of the violator.

Public Website and Mission Statement

Upon filing Form DS-DE 102 with the Division, a public website must be created that contains the mission statement and the names of persons associated with the organization. The address of the website shall be reported to the division within 5 business days after the website is created.

Additional Reporting

All contributions received shall be disclosed on the website within 5 business days after deposit, together with the name, address, and occupation of the donor. All expenditures by the organization shall be individually disclosed on the website within 5 business days after being made.

Important: An individual acting on behalf of his or her own campaign, a political party, or an affiliated party committee of which the individual is a member is not required to file Form DS-DE 102.

(Section 106.0701, F.S.)

Chapter 7

Prohibited Acts

Speaking at Political Meetings

No person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of his or her candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege.

(Section 106.15(1), F.S.)

Using State-Owned Aircraft or Motor Vehicle

No candidate, in the furtherance of his or her candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle, as provided in Chapter 287, F.S., solely for the purpose of furthering his or her candidacy. However, in the event a candidate uses any state-owned aircraft or motor vehicle to conduct official state business and while on such trip performs any function in the furtherance of his or her candidacy for nomination or election to public office in any election, the candidate shall prorate the expenses incurred and reimburse the appropriate agency for any trip not exclusively for state business and shall pay either a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft or one-half of the total fixed and variable expenses related to the ownership, operation, and use of such aircraft, whichever is greater. The reimbursement shall be made from the campaign account of the candidate.

(Section 106.15(2), F.S.)

Using Services of State, County, Municipal, or District Officers or Employees

A candidate may not, in the furtherance of his or her candidacy for nomination or election to public office in any election, use the services of any state, county, municipal, or district officer or employee of the state during working hours.

(Section 106.15(3), F.S.)

Making Contributions in the Name of Another

A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(Section 106.08(5), F.S.)

Solicitation from Religious, Charitable and Civic Organizations

Candidates may **not**:

1. Solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.

2. Make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organizations established primarily for the public good.

It is **not** a violation:

1. To make gifts of money in lieu of flowers in memory of a deceased person.
2. For a candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than six months.
3. For a candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(Section 106.08(5), F.S., and Division of Elections Opinion 04-03)

Accepting Contributions in a Government-Owned Building

No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. "Accept" means to receive a contribution by personal hand delivery from a contributor or the contributor's agent. This prohibition does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

(Section 106.15(4), F.S.)

Making Malicious Statements

A candidate may not, with actual malice, make any false statement about an opposing candidate.

(Section 104.271, F.S.)

Certifying a False Report

Any candidate, campaign manager, campaign treasurer, or deputy treasurer who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree.

(Sections 106.07(5) and 106.19, F.S.)

Limitations on Political Activity for Judicial Candidates

A candidate for judicial office shall **not**:

1. Participate in any partisan political party activities, except that such candidate may register to vote as a member of any political party and may vote in any party primary for candidates for nomination of the party in which he or she is registered to vote.
2. Campaign as a member of any political party.
3. Publicly represent or advertise herself or himself as a member of any political party.
4. Endorse any candidate.
5. Make political speeches other than in the candidate's own behalf.

6. Make contributions to political party funds.
7. Solicit contributions for any political party.
8. Accept contributions from any political party.
9. Accept or retain a place on any political party committee.
10. Make any contribution to any person, group, or organization for its endorsement to judicial office.
11. Agree to pay all or any part of an advertisement sponsored by any person, group, or organization wherein the candidate may be endorsed for judicial office by any such person, group or organization.

A candidate for judicial office or retention therein who violates the provisions of this section is liable for a civil fine of up to \$1,000 to be determined by the Florida Elections Commission.

A candidate for judicial office may attend and speak on his or her own behalf at political party meetings and other functions. However, care must be exercised to insure compliance with Chapter 105, F.S., and the Code of Judicial Conduct.

(Section 105.071, F.S., and Division of Elections Opinion 78-34)

Chapter 8

Campaign Treasurers

Appointing Campaign Treasurers and Deputy Treasurers

Each candidate shall appoint a campaign treasurer by filing **Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates** with the filing officer before whom the candidate qualifies. The name and address of the campaign treasurer must be included on the form. A candidate may appoint a campaign treasurer and designate a campaign depository at any time, but no later than the date the candidate qualifies for office. A candidate who seeks to qualify by the petition process shall appoint a treasurer **prior to** obtaining signatures on petitions. Nothing prohibits a person from **announcing** his or her intention to become a candidate prior to filing Form DS-DE 9, as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition.

1. A candidate must have a campaign treasurer.
2. A candidate may appoint herself or himself as campaign treasurer or deputy campaign treasurer.
3. A candidate for statewide office (Governor, Cabinet and Supreme Court Justice) may appoint no more than 15 deputy campaign treasurers. Any other candidate may appoint no more than three deputy campaign treasurers.
4. Deputy campaign treasurers are appointed in the same manner as the campaign treasurer by filing Form DS-DE 9 with the filing officer.

Form DS-DE 9:

1. **Must be on file with the filing officer prior to opening the campaign account.**
2. Must be signed and dated by both the candidate **and** the treasurer.
3. Is not effective until it is filed with the filing officer.
4. Is not considered "filed" upon mailing.
5. **Must be on file with the filing officer prior to the candidate accepting any contributions or making any expenditures, authorizing another to accept contributions or make expenditures on the person's behalf, or obtaining signatures on DS-DE 104, Candidate Petition.**

(Sections 99.095 and 106.021, F.S.)

Duties and Responsibilities

No contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state except through the duly appointed campaign treasurer of the candidate, subject to the following exceptions:

1. Independent expenditures;
2. Reimbursements to a candidate or any other individual for expenses incurred in connection with the campaign by a check drawn upon the campaign account and reported pursuant to Section 106.07(4), F.S. The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to Section 106.07(4), F.S., together with the purpose of such payment;
3. Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance, or other expenditures that include multiple integral components as part of the expenditure and reported pursuant to Section 106.07(4)(a)13.; or
4. Expenditures made directly by any political committee, affiliated party committee, or political party regulated by Chapter 103, F.S., for obtaining time, space or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidate for the purposes of this chapter.

The campaign treasurer:

1. Shall keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate. Such accounts must be kept current within not more than two days after the date a contribution is received or an expenditure is made.
2. Shall deposit all funds received by the end of the 5th business day into the campaign depository. All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount of each contribution.
3. Shall keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and all withdrawals made from these accounts to the primary depository and all interest earned.
4. Shall preserve all accounts for a number of years equal to the term of office to which the candidate seeks election.
5. Shall file regular reports of all contributions received and expenditures made by or on behalf of such candidate.
6. May be fined \$1,000 or more or be subjected to criminal penalties for failing to file a campaign report or filing an incomplete or inaccurate report.

Deputy campaign treasurers may exercise any of the powers and duties of the campaign treasurer when specifically authorized to do so by the campaign treasurer and candidate.

Accounts, including separate interest-bearing accounts and certificates of deposit, kept by the campaign treasurer of a candidate may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division of Elections or the Florida Elections Commission.

(Sections 106.021, 106.06, 106.07, 106.19 and 106.265, F.S.)

Resignation or Removal

IMPORTANT: When a campaign treasurer resigns or is removed by the candidate, a copy of the letter of resignation or removal must be filed with the filing officer.

A campaign treasurer or deputy treasurer can **resign** by:

1. Submitting his or her resignation to the candidate in writing and filing a copy with the filing officer;
2. **The resignation is not effective until a copy of the written resignation is filed with the filing officer.**

A candidate may **remove** the campaign treasurer or deputy treasurer by:

1. Giving written notice to the campaign treasurer or deputy treasurer and filing a copy with the filing officer;
2. **The removal is not effective until a copy of the written notice is filed with the filing officer.**

In the case of death, resignation, or removal of a campaign treasurer or deputy treasurer, the candidate shall appoint a successor by certifying the name and address to the filing officer on Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates.

(Section 106.021(2), F.S.)

Chapter 9

Campaign Depositories

Primary Campaign Depository

A candidate must designate a primary campaign depository with a bank, savings and loan association, or credit union authorized to do business in the State of Florida. The campaign depository is designated at the same time as a treasurer is appointed on Form **DS-DE 9 (Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates)**. A candidate who seeks to qualify by the petition process shall designate a campaign depository prior to obtaining signatures on petitions.

IMPORTANT: *All contributions must be deposited into such account and all expenditures must be drawn by a check on such account, except when paid with petty cash. (See Chapter 12, Expenditures).*

A candidate must file the name and address of the primary campaign depository with the same officer with whom the candidate files the name of his or her campaign treasurer on Form DS-DE 9.

The campaign account must be separate from any personal or other account and used only for depositing campaign contributions and making expenditures.

Designating a campaign depository does not mean physically opening your account. It is merely naming the financial institution where your campaign funds will be deposited. This is because most banks require an initial deposit to open a campaign account and a contribution cannot be accepted prior to the candidate filing Form DS-DE 9.

All funds received by the campaign treasurer shall, prior to the end of the **fifth business day** following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to Section 106.021, F.S., in an account designated “(Name of Candidate) Campaign Account.”

IMPORTANT: *All deposits must be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.*

(Sections 106.021(1) and 106.05, F.S.)

Secondary Campaign Depository

A candidate may designate one secondary depository in each county where an election is held in which the candidate participates for the sole purpose of depositing contributions for transfer into the primary depository.

A candidate must file the name and address of each secondary campaign depository with the same officer with whom the candidate files the name of his or her campaign treasurer on Form DS-DE 9.

If a contribution is deposited in a secondary depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip, to the primary depository prior to the end of the first business day following the deposit.

(Sections 106.021(1) and 106.05, F.S.)

Separate Interest-Bearing Accounts and Certificates of Deposit

In the event funds are available in the primary campaign depository that are not currently needed for the disbursement of expenditures, the campaign treasurer or deputy campaign treasurer may deposit such funds into a separate interest-bearing account designated as "*(Name of Candidate) Separate Interest-Bearing Campaign Account*" or may purchase a certificate of deposit with the available funds.

Any bank, savings and loan association, or credit union authorized to transact business in Florida may be used for this purpose. The separate interest-bearing account or certificate of deposit shall be separate from any personal or other separate interest-bearing account or certificate of deposit.

Any withdrawal from a separate interest-bearing account or certificate of deposit of the principal or earned interest or any part thereof shall be made only for the purpose of transferring funds to the primary campaign account.

(Section 106.021(1), F.S.)

Campaign Checks

IMPORTANT: *When issuing checks from the campaign account, the campaign treasurer or deputy treasurer shall be responsible for the completeness and accuracy of the information on such check and for insuring that such expenditure is an authorized expenditure.*

Campaign checks must contain the following information:

1. The statement "*(Name of Candidate) Campaign Account*"
2. Account number and name of bank,
3. The exact amount of the expenditure,
4. The signature of the campaign treasurer or deputy treasurer,
5. The exact purpose of the expenditure, and
6. The name of the payee.

This information may be typed or hand-printed on starter checks provided by the bank until printed checks arrive. *(Section 106.11(1), F.S.)*

John Doe Campaign Account			00001
State Senate District 3	Date	<u>7/2/10</u>	
PAY TO THE			
ORDER OF	<u>XYZ Lumber Company</u>	\$	<u>200.00</u>
<u>Two Hundred and 00/100</u>			DOLLARS
BANK OF FLORIDA			
TALLAHASSEE, FL 32323			
FOR	<u>Sign materials</u>	<u>Signature of Campaign Treasurer</u>	
003382558:0326 0075894			

Debit Cards *(See Chapter 12, Expenditures.)*

A candidate may use a debit card to make campaign expenditures.

1. Must be obtained from the same bank that has been designated as the primary campaign depository.
2. Must be issued in the name of the treasurer, deputy treasurer, or authorized user and state "(Name of candidate or political committee) Campaign Account."
3. No more than **three** debit cards shall be issued.

(Section 106.11(2), F.S., and Division of Elections Opinion 00-03)

Credit Cards *(See Chapter 11, Expenditures.)*

Candidates for **statewide office (Governor, Cabinet, and Supreme Court Justice)** may obtain and use credit cards for travel-related campaign expenditures if the following conditions are met:

1. Must be obtained from the bank which has been designated as the primary campaign depository.
2. Shall be in the name of the candidate and reflect that the account is a campaign account.
3. Prior to use, a copy of the agreement or contract between the candidate and the bank, and a list of all persons authorized to use the card shall be filed with the Division.
4. Must expire no later than midnight of the last day of the month of the general election.
5. Billing statements shall be paid upon receipt.
6. Campaign travel-related expenditures shall include transportation, lodging, meals, and other expense incurred in connection with traveling for campaign purposes.

(Section 106.125, F.S.)

Chapter 10

Contributions

A contribution is:

1. A gift, subscription, conveyance, deposit, loan, payment or distribution of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. These include contributions in-kind, having an attributable monetary value in any form;
2. A transfer of funds between political committees, between committees of continuous existence, or between a political committee and a committee of continuous existence;
3. The payment, by any person other than a candidate, of compensation for the personal services of another person which are rendered to a candidate without charge to the candidate for such services; or
4. The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit. The term includes any interest earned on such account or certificate.

The exceptions are:

1. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate including, but not limited to, legal and accounting services;
2. Editorial endorsements.

IMPORTANT: *The law provides no exceptions for reporting contribution information, regardless of the size of the contribution (e.g., the reporting requirements would be the same for a 50 cent contribution as for a \$500 contribution).*

(Section 106.011(3), F.S.)

Unauthorized Contributions

Any contribution received by a candidate with opposition in an election or by the campaign treasurer or deputy campaign treasurer on the day of that election or less than five days prior to the day of the election must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(Section 106.08(3), F.S.)

Anonymous Contributions

When a candidate receives an anonymous contribution it must be reported on the candidate's campaign treasurer's report as an anonymous contribution. A letter should be submitted to the filing officer explaining the circumstances surrounding the acceptance of the anonymous contribution.

The candidate cannot spend the anonymous contribution, but at the end of the campaign can donate the amount to an appropriate entity under Section 106.141, F.S.

(Division of Elections Opinion 89-02)

In-Kind Contributions

In-kind contributions are anything of value made for the purpose of influencing the results of an election.

The exceptions are:

1. Money;
2. Personal services provided without compensation by individual volunteers;
3. Independent expenditures, as defined in Section 106.011(5), F.S.; or
4. Endorsements of three or more candidates by political committees or political parties.

(Section 106.011, F.S.; and Division of Elections Opinion 04-06)

Any person who makes an in-kind contribution shall, at the time of making the contribution, place a fair market value on the contribution. In-kind contributions are subject to contribution limitations. Travel conveyed upon private aircraft shall be valued at the actual cost of per person commercial air travel for the same or a substantially similar route.

(Section 106.055, F.S., and Division of Elections Opinion 09-08)

Loans

Loans are considered contributions and are subject to contribution limitations. Loans to or from each person or political committee must be reported together with names, addresses, occupations, and principal places of business, if any, of the lenders and endorsers, including the date and amount of each loan on the campaign treasurer's report.

Loans made by a candidate to his or her own campaign are not subject to contribution limitations. A candidate who makes a loan to his or her campaign and reports the loan as required by Section 106.07, F.S. may be reimbursed for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.

All personal loans exceeding \$500 in value, made to a candidate and used for campaign purposes and made in the twelve months preceding his or her election to office, must be reported on **Forms DS-DE 73 and 73A, Campaign Loans Report**, and filed with the filing officer within ten days after being elected to office. **Loan reports filed with the Division of Elections must be filed using the Electronic Filing System (EFS).**

Any person who makes a contribution to pay all or part of a loan incurred in the twelve months preceding the election, to be used for the campaign, may not contribute more than the amount allowed in Section 106.08(1), F.S.

(Sections 106.011, 106.07 and 106.075, F.S.)

Cash Contributions

A candidate may not accept an aggregate cash contribution or contribution by means of a cashier's check from the same contributor in excess of \$50 per election.

IMPORTANT: *Cash contributions should be reported on campaign treasurer's reports to include the full name and address of each person who gave a cash contribution during the reporting period, together with the amount and date of such cash contribution.*

(Sections 106.07(4) and 106.09, F.S.)

Debit and Credit Card Contributions

A candidate may accept contributions via a credit card, debit card, or money order. These contributions are categorized as a "check" for reporting purposes.

(Division of Elections Opinions 94-02 and 00-03)

Contribution Limits for Candidates

IMPORTANT: *Except for political parties or affiliated party committees, no person, political committee, or committee of continuous existence may make contributions in excess of \$500 per election to any candidate for election or retention in office. The primary and general elections are separate elections. (See Glossary for the definition of "person.")*

These limits do not apply to contributions made by a state or county executive committee of a political party or affiliated party committee regulated by Chapter 103, F.S., or to amounts contributed by a candidate to his own campaign.

A candidate may **not**:

1. Accept contributions until Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, is filed with the filing officer;
2. Accept a contribution in excess of \$500 from any one person per election, provided the candidate is an opposed candidate and the contribution is received within the timeframe applicable to each election;
3. Accept contributions from family members in excess of \$500 per election;
4. Accept more than \$100 per election from an unemancipated child under the age of 18;
5. Accept contributions which in the aggregate exceed \$50,000 from national, state, or county executive committees of a political party, including any subordinate committee (which includes any political committee or committee of continuous existence affiliated with a political party) of a national, state, or county committee of a political party or affiliated party committee; no more than \$25,000 of such contributions may be accepted prior to **October 9, 2012**. Polling services, research services, cost for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits, but must still be reported by the candidate. All other contributions are counted toward the contribution limits;
6. A candidate for statewide (Governor, Cabinet and Supreme Court Justice) office may not accept contributions from a national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a

political party, or affiliated party committee, which contributions in the aggregate exceed \$250,000, no more than \$125,000 of which may be accepted prior to **October 9, 2012**; or

7. Accept contributions after the date he or she withdraws his or her candidacy, is defeated, becomes unopposed or is elected.

(Sections 106.08 and 106.19, F.S.)

Foreign Contributions

Federal law prohibits contributions from foreign nationals to any federal, state, or local candidate, unless the foreign national possesses a green card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or on their website at www.fec.gov.

2012 Deadlines for Accepting Contributions

Any contribution received by a candidate with opposition in an election, or the campaign treasurer or deputy campaign treasurer, on the day of that election or less than five days prior to the day of that election must be returned to the contributor. It may not be used or expended by or on behalf of the candidate.

The primary and general elections are considered separate elections for contribution purposes.

If opposed in the primary election the candidate may accept:

- \$500 no later than midnight on **August 9, 2012**

If opposed in the primary and general elections the candidate may accept:

- \$500 no later than midnight on **August 9, 2012**
- \$500 between August 15 and midnight on **November 1, 2012**

If opposed only in the general election, the candidate may accept:

- \$500 up through the day of the primary election on **August 14, 2012**
- \$500 between August 15 and midnight on **November 1, 2012**

Justice of the Supreme Court or Judge, District Court of Appeal (considered an opposed candidate but only has one election, the general election) may accept:

- \$500 no later than midnight on **November 1, 2012** (contributions may be accepted during the primary election, but must be applied toward the general election limitation).

Circuit Judge or County Court Judge candidates (have two elections, the primary and general elections) may accept:

If opposed in the primary election only:

- \$500 no later than midnight on **August 9, 2012**

If opposed in the primary and general elections:

- \$500 no later than midnight on **August 9, 2012**
- \$500 between August 15 and midnight on **November 1, 2012**

Violations

Any candidate, campaign manager, campaign treasurer, or deputy treasurer of any candidate, agent or person acting on behalf of any candidate, or other person who knowingly and willfully:

1. Accepts a contribution in excess of the limits prescribed by Section 106.08, F.S.;
2. Fails to report any contribution required to be reported by Chapter 106, F.S.;
3. Falsely reports or deliberately fails to include any information required by Chapter 106, F.S.;
or
4. Makes or authorizes any expenditure in violation of Section 106.11(4), F.S., or any other expenditure prohibited by Chapter 106, F.S.; is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

(Section 106.19, F.S.)

Chapter 11

Expenditures

Definition

An expenditure is a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication.

General Requirements

A candidate **shall**:

1. Pay all campaign expenditures by a check drawn on the campaign account (except petty cash);
2. Pay the qualifying fee by a check drawn on the campaign account;
3. Pay for all expenses authorized or incurred for the purchase of goods or services upon final delivery and acceptance of the goods or services; and
4. Pay for public utilities such as telephone, electric, gas, water and like services when the bill is received. Utility companies providing services to candidates must charge a deposit sufficient to meet all anticipated charges during a billing period.

IMPORTANT: *No candidate, campaign manager, treasurer, deputy treasurer, or any person acting on behalf of the foregoing, shall authorize any expenses, unless there are sufficient funds on deposit in the primary depository account of the candidate to pay the full amount of the authorized expense, to honor all other checks draw on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid.*

Sufficient funds means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained and not that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

Checks

IMPORTANT: *Only a campaign treasurer or deputy campaign treasurer is allowed to sign checks drawn on the campaign account. The campaign treasurer or deputy campaign treasurer who signs a check shall be responsible for the completeness and accuracy of the information on the check and for ensuring it is an authorized expenditure. **Candidates are prohibited from signing campaign checks unless they appointed themselves campaign treasurer or deputy treasurer.***

A candidate or other individual may be reimbursed for expenses incurred in connection with the campaign by a check drawn on the campaign account and reported pursuant to Section 106.07(4), F.S. The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to Section 106.07(4), F.S., together with the purpose of such payment.

Living Expenses

A candidate or the spouse of a candidate may not use campaign funds to defray normal living expenses for the candidate or the candidate's immediate family other than expenses actually incurred during the campaign for transportation, meals and lodging.

(Sections 106.011(4), 106.021(3), 106.14 and 106.1405, F.S.)

Petty Cash Funds

A campaign treasurer may provide a petty cash fund for the candidate. To establish a petty cash fund, the campaign treasurer must write a check drawn on the primary campaign account. Petty cash may only be used for office supplies, transportation expenses, and other necessities.

A candidate **must**:

1. Spend petty cash in amounts of less than \$100;
2. Report the total amount withdrawn and the total amount spent for petty cash in each reporting period;
3. Keep complete records of petty cash although each expenditure does not have to be reported individually;
4. Not mix cash contributions with petty cash; and
5. Not use petty cash for the purchase of time, space, or services from any communications media.

Limits on Petty Cash Fund Amounts

From the day a candidate appoints his or her campaign treasurer until the last day a candidate can qualify for office the campaign treasurer may withdraw from the campaign account for the purpose of providing a petty cash fund for the candidate:

- \$500 per calendar quarter.

After qualifying is over and until the election in which the candidate is eliminated or elected to office or the time in which the candidate becomes unopposed the treasurer may withdraw:

- \$500 per week for all statewide (Governor, Cabinet, and Supreme Court Justice) candidates.
- \$100 per week for all other candidates.

(Sections 106.07 and 106.12, F.S., and Division of Elections Opinion 06-10)

Independent Expenditures

An independent expenditure means an expenditure made by a person for the purpose of **expressly advocating** the election or defeat of a candidate, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate or agent of such candidate. An expenditure for such purpose by a person having a contract with the candidate or agent of such candidate in a given election period shall not be deemed an independent expenditure.

Expressly advocates means any communication which uses phrases including, but not limited to: “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “oppose,” and “reject.”

If the independent expenditure is, in the aggregate, in the amount of \$5000 or more, the person must file reports with the candidate’s filing officer in the same manner and time as a political committee.

Political advertisements paid for by an independent expenditure must contain the following statement: *“Paid political advertisement paid for by (name and address of person paying for the advertisement) independently of any (candidate or committee).”*

However, an expenditure for the purpose of **expressly advocating** the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, an affiliated party committee, or by any political committee or committee of continuous existence, or any other person, **shall not be considered an independent expenditure if the committee or person:**

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue; or
2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; or
3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member; or
4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or any agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue; or
5. After the last day of the qualifying period prescribed for the candidate, there is a consultation about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign with:

- a. Any officer, director, employee or agent of a national, state or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; or
 - b. Any person whose professional services have been retained by a national, state or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or
6. After the last day of the qualifying period prescribed for the candidate, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or
 7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(Sections 106.011(5), and 106.071, F.S.)

Credit Cards

Candidates for **statewide office (Governor, Cabinet, and Supreme Court Justice)** may obtain a credit card under the following conditions:

1. For use in making travel-related campaign expenditures to include transportation, lodging, meals, and other travel expenses incurred.
2. It must be obtained from the same bank designated as the primary campaign depository.
3. It must be in the name of the candidate and reflect that it is a campaign account.
4. A copy of the agreement or contract between the candidate and bank, along with a list of all persons authorized to use the card, must be filed with the Division of Elections **prior** to being used.
5. The credit card must expire no later than midnight of the last day of the month of the general election.
6. Each statement received from the issuer of the credit card must be paid upon receipt.

(Section 106.125, F.S.)

Debit Cards

Debit cards may be used in lieu of campaign checks and **are considered bank checks if:**

1. Obtained from the same bank as the primary campaign depository.
2. Issued in the name of the treasurer, deputy treasurer, or authorized user.
3. States *“(Name of Candidate) Campaign Account.”*
4. No more than three are issued.
5. The person using the card does not receive cash as part of, or independent of, any transaction for goods or services.

All debit card receipts must contain:

1. Last four digits of the debit card number.
2. Exact amount of expenditure.
3. Name of payee.
4. Signature of campaign treasurer, deputy treasurer, or authorized user.
5. Exact purpose of expenditure.

Any of the above listed information, if not included on the receipt, may be handwritten on, or attached to, the receipt by the authorized user before submitting to the campaign treasurer. The debit card user shall be responsible for the completeness and accuracy of the information and for insuring that such expenditure is authorized.

(Section 106.11, F.S)

Electioneering Communications

Electioneering communication means any communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and
3. Is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

The **exceptions** are:

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization, in existence prior to the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter distributed only to members of that organization;
2. A communication in a news story, commentary or editorial distributed through the facilities of any radio station, television station, cable television system, or satellite system unless the facilities are owned or controlled by any political party, political committee, or candidate. A news story distributed through the facilities owned or controlled by any political party, political committee, or candidate may nevertheless be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area;

3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that the staging organization:
 - a. Is either a charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or a newspaper, radio station, television station, or other recognized news medium; and
 - b. Does not structure the debate to promote or advance one candidate or issue position over another.

Expenditures for Electioneering Communications

An expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate and shall not constitute an independent expenditure, nor be subject to the limitations applicable to independent expenditures.

An expenditure for an electioneering communication is made when the earliest of the following occurs:

1. A person executes a contract for applicable goods or services;
2. A person makes payment, in whole or in part, for applicable goods or services; or
3. The electioneering communication is publicly disseminated.

(Sections 106.011(4) and (18), F.S.)

Chapter 12

Political Advertising

A political advertisement is a paid expression in any communications media, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

(Section 106.011(17), F.S.)

Candidate Disclaimers

Except as noted below, any political advertisement that is paid for by a candidate (except a write-in candidate) and that is published, displayed, or circulated before, or on the day of, any election must prominently state: *“Political advertisement paid for and approved by (name of candidate), (party affiliation) for (office sought)”* **or** *“Paid by (name of candidate), (party affiliation), for (office sought).”*

Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state: *“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)”* **or** *“Paid by (name of candidate), write-in candidate, for (office sought).”*

(Section 106.143(1), F.S.)

Also, the disclaimer language alternatives provided above must be verbatim as quoted in s. 106.143, F.S. Variations are prohibited by law.

Any political advertisement of a **candidate running for partisan office** shall express the name of the political party of which the candidate is seeking nomination or is the nominee.

If the candidate for partisan office is running as a candidate with no party affiliation, any advertisement of the candidate must state that the candidate has no party affiliation. A candidate who is registered in a political party may run as a candidate with “no party affiliation” without changing his or her registration.

The candidate shall provide a **written statement of authorization** to the newspaper, radio station, television station, or other medium for each advertisement submitted for publication, display, broadcast, or other distribution.

Candidates running for **non-partisan** office may not state the candidate’s political party affiliation in the disclaimer, or in the body of the advertisement. Exception: The candidate is not prohibited from stating the candidate’s partisan related experience.

(Sections 106.143(3) and (5), F.S.)

Exceptions to Disclaimer Requirements

The disclaimer requirement in section 106.143(1), Florida Statutes, does not apply to any campaign message or political advertisement used by a candidate and the candidate’s supporters or by a political committee if the message or advertisement is:

- (a) Designed to be worn by a person.
- (b) Placed as a paid link on an Internet website, provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with the disclaimer requirements in section 106.143(1), Florida Statutes.
- (c) Placed as a graphic or picture link where compliance with the requirements of this section is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with section 106.143(1), Florida Statutes.
- (d) Placed at no cost on an Internet website for which there is no cost to post content for public users.
- (e) Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.
- (f) Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.
- (g) Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with section 106.143(1), Florida Statutes.
- (h) Sent by a third-party user from or through a campaign or committee's website, provided the website complies with section 106.143(1), Florida Statutes.
- (i) Contained in or distributed through any other technology-related item, service, or device for which compliance with section 106.143(1), Florida Statutes, is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with section 106.143(1), Florida Statutes, impracticable.

(Section 106.143(10), F.S.)

Examples of advertisements with disclaimers:

- 1. Non-incumbent, partisan candidate running for partisan office:

<p>ELECT JUDY DOMINGO For State Representative District 9</p> <p>Political advertisement paid for and approved by Judy Domingo, Republican, for State Representative</p>	OR	<p>ELECT JUDY DOMINGO For State Representative District 9</p> <p>Paid by Judy Domingo, Rep., for State Representative</p>
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2. Incumbent, partisan candidate running for partisan office:

**RE-ELECT
Mike Sharkey
Sheriff**

Political advertisement paid for and approved by Mike Sharkey, Democrat, for Sheriff

OR

**RE-ELECT
Mike Sharkey
Sheriff**

Paid by Mike Sharkey, Democrat, for Sheriff

3. Non-incumbent, no party affiliation candidate running for partisan office:

**ELECT
Wess Farosi
For State Senate**

Political advertisement paid for and approved by Wess Farosi, NPA, for State Senate

OR

**ELECT
Wess Farosi
For State Senate**

Paid by Wess Farosi, No Party Affiliation, for State Senate

4. Non-incumbent candidate running for nonpartisan office:



**ELECT
John Jones
For School Board**

Political advertisement paid for and approved by John Jones for School Board

OR



**ELECT
John Jones
For School Board**

Paid by John Jones for School Board

5. Incumbent candidate running for nonpartisan office:



**RE-ELECT
Jane Doe
School Board**

Political advertisement paid for and approved by Jane Doe for School Board

OR



**RE-ELECT
Jane Doe
School Board**

Paid by Jane Doe for School Board

Disclaimer for Write-in Candidates

Any political advertisement that is paid for by a write-in candidate and that is published, or circulated before, or on the day of, any election must prominently state: *“political advertisement paid for and approved by...(name of candidate)..., write-in candidate, for... (office sought)...”*; **OR** *“Paid by...(name of candidate)..., write-in candidate, for...(office sought)...”*

Example



**Elect John Doe
for
County Commission
District 5**

Political advertisement paid for and approved by John Doe, write-in candidate, for County Commission

OR



**Elect John Doe
for
County Commission
District 5**

Paid by John Doe, write-in candidate, for County Commission

Non-incumbent Advertisements

Required:

The word **"for"** must be used in the body of such advertisement between the name of the candidate and the office sought. This does not apply to bumper stickers, or if the advertisement satisfies one of the exceptions in section 106.143(10), Florida Statutes.

Prohibited:

The word **"re-elect"** may not be used if the candidate is not the incumbent for the office sought.

Example



**Elect Al Newguy
for
County Commission
District 5**

Political advertisement paid for and approved by Al Newguy, Green Party of Florida, for County Commission

OR



**Elect Al Newguy
for
County Commission
District 5**

Paid by Al Newguy, Green Party of Florida, for County Commission

Advertisement Provided In-kind

Required:

Political advertisements made as in-kind contributions from a political party must prominently state: *"Paid political advertisement paid for by in-kind by (name of political party) Approved by (name of person, party affiliation, and office sought in the political advertisement)"*.

Example



Note: A candidate running for an office that has a district, group, or seat number does not have to indicate the district, group, or seat number in the political advertisement or disclaimer.

Chapter 13

Other Disclaimers

Any political advertisement not paid for by a candidate that is published, displayed, or circulated prior to, or on the day of, any election must prominently be marked “paid political advertisement” or “pd. pol. adv.” and must state the name and address of the persons paying for the advertisement.

The political advertisement must also state whether the advertisement and cost of production is paid for or provided in-kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement.

(Section 106.143(1)(c), F.S.)

Endorsements in Political Advertisements

It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this paragraph does not apply to editorial endorsement by any newspaper, radio or television station, or other recognized news medium; and publication by a party committee advocating the candidacy of its nominees.

(Section 106.143(4), F.S.)

Example

1. Political advertisement for a candidate representing that an organization supports him, paid for in-kind by the organization, with specific approval from the organization in writing:

 <p>ELECT Joe Cool</p> <p>For County Commission, District 1 Democrat <u>Supported by Pup P. Dog Foundation</u></p> <p>Pd. Pol. Adv. sponsored and paid for in-kind by Pup P. Dog Foundation, Zero Street, Jupiter, FL 32323 Approved by Joe Cool, Democrat, For County Commission</p>	<p>Pup P. Dog Foundation</p> <p>July 15, 2006</p> <p>Dear Sir or Madam:</p> <p>Please let this letter serve as our approval of the political advertisement supporting Joe Cool for County Commission, District 1.</p> <p>The content of this advertisement was reviewed and approved in advance.</p> <p>Sincerely, <i>Mr. Canine</i></p>
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Independent Expenditure Disclaimers

Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement. This paragraph does not apply to campaign messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.

(Sections 106.143(5)(b) and (10), F.S.)

Example

1. Independent expenditure political advertisement supporting a partisan candidate running for a partisan office:

<p>Birds of a Feather Association Supports</p> <p>Tweety Bird For Public Defender, Fourth Circuit Democrat</p> <p>Paid Political Advertisement paid for by the Birds of a Feather Association 444 Robin Lane, Jacksonville, FL 33433 independently of any candidate. This advertisement was not approved by any candidate.</p>	<p>Birds of a Feather Assoc.</p> <p>July 15, 2006</p> <p>Dear Sir or Madam:</p> <p>The enclosed advertisement is an independent expenditure by the Birds of a Feather Association in support of Tweety Bird for Public Defender, Fourth Circuit.</p> <p>This advertisement was not approved by any candidate.</p> <p>Sincerely, <i>Gold Finch</i></p>
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Disclaimers for Other Than Independent Expenditures

Any political advertisement, not paid for by a candidate, including those paid for by a political party or affiliated party committee, other than an independent expenditure, offered on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. This paragraph does not apply to messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.

(Section 106.143(5)(a) and (10), F.S.)

Example

1. Political advertisement, not an independent expenditure, offered on behalf of a nonpartisan candidate:

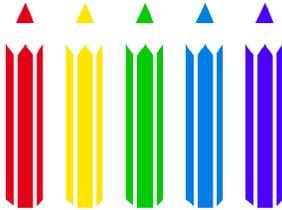
 <p>POT O'GOLD ORGANIZATION Supports the Re-Election of Goldie Green Nassau County Judge</p> <p>Pd. Pol. Adv. by Pot O'Gold Organization 111 Jewel Street, Tallahassee, FL 32333 Content approved in advance by Goldie Green, For Nassau County Judge</p>	<p>July 15, 2006</p> <p>Dear Sir or Madam:</p>  <p>Please let this letter serve as my approval of the political advertisement by the Pot O'Gold Organization supporting my candidacy for Nassau County Judge.</p> <p>Sincerely, <i>Goldie Green</i></p>
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Disclaimers on Novelty Items

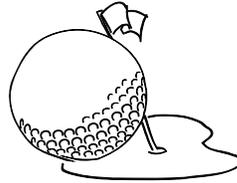
None of the requirements of Section 106.143, Florida Statutes, apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

(Section 106.143(8), F.S.)

Examples



Pens/Pencils



Golf Balls



Balloons

Language Other Than English

Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by Section 106.143, Florida Statutes, in the language used in the advertisement.

(Section 106.143(9), F.S.)

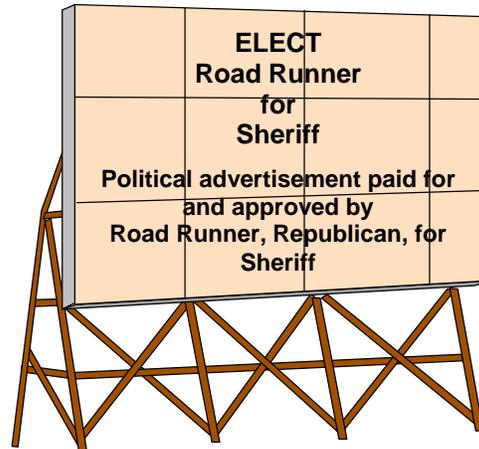
Electioneering Communications Disclaimers

Any electioneering communication, other than a telephone call, shall prominently state *“Paid electioneering communication paid for by ... (Name and address of person paying for the communication)....”* For disclaimers on telephone calls, see Chapter 16, Solicitation. Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, F.S.

(Section 106.1439, F.S.)

Other Political Disclaimer Examples

1. Billboards:

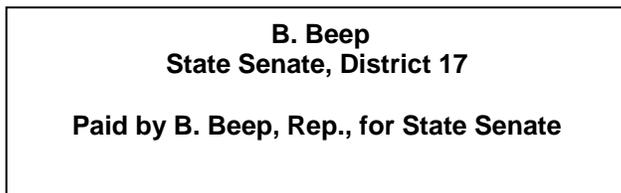


2. None of the requirements of Section 106.143, Florida Statutes, to include political disclaimers, apply to campaign messages or political advertisements used by a candidate and the candidate's supporters or by a political committee if the message advertised is designed to be worn by a person.

(Section 106.143(10), F.S.)



3. Bumper stickers:



NOTE: On bumper stickers, there is no requirement to use the word "for" between the candidate's name and the office being sought in the body of the bumper sticker.

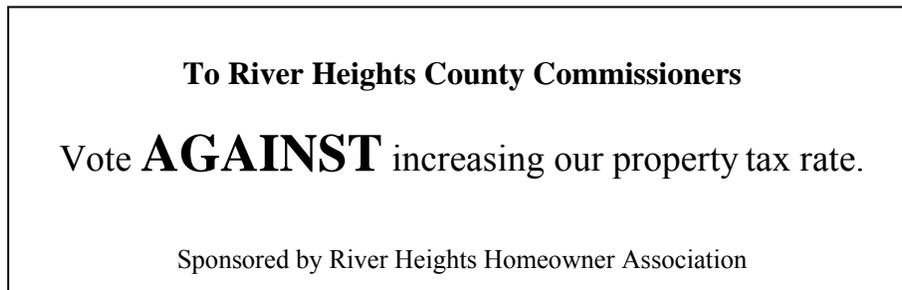
(Section 106.143(6), F.S.)

Miscellaneous Advertisements

Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section shall not apply to an editorial endorsement.

(Section 106.1437, F.S.)

Example of an advertisement to influence the vote of a public official:



An expenditure made for, or in furtherance of, a miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.

Use of Closed Captioning and Descriptive Narrative in all Television Broadcasts

Each candidate, political party, and political committee must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, affiliated party committee, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the qualifying officer constitutes a violation of the Florida Election Code and is under the jurisdiction of the Florida Elections Commission.

(Section 106.165, F.S.)

Chapter 14

Fund Raisers

A campaign fund raiser is any affair held **to raise funds to be used in a campaign for public office**. Campaign fund raisers may not be held until the person becomes a candidate.

(Sections 106.011(11) and 106.025, F.S.)

Contributions from Fund Raisers

All monies and contributions received with respect to a campaign fund raiser are campaign contributions. All contributions are subject to the contribution limits contained in Section 106.08, F.S., and are to be accounted for and reported as any other contribution.

(Section 106.025, F.S.)

Expenditures for Fund Raisers

All expenditures with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account of the candidate are campaign expenditures. All expenditures must be accounted for and are subject to the same restrictions as other campaign expenditures.

(Section 106.025, F.S.)

Tickets

Any tickets or advertising for a campaign fund raiser is exempt from the requirements of section 106.143, Florida Statutes.

(Section 106.025, F.S.)

Chapter 15

Telephone Solicitation

Disclosure requirements:

1. **Any telephone call, including an electioneering communication telephone call**, shall identify the persons or organizations sponsoring the call by stating either: "Paid for by ... (name or persons or organizations sponsoring the call) ... " or "Paid for on behalf of ... (name of persons or organizations authorizing call)..." This telephone disclaimer does not apply to any telephone call in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(Section 106.1439(2) and 106.147(1)(a), F.S.)

2. Any telephone call conducted for the purpose of polling respondents concerning a candidate that is a part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than two minutes in duration is presumed to be a political poll and not subject to the provisions of the above paragraph.

3. **Prohibitions:**

- a. No telephone call shall state or imply that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.
- b. No telephone call shall state or imply that the caller represents a nonexistent person or organization.

4. **Written Authorization Requirements:** Any telephone call, not conducted by independent expenditure, which expressly advocates for or against a candidate, requires prior written authorization by the candidate. A copy of such written authorization must be placed on file with the qualifying officer by the candidate prior to the time the calls commence.

5. **Penalties:** Any person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

The term "person" includes any candidate; any officer of any political committee, committee of continuous existence, affiliated party committee, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, committee of continuous existence, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.

(Section 106.147, F.S.)

Registered Agent

1. Disclosure requirements:

- a. Any person or organization that conducts any business in this state which consists of making paid telephone calls supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the Division of Elections a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this section does not apply to any person or organization already lawfully registered to conduct business in this state.
- b. Conducting business in this state as specified in the preceding paragraph includes both placing telephone calls from a location in this state and placing telephone calls from a location outside this state to individuals located in this state.
- c. **Form DS-DE 100, Telephone Solicitation, Registered Agent Notice** shall be filed with the Division of Elections and, at a minimum, must elicit all of the following information:
 - (1) The name, address, and telephone number of the registered agent.
 - (2) The name, address, and telephone number of the person or organization conducting business in this state as specified.

The Division of Elections must be notified immediately of any changes in the information required in a. above.

2. **Violations:** Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

(Section 106.1475, F.S.)

Chapter 16

Filing Campaign Reports

Each campaign treasurer designated by a candidate shall file regular reports of all contributions received and all expenditures made by or on behalf of such candidate.

The candidate and his or her campaign treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer or candidate who willfully certifies the correctness of any report while knowing that such report is incorrect, false or incomplete commits a misdemeanor of the first degree.

(Section 106.07, F.S.)

Where to File

Reports are filed with the officer before whom the candidate qualifies. Candidates filing reports with the Division of Elections are required to file by means of the **Electronic Filing System (EFS)**. If the candidate's filing officer is other than the Division of Elections, contact the appropriate filing officer to find out the requirements.

(Section 106.07(2), F.S.)

When to File

Except for the third calendar quarter immediately preceding a general election, reports must be filed on the 10th day following the end of each calendar quarter (January, April, July, and October) from the time the campaign treasurer is appointed, except that if the 10th day occurs on a Saturday, Sunday or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday or legal holiday.

Reports must also be filed on the 32nd, 18th and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th, and 4th days immediately preceding the general election.

Unless the electronic filing requirements of Section 106.0705, Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner. **Reports filed with the Division of Elections through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date.** *(See Chapter 19, Electronic Filing of Campaign Reports.)*

Once a candidate becomes unopposed the candidate need only file a 90-day termination report.

(Sections 106.07, 106.0705 and 106.141, F.S.)

Penalty for Late Filing

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's **personal funds** – not campaign funds.

(Section 106.07(2) and (8), F.S.)

Waiver of Report

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived; **however**, the candidate must indicate there is no activity by filing a waiver of report. (Waivers filed with the Division of Elections must be filed using the EFS.) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

(Section 106.07, F.S.)

The treasurer of an electioneering communications organization shall file a written report with the filing officer by the prescribed reporting date when the organization has not received funds, made any contributions, or expended any reportable funds. This report filed with the Division of Elections must be filed using the EFS.

(Section 106.0703, F.S.)

Incomplete Reports

If a campaign treasurer files a report that is deemed incomplete, it shall be accepted on a conditional basis. The campaign treasurer will be notified by the filing officer as to why the report is incomplete. The campaign treasurer must file an addendum to the incomplete report within seven days of notification. The addendum must include all necessary information to complete the report.

(Section 106.07(2), F.S.)

Reporting Total Sums

Each campaign treasurer's report required by Chapter 106, F.S., shall contain the total sums of all loans, in-kind contributions, and other receipts by or for such candidate, and total sums of all expenditures made by such candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

(Section 106.07, F.S.)

Reporting Contributions

Each report must contain:

1. Full name, address, specific occupation, amount, and date of each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. **The principal type of business or the occupations are not required if the contribution is \$100 or less, or from a relative provided the relationship is reported.**
2. Name, address, amount, and date of each political committee making any transfer of funds.
3. Full name, address, specific occupation, principal place of business of the lender and endorser, date and amount of each loan.
4. Statement of each contribution, rebate, refund, or other receipts not listed in 1. through 3. above.

(Sections 106.07(4) and 112.312(21), F.S.)

Returning Contributions

Contributions **must be returned** to the contributor if:

1. A candidate receives a contribution in excess of the limitations provided by law.
2. A candidate with opposition in an election receives a contribution on the day of that election or less than five days prior to the date of that election.
3. A candidate receives a contribution once he or she is elected, defeated, becomes unopposed, or withdraws his or her candidacy.

If the contribution to be returned has not been deposited into the campaign account, report the contribution as a contribution returned using form DS-DE 02.

If the contribution has been deposited into the campaign account:

1. Report the contribution; and
2. Write a check from the campaign account to the contributor for the amount of the contribution and report this on the itemized contribution report using the contribution type "Refund." This amount is reported as a negative. The candidate may also wish to submit a written explanation to the filing officer.

(Section 106.08, F.S.)

Reporting Expenditures

Each report must contain:

1. Full name and address of each person to whom expenditures have been made along with the amount, date, and clear purpose of the expenditure. Name, address, and office sought by each candidate on whose behalf such expenditure was made.
2. Full name and address of each person to whom an expenditure for personal services, salary or reimbursed authorized expenses was made along with the amount, date, and clear purpose of the expenditure.
3. Total amount withdrawn and the total amount spent from the petty cash fund. Each expenditure from the petty cash fund need not be individually reported but complete records of petty cash expenditures must be kept.
4. **Transaction information for each credit card purchase. Credit cards may be used by statewide (Governor, Cabinet and Supreme Court Justice) candidates only.** (See *Division of Elections Opinion 05-07.*)
5. Amount and nature of debts and obligations owed by or to the candidate, which relate to the conduct of any political campaign.
6. The amount and nature of any separate interest-bearing accounts or certificates of deposit. Identification of the financial institution in which such accounts or certificates of deposit are located must be identified.
7. The primary purposes of an expenditure made indirectly through a campaign treasurer for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.
8. Total sum of expenditures during the reporting period.

(Section 106.07, F.S.)

Special Requirements for Judicial Candidates

A candidate for retention as a Justice of the Supreme Court or a Judge of a District Court of Appeal who has not received any contributions or made any expenditures, may file a sworn statement on **Form DS-DE 96, Affidavit of Intention** at the time of qualifying that he or she does not anticipate receiving contributions or making expenditures in connection with his or her candidacy for retention to office.

Such candidate must file a final report within 90 days following the general election for which the candidate's name appeared on the ballot for retention. The candidate may use **Form DS-DE 97, Affidavit of Compliance** for this purpose.

A candidate for retention to judicial office who, after filing Form DS-DE 96 receives any contributions or makes any expenditures in connection with his or her candidacy for retention must immediately file a statement to that effect with the qualifying officer and must begin filing reports as an opposed candidate pursuant to Section 106.07, F.S.

(Sections 105.08(2) and 106.141, F.S.)

Chapter 17

Termination Reports

Once a candidate withdraws, becomes unopposed, is eliminated, or elected to office, he or she may **only** expend funds from the campaign account to:

1. Purchase “thank you” advertising for up to 75 days after he or she withdraws, becomes unopposed, is eliminated, or elected to office.
2. Pay for items which were obligated before he or she withdrew, became unopposed, was eliminated, or elected to office.
3. Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
4. Dispose of surplus funds as provided in Section 106.141, F.S.

(Section 106.11(5), F.S.)

Prior to Disposing of Surplus Funds

A candidate may be reimbursed by the campaign for any previously reported contributions by the candidate to the campaign, in full or in part.

A candidate who filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the petition method and was not required to pay an election assessment, must reimburse the state or local government entity, whichever is applicable, for such waived assessment or fee or both prior to disposing of any funds under the surplus provisions contained in Section 106.141(4), F.S. Such reimbursement must be made in the following order:

1. The cost of petition verification; and
2. If funds remain, the amount of the election assessment.

(Section 106.141, F.S.)

Disposing of Surplus Funds

Once a candidate withdraws, becomes unopposed, is eliminated, or elected to office, the candidate must dispose of the funds on deposit in his or her campaign account and file a campaign treasurer’s report (termination report) reflecting the disposition of funds.

A candidate required to dispose of surplus funds must, at the option of the candidate, dispose of such funds within 90 days by any of the following means, or a combination thereof:

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

2. Donate the funds that have not been spent or obligated to a charity organization or organizations that meet the qualifications of Section 501(c)(3) of the Internal Revenue Code.
3. Give funds that have not been spent or obligated to the political party of which such candidate is a member.
4. Give the funds that have not been spent or obligated:
 - a. In the case of a candidate for state office, to the state to be deposited in the General Revenue Fund; or
 - b. In the case of a candidate for office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.
5. Transfer some funds to an office account (See Chapter 19, Office Accounts).

The termination report must include:

1. The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
2. The name and address of each person to whom an expenditure was made together with the amount and purpose; and
3. The amount of such funds transferred to an office account together with the name and address of the bank in which the office account is located.

If a refund check is received after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of pursuant to Section 106.141, F.S. An amended termination report must be filed with the filing officer.

All reports must be signed by the candidate and the campaign treasurer and certified as true and correct.

(Section 106.141, F.S.)

Money from Separate Interest-Bearing Account or Certificate of Deposit

A campaign treasurer of any candidate who withdraws, becomes unopposed, or is eliminated, or elected to office, and who has funds on deposit in any interest-bearing account or certificate of deposit, must, within seven days, transfer such funds and accumulated interest earned thereon to the primary campaign account for disposal. However, when funds are in an account in which penalties will apply for withdrawal within the seven day period, the campaign treasurer must transfer such funds and accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or her candidacy, or is elected, or eliminated, whichever comes first.

(Section 106.141, F.S.)

Campaign Loans Report

A person elected to office must report all loans, exceeding \$500 in value, made to him or her and used for campaign purposes, and made in the twelve months preceding his or her election to office, to the filing officer. The report must be made on **Forms DS-DE 73 and 73A, Campaign Loans Report** within ten days after being elected to office. Loan reports filed with the Division of Elections must be filed using the EFS.

Any person who makes a contribution to an individual to pay all or part of a loan incurred in the twelve months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in Section 106.08(1), F.S.

(Section 106.075, F.S.)

Chapter 18

Electronic Filing of Campaign Reports

The Electronic Filing System (EFS) is an Internet system for recording and reporting campaign finance activity. Each candidate required to file reports with the Division of Elections under Section 106.07, F.S., must file such reports with the Division by means of the EFS.

Reports filed pursuant to this section:

1. Shall be completed and filed through the EFS not later than 12:00 a.m., Eastern Standard Time, of the due date. Reports not filed by this time are late filed and are subject to the penalties under Sections 106.04(8), 106.07(8), or 106.29(3), F.S., as applicable.
2. Are considered to be under oath by the candidate and treasurer, and such persons are subject to provisions of Sections 106.04(4)(d), 106.07(5), or 106.29(2), F.S., as applicable. Persons given a secure sign-on to the EFS are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(Sections 106.0705 and 106.0706, F.S.)

Accessing the EFS

From *Internet Explorer* you can access the EFS at <https://efs.dos.state.fl.us>. Each candidate is provided an identification number and initial password to gain entry. Once you log in using the initial password, you will be prompted to change it to a confidential one. You are responsible for protecting the password from disclosure. Contact the Division of Elections immediately if your password has been compromised.

Creating Reports

Campaign reports must be entered, saved, reviewed, and filed via the EFS either by directly entering data into the web application or by uploading data using an approved vendor's software. The Division maintains a list of approved software vendors whose programs meet the file specifications for filing campaign reports. Instructions for uploading reports are provided in the *EFS User's Guide*.

Submitting Reports

Reports will be held in pending status until the report is ready to be filed. Each person eligible to file a report will receive a PIN (personal identification number) that allows the person to file reports via the EFS. **A person's PIN is considered the same as that person's signature on a filed report.**

Electronic Receipts

The person filing a report on the EFS may print an electronic receipt verifying the report was filed with the Division. Each report filed by means of the EFS is considered to be under oath and such persons filing the report are subject to the provisions of Chapter 106, F.S.

NOTE: For further information on the EFS, see Rule 1S-2.017, Florida Administrative Code, Reporting Requirements for Campaign Treasurer's Reports.

EFS HELP LINE

(850) 245-6280

EFS HELP GUIDE

<http://election.dos.state.fl.us/EFS/UserGuides.shtml>

NOTE: For further information on the EFS, see Rule 1S-2.017, Florida Administrative Code, Reporting Requirements for Campaign Treasurer's Reports.

Chapter 19

Office Accounts

A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to disposing of all the funds in the campaign account in accordance with Section 106.141(4), F.S., transfer funds from the campaign account to an office account any amount up to the limits listed below:

1. \$20,000 for a candidate for statewide office;
2. \$5,000 for a candidate for multicounty office;
3. \$5,000 multiplied by the number of years in the term of office for which elected for a candidate for legislative office;
4. \$2,500 multiplied by the number of years in office for which elected for a candidate for county office or for a candidate for any election on less than a countywide basis;
5. \$6,000 for a candidate for retention as a justice of the Supreme Court;
6. \$3,000 for a candidate for retention as a judge of a district court of appeal;
7. \$1,500 for a candidate for county court judge or circuit judge.

(Section 106.141(5), F.S.)

Using the Office Account

The office account must be separate and apart from any other account, including any other type of "office account" such as a legislative account. Any funds so retained by a candidate must be used only for legitimate expenses in connection with the candidate's public office, which may include:

1. Travel expenses incurred by the officer or staff member;
2. Personal taxes payable on office account funds by the candidate or elected public official; or
3. Expenses incurred in the operation of his or her office, including employment of additional staff.

As the duties and responsibilities of each office are different, what are considered "legitimate expenses in connection with the candidate's public office" will vary. For additional information, please contact the legal or accounting department for your office.

If a candidate is re-elected to office or elected to another office and has funds remaining in the office account, the candidate may transfer surplus campaign funds to the office account. However, at no time may the total funds in the office account exceed the limitation imposed by Section 106.141(5), F.S.

(Section 106.141(5), F.S.)

Reporting Office Account Funds

A candidate is required to file a report on the 10th day following the end of each calendar quarter following the 90-day termination report until the office account is closed.

The officers required to file office account reports with the Division of Elections must file reports electronically using the office account electronic filing system at:

<https://doesecure.dos.state.fl.us/OfficeAccountsOnline/>

Those candidates required to file with county or city filing officers file reports using the following forms:

1. **Form DS-DE 48, Office Account Report**, and
2. **Form DS-DE 48A, Office Account Disbursement or Deposit Information**.

Upon leaving office, any person who has funds in an office account shall give such funds to:

1. A charitable organization or organizations that meet the requirements of Section 501(c)(3) of the Internal Revenue Code; or,
2. In the case of a state officer, to the state to be deposited in the General Revenue Fund; or,
3. In the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Such reports shall be signed by the candidate, certified as true and correct and filed with the officer before whom campaign reports were filed.

(Section 106.141(5) and (8), F.S., and Division of Elections Opinion 06-04)

Chapter 20

Recordkeeping

Contributions

1. The campaign treasurer of each candidate shall keep detailed accounts of all contributions received, which shall be current within not more than two days after the date of receiving the contribution. *(Section 106.06, F.S.)*
2. All funds received by the campaign treasurer of any candidate shall be deposited in the campaign depository prior to the end of the fifth business day following receipt (Saturdays, Sundays and legal holidays excluded). *(Section 106.05, F.S.)*
3. All money and contributions received with respect to a campaign fund raiser are deemed campaign contributions and shall be accounted for and subject to the same restrictions as other campaign contributions. *(Section 106.025, F.S.)*
4. All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. *(Section 106.05, F.S.)*
5. The campaign treasurer shall keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and of all interest earned. *(Section 106.06, F.S.)*
6. Contributions deposited in a secondary campaign depository shall be forwarded to the primary campaign depository prior to the end of the first business day following the deposit. A copy of the deposit slip shall accompany the deposit. *(Section 106.05, F.S.)*

Expenditures

1. The campaign treasurer of each candidate shall keep detailed accounts of all expenditures made, which shall be current within not more than two days after the making of the expenditure. *(Section 106.06, F.S.)*
2. **Credit Cards for Statewide (Governor, Cabinet and Supreme Court Justice) Candidates Only** - Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account. The treasurer shall require an accounting of actual expenses and reconcile any overpayment or underpayment to the original payee. *(Sections 106.07 and 106.125, F.S.)*
3. Receipts for debit card transactions must contain: (1) the last four digits of the debit card number; (2) the exact amount of the expenditure; (3) the name of the payee; (4) the signature of the campaign treasurer, deputy treasurer, or authorized user; and (5) the exact purpose for which the expenditure is authorized. Any information required but not included on the debit card transaction receipt may be handwritten on, or attached to, the receipt by the authorized user before submission to the treasurer. *(Section 106.11, F.S.)*
4. All expenditures made with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account shall be deemed to be campaign expenditures to be accounted for and subject to the same restrictions as other campaign expenditures. *(Section 106.025, F.S.)*

5. The campaign treasurer shall keep detailed accounts of all withdrawals made from any separate interest-bearing account or certificate of deposit to the primary depository and of all interest earned. *(Section 106.06, F.S.)*
6. The campaign treasurer shall retain the records pursuant to Section 106.06, F.S.

(Section 106.07, F.S.)

Preservation of Accounts

Accounts kept by the campaign treasurer of a candidate shall be preserved by the campaign treasurer for a number of years equal to the term of the office to which the candidate seeks election. *(Section 106.06, F.S.)*

Inspections

1. Accounts kept by the campaign treasurer of a candidate, including separate interest-bearing accounts and certificates of deposit, may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division of Elections or the Florida Elections Commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. *(Section 106.06, F.S.)*
2. Records maintained by the campaign depository shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any such records to the Division of Elections or Florida Elections Commission upon request. *(Section 106.07, F.S.)*
3. It is the duty of the Division of Elections to make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of Chapter 106, F.S., and with respect to alleged failures to file any report or statement required under the provisions of Chapter 106, F.S. *(Section 106.22(6), F.S.)*
4. It is the duty of the Division of Elections to conduct random audits with respect to reports and statements filed under Chapter 106, F.S., and with respect to alleged failure to file any reports and statements required under Chapter 106, F.S. *(Section 106.22(10), F.S.)*

Chapter 21

Bookkeeping Suggestions

The Division of Elections has a few suggestions which may be helpful to campaign treasurers in setting up a system to record and maintain campaign information.

1. Keep a schedule of due dates for campaign treasurer's reports. The Division of Elections website (<http://elections.myflorida.com/>) provides each candidate with a calendar of election and reporting dates.
2. Know what period of time each report covers and only report activity occurring during that reporting period.
3. If filing with the Division of Elections, keep a copy of the electronic receipt for each report filed for your own records. If filing with the local officers, keep the certificate of mailing.
4. Record all contributions when received. Make sure to include the name, address, specific occupation, or principal type of business if over \$100, amount, and date of each contribution. Keep contributions itemized by monetary, in-kind, and loans.
5. Record all expenditures when they occur. List the name and address of each person to whom the expenditure was made along with the amount, date, and purpose.
6. Keep a petty cash ledger of all expenditures. These individual listings do not have to be listed on campaign treasurer's reports, only the total amount withdrawn and total amount spent per reporting period.
7. Monitor the cash flow to know how much money is available at all times in the account to avoid any possibility of authorizing an expenditure when money is not available to pay for such expenditure.
8. Maintain a listing of all funds currently in the separate interest-bearing account, certificate of deposit or money market account.
9. Make sure an authorization for advertising has been obtained from the candidate.

Chapter 22

Florida Elections Commission

The Florida Elections Commission is a separate and independent entity from the Division of Elections. Commissioners are appointed by the Governor from lists of names submitted by legislative leaders.

Automatic Fine Appeal Process

Any candidate may appeal or dispute a fine for a late filed campaign treasurer's report. The appeal must be based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date. The candidate may request and is entitled to a hearing before the Florida Elections Commission, which has the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in Section 106.265(1), F.S., when determining the amount of a fine, if any, to be waived. The appeal must be made within 20 days of the receipt of the notice of payment due. The candidate must, within the 20 day period, notify the filing officer in writing of his or her intention to bring the matter before the Commission.

(Section 106.07(8)(c), F.S.)

Complaint Process

Any person who has information of a violation of Chapters 104 or 106, F.S., shall file a sworn complaint with the Florida Elections Commission, 107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050 or call 850-922-4539. A complaint form may be obtained from the Florida Elections Commission or downloaded from the Commission's website at www.fec.state.fl.us.

(Sections 106.25 and 106.28, F.S.)

Chapter 23

Frequently Asked Questions

Candidates

If I want to be a no party affiliation candidate, can I still be registered to vote as a Republican or Democrat?

Yes. Any registered elector who qualifies for office without party affiliation will have their name placed on the ballot at the general election without party affiliation. (*Section 99.0955(1), F.S.*)

Do I have to designate a campaign treasurer and depository before I make public my intention to run for office?

No. A person must appoint a campaign treasurer and designate a depository prior to qualifying for office, obtaining signatures on petitions, accepting contributions or making expenditures. Nothing in the election laws prohibits a person from announcing their intention to become a candidate prior to designating a treasurer or depository as long as no contributions are received and no expenditures are made in connection with that announcement. (*Section 106.021, F.S.*)

What if I want to change my campaign treasurer or other officers?

File a reappointment of campaign treasurer ([Form DS-DE 9](#)) with the filing officer along with a copy of the letter of resignation or removal.

How are judges elected in Florida and what are their terms?

Merit Retention

Not all judges in Florida are elected to office. Supreme Court Justices and Judges of the District Court of Appeal are always appointed by the Governor from a list of three to six candidates presented by the Judicial Nominating Commission for that court. Once appointed, they must serve at least one year before the next general election and, thereafter, must face a "yes" or "no" vote every six years as to whether they will remain in office. If a judge is not retained the appointment process starts again. Further information can be obtained from the Florida State Courts website at www.flcourts.org.

Elected Judges

Elected circuit judges and county court judges have six year terms that begin on the first Tuesday after the first Monday in January following the general election. They are on the primary and general election ballots the year before the term ends in January. If a judicial candidate receives a majority of the votes at the primary election, the candidate's name will not appear on the general election ballot unless a write-in candidate has qualified for the same office. If no candidate receives a majority of the votes at the primary election, the names of the two candidates receiving the highest number of votes will appear on the general election ballot. The candidate receiving the highest number of votes at the general election is elected to office.

Can a judicial candidate speak at a political party function?

A judicial candidate may attend and speak in his own behalf at political party functions. However, care must be exercised to insure compliance with the election laws and the Code of Judicial Conduct. (Chapter 105, F.S. and Division of Elections Opinion 78-34.) For opinions of the Judicial Ethics Advisory Commission, see:

<http://www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/jeac.html>

I am a county court judge candidate. Where do I file and qualify?

You must file your appointment of campaign treasurer and designation of campaign depository and qualify with the supervisor of elections office in the county where you reside. (Section 105.031, F.S.)

When can I start collecting signatures to qualify as a petition candidate?

Before collecting any signatures, all candidates (except federal and special district candidates) must file the Appointment of Campaign Treasurer and Designation of Campaign Depository ([Form DS-DE 9](#)) with the filing officer. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the [Supervisor of Elections](#) of the county in which such petition was circulated.

Campaign Finance

Do candidates for precinct committeeperson have to file campaign reports and comply with Chapter 106, F.S.?

No. Persons seeking election to political party executive committees are specifically exempt from the definition of "candidate" and are therefore not subject to the requirements of Chapter 106, F.S. (Sections 103.091 and 106.011(16), F.S.)

May a candidate appoint himself or herself as campaign treasurer?

Yes. (Section 106.021(1)(c), F.S.)

Must a campaign treasurer be a registered voter in Florida?

No. (Section 106.021(1)(c), F.S.)

How many deputy treasurers may a candidate or political committee have?

Candidates for statewide office may appoint up to 15 deputy treasurers. Other candidates and political committees may appoint up to 3 deputy treasurers. (Section 106.021(1)(a), F.S.)

Can a deputy treasurer file and submit campaign reports?

Yes. A deputy treasurer may perform all of the duties of a campaign treasurer when specifically authorized to do so by the campaign treasurer in the case of a candidate, or the campaign treasurer and chairperson in the case of a political committee. (Section 106.021(4), F.S.)

Who is responsible for keeping tabs on aggregate totals of campaign contributions?

The campaign treasurer is responsible for receiving and reporting all contributions. (Section 106.06, F.S.)

May a candidate accept a contribution from a trust fund?

Yes. Chapter 106, F.S., defines a "person" as an individual, corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term also includes a political party, affiliated party committee, political committee or committee of continuous existence. (Section 106.011(8), F.S.)

Do I have to itemize small contributions of \$5, \$10, \$50, etc.?

Yes. The law provides no exceptions for the reporting of contribution information, regardless of the size of the contribution. The full name and address of the contributor are also required. (Section 106.07(4)(a), F.S.)

Are in-kind contributions subject to the same limitations as monetary contributions?

Yes. In Chapter 106, F.S., the definition of a "contribution" includes contributions in-kind having an attributable monetary value in any form. Therefore, in-kind contributions are subject to the same limitations set for monetary contributions. (Section 106.011(3) and 106.08, F.S.)

How is the value of an in-kind contribution determined?

The contributor must inform the person receiving the contribution of the fair market value at the time it is given. (Section 106.055, F.S.)

Can a corporation give to a candidate, political committee or political party?

Yes. A corporation is under the definition of a "person" in Chapter 106, F.S. (Section 106.011(8), F.S.)

I am opposed in the general election, but I have no opposition in the primary election, therefore, my name will not be on the primary election ballot. Must I abide by the prohibition on accepting contributions less than five days prior to the primary election?

No. Only candidates opposed in the primary election are required to comply. However, since you are opposed and your name will appear on the general election ballot, you are required to abide by the prohibition on accepting contributions less than 5 days prior to the general election. (Section 106.08(3), F.S.)

Can I conduct a raffle to raise money for my campaign?

No. Pursuant to Section 849.09, Florida Statutes, it is unlawful for any person in this state to set up, promote, or conduct any lottery for money or anything of value.

I was given cash at a rally and have no information on who it is from. What do I do?

Report this contribution on your campaign report but do not spend these funds on the campaign. After the campaign is over, dispose of the funds pursuant to Section 106.141, F.S.

(Division of Elections Opinion 89-02)

As a candidate, what can I do with leftover campaign funds?

You may disburse leftover funds by any of the following means or a combination thereof:

- return pro rata to each contributor;
- donate to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code;
- give to the political party of which the candidate is a member;
- in the case of a candidate for state office, give the funds to the state to be deposited in the General Revenue Fund; or
- in the case of a candidate for an office of a political subdivision, to such political subdivision to be deposited in the general fund thereof.

Candidates who have received contributions for public campaign financing shall return all surplus funds to the state.

Candidates shall reimburse the state or local government entity, in the order listed below, if they:

- filed an oath stating they were unable to pay the election assessment; and/or
- filed an oath stating they were unable to pay the fee for the verification of petition signatures without imposing an undue burden on personal resources or on resources otherwise available to them, or
- qualified by the alternative method and were not required to pay an election assessment.

In addition to the methods listed above, a candidate elected to office (or will be elected by virtue of being unopposed) may transfer funds from the campaign account to an office account to be used only for legitimate expenses in connection with the candidate's public office. The amount which can be transferred is limited pursuant to Section 106.141(5), F.S. (Section 106.141(5), F.S.)

What are considered “legitimate office expenses” for purposes of office accounts?

As the duties and responsibilities of each office are different, what are considered legitimate office expenses will vary. For further information specifically related to your office, please contact your office's legal or accounting department.

Can I combine my leftover campaign funds with a legislative account?

No. The office account must be separate from any other account (including a legislative account). (Section 106.141, F.S.)

I am an elected official and still have funds in my office account. I am now beginning my re-election campaign. May I place the surplus funds in the office account into my campaign account for re-election?

No. Funds retained by elected officials in their office accounts may only be used for legitimate expenses in connection with their public office. (Section 106.141(5), F.S.)

Do I have to file campaign reports on the Electronic Filing System (EFS)?

If the Division of Elections is your filing officer, you are required to file all campaign reports via the EFS. If your filing officer is other than the Division of Elections, you must contact their office to find out their requirements. (Section 106.0705, F.S.)

If my treasurer is out of town, can I have an extension to file my report?

No. The election laws do not provide for an extension under these circumstances. (Sections 106.04(4)(b)1., 106.07(2)(b) and (3), F.S.)

If I make a mistake on my report can I go back in and correct it on the EFS?

Once the report is submitted to the Division of Elections, the EFS will not permit you to go back and make changes. In order to correct mistakes or add and delete information, you must submit an "amendment."

If I am late submitting my report, how is my fine calculated?

\$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding the primary and general election, the fine shall be \$500 per day for each day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

How long are campaign records kept at the Division of Elections or the supervisor of elections?

Ten years from the date of receipt. (Sections 98.015(5) and 106.22(4), F.S.)



Electioneering Communications Organization Handbook

November 2011

**Florida Department of State
Division of Elections
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500 South Bronough Street
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<http://elections.myflorida.com>

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Chapter 1

Background

The information contained in this publication is intended as a quick reference guide only and is current upon publication. Chapters 97-106, Florida Statutes, the Constitution of the State of Florida, Division of Elections' opinions and rules, Attorney General Opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding campaign financing and qualifying.

All forms and publications mentioned in this handbook are available on the Division of Elections' website at <http://elections.myflorida.com/>.

Please direct any questions to either your county supervisor of elections or the Florida Department of State, Division of Elections at 850.245.6240. Below you will find some other useful websites:

- Florida Division of Elections <http://elections.myflorida.com/>
- Florida Elections Commission www.fec.state.fl.us
- Florida Elected Officials <http://election.dos.state.fl.us/electedindex.shtml>
- Florida Supervisors of Elections <http://election.dos.state.fl.us/county/index.shtml>
- Florida Association of City Clerks www.floridaclerks.org
- Florida Attorney General <http://myfloridalegal.com>
- Federal Election Commission www.fec.gov

Chapter 2

The Campaign Financing Act

The Florida Election Code comprises Chapters 97-106, Florida Statutes. Chapter 106, Florida Statutes, regulates campaign financing for all candidates, including judicial candidates, political committees, committees of continuous existence, electioneering communications organizations, and political parties. It does not regulate campaign financing for candidates for federal office or candidates for a political party executive committee.

The Division of Elections:

- Oversees the interpretation of and provides guidance on the election laws.
- Provides advisory opinions to supervisors of elections, candidates, local officers having election related duties, political parties, political committees, committees of continuous existence, or other persons or organizations engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such person or entity has taken or proposes to take. (*Section 106.23(2), F.S.*)
- Prescribes rules and regulations to carry out the provisions of Chapter 106, Florida Statutes. (*Section 106.22(9), F.S.*)
- Conducts audits with respect to reports and statements filed under chapter 106. (*Section 106.22(6), F.S.*)
- Reports to the Florida Elections commission any apparent violations of Chapter 106. (*Section 106.22(7), F. S.*)

Chapter 3

Glossary of Terms

Campaign Fund Raiser: Any affair held to raise funds to be used in a campaign for public office. (*Section 106.011(11), F.S.*)

Campaign Treasurer: An individual appointed by a candidate or political committee as provided for in Chapter 106, F.S. (*Section 106.011(9), F.S.*) For an electioneering communication organization, this person is officially called only “treasurer.” (*Sections 106.03 and 106.0703, F.S.*)

Candidate: Any person to whom any one or more of the following applies:

- Any person who seeks to qualify for nomination or election by means of the petitioning process;
- Any person who seeks to qualify for election as a write-in candidate;
- Any person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office;
- Any person who appoints a treasurer and designates a primary depository; or
- Any person who files qualification papers and subscribes to a candidate’s oath as required by law.

This definition does not include any candidate for a political party executive committee. (*Sections 97.021(5) and 106.011(16), F.S.*)

Contribution: (*See Section 106.011(3), F.S. and Chapter 6, Contributions.*)

Election: Any primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, or submitting an issue to the electors for their approval or rejection. (*Section 106.011(6), F.S.*)

Electioneering Communication: Any communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that (1) refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; (2) is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and (3) is targeted to the relevant electorate in the geographical area the candidate would represent if elected. (*Section 106.011(18), F.S.*)

Expenditure: (*See Section 106.011(4), F.S. and Chapter 7, Expenditures.*)

Filing Officer: The person before whom a candidate qualifies, the agency or officer with whom a political committee registers, or the agency by whom a committee of continuous existence is certified. (*Section 106.011(14), F.S.*)

General Election: An election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law. (*Section 97.021(15), F.S.*)

In-Kind Contribution: In-kind contributions are anything of value made for the purpose of influencing the results of an election except money, personal services provided without compensation by individual volunteers, independent expenditures, as defined in Section 106.011(5), F.S., or endorsements of three or more candidates by political committees or political parties.

Judicial Office: Includes the office of Justice of the Supreme Court, judge of a district court of appeal, judge of a circuit court, and county court judge. A judicial office is a nonpartisan office and a candidate for election or retention thereto is prohibited from campaigning or qualifying for such an office based on party affiliation. (Section 105.011, F.S.)

Nominal Value: Having a retail value of \$10 or less. (Section 97.021(20), F.S.)

Nonpartisan Office: An office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation. (Sections 97.021(21), and 106.143(3) F.S.)

Person: An individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, political committee, or committee of continuous existence. (Section 106.011(8), F.S.)

Primary Election: An election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. (Section 97.021(28), F.S.)

Public Office: Any state, county, municipal, or school or other district office or position which is filled by vote of the electors. (Section 106.011(10), F.S.)

Special Election: Called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office. (Section 97.021(33), F.S.)

Special Primary Election: A special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election. (Section 97.021(34), F.S.)

Statewide Office: Governor, Cabinet, and Supreme Court Justice.

Unopposed Candidate: A candidate for nomination or election to an office, who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under Section 100.111(4), F.S., if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge. (Section 106.011(15), F.S.)

Chapter 4

What is an Electioneering Communications Organization?

An electioneering communications organization is any group, other than a political party, political committee, or committee of continuous existence, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party, political committee, or committee of continuous existence under chapter 106, Florida Statutes.

(Section 106.011(19), F.S.)

Electioneering communication means any communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and
3. Is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

The exceptions are:

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization, in existence prior to the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter distributed only to members of that organization;
2. A communication in a news story, commentary or editorial distributed through the facilities of any radio station, television station, cable television system, or satellite system unless the facilities are owned or controlled by any political party, political committee, or candidate. A news story distributed through the facilities owned or controlled by any political party, political committee, or candidate may nevertheless be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area;
3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that the staging organization:
 - a. Is either a charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or

political party; or a newspaper, radio station, television station, or other recognized news medium; and

- b. Does not structure the debate to promote or advance one candidate or issue position over another.

An expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate and shall not constitute an independent expenditure, nor be subject to the limitations applicable to independent expenditures.

(Section 106.011(18), F.S.)

What to File

Form DS-DE 103, Electioneering Communications Statement of Organization – Each group shall file a statement of organization as an electioneering communications organization within 24 hours after that date on which it makes expenditures for an electioneering communication in excess of \$ 5,000, if such expenditures are made within the timeframes specified in s. 106.011(18)(a)2. If the group makes expenditures for an electioneering communication in excess of \$5,000 before the timeframes specified in s. 106.011(18)(a)2., it shall file the statement of organization with 24 hours after the 30th day before a primary of special primary election, or within 24 hours after the 60th day before any other election, whichever is applicable.

Form DS-DE 103 shall include:

1. The name, mailing address, and street address of the organization.
2. The names, addresses, and relationships of affiliated or connected organizations.
3. The area, scope or jurisdiction of the organization.
4. The name, mailing address, street address, and position of the custodian of books and accounts.
5. The name, mailing address, street address, and position of other principal officers, including the treasurer and deputy treasurer, if any.
6. Plans for the disposition of residual funds which will be made in the event of dissolution.
7. A listing of all banks, safe-deposit boxes, or other depositories used for organization funds.
8. A statement of the reports required to be filed with federal officials, if any, and names, addresses, and positions of such officials.
9. A statement of whether the organization was formed as a newly created organization during the current calendar quarter or was formed from an organization existing prior to the current calendar quarter. (Calendar quarters end the last day of March, June, September, and December.)

Any change in information previously submitted in a statement of organization shall be reported to the agency or officer with whom such organization is required to register within ten days following the change. (Section 106.03(1),(2),(4),F.S.)

(Section 106.03(1),(2),(4), F.S.)

Form DS-DE 41, Registered Agent Statement of Appointment - Each electioneering communications organization shall have and continuously maintain in this state a registered office and a registered agent. The electioneering communications organization must file **Form DS-DE 41** at the same time the organization files the Electioneering Communications Statement of Organization. An electioneering communications organization may change the registered agent appointment by filing Form DS-DE 41 indicating it is a "change of appointment." A registered agent may also resign his or her appointment by filing a written statement of resignation with the filing officer. An electioneering communications organization without a registered agent may not make expenditures or accept contributions until Form DS-DE 41 has been filed with the filing officer.

(Section 106.022, F.S.)

Where to File

Division of Elections	Organizations supporting or opposing statewide, legislative, multicounty candidates
Supervisor of Elections	Organizations supporting or opposing countywide or less than county candidates (except municipal)
Municipal Clerk	Organizations supporting or opposing only municipal candidates

Any electioneering communications organization which would be required to file in two or more locations need only file with the Division of Elections.

(Section 106.03(1)(b)2., F.S.)

Comparison of Political Committee, Committee of Continuous Existence And Electioneering Communications Organization

	Political Committee (PC)	Committee of Continuous Existence (CCE)	Electioneering Communications Organization (ECO)
Purpose	<p>To support or oppose any candidate, issue*, PC, CCE, ECO, or political party.</p> <p>May make independent expenditures.</p> <p>May make electioneering communications.</p> <p>*A sponsor of a constitutional initiative petition must be a PC. (100.371, F.S.)</p>	<p>To make contributions to candidates, committees, or political parties. (106.04, F.S.)</p> <p>May contribute to PCs supporting or opposing an issue if such contributions do not exceed 25% of its annual income as reported for the previous year. (106.04(5), F.S.)</p> <p>May contribute to an ECO. (DE 06-09)</p> <p>May not make independent expenditures. (DE 04-09)</p> <p>May not make electioneering communications. (106.04(5), F.S.)</p>	<p>Election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and such activities would not otherwise require the organization to register as a political party, political committee, or committee of continuous existence. (106.011(19), F.S.)</p> <p>May not "expressly advocate" the election or defeat of a candidate, but the communication must be susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate. (106.011(18), F.S.)</p>
Special Organizational Criteria	None.	<p>Must be organized and operated in accordance with a written charter or bylaws that contain procedures for the election of officers and defines membership in the organization. (106.04(1)(a), F.S.)</p> <p>At least 25% of the income, excluding interest, of the organization must come from dues of members. (106.04(1)(b), F.S.)</p>	None.
Initial Filings	<p>Statement of Organization (106.03, F.S.) when PC receives contributions or makes expenditures in excess of \$500 in a calendar year <u>or</u> seeks signatures of voters in support of an initiative.</p> <p>Appointment of Campaign Treasurer and Designation of Campaign Depository (106.021, F.S.)</p> <p>Registered Agent Statement of Appointment (106.022, F.S.)</p>	<p>Application for Certification</p> <p>Charter or Bylaws</p> <p>Dues or assessment schedule</p> <p>Financial statement for preceding 12 months</p> <p>Registered Agent Statement of Appointment (106.04(2), F.S.)</p>	<p>Statement of Organization (106.03, F.S.) when ECO receives contributions or makes expenditures in excess of \$5,000 in a calendar year.</p> <p>Registered Agent Statement of Appointment (106.022, F.S.)</p>

	Political Committee (PC)	Committee of Continuous Existence (CCE)	Electioneering Communications Organization (ECO)
Campaign Accounts	Funds must be deposited in a campaign depository designated “((Name of Committee) Campaign Account).” (106.11(1)(b), F.S.)	May use the organization’s checking account.	May use the organization’s checking account.
Limits on Contributions To the Entity	PC supporting or opposing issues only - no limit. PC supporting or opposing one or more candidates - \$500 per election PC supporting or opposing both candidates and issues - \$500 per election (106.08, F.S.)	As long as the requirements under “Special Organizational Criteria” are maintained there is no limit.	No monetary limit.
Limits on Contributions By the Entity	PC to a candidate - \$500 per election. PC expenditures in support of or opposition to issues – no limit. PC to a political party – no limit. PC to CCE – no limit. PC to ECO – no limit.	CCE to a candidate or PC supporting candidates - \$500 per election. (106.08, F.S.) CCE to an ECO or a political party – no limit. CCE to a PC supporting issues – not to exceed 25% of its annual income as reported on the annual report filed from the previous year. (106.04(5), F.S.)	Limited to electioneering communications. (106.011(19), F.S.) May not make contributions to candidates. (106.011(19), F.S.) May not make contributions to political parties. (106.011(19), F.S.)
Restrictions	Funds may be used only for PC activity and only for the purpose of influencing the results of an election.	A CCE must register as a PC in order to directly support or oppose issues. (106.04(5), F.S.) May not make independent expenditures (DE 04-09) May not make electioneering communications. (106.04(5), F.S.)	Funds may only be used to make electioneering communications. (106.011(19), F.S.) May not use credit cards. (106.0703(9), F.S.) May not make independent expenditures.
When to File Reports	See Calendar of Reporting Dates on the Division’s web site.	See Calendar of Reporting Dates on the Division’s web site. Annual report filed in January of each year.	See Calendar of Reporting Dates on the Division’s web site. See also section 106.0703 for additional reporting requirements

	Political Committee (PC)	Committee of Continuous Existence (CCE)	Electioneering Communications Organization (ECO)
Where to File Reports	<p>Division of Elections – if supports or opposes statewide, legislative, or multicounty candidates or issues.</p> <p>Supervisor of Elections – if supports or opposes candidates or issues in a countywide or less than a countywide election, except municipal.</p> <p>Municipal Clerk – if supports or opposes only municipal candidates or issues.</p> <p>Any political committee which would be required under this subsection to file a statement of organization in two or more locations need only file with the Division of Elections.</p> <p style="text-align: right;">(106.03(3), F.S.)</p>	<p>Division of Elections (106.04(4), F.S.)</p>	<p>Division of Elections – if supports or opposes statewide, legislative, or multicounty candidates.</p> <p>Supervisor of Elections – if supports or opposes candidates in a countywide or less than a countywide election, except municipal.</p> <p>Municipal Clerk – if supports or opposes only municipal candidates.</p> <p>Any electioneering communications organization that would be required to file a statement of organization in two or more locations need only file a statement of organization with the Division of Elections.</p> <p style="text-align: right;">(106.03(1)(b)2., F.S.)</p>

Chapter 5 Depository

Depository for Electioneering Communications Organization

The bank account for an electioneering communications organization does not have to be separate from other accounts of the electioneering communications organization.

Chapter 6

Contributions

A contribution is:

1. A gift, subscription, conveyance, deposit, loan, payment or distribution of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. These include contributions in-kind, having a n attributable monetary value in any form;
2. A transfer of funds between political committees, between committees of continuous existence, between electioneering communication organizations, or any combination of these groups;
3. The payment, by any person other than a candidate or political committee of compensation for the personal services of another person which are rendered to a candidate without charge to the candidate or political committee for such services; or
4. The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit. The term includes any interest earned on such account or certificate.

The exceptions are:

1. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a political committee including, but not limited to, legal and accounting services.
2. Editorial endorsements.

IMPORTANT: The law provides no exceptions for reporting contribution information, regardless of the size of the contribution.

(Sections 106.011(3) and 106.0703(3)(a), F.S.)

In-Kind Contributions

In-kind contributions are anything of value made for the purpose of influencing the results of an election.

The exceptions are:

1. Money;
2. Personal services provided without compensation by individual volunteers;
3. Independent expenditures, as defined in Section 106.011(5), F.S.; or
4. Endorsements of three or more candidates by political committees or political parties.

IMPORTANT: Any person who makes an in-kind contribution shall, at the time of making the contribution, place a fair market value on the contribution. In-kind contributions are subject to contribution limitations.

(Sections 106.011(3), 106.021, and 106.055, F.S.)

Loans

Loans are considered contributions and are subject to contribution limitations. Loans to or from each person or political committee must be reported together with names, addresses, occupations and principal places of business, if any, of the lenders and endorsers, including the date and amount of each loan on the treasurer's report.

(Sections 106.011(3), 106.0703, and 106.075, F.S.)

Debit and Credit Card Contributions

An electioneering communications organization may accept contributions via a credit card, debit card, or money order. These contributions are categorized as a "check" for reporting purposes.

(Section 106.11(2), F.S., and Division of Elections Opinion 00-03)

Chapter 7

Expenditures

An expenditure is a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication.

An expenditure for an electioneering communication is made when the earliest of the following occurs:

1. A person executes a contract for applicable goods or services;
2. A person makes payment, in whole or in part, for applicable goods or services; or
3. The electioneering communication is publicly disseminated.

(Sections 106.011(4), F.S.)

IMPORTANT: An electioneering communications organization shall not use a credit card.

(Section 106.0703(9), F. S.)

Chapter 8

Recordkeeping

The Division of Elections has a few suggestions which may be helpful to treasurers in setting up a system to record and maintain campaign information.

1. Keep a schedule of due dates for treasurer's reports. The Division of Elections will post on its website a calendar of election and reporting dates.
2. Know what period of time each report covers and only report activity occurring during that reporting period. (See 2011 and 2012 Reporting Dates)
3. Keep a copy of the electronic receipt for each report filed for your own records if filing with the Division of Elections. Keep a certificate of mailing for each report filed if filing with other filing officers.
4. Record all contributions when received. Make sure to include the name, address, specific occupation, or principal type of business if over \$100, of the contributor, and the amount and date of each contribution. Keep contributions itemized by monetary, in-kind and loans.
5. Record all expenditures when they occur. List the name and address of each person to whom the expenditure was made along with the amount, date, and purpose.
6. Keep a petty cash ledger of all expenditures. The individual expenditures do not have to be listed on treasurer's reports. However, you must list the total amount of petty cash withdrawn and total amount spent during the reporting period.
7. Monitor the cash flow to know how much money is available at all times in the account to avoid any possibility of authorizing an expenditure when money is not available to pay for such expenditure.
8. Maintain a listing of all funds currently in the separate interest-bearing account, certificate of deposit, or money market account.

Chapter 9

Filing Campaign Reports

Each treasurer designated by an electioneering communications organization shall file regular reports of all contributions received and all expenditures made by or on behalf of such organization. The treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any treasurer who willfully certifies the correctness of any report while knowing that such report is incorrect, false or incomplete commits a misdemeanor of the first degree.

(Section 106.0703, F.S.)

Where to File

A treasurer of an electioneering communications organization is required to file treasurer's reports with the officer with whom the organization registers. However, an electioneering communications organization that is registered with the Department of State (Division of Elections) and that makes a contribution or expenditure to influence the results of a county or municipal election that is not being held at the same time as a state or federal election must file reports with the county or municipal filing officer on the same dates as county or municipal candidates or committees for that election. The electioneering communications organization must also include the expenditure in the next report filed with the Division of Elections following the county or municipal election.

Organizations filing reports with the Division of Elections are required to file by means of the **Electronic Filing System** (see Chapter 10, *Electronic Filing of Campaign Reports*). If the organization's filing officer is other than the Division of Elections, contact the appropriate filing officer to find out their requirements.

(Sections 106.0703 and 106.0705, F.S.)

When to File

Except for the third calendar quarter immediately preceding a general election, reports must be filed on the 10th day following the end of each calendar quarter (January, April, July and October) from the time the committee or organization registers, except that if the 10th day occurs on a Saturday, Sunday or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday or legal holiday.

Following the last day of qualifying, the reports must be filed on the 32nd, 18th and 4th days immediately preceding the primary election and on the 46th, 32nd, 18th and 4th days immediately preceding the general election. (Committees that file with the Division of Elections should refer to the **2011 and 2012 Calendar of Reporting Dates** for specific dates. Committees registered with a county or city should contact the appropriate filing officer for reporting schedules.)

Unless the electronic filing requirements of Section 106.0705, Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner. **Reports filed**

with the Division of Elections through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date. (See Chapter 10, *Electronic Filing of Campaign Reports*.)

(Sections 106.07, 106.0705 and 106.141, F.S.)

Penalty for Late Filing

Any electioneering communications organization failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

(Section 106.0703(7), F.S.)

Negative Report Required

When there has been no activity in the account during a reporting period (no funds expended or received), the treasurer shall file a written report with the filing officer that no activity occurred. This filing must be made by the prescribed reporting date.

(Section 106.0703(6), F.S.)

All reports filed with the Division of Elections must be filed electronically using the Division's electronic filing system.

(Sections 106.0703 and 106.0705, F.S.)

Special Election Reports

When a special election is called to fill a vacancy in office, all electioneering communications organizations making contributions or expenditures to influence the results of the special election shall file treasurers' reports with the filing officer on the dates set by the Department of State pursuant to Section 100.111, F.S.

(Section 106.0703, F.S.)

Organizations are to include on the special election campaign treasurer's reports **only expenditures related to the special election made by the organization during the special election reporting periods.** All contributions received and all expenditures made not related to the special election during the current quarter should be filed on the next quarterly report. Once an organization has participated in the special election and has filed a special election campaign report, all other special election reports remaining must also be filed by the organization, even if there is no further special election activity.

Incomplete Reports

If a campaign treasurer files a report that is deemed incomplete, he or she will be notified by the filing officer as to why the report is incomplete by certified mail or by another method using a common carrier that provides a proof of delivery as to why the report is incomplete. The campaign treasurer must file an addendum to the incomplete report within seven days of notification. The addendum must include all necessary information to complete the report. The failure to file a complete report after notice constitutes a violation of Chapter 106, Florida Statutes.

(Section 106.0703(2)(b)1., F.S.)

Reporting Total Sums

Each treasurer's report required by Chapter 106, F.S., shall contain the total sums of all loans, in-kind contributions, and other receipts, and total sums of all expenditures made during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

Form DS-DE 12, Campaign Treasurer's Report Summary is used to report totals for all contributions, in-kind contributions, loans, and other receipts.

(Section 106.0703(3), F.S.)

Reporting Contributions

Each report must contain:

1. Full name, address, **specific** occupation, amount, and date of each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. Occupations or principal type of business are not required if the contribution is \$100 or less.
2. Name, address, amount, and date of each political committee or organization making any transfer of funds.
3. Full name, address, **specific** occupation, principal place of business of the lender and endorser, date and amount of each loan.
4. Statement of each contribution, rebate, refund or other receipts not listed in 1. through 3. above.

(Section 106.0703(3), F.S.)

Reporting Expenditures

Each report must contain:

1. Full name and address of each person to whom expenditures have been made, along with the amount, date, and **clear** purpose of the expenditure.
2. Full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for expenses was made, along with the amount, date and **clear** purpose of the expenditure. (See also **Reporting Other Distributions**)

3. Amount and nature of debts and obligations owed by or to the organization, which relate to the conduct of any electioneering communication.
4. The amount and nature of any separate interest-bearing accounts or certificates of deposit. Identification of the financial institution in which such accounts or certificates of deposit are located must be identified.
5. The primary purposes of an expenditure made indirectly through an electioneering communications organization for goods and services such as communications media placement or procurement services and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure. (See also **Reporting Other Distributions**)

(Section 106.0703(3), F.S.)

Reporting Other Distributions

Each report must contain:

1. Full name and address of each person to whom payment was made for which reimbursement was made by check together with the purpose of such payment.
2. Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services and other expenditures that include multiple integral components as part of the expenditure.

(Section 106.0703(3), F.S.)

Chapter 10

Electronic Filing of Campaign Reports

The Electronic Filing System (EFS) is an Internet system for recording and reporting campaign finance activity by reporting period. Each electioneering communications organization required to file reports with the Division of Elections pursuant to Section 106.0703, F.S., must file such reports with the division by means of the EFS.

Reports filed:

1. Shall be completed and filed through the EFS not later than midnight, EST of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under Section 106.07(8), F.S., as applicable.
2. Are considered to be under oath by the treasurer, and such person is subject to provisions of Section 106.07(5), F.S. Persons given a secure sign-on to the EFS are responsible for protecting such from disclosure and are responsible for all filings using such credentials, unless they have notified the division that their credentials have been compromised.

(Sections 106.0703, 106.0705 and 106.0706, F.S.)

Accessing the EFS

From *Internet Explorer* you can access the EFS at <https://efs.dos.state.fl.us>. Each person filing a report is provided an identification number and initial password to gain entry. Once you log in using the initial password, you will be prompted to change it to a confidential one.

Creating Reports

Campaign reports must be entered, saved, reviewed, and filed via the EFS either by directly entering data into the web application or by uploading data using an approved vendor's software. The division maintains a list of approved software vendors whose programs meet the file specifications for filing campaign reports. Instructions for uploading reports are provided in the *EFS Help Guide*.

Submitting Reports

Reports will be held in pending status until the report is ready to be filed. Each person eligible to file a report will receive a PIN (personal identification number) that allows the person to file reports via the EFS. A person's PIN is considered the same as that person's **signature** on a filed report.

Electronic Receipts

The person filing a report on the EFS may print an electronic receipt verifying the report was filed with the division. Each report filed by means of the EFS is considered to be under oath and such persons filing the report are subject to the provisions of Chapter 106, F.S.

EFS HELP LINE

(850) 245-6280

EFS HELP GUIDE

http://www.elections.myflorida.com/publications/pdf/2010/2010_ECO_Handbook.pdf

NOTE: For further information on the EFS, see Rule 1S-2.017, Florida Administrative Code, Reporting Requirements for Campaign Treasurer's Reports.

Chapter 11

Electioneering Communications

Electioneering communication means any communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and
3. Is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

The exceptions are:

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization, in existence prior to the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter distributed only to members of that organization;
2. A communication in a news story, commentary or editorial distributed through the facilities of any radio station, television station, cable television system, or satellite system unless the facilities are owned or controlled by any political party, political committee, or candidate. A news story distributed through the facilities owned or controlled by any political party, political committee, or candidate may nevertheless be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area;
3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that the staging organization:
 - a. Is either a charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or a newspaper, radio station, television station, or other recognized news medium; and
 - b. Does not structure the debate to promote or advance one candidate or issue position over another.

An expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate and shall not constitute an independent expenditure, nor be subject to the limitations applicable to independent expenditures.

(Section 106.011(18), F.S.)

Electioneering Communication Disclaimers

Any electioneering communication, other than a telephone call, shall prominently state “Paid electioneering communication paid for by (Name and address of person paying for the communication).”

(Section 106.1439, F.S.)

Electioneering Communication Telephone Call Disclaimer

Any electioneering communication telephone call shall identify the persons or organizations sponsoring the call by stating either: “Paid for by ... (name of persons or organizations sponsoring the call) ... or “Paid for on behalf of ... (name of persons or organizations authorizing call)...” This telephone disclaimer does not apply to any telephone call in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(Section 106.1439, F.S.)

Penalty for Electioneering Communication Disclaimer Violation

Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 or 775.083, F.S.

(Section 106.1439, F.S.)

Chapter 12

Telephone Solicitation

Telephone Solicitation, Registered Agent

1. Disclosure requirements:
 - a. Any person or organization that conducts any business in this state which consists of making paid telephone calls supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the Division of Elections a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this section does not apply to any person or organization already lawfully registered to conduct business in this state.
 - b. Conducting business in this state as specified in the preceding paragraph includes both placing telephone calls from a location in this state and placing telephone calls from a location outside this state to individuals located in this state.
 - c. **Form DS-DE 100, Telephone Solicitation, Resident Agent Notice** shall be filed with the Division of Elections and, at a minimum, must elicit all of the following information:
 - (1) The name, address and telephone number of the registered agent.
 - (2) The name, address and telephone number of the person or organization conducting business in this state as specified.
 - (3) The Division of Elections must be notified immediately of any changes in the information required in a. above.
2. Violations: Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(Section 106.1475, F.S.)

Chapter 13

Florida Elections Commission

The Florida Elections Commission is a separate and independent entity from the Division of Elections. Commissioners are appointed by the Governor from lists of names submitted by legislative leaders.

Automatic Fine Appeal Process

The treasurer of an electioneering communications organization may appeal or dispute a fine for a late filed campaign treasurer's report. The appeal must be based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date. The treasurer may request and is entitled to a hearing before the Florida Elections Commission, which has the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in Section 106.265(1), F.S., when determining the amount of a fine, if any, to be waived. The appeal must be made within 20 days of the receipt of the notice of payment due. The treasurer must, within the 20 day period, notify the filing officer in writing of his or her intention to bring the matter before the Commission.

(Section 106.0703(7)(c), F.S.)

Complaint Process

Any person who has information of a violation of Chapters 104 or 106, F.S., shall file a sworn complaint with the Florida Elections Commission, 107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050 or call 850-922-4539. A complaint form may be obtained from the Florida Elections Commission or downloaded from the Commission's website at www.fec.state.fl.us.

(Sections 106.25 and 106.28, F.S.)

Chapter 14

Frequently Asked Questions

What is an electioneering communication?

Any communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that (1) refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; (2) is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and (3) is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

Expressly advocate means the communication has words such as "vote for," "vote against" "elect," "support," "cast your ballot for," "(Name) for Mayor," "defeat," or "reject."

(Section 106.011(18), F.S.)

Do electioneering communications need disclaimers?

Yes. The disclaimer, except for telephone calls, must read:

"Paid electioneering communication paid for by
(name and address of person paying for the communication)"

The disclaimer for an electioneering communication telephone call must read:

"Paid for by ... (name or persons or organizations sponsoring the call) ... " or
"Paid for on behalf of ... (name of persons or organizations authorizing call)..."

(Section 106.1439, F.S.)

Campaign Finance

Who is responsible for keeping tabs on aggregate totals of campaign contributions?

The treasurer is responsible for receiving and reporting all contributions. *(Section 106.0703, F.S.)*

May an electioneering communications organization accept a contribution from a trust fund?

Yes. Chapter 106, F.S., defines a "person" as an individual, corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term also includes a political party, political committee or committee of continuous existence. *(Section 106.011(8), F.S.)*

Do I have to itemize small contributions of \$5, \$10, \$50, etc.?

Yes. The law provides no exceptions for the reporting of contribution information, regardless of the size of the contribution. The full name and address of the contributor are also required. (Section 106.0703(3)(a), F.S.)

How is the value of an in-kind contribution determined?

The contributor must inform the person receiving the contribution of the fair market value at the time it is given. (Section 106.055, F.S.)

Can a corporation give to an electioneering communications organization?

Yes. A corporation is under the definition of a "person" in Chapter 106, F.S. (Section 106.011(8), F.S.)

Can I conduct a raffle to raise money for my campaign?

No. Pursuant to Section 849.09, Florida Statutes, it is unlawful for any person in this state to set up, promote, or conduct any lottery for money or anything of value.

Do I have to file campaign reports on the Electronic Filing System (EFS)?

If the Division of Elections is your filing officer, you are required to file all campaign reports via the EFS. If your filing officer is other than the Division of Elections, you must contact that office to find out their requirements. (Section 106.0705, F.S.)

If my treasurer is out of town, can I have an extension to file my report?

No. The election laws do not provide for an extension under these circumstances. (Section 106.0703(4), F.S.)

If I make a mistake on my report can I go back in and correct it on the EFS?

Once the report is submitted to the Division of Elections, the EFS will not permit you to go back and make changes. In order to correct mistakes or add and delete information, you must submit an "amendment."

If I am late submitting my report, how is my fine calculated?

\$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater for the period covered by the late report. However, for reports immediately preceding the primary and general election, the fine shall be \$500 per day for each day, not to exceed 25% of the total receipts or expenditures, which is greater, for the period covered by the late report.

How long are campaign records kept at the Division of Elections or the supervisor of elections?

Ten years from the date of receipt. (Sections 98.015(5) and 106.22(4), F.S.)

This publication is available in alternate format upon request by contacting 850.245.6240.

The Florida Senate

2011 Florida Statutes

TITLE IX ELECTORS AND ELECTIONS	CHAPTER 106 CAMPAIGN FINANCING	VIEW ENTIRE CHAPTER
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CHAPTER 106 CAMPAIGN FINANCING

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

¹(1)(a) “Political committee” means:

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

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

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

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

d. Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, affiliated party committee, or

political party;

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

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

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

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

3. Electioneering communications organizations as defined in subsection (19).

(2) "Committee of continuous existence" means any group, organization, association, or other such entity which is certified pursuant to the provisions of s. 106.04.

¹(3) "Contribution" means:

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

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

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

(d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate

of deposit, and the term includes any interest earned on such account or certificate.

Notwithstanding the foregoing meanings of “contribution,” the term may not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee ²or editorial endorsements.

¹(4)(a) “Expenditure” means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. However, “expenditure” does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization’s newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization.

(b) As used in this chapter, an “expenditure” for an electioneering communication is made when the earliest of the following occurs:

1. A person enters into a contract for applicable goods or services;
2. A person makes payment, in whole or in part, for the production or public dissemination of applicable goods or services; or
3. The electioneering communication is publicly disseminated.

¹(5)(a) “Independent expenditure” means an expenditure by a person for the purpose of expressly advocating the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period shall not be deemed an independent expenditure.

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

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

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue; or

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

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

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

- a. Any officer, director, employee, or agent of a national, state, or county executive committee of a political party or an affiliated party committee that has

made or intends to make expenditures in connection with or contributions to the candidate; or

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

6. After the last day of the qualifying period prescribed for the candidate, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or

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

(6) "Election" means any primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, or submitting an issue to the electors for their approval or rejection.

(7) "Issue" means any proposition which is required by the State Constitution, by law or resolution of the Legislature, or by the charter, ordinance, or resolution of any political subdivision of this state to be submitted to the electors for their approval or rejection at an election, or any proposition for which a petition is circulated in order to have such proposition placed on the ballot at any election.

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

(9) "Campaign treasurer" means an individual appointed by a candidate or political committee as provided in this chapter.

(10) "Public office" means any state, county, municipal, or school or other district office or position which is filled by vote of the electors.

(11) "Campaign fund raiser" means any affair held to raise funds to be used in a campaign for public office.

(12) "Division" means the Division of Elections of the Department of State.

(13) “Communications media” means broadcasting stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies; but with respect to telephones, an expenditure shall be deemed to be an expenditure for the use of communications media only if made for the costs of telephones, paid telephonists, or automatic telephone equipment to be used by a candidate or a political committee to communicate with potential voters but excluding any costs of telephones incurred by a volunteer for use of telephones by such volunteer; however, with respect to the Internet, an expenditure shall be deemed an expenditure for use of communications media only if made for the cost of creating or disseminating a message on a computer information system accessible by more than one person but excluding internal communications of a campaign or of any group.

¹(14) “Filing officer” means the person before whom a candidate qualifies, the agency or officer with whom a political committee or an electioneering communications organization registers, or the agency by whom a committee of continuous existence is certified.

(15) “Unopposed candidate” means a candidate for nomination or election to an office who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under s. 100.111(3), if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

(16) “Candidate” means any person to whom any one or more of the following apply:

(a) Any person who seeks to qualify for nomination or election by means of the petitioning process.

(b) Any person who seeks to qualify for election as a write-in candidate.

(c) Any person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office.

(d) Any person who appoints a treasurer and designates a primary depository.

(e) Any person who files qualification papers and subscribes to a candidate's oath as required by law.

However, this definition does not include any candidate for a political party executive committee. Expenditures related to potential candidate polls as provided in s. 106.17 are not contributions or expenditures for purposes of this subsection.

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

(a) A statement by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization's newsletter, which newsletter is distributed only to the members of that organization.

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

¹(18)(a) "Electioneering communication" means any communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone and that:

1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;

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

3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

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

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an

organization, in existence prior to the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.

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

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

a. The staging organization is either:

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

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

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

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

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

¹(19) "Electioneering communications organization" means any group, other than a political party, affiliated party committee, political committee, or committee of continuous existence, whose election-related activities are limited to making

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

History.—s. 1, ch. 73-128; s. 1, ch. 74-200; s. 1, ch. 77-174; s. 39, ch. 77-175; s. 2, ch. 79-157; ss. 6, 17, ch. 79-365; s. 1, ch. 79-378; s. 22, ch. 81-304; s. 34, ch. 84-302; s. 4, ch. 85-226; s. 2, ch. 89-256; s. 1, ch. 89-537; s. 24, ch. 90-315; s. 9, ch. 91-107; s. 636, ch. 95-147; s. 2, ch. 97-13; s. 7, ch. 99-355; s. 1, ch. 2002-197; s. 2, ch. 2004-252; s. 1, ch. 2006-300; s. 19, ch. 2010-167; ss. 4, 30, ch. 2011-6; s. 52, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

²**Note.**— The word “or” was inserted by the editors.

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

(1)(a) Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository prior to qualifying for office. Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he or she obtains the petitions. Each candidate shall at the same time he or she designates a campaign depository and appoints a treasurer also designate the office for which he or she is a candidate. If the candidate is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate for which group or district

office he or she is running. Nothing in this subsection shall prohibit a candidate, at a later date, from changing the designation of the office for which he or she is a candidate. However, if a candidate changes the designated office for which he or she is a candidate, the candidate must notify all contributors in writing of the intent to seek a different office and offer to return pro rata, upon their request, those contributions given in support of the original office sought. This notification shall be given within 15 days after the filing of the change of designation and shall include a standard form developed by the Division of Elections for requesting the return of contributions. The notice requirement shall not apply to any change in a numerical designation resulting solely from redistricting. If, within 30 days after being notified by the candidate of the intent to seek a different office, the contributor notifies the candidate in writing that the contributor wishes his or her contribution to be returned, the candidate shall return the contribution, on a pro rata basis, calculated as of the date the change of designation is filed. Any contributions not requested to be returned within the 30-day period may be used by the candidate for the newly designated office. No person shall accept any contribution or make any expenditure with a view to bringing about his or her nomination, election, or retention in public office, or authorize another to accept such contributions or make such expenditure on the person's behalf, unless such person has appointed a campaign treasurer and designated a primary campaign depository. A candidate for an office voted upon statewide may appoint not more than 15 deputy campaign treasurers, and any other candidate or political committee may appoint not more than 3 deputy campaign treasurers. The names and addresses of the campaign treasurer and deputy campaign treasurers so appointed shall be filed with the officer before whom such candidate is required to qualify or with whom such political committee is required to register pursuant to s. 106.03.

(b) Except as provided in paragraph (d), each candidate and each political committee shall also designate one primary campaign depository for the purpose of depositing all contributions received, and disbursing all expenditures made, by the candidate or political committee. The candidate or political committee may also designate one secondary depository in each county in which an election is held in which the candidate or committee participates. Secondary depositories shall be for the sole purpose of depositing contributions and forwarding the deposits to the

primary campaign depository. Any bank, savings and loan association, or credit union authorized to transact business in this state may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time that, and with the same officer with whom, the candidate or committee files the name of his, her, or its campaign treasurer pursuant to paragraph (a). In addition, the campaign treasurer or a deputy campaign treasurer may deposit any funds which are in the primary campaign depository and which are not then currently needed for the disbursement of expenditures into a separate interest-bearing account in any bank, savings and loan association, or credit union authorized to transact business in this state. The separate interest-bearing account shall be designated “ (name of candidate or committee) separate interest-bearing campaign account.” In lieu thereof, the campaign treasurer or deputy campaign treasurer may purchase a certificate of deposit with such unneeded funds in such bank, savings and loan association, or credit union. The separate interest-bearing account or certificate of deposit shall be separate from any personal or other account or certificate of deposit. Any withdrawal of the principal or earned interest or any part thereof shall only be made from the separate interest-bearing account or certificate of deposit for the purpose of transferring funds to the primary account and shall be reported as a contribution.

(c) Any campaign treasurer or deputy treasurer appointed pursuant to this section shall, before such appointment may become effective, have accepted appointment to such position in writing and filed such acceptance with the officer before whom the candidate is required to qualify or with the officer with whom the political committee is required to file reports. An individual may be appointed and serve as campaign treasurer of a candidate and a political committee or two or more candidates and political committees. A candidate may appoint herself or himself as campaign treasurer.

(d) Any political committee which deposits all contributions received in a national depository from which the political committee receives funds to contribute to state and local candidates shall not be required to designate a campaign depository in the state.

(2) A candidate or political committee may remove his, her, or its campaign treasurer or any deputy treasurer. In case of the death, resignation, or removal of a

campaign treasurer before compliance with all obligations of a campaign treasurer under this chapter, the candidate or political committee shall appoint a successor and certify the name and address of the successor in the manner provided in the case of an original appointment. No resignation shall be effective until it has been submitted to the candidate or committee in writing and a copy thereof has been filed with the officer before whom the candidate is required to qualify or the officer with whom the political committee is required to file reports. No treasurer or deputy treasurer shall be deemed removed by a candidate or political committee until written notice of such removal has been given to such treasurer or deputy treasurer and has been filed with the officer before whom such candidate is required to qualify or with the officer with whom such committee is required to file reports.

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

- (a) Independent expenditures;
- (b) Reimbursements to a candidate or any other individual for expenses incurred in connection with the campaign or activities of the political committee by a check drawn upon the campaign account and reported pursuant to s. 106.07(4). The full name of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to s. 106.07(4), together with the purpose of such payment;
- (c) Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance, or other expenditures that include multiple integral components as part of the expenditure and reported pursuant to s. 106.07(4)(a)13.; or
- (d) Expenditures made directly by any political committee, affiliated party committee, or political party regulated by chapter 103 for obtaining time, space, or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidates for the purposes

of this chapter.

(4) A deputy campaign treasurer may exercise any of the powers and duties of a campaign treasurer as set forth in this chapter when specifically authorized to do so by the campaign treasurer and the candidate, in the case of a candidate, or the campaign treasurer and chair of the political committee, in the case of a political committee.

(5) For purposes of appointing a campaign treasurer and designating a campaign depository, candidates for the offices of Governor and Lieutenant Governor on the same ticket shall be considered a single candidate.

History.—s. 2, ch. 73-128; s. 2, ch. 74-200; s. 1, ch. 75-139; s. 39, ch. 77-175; s. 2, ch. 79-378; s. 56, ch. 79-400; s. 23, ch. 81-304; s. 35, ch. 84-302; s. 3, ch. 89-256; s. 25, ch. 90-315; s. 10, ch. 91-107; s. 637, ch. 95-147; s. 9, ch. 97-13; s. 28, ch. 2002-17; s. 14, ch. 2004-252; s. 41, ch. 2007-30; s. 28, ch. 2008-95; ss. 5, 30, ch. 2011-6; s. 53, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.022 Appointment of a registered agent; duties.—

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

- (a) Provide the name of the registered agent and the street address and phone number for the registered office;
- (b) Identify the entity for whom the registered agent serves;

- (c) Designate the address the registered agent wishes to use to receive mail;
- (d) Include the entity's undertaking to inform the filing officer of any change in such designated address;
- (e) Provide for the registered agent's acceptance of the appointment, which must confirm that the registered agent is familiar with and accepts the obligations of the position as set forth in this section; and
- (f) Contain the signature of the registered agent and the entity engaging the registered agent.

(2) An entity may change its appointment of registered agent and registered office under this section by executing a written statement of change and filing it with the filing officer. The statement must satisfy all of the requirements of subsection (1).

(3) A registered agent may resign his or her appointment as registered agent by executing a written statement of resignation and filing it with the filing officer. An entity without a registered agent may not make expenditures or accept contributions until it files a written statement of change as required in subsection (2).

History.—s. 67, ch. 2005-277; s. 2, ch. 2006-300; s. 20, ch. 2010-167; ss. 6, 30, ch. 2011-6; s. 54, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.023 Statement of candidate.—

(1) Each candidate must file a statement with the qualifying officer within 10 days after filing the appointment of campaign treasurer and designation of campaign depository, stating that the candidate has read and understands the requirements of this chapter. Such statement shall be provided by the filing officer and shall be in substantially the following form:

History.—s. 40, ch. 77-175; s. 51, ch. 81-259; s. 24, ch. 81-304; s. 27, ch. 83-217; s. 4, ch. 89-256; ss. 7, 30, ch. 2011-6; s. 56, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.03 Registration of political committees and electioneering communications organizations.—

(1)(a) Each political committee that receives contributions or makes expenditures during a calendar year in an aggregate amount exceeding \$500 or that seeks the signatures of registered electors in support of an initiative shall file a statement of organization as provided in subsection (3) within 10 days after its organization. If a political committee is organized within 10 days of any election, it shall immediately file the statement of organization required by this section.

¹(b)1. Each group shall file a statement of organization as an electioneering communications organization within 24 hours after the date on which it makes expenditures for an electioneering communication in excess of \$5,000, if such expenditures are made within the timeframes specified in s. 106.011(18)(a)2. If the group makes expenditures for an electioneering communication in excess of \$5,000 before the timeframes specified in s. 106.011(18)(a)2., it shall file the statement of organization within 24 hours after the 30th day before a primary or special primary election, or within 24 hours after the 60th day before any other election, whichever is applicable.

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

b. In a countywide election or any election held on less than a countywide basis,

except as described in sub-subparagraph c., an electioneering communications organization shall file a statement of organization with the supervisor of elections of the county in which the election is being held.

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

d. Any electioneering communications organization that would be required to file a statement of organization in two or more locations need only file a statement of organization with the Division of Elections.

¹(2) The statement of organization shall include:

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

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

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

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

(e) The name, mailing address, street address, and position of other principal officers, including the treasurer and deputy treasurer, if any;

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

1. Each candidate whom the committee is supporting;

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

(g) Any issue or issues the committee is supporting or opposing;

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

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

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

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

(l) A statement of the reports required to be filed by the committee or the

electioneering communications organization with federal officials, if any, and the names, addresses, and positions of such officials; and

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

(3)(a) A political committee which is organized to support or oppose statewide, legislative, or multicounty candidates or issues to be voted upon on a statewide or multicounty basis shall file a statement of organization with the Division of Elections.

(b) Except as provided in paragraph (c), a political committee which is organized to support or oppose candidates or issues to be voted on in a countywide election or candidates or issues in any election held on less than a countywide basis shall file a statement of organization with the supervisor of elections of the county in which such election is being held.

(c) A political committee which is organized to support or oppose only candidates for municipal office or issues to be voted on in a municipal election shall file a statement of organization with the officer before whom municipal candidates qualify.

(d) Any political committee which would be required under this subsection to file a statement of organization in two or more locations need file only with the Division of Elections.

¹(4) Any change in information previously submitted in a statement of organization shall be reported to the agency or officer with whom such committee or electioneering communications organization is required to register within 10 days following the change.

(5) Any committee which, after having filed one or more statements of organization, disbands or determines it will no longer receive contributions or make expenditures during the calendar year in an aggregate amount exceeding \$500 shall so notify the agency or officer with whom such committee is required to file the statement of organization.

(6) If the filing officer finds that a political committee has filed its statement of

organization consistent with the requirements of subsection (2), it shall notify the committee in writing that it has been registered as a political committee. If the filing officer finds that a political committee's statement of organization does not meet the requirements of subsection (2), it shall notify the committee of such finding and shall state in writing the reasons for rejection of the statement of organization.

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

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

(b) Adequate opportunity to respond.

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

History.— s. 3, ch. 73-128; s. 3, ch. 74-200; s. 1, ch. 77-174; s. 41, ch. 77-175; s. 18, ch. 79-365; s. 25, ch. 81-304; s. 1, ch. 82-143; s. 36, ch. 84-302; s. 5, ch. 89-256; s. 27, ch. 90-315; s. 3, ch. 2006-300; s. 21, ch. 2010-167; ss. 8, 30, ch. 2011-6; s. 57, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.04 Committees of continuous existence.—

(1) In order to qualify as a committee of continuous existence for the purposes of this chapter, a group, organization, association, or other such entity which is involved in making contributions to candidates, political committees, or political parties, shall meet the following criteria:

(a) It shall be organized and operated in accordance with a written charter or set

of bylaws which contains procedures for the election of officers and directors and which clearly defines membership in the organization; and

(b) At least 25 percent of the income of such organization, excluding interest, must be derived from dues or assessments payable on a regular basis by its membership pursuant to provisions contained in the charter or bylaws. Dues may be collected by a group, organization, association, or other such entity from its members and forwarded to the committee of continuous existence. The committee of continuous existence shall report such dues as if it had received the dues directly from its members, in the manner prescribed in subsection (4).

(2) Any group, organization, association, or other entity may seek certification from the Department of State as a committee of continuous existence by filing an application with the Division of Elections on a form provided by the division. Such application shall provide the information required of political committees by s. 106.03(2). Each application shall be accompanied by the name and street address of the principal officer of the applying entity as of the date of the application; a copy of the charter or bylaws of the organization; a copy of the dues or assessment schedule of the organization, or formula by which dues or assessments are levied; and a complete financial statement or annual audit summarizing all income received, and all expenses incurred, by the organization during the 12 months preceding the date of application. A membership list shall be made available for inspection if deemed necessary by the division.

(3) If the Division of Elections finds that an applying organization meets the criteria for a committee of continuous existence as provided by subsection (1), it shall certify such findings and notify the applying organization of such certification. If it finds that an applying organization does not meet the criteria for certification, it shall notify the organization of such findings and shall state the reasons why such criteria are not met.

(4)(a) Each committee of continuous existence shall file an annual report with the Division of Elections during the month of January. Such annual reports shall contain the same information and shall be accompanied by the same materials as original applications filed pursuant to subsection (2). However, the charter or bylaws need not be filed if the annual report is accompanied by a sworn statement by the chair that no changes have been made to such charter or bylaws since the last filing.

(b)1. Each committee of continuous existence shall file regular reports with the Division of Elections at the same times and subject to the same filing conditions as are established by s. 106.07(1) and (2) for candidates' reports. In addition, when a special election is called to fill a vacancy in office, a committee of continuous existence that makes a contribution or expenditure to influence the results of such special election or the preceding special primary election must file campaign finance reports with the filing officer on the dates set by the Department of State pursuant to s. 100.111.

2. Any committee of continuous existence failing to so file a report with the Division of Elections or applicable filing officer pursuant to this paragraph on the designated due date shall be subject to a fine for late filing as provided by this section.

¹(c) All committees of continuous existence shall file their reports with the Division of Elections. Reports shall be filed in accordance with s. 106.0705 and shall contain the following information:

1. The full name, address, and occupation of each person who has made one or more contributions, including contributions that represent the payment of membership dues, to the committee during the reporting period, together with the amounts and dates of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporation. However, if the contribution is \$100 or less, the occupation of the contributor or principal type of business need not be listed. However, for any contributions that represent the payment of dues by members in a fixed amount aggregating no more than \$250 per calendar year, pursuant to the schedule on file with the Division of Elections, only the aggregate amount of such contributions need be listed, together with the number of members paying such dues and the amount of the membership dues.

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

3. Any other receipt of funds not listed pursuant to subparagraph 1. or

subparagraph 2., including the sources and amounts of all such funds.

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

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

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

7. Transaction information from each credit card purchase. Receipts for each credit card purchase shall be retained by the treasurer with the records for the committee account.

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

(d) The treasurer of each committee shall certify as to the correctness of each report and shall bear the responsibility for its accuracy and veracity. Any treasurer who willfully certifies to the correctness of a report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

¹(5) No committee of continuous existence shall make an electioneering communication, contribute to any candidate or political committee an amount in excess of the limits contained in s. 106.08(1), or participate in any activity which is prohibited by this chapter. If any violation occurs, it shall be punishable as provided in this chapter for the given offense. No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed campaign treasurer of a candidate. No such committee shall make expenditures in support of, or in opposition to, an issue unless such committee first registers as a political committee pursuant to this chapter and undertakes all the practices and procedures required thereof; provided

such committee may make contributions in a total amount not to exceed 25 percent of its aggregate income, as reflected in the annual report filed for the previous year, to one or more political committees registered pursuant to s. 106.03 and formed to support or oppose issues.

(6) All accounts and records of a committee of continuous existence may be inspected under reasonable circumstances by any authorized representative of the Division of Elections or the Florida Elections Commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

(7) Any change in information previously submitted to the division shall be reported within 10 days following the change.

(8) If a committee of continuous existence ceases to meet the criteria prescribed by subsection (1), the Division of Elections shall revoke its certification. The Division of Elections shall adopt rules to prescribe the manner in which the certification of a committee of continuous existence shall be revoked. Such rules shall, at a minimum, provide for:

(a) Notice, which must contain the facts and conduct that warrant the intended action.

(b) Adequate opportunity to respond.

(c) Appeal of the decision to the Florida Elections Commission. Such appeals are exempt from the confidentiality provisions of s. 106.25.

(9)(a) Any committee of continuous existence failing to file a report on the designated due date is subject to a fine. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, including a special primary election and a special general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. The fine shall be assessed by the filing officer, and the moneys collected shall be deposited into:

1. The General Revenue Fund, in the case of fines collected by the Division of Elections.

2. The general revenue fund of the political subdivision, in the case of fines

collected by a county or municipal filing officer. No separate fine shall be assessed for failure to file a copy of any report required by this section.

(b) Upon determining that a report is late, the filing officer shall immediately notify the treasurer of the committee or the committee's registered agent as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. Upon receipt of the report, the filing officer shall determine the amount of fine which is due and shall notify the treasurer of the committee. Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by such officer.
2. When the report is postmarked.
3. When the certificate of mailing is dated.
4. When the receipt from an established courier company is dated.

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

(c) Any treasurer of a committee may appeal or dispute the fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the Florida Elections Commission, which may waive the fine in whole or in part. Any such request must be made within 20 days after receipt of the notice of payment due. The committee shall file the appeal with the commission, with a copy provided to the filing officer.

(d) The filing officer shall notify the Florida Elections Commission of the repeated late filing by a committee of continuous existence, the failure of a committee of continuous existence to file a report after notice, or the failure to pay the fine imposed.

History.— s. 4, ch. 73-128; ss. 4, 16, ch. 74-200; s. 1, ch. 77-174; s. 42, ch. 77-175; s. 57, ch. 79-400; s. 26, ch. 81-304; s. 5, ch. 85-226; s. 6, ch. 89-256; s. 28, ch. 90-315; s. 1, ch. 90-338; ss. 6, 12, ch. 91-107; s. 1, ch. 95-140; s. 639, ch. 95-147; s. 6, ch. 97-13; ss. 3, 16, ch. 2004-252; s. 4, ch. 2006-300; s. 42, ch. 2007-30; s. 22, ch. 2010-167; ss. 9, 30, ch. 2011-

6; s. 58, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.05 Deposit of contributions; statement of campaign treasurer.— All funds received by the campaign treasurer of any candidate or political committee shall, prior to the end of the 5th business day following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to s. 106.021, in an account designated “ (name of candidate or committee) Campaign Account.” Except for contributions to political committees made by payroll deduction, all deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. If a contribution is deposited in a secondary campaign depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip accompanying the deposit, to the primary campaign depository prior to the end of the 1st business day following the deposit.

History.—s. 5, ch. 73-128; s. 1, ch. 76-88; s. 1, ch. 77-174; s. 43, ch. 77-175; s. 7, ch. 89-256; s. 29, ch. 90-315.

106.055 Valuation of in-kind contributions.— Any person who makes an in-kind contribution shall, at the time of making such contribution, place a value on such contribution, which valuation shall be the fair market value of such contribution. Travel conveyed upon private aircraft shall be valued at the actual cost of per person commercial air travel for the same or a substantially similar route.

History.—s. 44, ch. 77-175; s. 43, ch. 2007-30.

106.06 Treasurer to keep records; inspections.—

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

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

(3) Accounts kept by a campaign treasurer of a candidate shall be preserved by the campaign treasurer for a number of years equal to the term of office of the office to which the candidate seeks election. Accounts kept by a campaign treasurer of a political committee shall be preserved by such treasurer for at least 2 years after the date of the election to which the accounts refer.

History.—s. 6, ch. 73-128; s. 45, ch. 77-175; s. 3, ch. 79-378; s. 8, ch. 89-256; s. 30, ch. 90-315.

106.07 Reports; certification and filing.—

(1) Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Except for the third calendar quarter immediately preceding a general election, reports shall be filed on the 10th day following the end of each calendar quarter from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be

filed on the next following day which is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter which have not otherwise been reported pursuant to this section.

(a) Except as provided in paragraph (b), the reports shall also be filed on the 32nd, 18th, and 4th days immediately preceding the primary and on the 46th, 32nd, 18th, and 4th days immediately preceding the election, for a candidate who is opposed in seeking nomination or election to any office, for a political committee, or for a committee of continuous existence.

(b) Any statewide candidate who has requested to receive contributions pursuant to the Florida Election Campaign Financing Act or any statewide candidate in a race with a candidate who has requested to receive contributions pursuant to the act shall also file reports on the 4th, 11th, 18th, 25th, and 32nd days prior to the primary election, and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general election.

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

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

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

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

(2)(a)1. All reports required of a candidate by this section shall be filed with the

officer before whom the candidate is required by law to qualify. All candidates who file with the Department of State shall file their reports pursuant to s. 106.0705. Except as provided in s. 106.0705, reports shall be filed not later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding that designated due date. All such reports shall be open to public inspection.

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

(b)1. Any report that is deemed to be incomplete by the officer with whom the candidate qualifies shall be accepted on a conditional basis. The campaign treasurer shall be notified by certified mail or by another method using a common carrier that provides a proof of delivery of the notice as to why the report is incomplete and within 7 days after receipt of such notice must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

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

(3) Reports required of a political committee shall be filed with the agency or

officer before whom such committee registers pursuant to s. 106.03(3) and shall be subject to the same filing conditions as established for candidates' reports.

Incomplete reports by political committees shall be treated in the manner provided for incomplete reports by candidates in subsection (2).

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

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

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

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

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

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

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

7. The full name and address of each person to whom an expenditure for personal services, salary, or reimbursement for authorized expenses as provided in s. 106.021(3) has been made and which is not otherwise reported, including the amount, date, and purpose of such expenditure. However, expenditures made from the petty cash fund provided for in s. 106.12 need not be reported individually. Receipts for reimbursement for authorized expenditures shall be retained by the treasurer along with the records for the campaign account.

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

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

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

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

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

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

(b) The filing officer shall make available to any candidate or committee a reporting form which the candidate or committee may use to indicate contributions received by the candidate or committee but returned to the contributor before deposit.

(5) The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each

report. Any campaign treasurer, candidate, or political committee chair who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) The records maintained by the campaign depository with respect to any campaign account regulated by this chapter are subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any of such records to the Division of Elections or Florida Elections Commission upon request.

(7) Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate, political committee, or committee of continuous existence has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate, political committee, or committee of continuous existence not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

(8)(a) Any candidate or political committee failing to file a report on the designated due date is subject to a fine as provided in paragraph (b) for each late day, and, in the case of a candidate, such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

1. In the General Revenue Fund, in the case of a candidate for state office or a political committee that registers with the Division of Elections; or
2. In the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

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

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

notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each special primary election, special election, primary election, and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For reports required under s. 106.141(7), the fine is \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the candidate or chair or registered agent of the political committee. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

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

Such fine shall be paid to the filing officer within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. In the case of a candidate, such fine shall not be an allowable campaign expenditure and shall be paid only from personal funds of the candidate. An officer or member of a political committee shall not be personally liable for such fine.

(c) Any candidate or chair of a political committee may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the

fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(1) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the candidate or chair of the political committee shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

(d) The appropriate filing officer shall notify the Florida Elections Commission of the repeated late filing by a candidate or political committee, the failure of a candidate or political committee to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the filing officer and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).

(9) The Department of State may prescribe by rule the requirements for filing campaign treasurers' reports as set forth in this chapter.

History.—s. 7, ch. 73-128; ss. 5, 15, 17, ch. 74-200; ss. 1, 2, ch. 75-8; s. 2, ch. 75-139; s. 1, ch. 77-174; s. 46, ch. 77-175; s. 23, ch. 79-164; ss. 7, 8, ch. 79-365; s. 4, ch. 79-378; s. 58, ch. 79-400; s. 52, ch. 81-259; s. 27, ch. 81-304; s. 2, ch. 82-143; s. 11, ch. 83-251; s. 37, ch. 84-302; s. 6, ch. 85-226; s. 1, ch. 86-134; s. 13, ch. 87-224; s. 9, ch. 89-256; s. 31, ch. 90-315; s. 2, ch. 90-338; s. 18, ch. 90-502; s. 7, ch. 91-107; s. 2, ch. 95-140; s. 640, ch. 95-147; s. 15, ch. 95-280; s. 7, ch. 97-13; s. 6, ch. 2001-75; s. 29, ch. 2002-17; s. 2, ch. 2002-197; s. 8, ch. 2003-1; ss. 17, 18, ch. 2004-252; s. 24, ch. 2005-286; ss. 5, 10, ch. 2006-300; s. 29, ch. 2008-95; s. 59, ch. 2011-40.

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

(1) The Governor, Lieutenant Governor, members of the Cabinet, state legislators, or candidates for such offices who directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of an organization that is exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, which such individuals, in whole or in part, establish, maintain, or control, shall file a statement with the division within 5 days after commencing such activity on behalf of the organization.

The statement shall contain the following information:

(a) The name of the person acting on behalf of the organization.

(b) The name and type of the organization.

(c) A description of the relationship between the person and the organization.

(2) Failure to timely file the statement shall subject the person to a civil penalty of \$50 per day for each late day, payable from the personal funds of the violator.

(3) Upon filing a statement with the division, an individual subject to the requirements of subsection (1) shall promptly create a public website that contains a mission statement and the names of persons associated with the organization. The address of the website shall be reported to the division within 5 business days after the website is created.

(4) All contributions received shall be disclosed on the website within 5 business days after deposit, together with the name, address, and occupation of the donor. All expenditures by the organization shall be individually disclosed on the website within 5 business days after being made.

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

History.—s. 6, ch. 2006-300; ss. 10, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

¹**106.0703 Electioneering communications organizations; reporting requirements; certification and filing; penalties.**—

(1)(a) Each electioneering communications organization shall file regular reports of all contributions received and all expenditures made by or on behalf of the

organization. Reports shall be filed on the 10th day following the end of each calendar quarter from the time the organization is registered. However, if the 10th day following the end of a calendar quarter occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day that is not a Saturday, Sunday, or legal holiday. Quarterly reports shall include all contributions received and expenditures made during the calendar quarter that have not otherwise been reported pursuant to this section.

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

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

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

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

(2)(a) Except as provided in s. 106.0705, the reports required of an electioneering communications organization shall be filed with the filing officer not later than 5 p.m. of the day designated. However, any report postmarked by the United States Postal Service no later than midnight of the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date that was delivered by the United States Postal Service

shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due, shall be proof of mailing in a timely manner. Reports shall contain information of all previously unreported contributions received and expenditures made as of the preceding Friday, except that the report filed on the Friday immediately preceding the election shall contain information of all previously unreported contributions received and expenditures made as of the day preceding the designated due date. All such reports shall be open to public inspection.

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

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

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

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

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

3. Each loan for electioneering communication purposes to or from any person or

political committee within the reporting period, together with the full names, addresses, and occupations and principal places of business, if any, of the lender and endorsers, if any, and the date and amount of such loans.

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

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

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

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

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

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

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

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

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

(b) The filing officer shall make available to any electioneering communications organization a reporting form which the electioneering communications

organization may use to indicate contributions received by the electioneering communications organization but returned to the contributor before deposit.

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

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

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

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

1. In the General Revenue Fund, in the case of an electioneering communications organization that registers with the Division of Elections; or
2. In the general revenue fund of the political subdivision, in the case of an electioneering communications organization that registers with an officer of a political subdivision.

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

(b) Upon determining that a report is late, the filing officer shall immediately notify the electioneering communications organization as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the electioneering communications organization. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

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

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

(c) The treasurer of an electioneering communications organization may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265 (1) when determining the amount of a fine, if any, to be waived. Any such request

shall be made within 20 days after receipt of the notice of payment due. In such case, the treasurer of the electioneering communications organization shall, within the 20-day period, notify the filing officer in writing of his or her intention to bring the matter before the commission.

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

(8) Electioneering communications organizations shall not use credit cards.

History.—s. 7, ch. 2006-300; s. 23, ch. 2010-167; ss. 11, 30, ch. 2011-6; s. 60, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.0705 Electronic filing of campaign treasurer’s reports. —

(1) As used in this section, “electronic filing system” means an Internet system for recording and reporting campaign finance activity by reporting period.

(2)(a) Each individual who is required to file reports with the division pursuant to s. 106.07 or s. 106.141 must file such reports by means of the division’s electronic filing system.

¹(b) Each political committee, committee of continuous existence, electioneering communications organization, affiliated party committee, or state executive committee that is required to file reports with the division under s. 106.04, s. 106.07,

s. 106.0703, or s. 106.29, as applicable, must file such reports with the division by means of the division's electronic filing system.

(c) Each person or organization that is required to file reports with the division under s. 106.071 must file such reports by means of the division's electronic filing system.

¹(3) Reports filed pursuant to this section shall be completed and filed through the electronic filing system not later than midnight of the day designated. Reports not filed by midnight of the day designated are late filed and are subject to the penalties under s. 106.04(9), s. 106.07(8), s. 106.0703(7), or s. 106.29(3), as applicable.

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

(5) The electronic filing system developed by the division must:

(a) Be based on access by means of the Internet.

(b) Be accessible by anyone with Internet access using standard web-browsing software.

(c) Provide for direct entry of campaign finance information as well as upload of such information from campaign finance software certified by the division.

(d) Provide a method that prevents unauthorized access to electronic filing system functions.

(6) The division shall adopt rules pursuant to ss. 120.536(1) and 120.54 to administer this section and provide for the reports required to be filed pursuant to this section. Such rules shall, at a minimum, provide:

(a) Alternate filing procedures in case the division's electronic filing system is not operable.

(b) For the issuance of an electronic receipt to the person submitting the report indicating and verifying that the report has been filed.

History.—s. 19, ch. 2004-252; s. 45, ch. 2005-278; s. 8, ch. 2006-300; s. 24, ch. 2010-

167; ss. 12, 30, ch. 2011-6; s. 61, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.0706 Electronic filing of campaign finance reports; public records exemption.—

(1) All user identifications and passwords held by the Department of State pursuant to s. 106.0705 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(2)(a) Information entered in the electronic filing system for purposes of generating a report pursuant to s. 106.0705 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

(b) Information entered in the electronic filing system is no longer exempt once the report is generated and filed with the Division of Elections.

History.—s. 1, ch. 2004-253; s. 16, ch. 2008-4; s. 1, ch. 2009-149.

106.071 Independent expenditures; electioneering communications; reports; disclaimers.—

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

amount, date, and purpose of each such expenditure; a description of the services or goods obtained by each such expenditure; the issue to which the expenditure relates; and the name and address of, and office sought by, each candidate on whose behalf such expenditure was made.

(2) Any political advertisement paid for by an independent expenditure shall prominently state “Paid political advertisement paid for by (Name and address of person paying for advertisement) independently of any (candidate or committee).”

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

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

History.—s. 47, ch. 77-175; s. 10, ch. 89-256; s. 4, ch. 2004-252; s. 25, ch. 2010-167; ss. 13, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.075 Elected officials; report of loans made in year preceding election; limitation on contributions to pay loans.—

(1) A person who is elected to office must report all loans, exceeding \$500 in value, made to him or her and used for campaign purposes, and made in the 12 months preceding his or her election to office, to the filing officer. The report must be made, in the manner prescribed by the Department of State, within 10 days after being elected to office.

(2) Any person who makes a contribution to an individual to pay all or part of a

loan incurred, in the 12 months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in s. 106.08(1).

History.—s. 11, ch. 89-256; s. 32, ch. 90-315; s. 12, ch. 91-107; s. 641, ch. 95-147.

106.08 Contributions; limitations on.—

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

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

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

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

¹(2)(a) A candidate may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, which contributions in the aggregate exceed \$50,000.

(b) A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of the political party, or affiliated party committees, which contributions in the aggregate exceed \$250,000. Polling services, research services, costs for

campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the contribution limits of paragraph (a) or this paragraph. Any item not expressly identified in this paragraph as nonallocable is a contribution in an amount equal to the fair market value of the item and must be counted as allocable toward the contribution limits of paragraph (a) or this paragraph. Nonallocable, in-kind contributions must be reported by the candidate under s. 106.07 and by the political party or affiliated party committee under s. 106.29.

(3)(a) Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than 5 days prior to the day of that election must be returned by him or her to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

(b) Except as otherwise provided in ²paragraph (c), any contribution received by a candidate or by the campaign treasurer or a deputy campaign treasurer of a candidate after the date at which the candidate withdraws his or her candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

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

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

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

(c) Candidates, political committees, affiliated party committees, and political parties may not make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for

the public good. It is not a violation of this paragraph for:

1. A candidate, political committee, affiliated party committee, or political party executive committee to make gifts of money in lieu of flowers in memory of a deceased person;
2. A candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, affiliated party committee, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than 6 months; or
3. A candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, affiliated party committee, or charitable groups.

¹(6)(a) A political party or affiliated party committee may not accept any contribution that has been specifically designated for the partial or exclusive use of a particular candidate. Any contribution so designated must be returned to the contributor and may not be used or expended by or on behalf of the candidate. Funds contributed to an affiliated party committee shall not be deemed as designated for the partial or exclusive use of a leader as defined in s. 103.092.

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

2.a. An in-kind contribution to a state political party may be accepted only by the chairperson of the state political party or by the chairperson's designee or designees whose names are on file with the division in a form acceptable to the division prior to the date of the written notice required in sub-subparagraph b. An in-kind contribution to a county political party may be accepted only by the chairperson of the county political party or by the county chairperson's designee or designees whose names are on file with the supervisor of elections of the respective county prior to the date of the written notice required in sub-subparagraph b. An in-kind contribution to an affiliated party committee may be accepted only by the leader of the affiliated party committee as defined in s. 103.092 or by the leader's designee or designees whose names are on file with the division in a form acceptable to the division prior to the date of the written notice required in sub-subparagraph b.

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

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

d. A copy of each prior written acceptance required under sub-subparagraph c. must be filed at the time the regular reports of contributions and expenditures required under s. 106.29 are filed by the state executive committee, county executive committee, and affiliated party committee. A state executive committee and an affiliated party committee must file with the division. A county executive committee must file with the county's supervisor of elections.

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

¹(7)(a) Any person who knowingly and willfully makes or accepts no more than one contribution in violation of subsection (1) or subsection (5), or any person who knowingly and willfully fails or refuses to return any contribution as required in subsection (3), commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If any corporation, partnership, or other business entity or any political party, affiliated party committee, political committee, committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$1,000 and not more than \$10,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be

forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political party, affiliated party committee, political committee, committee of continuous existence, electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts two or more contributions in violation of subsection (1) or subsection (5) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. If any corporation, partnership, or other business entity or any political party, affiliated party committee, political committee, committee of continuous existence, or electioneering communications organization is convicted of knowingly and willfully violating any provision punishable under this paragraph, it shall be fined not less than \$10,000 and not more than \$50,000. If it is a domestic entity, it may be ordered dissolved by a court of competent jurisdiction; if it is a foreign or nonresident business entity, its right to do business in this state may be forfeited. Any officer, partner, agent, attorney, or other representative of a corporation, partnership, or other business entity, or of a political committee, committee of continuous existence, political party, affiliated party committee, or electioneering communications organization, or organization exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, who aids, abets, advises, or participates in a violation of any provision punishable under this paragraph commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8) Except when otherwise provided in subsection (7), any person who knowingly and willfully violates any provision of this section shall, in addition to any other penalty prescribed by this chapter, pay to the state a sum equal to twice the amount contributed in violation of this chapter. Each campaign treasurer shall pay all amounts contributed in violation of this section to the state for deposit in the General Revenue Fund.

(9) This section does not apply to the transfer of funds between a primary campaign depository and a savings account or certificate of deposit or to any interest earned on such account or certificate.

(10) Contributions to a political committee or committee of continuous existence may be received by an affiliated organization and transferred to the bank account of the political committee or committee of continuous existence via check written from the affiliated organization if such contributions are specifically identified as intended to be contributed to the political committee or committee of continuous existence. All contributions received in this manner shall be reported pursuant to s. 106.07 by the political committee or committee of continuous existence as having been made by the original contributor.

History.—s. 8, ch. 73-128; s. 6, ch. 74-200; s. 1, ch. 77-174; s. 48, ch. 77-175; s. 1, ch. 78-403; s. 9, ch. 79-365; s. 5, ch. 79-378; s. 7, ch. 85-226; s. 4, ch. 86-134; s. 12, ch. 89-256; ss. 33, 46, ch. 90-315; s. 9, ch. 90-338; s. 11, ch. 91-107; s. 642, ch. 95-147; s. 3, ch. 97-13; s. 8, ch. 99-355; s. 27, ch. 2002-17; s. 3, ch. 2002-197; s. 1, ch. 2002-281; s. 68, ch. 2005-277; s. 46, ch. 2005-278; s. 25, ch. 2005-286; s. 1, ch. 2005-360; s. 9, ch. 2006-300; s. 44, ch. 2007-30; s. 26, ch. 2010-167; ss. 14, 30, ch. 2011-6; s. 62, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

²**Note.**— Repealed by s. 62, ch. 2011-40.

106.087 Independent expenditures; contribution limits; restrictions on political parties, political committees, and committees of continuous existence.—

(1)(a) As a condition of receiving a rebate of filing fees and party assessment funds pursuant to s. 99.061(2), s. 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or treasurer of a state or county executive committee shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed

with the Secretary of State and shall be substantially in the following form:

State of Florida

County of _____

Before me, an officer authorized to administer oaths, personally appeared (name), to me well known, who, being sworn, says that he or she is the (title) of the (name of party) (state or specified county) executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(2), Florida Statutes.

(Signature of committee officer)

(Address)

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

(Signature and title of officer administering oath)

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

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

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

(2)(a) Any political committee or committee of continuous existence that accepts the use of public funds, equipment, personnel, or other resources to collect dues from its members agrees not to make independent expenditures in support of or opposition to a candidate or elected public official. However, expenditures may be

made for the sole purpose of jointly endorsing three or more candidates.

(b) Any political committee or committee of continuous existence that violates this subsection is liable for a civil fine of up to \$5,000 to be determined by the Florida Elections Commission or the entire amount of the expenditures, whichever is greater.

History.—s. 5, ch. 97-13; s. 14, ch. 99-6.

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

(1) As a condition of receiving a rebate of party assessments under s. 103.121(1)(b), the leader or treasurer of an affiliated party committee as defined in s. 103.092 shall take and subscribe to an oath or affirmation in writing. During the qualifying period for state candidates and prior to distribution of such funds, a printed copy of the oath or affirmation shall be filed with the Secretary of State and shall be substantially in the following form:

State of Florida

County of _____

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

(Signature of committee officer)

(Address)

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

(Signature and title of officer administering oath)

(2)(a) Any affiliated party committee found to have violated the provisions of the oath or affirmation prior to receiving funds shall be ineligible to receive the rebate for that general election year.

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

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

History.—ss. 15, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

Note.— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.09 Cash contributions and contribution by cashier’s checks.—

(1)(a) A person may not make an aggregate cash contribution or contribution by means of a cashier’s check to the same candidate or committee in excess of \$50 per election.

(b) A person may not accept an aggregate cash contribution or contribution by means of a cashier’s check from the same contributor in excess of \$50 per election.

(2)(a) Any person who makes or accepts a contribution in violation of subsection (1) commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) Any person who knowingly and willfully makes or accepts a contribution in excess of \$5,000 in violation of subsection (1) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 9, ch. 73-128; s. 48, ch. 77-175; s. 2, ch. 2002-281; s. 45, ch. 2007-30; s. 63, ch. 2011-40.

106.11 Expenses of and expenditures by candidates and political committees.—

Each candidate and each political committee which designates a primary campaign depository pursuant to s. 106.021(1) shall make expenditures from funds on deposit in such primary campaign depository only in the following manner, with the exception of expenditures made from petty cash funds provided by s. 106.12:

(1)(a) The campaign treasurer or deputy campaign treasurer of a candidate or political committee shall make expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee. The campaign account shall be separate from any personal or other account and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or political committee.

(b) The checks for such account shall contain, as a minimum, the following information:

1. The statement “ (name of candidate or political committee) Campaign Account.”

2. The account number and the name of the bank.

3. The exact amount of the expenditure.

4. The signature of the campaign treasurer or deputy treasurer.

5. The exact purpose for which the expenditure is authorized.

6. The name of the payee.

(2)(a) For purposes of this section, debit cards are considered bank checks, if:

1. Debit cards are obtained from the same bank that has been designated as the candidate’s or political committee’s primary campaign depository.

2. Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and state “ (name of candidate or political committee) Campaign Account.”

3. No more than three debit cards are requested and issued.

4. The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.

5. All receipts for debit card transactions contain:

a. The last four digits of the debit card number.

b. The exact amount of the expenditure.

- c. The name of the payee.
- d. The signature of the campaign treasurer, deputy treasurer, or authorized user.
- e. The exact purpose for which the expenditure is authorized.

Any information required by this subparagraph but not included on the debit card transaction receipt may be handwritten on, or attached to, the receipt by the authorized user before submission to the treasurer.

(b) Debit cards are not subject to the requirements of paragraph (1)(b).

(3) The campaign treasurer, deputy treasurer, or authorized user who signs the check shall be responsible for the completeness and accuracy of the information on such check and for insuring that such expenditure is an authorized expenditure.

(4) No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the primary depository account of the candidate or political committee to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid. However, an expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary depository account to pay the full amount of the incurred expense, to honor all checks drawn on such account, which checks are outstanding, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services; and an expenditure from petty cash pursuant to the provisions of s. 106.12 may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Payment for credit card purchases shall be made pursuant to s. 106.125. Any expense incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter. As used in this subsection, the term "sufficient funds on deposit in the primary depository account of the candidate or political committee" means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained. The term shall not be

construed to mean that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

(5) A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

(a) Purchase “thank you” advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.

(b) Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.

(c) Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.

(d) Dispose of surplus funds as provided in s. 106.141.

(6) A candidate who makes a loan to his or her campaign and reports the loan as required by s. 106.07 may be reimbursed for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.

History.—s. 11, ch. 73-128; s. 8, ch. 74-200; s. 48, ch. 77-175; s. 2, ch. 78-403; s. 10, ch. 79-365; s. 8, ch. 85-226; s. 13, ch. 89-256; s. 14, ch. 91-107; s. 643, ch. 95-147; s. 25, ch. 2002-17; s. 4, ch. 2002-197; s. 64, ch. 2011-40.

106.113 Expenditures by local governments.—

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

(a) “Local government” means:

1. A county, municipality, school district, or other political subdivision in this state; and

2. Any department, agency, board, bureau, district, commission, authority, or similar body of a county, municipality, school district, or other political subdivision of this state.

(b) “Public funds” means all moneys under the jurisdiction or control of the local government.

(2) A local government or a person acting on behalf of local government may not expend or authorize the expenditure of, and a person or group may not accept, public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any state question, that

is subject to a vote of the electors. This subsection does not apply to an electioneering communication from a local government or a person acting on behalf of a local government which is limited to factual information.

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

History.—s. 1, ch. 2009-125.

106.12 Petty cash funds allowed.—

(1) Each campaign treasurer designated pursuant to s. 106.021(1) for a candidate or political committee is authorized to withdraw from the primary campaign account, until the close of the last day for qualifying for office, the amount of \$500 per calendar quarter reporting period for the purpose of providing a petty cash fund for the candidate or political committee.

(2) Following the close of the last day for qualifying and until the last election in a given election period in which the political committee participates, the campaign treasurer of each political committee is authorized to withdraw the following amount each week from the primary depository campaign account for the purpose of providing a petty cash fund for the political committee, and, following the close of the last day for qualifying and until the election at which such candidate is eliminated or elected to office, or the time at which the candidate becomes unopposed, the campaign treasurer of each candidate is authorized to withdraw the following amount each week from the primary depository campaign account for the purpose of providing a petty cash fund for the candidate:

(a) For all candidates for nomination or election on a statewide basis, \$500 per week.

(b) For all other candidates and all political committees, \$100 per week.

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

History.—s. 12, ch. 73-128; s. 48, ch. 77-175; s. 9, ch. 85-226; s. 5, ch. 2002-197.

106.125 Credit cards; conditions on use.— Any candidate for statewide office or

any political committee created to support or oppose any candidate for statewide office or to support or oppose any statewide issue may obtain, and use in making travel-related campaign expenditures, credit cards. The obtention and use of credit cards by any such candidate or political committee shall be subject to the following conditions:

- (1) Credit cards may be obtained only from the same bank which has been designated as the candidate's or political committee's primary campaign depository.
- (2) Credit cards shall be in the name of the candidate or political committee and shall reflect that the account is a campaign account.
- (3) Before a credit card may be used, a copy of the agreement or contract between the candidate and the bank, or the political committee and the bank, and a list of all persons who have been authorized to use the card shall be filed with the Secretary of State.
- (4) All credit cards issued to candidates or political committees shall expire no later than midnight of the last day of the month of the general election.
- (5) Each statement rendered by the issuer of a credit card shall be paid upon receipt.
- (6) Campaign travel-related expenditures shall include transportation, lodging, meals, and other expenses incurred in connection with traveling for campaign purposes.

This section shall not be deemed to preclude the use of advance payments by a check drawn on the primary depository account for travel-related expenses. The treasurer shall require an accounting of actual expenses and reconcile any overpayment or underpayment to the original payee.

History.—s. 11, ch. 79-365; s. 2, ch. 86-134.

106.14 Utilities; deposits; prior authorization.—

- (1) Utility companies providing utilities services to a candidate or political committee shall charge a deposit sufficient to meet all anticipated charges during a billing period.
- (2) Authorization and payment for utilities used during the billing period must be made by the candidate or political committee when the bill is received from a utility company.

History.—s. 14, ch. 73-128; s. 48, ch. 77-175; s. 5, ch. 78-403; s. 59, ch. 79-400; s. 2, ch. 85-63; s. 14, ch. 89-256.

106.1405 Use of campaign funds.— A candidate or the spouse of a candidate may not use funds on deposit in a campaign account of such candidate to defray normal living expenses for the candidate or the candidate’s family, other than expenses actually incurred for transportation, meals, and lodging by the candidate or a family member during travel in the course of the campaign.

History.—s. 49, ch. 77-175; s. 53, ch. 81-259; s. 644, ch. 95-147; s. 10, ch. 97-13.

106.141 Disposition of surplus funds by candidates.—

(1) Each candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office shall, within 90 days, dispose of the funds on deposit in his or her campaign account and file a report reflecting the disposition of all remaining funds. Such candidate shall not accept any contributions, nor shall any person accept contributions on behalf of such candidate, after the candidate withdraws his or her candidacy, becomes unopposed, or is eliminated or elected. However, if a candidate receives a refund check after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of under this section. An amended report must be filed showing the refund and subsequent disposition.

(2) Any candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

(3) The campaign treasurer of a candidate who withdraws his or her candidacy, becomes unopposed, or is eliminated as a candidate or elected to office and who has funds on deposit in a separate interest-bearing account or certificate of deposit shall, within 7 days after the date of becoming unopposed or the date of such withdrawal, elimination, or election, transfer such funds and the accumulated interest earned thereon to the campaign account of the candidate for disposal under this section. However, if the funds are in an account in which penalties will apply for withdrawal within the 7-day period, the campaign treasurer shall transfer such funds and the accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or

her candidacy, or is eliminated or elected, whichever comes first.

(4)¹(a) Except as provided in paragraph (b), any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or any combination thereof:

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

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

²3. Give the funds that have not been spent or obligated to the affiliated party committee or political party of which such candidate is a member.

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

a. In the case of a candidate for state office, to the state, to be deposited in either the ³Election Campaign Financing Trust Fund or the General Revenue Fund, as designated by the candidate; or

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

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

(5) A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may, in addition to the disposition methods provided in subsection (4), transfer from the campaign account to an office account any amount of the funds on deposit in such campaign account up to:

(a) Twenty thousand dollars, for a candidate for statewide office. The Governor and Lieutenant Governor shall be considered separate candidates for the purpose of this section.

(b) Five thousand dollars, for a candidate for multicounty office.

(c) Five thousand dollars multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.

(d) Two thousand five hundred dollars multiplied by the number of years in the term of office for which elected, for a candidate for county office or for a candidate in

any election conducted on less than a countywide basis.

(e) Six thousand dollars, for a candidate for retention as a justice of the Supreme Court.

(f) Three thousand dollars, for a candidate for retention as a judge of a district court of appeal.

(g) One thousand five hundred dollars, for a candidate for county court judge or circuit judge.

The office account established pursuant to this subsection shall be separate from any personal or other account. Any funds so transferred by a candidate shall be used only for legitimate expenses in connection with the candidate's public office. Such expenses may include travel expenses incurred by the officer or a staff member, personal taxes payable on office account funds by the candidate or elected public official, or expenses incurred in the operation of his or her office, including the employment of additional staff. The funds may be deposited in a savings account; however, all deposits, withdrawals, and interest earned thereon shall be reported at the appropriate reporting period. If a candidate is reelected to office or elected to another office and has funds remaining in his or her office account, he or she may transfer surplus campaign funds to the office account. At no time may the funds in the office account exceed the limitation imposed by this subsection. Upon leaving public office, any person who has funds in an office account pursuant to this subsection remaining on deposit shall give such funds to a charitable organization or organizations which meet the requirements of s. 501(c)(3) of the Internal Revenue Code or, in the case of a state officer, to the state to be deposited in the General Revenue Fund or, in the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

(6) Prior to disposing of funds pursuant to subsection (4) or transferring funds into an office account pursuant to subsection (5), any candidate who filed an oath stating that he or she was unable to pay the election assessment or fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or who filed both such oaths, or who qualified by the petition process and was not required to pay an election assessment, shall reimburse the state or local governmental entity,

whichever is applicable, for such waived assessment or fee or both. Such reimbursement shall be made first for the cost of petition verification and then, if funds are remaining, for the amount of the election assessment. If there are insufficient funds in the account to pay the full amount of either the assessment or the fee or both, the remaining funds shall be disbursed in the above manner until no funds remain. All funds disbursed pursuant to this subsection shall be remitted to the qualifying officer. Any reimbursement for petition verification costs which are reimbursable by the state shall be forwarded by the qualifying officer to the state for deposit in the General Revenue Fund. All reimbursements for the amount of the election assessment shall be forwarded by the qualifying officer to the Department of State for deposit in the General Revenue Fund.

(7)(a) Any candidate required to dispose of campaign funds pursuant to this section shall do so within the time required by this section and shall, on or before the date by which such disposition is to have been made, file with the officer with whom reports are required to be filed pursuant to s. 106.07 a form prescribed by the Division of Elections listing:

1. The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
2. The name and address of each person to whom an expenditure was made, together with the amount thereof and purpose therefor; and
3. The amount of such funds transferred to an office account by the candidate, together with the name and address of the bank in which the office account is located.

Such report shall be signed by the candidate and the campaign treasurer and certified as true and correct pursuant to s. 106.07.

(b) The filing officer shall notify each candidate at least 14 days before the date the report is due.

(c) Any candidate failing to file a report on the designated due date shall be subject to a fine as provided in s. 106.07 for submitting late termination reports.

(8) Any candidate elected to office who transfers surplus campaign funds into an office account pursuant to subsection (5) shall file a report on the 10th day following the end of each calendar quarter until the account is closed. Such reports shall

contain the name and address of each person to whom any disbursement of funds was made, together with the amount thereof and the purpose therefor, and the name and address of any person from whom the elected candidate received any refund or reimbursement and the amount thereof. Such reports shall be on forms prescribed by the Division of Elections, signed by the elected candidate, certified as true and correct, and filed with the officer with whom campaign reports were filed pursuant to s. 106.07(2).

(9) Any candidate, or any person on behalf of a candidate, who accepts contributions after such candidate has withdrawn his or her candidacy, after the candidate has become an unopposed candidate, or after the candidate has been eliminated as a candidate or elected to office commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(10) Any candidate who is required by the provisions of this section to dispose of funds in his or her campaign account and who fails to dispose of the funds in the manner provided in this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 50, ch. 77-175; s. 6, ch. 79-378; s. 60, ch. 79-400; s. 2, ch. 80-292; s. 54, ch. 81-259; s. 28, ch. 81-304; s. 1, ch. 82-404; s. 38, ch. 84-302; s. 10, ch. 85-226; s. 2, ch. 86-7; s. 2, ch. 86-276; s. 11, ch. 87-363; s. 15, ch. 89-256; s. 34, ch. 90-315; s. 15, ch. 91-107; s. 645, ch. 95-147; ss. 15, 16, 53, ch. 97-13; s. 6, ch. 2002-197; s. 20, ch. 2004-252; s. 70, ch. 2005-277; ss. 16, 30, ch. 2011-6; s. 65, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

²**Note.**— As amended by s. 16, ch. 2011-6, and s. 65, ch. 2011-40. Section 16, ch. 2011-6, added references to affiliated party committees as an alternative recipient to political parties at s. 106.141(4)(a)3. relating to disposal of unspent or unobligated

funds; s. 65, ch. 2011-40, deleted language specifying dollar amount limitations as to disposal of funds.

³**Note.**— The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.143 Political advertisements circulated prior to election; requirements.—

(1)(a) Any political advertisement that is paid for by a candidate, except a write-in candidate, and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. “Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)”; or

2. “Paid by (name of candidate), (party affiliation), for (office sought).”

(b) Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. “Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)”; or

2. “Paid by (name of candidate), write-in candidate, for (office sought).”

(c) Any other political advertisement published, displayed, or circulated before, or on the day of, any election must prominently:

1. Be marked “paid political advertisement” or with the abbreviation “pd. pol. adv.”

2. State the name and address of the persons paying for the advertisement.

3. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement.

(d) Any political advertisement made pursuant to s. 106.021(3)(d) must prominently state the name and address of the political committee or political party paying for the advertisement.

(2) Political advertisements made as in-kind contributions from a political party must prominently state: “Paid political advertisement paid ¹for in-kind by (name of political party). Approved by (name of person, party affiliation, and office sought in the political advertisement).”

(3) Any political advertisement of a candidate running for partisan office shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as a candidate with no party affiliation, any political advertisement of the candidate must state that the candidate has no party affiliation. A political advertisement of a candidate running for nonpartisan office may not state the candidate's political party affiliation. This section does not prohibit a political advertisement from stating the candidate's partisan-related experience. A candidate for nonpartisan office is prohibited from campaigning based on party affiliation.

(4) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this subsection does not apply to:

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominees.

(5)²(a) Any political advertisement not paid for by a candidate, including those paid for by a political party or affiliated party committee, other than an independent expenditure, offered on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate, unless the political advertisement is published, displayed, or circulated in compliance with subparagraph (1)(a)2., and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.

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

(6) No political advertisement of a candidate who is not an incumbent of the

office for which the candidate is running shall use the word “re-elect.” Additionally, such advertisement must include the word “for” between the candidate’s name and the office for which the candidate is running, in order that incumbency is not implied. This subsection does not apply to bumper stickers or items designed to be worn by a person.

(7) Political advertisements paid for by a political party or an affiliated party committee may use names and abbreviations as registered under s. 103.081 in the disclaimer.

(8) This section does not apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

(9) Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by this section in the language used in the advertisement.

(10) This section does not apply to any campaign message or political advertisement used by a candidate and the candidate’s supporters or by a political committee if the message or advertisement is:

(a) Designed to be worn by a person.

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

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

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

(e) Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official

without prior approval by the candidate or political committee.

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

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

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

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

(11) Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s. 106.265.

History.—s. 8, ch. 26870, 1951; s. 1, ch. 61-145; s. 21, ch. 65-379; s. 57, ch. 71-136; s. 30, ch. 73-128; s. 52, ch. 77-175; s. 30, ch. 81-304; s. 16, ch. 89-256; s. 35, ch. 90-315; s. 16, ch. 91-107; s. 646, ch. 95-147; s. 17, ch. 97-13; s. 18, ch. 99-318; s. 5, ch. 2004-252; s. 46, ch. 2007-30; s. 18, ch. 2010-167; ss. 17, 30, ch. 2011-6; s. 66, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— The word “by” following the word “for” was deleted by the editors.

²**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

Note.— Former s. 104.37.

106.1435 Usage and removal of political campaign advertisements.—

(1) Each candidate, whether for a federal, state, county, or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:

- (a) Withdrawal of his or her candidacy;
- (b) Having been eliminated as a candidate; or
- (c) Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.

(2) If political campaign advertisements are not removed within the specified period, the political subdivision or governmental entity has the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the political subdivision.

(3) Pursuant to chapter 479, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on or above any state or county road right-of-way.

(4) The officer before whom a candidate qualifies for office shall notify the candidate, in writing, of the provisions in this section.

(5) This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.

History.—s. 1, ch. 84-221; s. 20, ch. 84-302; s. 14, ch. 87-224; s. 647, ch. 95-147.

¹106.1437 Miscellaneous advertisements.— Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television,

the advertisement shall also contain a verbal statement of sponsorship. This section does not apply to an editorial endorsement. For purposes of this chapter, an expenditure made for, or in furtherance of, a miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.

History.—s. 36, ch. 90-315; s. 6, ch. 2004-252; s. 27, ch. 2010-167; ss. 18, 30, ch. 2011-6; s. 67, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

¹106.1439 Electioneering communications; disclaimers.—

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

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

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

History.—s. 7, ch. 2004-252; s. 28, ch. 2010-167; ss. 19, 30, ch. 2011-6; HJR 7105, 2011

Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

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

(1)¹(a) Any telephone call supporting or opposing a candidate, elected public official, or ballot proposal must identify the persons or organizations sponsoring the call by stating either: “paid for by ____” (insert name of persons or organizations sponsoring the call) or “paid for on behalf of ____” (insert name of persons or organizations authorizing call). This paragraph does not apply to any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(b) Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is a part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than 2 minutes in duration is presumed to be a political poll and not subject to the provisions of paragraph (a).

(c) No telephone call shall state or imply that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.

(d) No telephone call shall state or imply that the caller represents a nonexistent person or organization.

(2) Any telephone call, not conducted by independent expenditure, which expressly advocates for or against a candidate or ballot proposal requires prior written authorization by the candidate or sponsor of the ballot proposal that the call

supports. A copy of such written authorization must be placed on file with the qualifying officer by the candidate or sponsor of the ballot proposal prior to the time the calls commence.

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

(b) For purposes of paragraph (a), the term “person” includes any candidate; any officer of any political committee, committee of continuous existence, affiliated party committee, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, committee of continuous existence, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.

History.—s. 18, ch. 97-13; s. 31, ch. 2008-95; s. 29, ch. 2010-167; ss. 20, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.1475 Telephone solicitation; registered agent requirements; penalty.—

(1) Any person or organization that conducts any business in this state which consists of making paid telephone calls supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the division a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to

do business in this state. However, this subsection does not apply to any person or organization already lawfully registered to conduct business in this state.

(2) For purposes of this section, conducting business in this state as specified in subsection (1) includes both placing telephone calls from a location in this state and placing telephone calls from a location outside this state to individuals located in this state.

(3)(a) The division shall create and maintain forms for the notice required by subsection (1), which, at a minimum, must elicit all of the following information:

1. The name, address, and telephone number of the registered agent.
2. The name, address, and telephone number of the person or organization conducting business in this state as specified in subsection (1).

(b) The person or organization conducting business in this state as specified in subsection (1) must immediately notify the division of any changes in the information required in paragraph (a).

(4) Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 19, ch. 97-13.

106.15 Certain acts prohibited.—

(1) No person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of his or her candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege.

(2) No candidate, in the furtherance of his or her candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle, as provided in chapter 287, solely for the purpose of furthering his or her candidacy. However, in the event a candidate uses any state-owned aircraft or motor vehicle to conduct official state business and while on such trip performs any function in the furtherance of his or her candidacy for nomination or election to public office in any election, the candidate shall prorate the expenses incurred and reimburse the appropriate agency for any trip not exclusively for state business and shall pay either a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft or one-half of the total fixed and

variable expenses related to the ownership, operation, and use of such aircraft, whichever is greater. The reimbursement shall be made from the campaign account of the candidate.

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

(4) No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. For purposes of this subsection, “accept” means to receive a contribution by personal hand delivery from a contributor or the contributor’s agent. This subsection shall not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

(5) Any person violating the provisions of this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 15, ch. 73-128; s. 9, ch. 74-200; s. 1, ch. 77-174; s. 54, ch. 77-175; s. 61, ch. 79-400; s. 31, ch. 81-304; s. 28, ch. 83-217; s. 2, ch. 83-304; s. 16, ch. 91-45; s. 17, ch. 91-107; s. 648, ch. 95-147; s. 2, ch. 97-223; s. 7, ch. 2002-197.

106.16 Limitation on certain rates and charges.— No person or corporation within the state publishing a newspaper or other periodical or operating a radio or television station or network of stations in Florida shall charge one candidate for state or county public office for political advertising in a county, or for political broadcasts in a county, at a rate in excess of that charged another political candidate.

History.—s. 16, ch. 73-128; s. 55, ch. 77-175; s. 18, ch. 89-256.

106.161 Air time available at the lowest unit rate.— To the extent permitted by federal law, all broadcast radio and television stations and all cable television stations shall make air time available to candidates for public office at the lowest unit rate.

History.—s. 35, ch. 91-107.

¹106.165 Use of closed captioning and descriptive narrative in all television broadcasts.— Each candidate, political party, affiliated party committee, and political committee must use closed captioning and descriptive narrative in all television

broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, affiliated party committee, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the appropriate qualifying officer constitutes a violation of the Florida Election Code and is under the jurisdiction of the Florida Elections Commission. The Department of State may adopt rules in accordance with s. 120.54 which are necessary to administer this section.

History.—s. 7, ch. 2002-281; s. 71, ch. 2005-277; ss. 21, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

Note.— Former s. 98.122.

¹**106.17 Polls and surveys relating to candidacies.**— Any candidate, political committee, committee of continuous existence, electioneering communication organization, affiliated party committee, or state or county executive committee of a political party may authorize or conduct a political poll, survey, index, or measurement of any kind relating to candidacy for public office so long as the candidate, political committee, committee of continuous existence, electioneering communication organization, affiliated party committee, or political party maintains complete jurisdiction over the poll in all its aspects. State and county executive committees of a political party or an affiliated party committee may authorize and conduct political polls for the purpose of determining the viability of potential candidates. Such poll results may be shared with potential candidates, and expenditures incurred by state and county executive committees or an affiliated

party committee for potential candidate polls are not contributions to the potential candidates.

History.—s. 17, ch. 73-128; s. 1, ch. 77-174; s. 56, ch. 77-175; s. 32, ch. 81-304; s. 47, ch. 2007-30; s. 30, ch. 2010-167; ss. 22, 30, ch. 2011-6; s. 68, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.18 When a candidate’s name to be omitted from ballot.—

(1) The name of a candidate shall not be printed on the ballot for an election if the candidate is convicted of violating s. 106.19.

(2) Any candidate whose name is removed from the ballot pursuant to subsection (1) is disqualified as a candidate for office. If the disqualification of such candidate results in a vacancy in nomination, such vacancy shall be filled by a person other than such candidate in the manner provided by law.

(3) No certificate of election shall be granted to any candidate until all preelection reports required by s. 106.07 have been filed in accordance with the provisions of such section. However, no candidate shall be prevented from receiving a certificate of election for failure to file any copy of a report required by this chapter.

History.—s. 18, ch. 73-128; s. 57, ch. 77-175; s. 11, ch. 85-226; s. 37, ch. 90-315; s. 3, ch. 90-338.

106.19 Violations by candidates, persons connected with campaigns, and political committees.—

(1) Any candidate; campaign manager, campaign treasurer, or deputy treasurer of any candidate; committee chair, vice chair, campaign treasurer, deputy treasurer, or other officer of any political committee; agent or person acting on behalf of any

candidate or political committee; or other person who knowingly and willfully:

(a) Accepts a contribution in excess of the limits prescribed by s. 106.08;

(b) Fails to report any contribution required to be reported by this chapter;

(c) Falsely reports or deliberately fails to include any information required by this chapter; or

(d) Makes or authorizes any expenditure in violation of s. 106.11(4) or any other expenditure prohibited by this chapter;

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

(2) Any candidate, campaign treasurer, or deputy treasurer; any chair, vice chair, or other officer of any political committee; any agent or person acting on behalf of any candidate or political committee; or any other person who violates paragraph (1)(a), paragraph (1)(b), or paragraph (1)(d) shall be subject to a civil penalty equal to three times the amount involved in the illegal act. Such penalty may be in addition to the penalties provided by subsection (1) and shall be paid into the General Revenue Fund of this state.

(3) A political committee sponsoring a constitutional amendment proposed by initiative which submits a petition form gathered by a paid petition circulator which does not provide the name and address of the paid petition circulator on the form is subject to the civil penalties prescribed in s. 106.265.

(4) Except as otherwise expressly stated, the failure by a candidate to comply with the requirements of this chapter has no effect upon whether the candidate has qualified for the office the candidate is seeking.

History.—s. 19, ch. 73-128; s. 57, ch. 77-175; s. 62, ch. 79-400; s. 12, ch. 91-107; s. 649, ch. 95-147; ss. 24, 45, ch. 97-13; s. 8, ch. 2002-197; s. 11, ch. 2006-300; s. 69, ch. 2011-40.

106.191 Signatures gathered for initiative petition; effect of ch. 97-13.— Any signature gathered on an authorized form for an initiative petition by a paid petition circulator which has been submitted prior to the effective date of this act may be kept and counted, if otherwise valid, and that form is not required to have the name and address of the paid petition circulator, nor is any such signature affected by the prohibition against filing an undue burden oath in lieu of paying the fee to have signatures verified, as provided by this act. However, any signature gathered on or

after the effective date of this act is subject to the provisions of this act and, if payment is made to any person to solicit signatures after the effective date of this act, an undue burden oath may not be filed in lieu of paying the fee to have signatures verified. In addition, any initiative petition form approved by the Secretary of State prior to the effective date of this act may continue to be circulated.

History.—s. 25, ch. 97-13.

106.21 Certificates of election not to be issued upon conviction.—

(1) If a successful candidate is convicted of violating s. 106.19(1) prior to the issuance of his or her certificate of election, such certificate shall not be issued, and a vacancy shall be declared and filled as provided by law.

(2) If a successful candidate is convicted of violating s. 106.19(1) subsequent to the issuance of a certificate of election but prior to taking office, such certificate shall be rescinded by the issuing body and declared void, and a vacancy in office shall exist and be filled as provided by law.

History.—s. 21, ch. 73-128; s. 57, ch. 77-175; s. 650, ch. 95-147.

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

(1) Prescribe forms for statements and other information required to be filed by this chapter. Such forms shall be furnished by the Department of State or office of the supervisor of elections to persons required to file such statements and information with such agency.

(2) Prepare and publish manuals or brochures setting forth recommended uniform methods of bookkeeping and reporting, and including appropriate portions of the election code, for use by persons required by this chapter to file statements.

(3) Develop a filing, coding, and cross-indexing system consonant with the purposes of this chapter.

(4) Preserve statements and other information required to be filed with the division pursuant to this chapter for a period of 10 years from date of receipt.

(5) Prepare and publish such reports as it may deem appropriate.

(6) Make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of this chapter and with respect to alleged failures to file any report or statement required under the provisions of this

chapter. The division shall conduct a postelection audit of the campaign accounts of all candidates receiving contributions from the ¹Election Campaign Financing Trust Fund.

(7) Report to the Florida Elections Commission any failure to file a report or information required by this chapter or any apparent violation of this chapter.

(8) Employ such personnel or contract for such services as are necessary to adequately carry out the intent of this chapter.

(9) Prescribe rules and regulations to carry out the provisions of this chapter. Such rules shall be prescribed pursuant to chapter 120.

(10) Conduct random audits with respect to reports and statements filed under this chapter and with respect to alleged failure to file any reports and statements required under this chapter.

History.—s. 22, ch. 73-128; s. 57, ch. 77-175; s. 13, ch. 79-365; s. 4, ch. 84-254; s. 3, ch. 86-276; s. 9, ch. 90-338; s. 46, ch. 97-13; s. 7, ch. 2001-75; s. 72, ch. 2005-277.

¹**Note.**— The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.23 Powers of the Division of Elections.—

(1) In order to carry out the responsibilities prescribed by s. 106.22, the Division of Elections is empowered to subpoena and bring before its duly authorized representatives any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers, or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the division are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the division or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the division may file a complaint before any circuit court of the state setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the

subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter.

¹(2) The Division of Elections shall provide advisory opinions when requested by any supervisor of elections, candidate, local officer having election-related duties, political party, affiliated party committee, political committee, committee of continuous existence, or other person or organization engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such supervisor, candidate, local officer having election-related duties, political party, affiliated party committee, committee, person, or organization has taken or proposes to take. Requests for advisory opinions must be submitted in accordance with rules adopted by the Department of State. A written record of all such opinions issued by the division, sequentially numbered, dated, and indexed by subject matter, shall be retained. A copy shall be sent to said person or organization upon request. Any such person or organization, acting in good faith upon such an advisory opinion, shall not be subject to any criminal penalty provided for in this chapter. The opinion, until amended or revoked, shall be binding on any person or organization who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

History.— s. 23, ch. 73-128; s. 3, ch. 76-233; s. 58, ch. 77-175; s. 651, ch. 95-147; s. 47, ch. 97-13; s. 8, ch. 2001-75; ss. 23, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010

Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.24 Florida Elections Commission; membership; powers; duties.—

(1)(a) There is created within the Department of Legal Affairs, Office of the Attorney General, a Florida Elections Commission, hereinafter referred to as the commission. The commission shall be a separate budget entity and the agency head for all purposes. The commission shall not be subject to control, supervision, or direction by the Department of Legal Affairs or the Attorney General in the performance of its duties, including, but not limited to, personnel, purchasing transactions involving real or personal property, and budgetary matters.

(b) The commission shall be composed of nine members. The President of the Senate, the Speaker of the House of Representatives, the minority leader of the Senate, and the minority leader of the House of Representatives shall each provide a list of six nominees to the Governor for initial appointment to the commission. The Governor may appoint two members to the commission from each list. If the Governor refuses to appoint two members from any of the respective lists, the Governor shall so inform the nominating officer and the nominating officer shall submit a new list of six nominees within 30 days. The new list must contain at least three nominees not included on the prior nominating list. The ninth commission member, who shall serve as chair of the commission, shall be appointed by the Governor. Each member of the commission is subject to confirmation by the Senate. The chair of the commission shall serve for a maximum term of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed. Other members of the commission shall serve for 4-year terms and until their successors are appointed. An individual who is a lobbyist at the state or local government level may not serve as a member of the commission, except that this prohibition shall not apply to an individual who is a member of the commission on July 1, 2002, until the expiration of his or her current term. A member of the commission is prohibited from lobbying state or local government while he or she is a member of the commission, except that this prohibition shall not apply to an individual who is a member of the commission on July 1, 2002, until the expiration of

his or her current term.

(c) As the terms of members expire, excluding the chair, successors shall be appointed to 4-year terms and shall serve until their successors are appointed. Six months prior to the expiration of a commission member's term, the ranking officer of the political party in the respective house originally nominating the commission member shall submit a list of three nominees to the Governor. The Governor may appoint one of the listed nominees to the commission. If no nominee is selected from the list, the Governor shall so inform the nominating officer, who shall submit a list of three different nominees to the Governor within 30 days. Vacancies on the commission shall expeditiously be filled for the unexpired terms in the same manner.

(d) As the term of the chair of the commission expires or becomes vacant, a successor shall be appointed in the manner of the original appointment, and shall serve for a maximum of 4 years, such term to run concurrently with the term of the appointing Governor and until a future successor is appointed.

(e) In no event may any member of the commission serve more than two full terms. Members of the commission shall be paid travel and per diem as provided in s. 112.061 while in performance of their duties and in traveling to, from, and upon same. Of the nine members of the commission, no more than five members shall be from the same political party at any one time.

(2) No member of the commission shall be a member of any county, state, or national committee of a political party; be an officer in any partisan political club or organization; or hold, or be a candidate for, any other public office. No person shall be appointed as a member of the commission who has held an elective public office or office in a political party within the year immediately preceding his or her appointment.

(3) The commission shall convene at the call of its chair or at the request of a majority of the members of the commission. The presence of five members is required to constitute a quorum, and the affirmative vote of the majority of the members present is required for any action or recommendation by the commission. The commission may meet in any city of the state.

(4) The commission shall appoint an executive director, who shall serve under the direction, supervision, and control of the commission. The executive director,

with the consent of the commission, shall employ such staff as are necessary to adequately perform the functions of the commission, within budgetary limitations. All employees, except the executive director and attorneys, are subject to part II of chapter 110. The executive director shall serve at the pleasure of the commission and be subject to part III of chapter 110, except that the commission shall have complete authority for setting the executive director's salary. Attorneys employed by the commission shall be subject to part V of chapter 110.

(5) Hearings shall be held before the commission, except that the chair may direct that any hearing be held before one member of the commission or a panel of less than the full commission. The commission shall adopt rules to provide for the filing of a report when hearings are held by a single commissioner or a panel, which rules shall prescribe the time for filing the report and the contents of the report.

(6) There is established in the State Treasury an Elections Commission Trust Fund to be used by the Florida Elections Commission in order to carry out its duties pursuant to ss. 106.24-106.28. The trust fund may also be used by the Secretary of State, pursuant to his or her authority under s. 97.012(14), to provide rewards for information leading to criminal convictions related to voter registration fraud, voter fraud, and vote scams.

(7) The commission shall develop a budget request pursuant to chapter 216 annually. The budget is not subject to change by the Department of Legal Affairs or the Attorney General, but it shall be submitted by the Department of Legal Affairs to the Governor for transmittal to the Legislature.

(8) The commission is authorized to contract or consult with appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties.

History.— s. 24, ch. 73-128; s. 10, ch. 74-200; s. 59, ch. 77-175; s. 63, ch. 79-400; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 19, ch. 89-256; s. 36, ch. 89-338; s. 38, ch. 90-315; ss. 4, 14, 15, ch. 90-338; s. 5, ch. 91-429; s. 1, ch. 93-262; s. 652, ch. 95-147; s. 48, ch. 97-13; s. 3, ch. 2002-281; s. 69, ch. 2005-277; s. 32, ch. 2008-95; s. 5, ch. 2010-16.

106.25 Reports of alleged violations to Florida Elections Commission; disposition of findings.—

(1) Jurisdiction to investigate and determine violations of this chapter and

chapter 104 is vested in the Florida Elections Commission; however, nothing in this section limits the jurisdiction of any other officers or agencies of government empowered by law to investigate, act upon, or dispose of alleged violations of this code.

(2) The commission shall investigate all violations of this chapter and chapter 104, but only after having received either a sworn complaint or information reported to it under this subsection by the Division of Elections. Such sworn complaint must be based upon personal information or information other than hearsay. Any person, other than the division, having information of any violation of this chapter or chapter 104 shall file a sworn complaint with the commission. The commission shall investigate only those alleged violations specifically contained within the sworn complaint. If any complainant fails to allege all violations that arise from the facts or allegations alleged in a complaint, the commission shall be barred from investigating a subsequent complaint from such complainant that is based upon such facts or allegations that were raised or could have been raised in the first complaint. If the complaint includes allegations of violations relating to expense items reimbursed by a candidate, committee, or organization to the campaign account before a sworn complaint is filed, the commission shall be barred from investigating such allegations. Such sworn complaint shall state whether a complaint of the same violation has been made to any state attorney. Within 5 days after receipt of a sworn complaint, the commission shall transmit a copy of the complaint to the alleged violator. The respondent shall have 14 days after receipt of the complaint to file an initial response, and the executive director may not determine the legal sufficiency of the complaint during that time period. If the executive director finds that the complaint is legally sufficient, the respondent shall be notified of such finding by letter, which sets forth the statutory provisions alleged to have been violated and the alleged factual basis that supports the finding. All sworn complaints alleging violations of the Florida Election Code over which the commission has jurisdiction shall be filed with the commission within 2 years after the alleged violations. The period of limitations is tolled on the day a sworn complaint is filed with the commission. The complainant may withdraw the sworn complaint at any time prior to a probable cause hearing if good cause is shown. Withdrawal shall be requested in writing, signed by the complainant, and witnessed by a notary public, stating the

facts and circumstances constituting good cause. The executive director shall prepare a written recommendation regarding disposition of the request which shall be given to the commission together with the request. "Good cause" shall be determined based upon the legal sufficiency or insufficiency of the complaint to allege a violation and the reasons given by the complainant for wishing to withdraw the complaint. If withdrawal is permitted, the commission must close the investigation and the case. No further action may be taken. The complaint will become a public record at the time of withdrawal.

(3) For the purposes of commission jurisdiction, a violation shall mean the willful performance of an act prohibited by this chapter or chapter 104 or the willful failure to perform an act required by this chapter or chapter 104. The commission may not by rule determine what constitutes willfulness or further define the term "willful" for purposes of this chapter or chapter 104. Willfulness is a determination of fact; however, at the request of the respondent at any time after probable cause is found, willfulness may be considered and determined in an informal hearing before the commission.

(4) The commission shall undertake a preliminary investigation to determine if the facts alleged in a sworn complaint or a matter initiated by the division constitute probable cause to believe that a violation has occurred.

(a) When the investigator's report is completed, the executive director shall notify the respondent that the report is completed and shall send to the respondent a copy of the investigator's report. The investigatory file and main complaint file shall be open for inspection by the respondent and the respondent's counsel at that time, and copies may be obtained at no more than cost.

(b) The respondent shall be given not less than 14 days from the date of mailing of the investigator's report to file with the commission a written response to the investigator's report. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the commission so long as reasonable notice under the circumstances is given.

(c) Counsel for the commission shall review the investigator's report and shall make a written recommendation to the commission for the disposition of the complaint. If the counsel for the commission recommends that the commission find

probable cause, the recommendation shall include a statement of what charges shall be at issue. A copy of the recommendation shall be furnished to the respondent. The respondent shall be given not less than 14 days from the date of mailing of the recommendation of counsel for the commission to file with the commission a written response to the recommendation. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the commission, so long as the recommendation is furnished to the respondent within a reasonable period of time under the circumstances.

(d) The respondent and each complainant, their counsel, and the counsel for the commission shall be permitted to attend the hearing at which the probable cause determination is made. Notice of the hearing shall be sent to the respondent, each complainant, and counsel for the commission at least 14 days before the hearing. This time period may be shortened with the consent of the respondent, or without the consent of the respondent when the passage of time could reasonably be expected to render moot the ultimate disposition of the matter by the commission, so long as the notice is furnished within a reasonable period of time under the circumstances.

(e) The probable cause determination is the conclusion of the preliminary investigation. The respondent and the counsel for the commission shall be permitted to make brief oral statements in the nature of oral argument to the commission, based on the investigator's report, before the probable cause determination. The commission's determination shall be based upon the investigator's report, the recommendation of counsel for the commission, the complaint, and staff recommendations, as well as any written statements submitted by the respondent and any oral statements made at the hearing. No testimony or other evidence will be accepted at the hearing.

(f) At its meeting to determine probable cause, the commission may continue its determination to allow further investigation; may order the issuance of a public report of its investigation if it finds no probable cause to believe that there has been a violation of this chapter or chapter 104, concluding the matter before it; may order a final, public hearing of the complaint if it finds probable cause to believe that there

has been a violation of this chapter or chapter 104; or may take such other action as it deems necessary to resolve the complaint, consistent with due process of law. In making its determination, the commission may consider:

1. The sufficiency of the evidence against the respondent, as contained in the investigator's report;
2. The admissions and other stipulations of the respondent, if any;
3. The nature and circumstances of the respondent's actions;
4. The expense of further proceedings; and
5. Such other factors as it deems material to its decision.

If the commission finds probable cause, the commission shall determine what charges shall be at issue.

(g) If no probable cause is found, the commission shall dismiss the case and the case shall become a matter of public record, except as otherwise provided in this section, together with a written statement of the findings of the preliminary investigation and a summary of the facts which the commission shall send to the complainant and the alleged violator. A finding of no probable cause by the commission is a full adjudication of all such matters. The commission may not charge a respondent in a subsequent complaint alleging violations based upon the same actions, nonactions, or circumstances wherein the commission found no probable cause.

(h) If probable cause is found, the commission shall so notify the complainant and the alleged violator in writing. All documents made or received in the disposition of the complaint shall become public records upon a finding by the commission.

(i)1. Upon a commission finding of probable cause, the counsel for the commission shall attempt to reach a consent agreement with the respondent. At any time, the commission may enter into a consent order with a respondent without requiring the respondent to admit to a violation of law within the jurisdiction of the commission.

2. A consent agreement is not binding upon either party unless and until it is signed by the respondent and by counsel for the commission upon approval by the commission.

3. Nothing herein shall be construed to prevent the commission from entering into a consent agreement with a respondent prior to a commission finding of probable cause if a respondent indicates in writing a desire to enter into negotiations directed towards reaching such a consent agreement. Any consent agreement reached under this subparagraph is subject to the provisions of subparagraph 2. and shall have the same force and effect as a consent agreement reached after the commission finding of probable cause.

(j) If a consent agreement is reached between the commission and the respondent, counsel for the commission shall send a copy of the signed agreement to both complainant and respondent.

In a case where probable cause is found, the commission shall make a preliminary determination to consider the matter or to refer the matter to the state attorney for the judicial circuit in which the alleged violation occurred. Notwithstanding any other provisions of this section, the commission may, at its discretion, dismiss any complaint at any stage of disposition if it determines that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

(5) A person alleged by the Elections Commission to have committed a violation of this chapter or chapter 104 may elect, as a matter of right, within 30 days after the date of the filing of the commission's allegations, to have a formal administrative hearing conducted by an administrative law judge in the Division of Administrative Hearings. The administrative law judge in such proceedings shall enter a final order, which may include the imposition of civil penalties, subject to appeal as provided in s. 120.68. If the person does not elect to have a hearing by an administrative law judge and does not elect to resolve the complaint by a consent order, the person is entitled to a formal or informal hearing conducted before the commission.

(6) It is the duty of a state attorney receiving a complaint referred by the commission to investigate the complaint promptly and thoroughly; to undertake such criminal or civil actions as are justified by law; and to report to the commission the results of such investigation, the action taken, and the disposition thereof. The failure or refusal of a state attorney to prosecute or to initiate action upon a complaint or a referral by the commission shall not bar further action by the

commission under this chapter.

(7) Every sworn complaint filed pursuant to this chapter with the commission, every investigation and investigative report or other paper of the commission with respect to a violation of this chapter or chapter 104, and every proceeding of the commission with respect to a violation of this chapter or chapter 104 is confidential, is exempt from the provisions of ss. 119.07(1) and 286.011, and is exempt from publication in the Florida Administrative Weekly of any notice or agenda with respect to any proceeding relating to such violation, except under the following circumstances:

- (a) As provided in subsection (6);
- (b) Upon a determination of probable cause or no probable cause by the commission; or
- (c) For proceedings conducted with respect to appeals of fines levied by filing officers for the late filing of reports required by this chapter.

However, a complainant is not bound by the confidentiality provisions of this section. In addition, confidentiality may be waived in writing by the person against whom the complaint has been filed or the investigation has been initiated. If a finding of probable cause in a case is entered within 30 days prior to the date of the election with respect to which the alleged violation occurred, such finding and the proceedings and records relating to such case shall not become public until noon of the day following such election. When two or more persons are being investigated by the commission with respect to an alleged violation of this chapter or chapter 104, the commission may not publicly enter a finding of probable cause or no probable cause in the case until a finding of probable cause or no probable cause for the entire case has been determined. However, once the confidentiality of any case has been breached, the person or persons under investigation have the right to waive the confidentiality of the case, thereby opening up the proceedings and records to the public. Any person who discloses any information or matter made confidential by the provisions of this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(8) Any person who files a complaint pursuant to this section while knowing that the allegations contained in such complaint are false or without merit commits a

misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(9) The commission shall maintain a database of all final orders and agency actions. Such database shall be available to the public and shall be maintained in such a manner as to be searchable, at a minimum, by issue, statutes, individuals, or entities referenced.

History.— s. 25, ch. 73-128; s. 11, ch. 74-200; s. 60, ch. 77-175; s. 3, ch. 78-403; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 39, ch. 84-302; s. 20, ch. 89-256; ss. 5, 14, 15, ch. 90-338; s. 21, ch. 90-360; s. 18, ch. 91-107; s. 5, ch. 91-429; s. 26, ch. 96-406; s. 49, ch. 97-13; s. 34, ch. 98-129; s. 21, ch. 2004-252; s. 48, ch. 2007-30; s. 16, ch. 2010-167; s. 70, ch. 2011-40.

106.26 Powers of commission; rights and responsibilities of parties; findings by commission.—

(1) The commission shall, pursuant to rules adopted and published in accordance with chapter 120, consider all sworn complaints filed with it and all matters reported to it by the Division of Elections. In order to carry out the responsibilities prescribed by this chapter, the commission is empowered to subpoena and bring before it, or its duly authorized representatives, any person in the state, or any person doing business in the state, or any person who has filed or is required to have filed any application, document, papers, or other information with an office or agency of this state or a political subdivision thereof and to require the production of any papers, books, or other records relevant to any investigation, including the records and accounts of any bank or trust company doing business in this state. Duly authorized representatives of the commission are empowered to administer all oaths and affirmations in the manner prescribed by law to witnesses who shall appear before them concerning any relevant matter. Should any witness fail to respond to the lawful subpoena of the commission or, having responded, fail to answer all lawful inquiries or to turn over evidence that has been subpoenaed, the commission may file a complaint in the circuit court where the witness resides setting up such failure on the part of the witness. On the filing of such complaint, the court shall take jurisdiction of the witness and the subject matter of said complaint and shall direct the witness to respond to all lawful questions and to produce all documentary evidence in the witness's possession which is lawfully demanded. The failure of any witness to comply with such order of the court shall constitute a direct and criminal

contempt of court, and the court shall punish said witness accordingly. However, the refusal by a witness to answer inquiries or turn over evidence on the basis that such testimony or material will tend to incriminate such witness shall not be deemed refusal to comply with the provisions of this chapter. The sheriffs in the several counties shall make such service and execute all process or orders when required by the commission. Sheriffs shall be paid for these services by the commission as provided for in s. 30.231. Any person who is served with a subpoena to attend a hearing of the commission also shall be served with a general statement informing him or her of the subject matter of the commission's investigation or inquiry and a notice that he or she may be accompanied at the hearing by counsel of his or her own choosing.

(2) All witnesses summoned before the commission, other than on the request of the subject of a hearing, shall receive reimbursement for travel expenses and per diem at the rates provided in s. 112.061. However, the fact that such reimbursement is not tendered at the time the subpoena is served shall not excuse the witness from appearing as directed therein.

(3) Upon request of any person having business before the commission, and with the approval of a majority of the commission, the chair or, in the chair's absence, the vice chair shall instruct all witnesses to leave the hearing room and retire to a designated place. The witness will be instructed by the chair or, in the chair's absence, the vice chair not to discuss his or her testimony or the testimony of any other person with anyone until the hearing has been adjourned and the witness discharged by the chair. The witness shall be further instructed that should any person discuss or attempt to discuss the matter under investigation with him or her after receiving such instructions the witness shall bring such matter to the attention of the commission. No member of the commission or representative thereof may discuss any matter or matters pertinent to the subject matter under investigation with witnesses to be called before the commission from the time that these instructions are given until the hearing has been adjourned and the witness discharged by the chair.

(4) The commission, when interrogating witnesses as provided herein, shall cause a record to be made of all proceedings in which testimony or other evidence is demanded or adduced. This record shall include rulings of the chair, questions of the

commission and its counsel, testimony or responses of witnesses, sworn written statements submitted to the commission, and all other pertinent matters. A witness at a hearing, upon his or her advance request and at his or her own expense, shall be furnished a certified transcript of all testimony taken at the hearing.

(5) Before or during a hearing, any person noticed to appear before the commission, or the person's counsel, may file with the commission, for incorporation into the record of the hearing, sworn written statements relevant to the purpose, subject matter, and scope of the commission's investigation or inquiry. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(6) Any person whose name is mentioned or who is otherwise identified during a hearing being conducted by the commission and who, in the opinion of the commission, may be adversely affected thereby may, upon his or her request or upon the request of any member of the commission, appear personally before the commission and testify on his or her own behalf or, with the commission's consent, file a sworn written statement of facts or other documentary evidence for incorporation into the record of the hearing. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(7) Upon the consent of a majority of its members, the commission may permit any other person to appear and testify at a hearing or submit a sworn written statement of facts or other documentary evidence for incorporation into the record thereof. No request to appear, appearance, or submission shall limit in any way the commission's power of subpoena. Any such person shall, however, prior to filing such statement, consent to answer questions from the commission regarding the contents of the statement.

(8) Any person who appears before the commission pursuant to this section shall have all the rights, privileges, and responsibilities of a witness appearing before a court of competent jurisdiction.

(9) If the commission fails in any material respect to comply with the requirements of this section, any person subject to subpoena or subpoena duces tecum who is injured by such failure shall be relieved of any requirement to attend the hearing for which the subpoena was issued or, if present, to testify or produce

evidence therein; and such failure shall be a complete defense in any proceeding against such person for contempt or other punishment.

(10) Whoever willfully affirms or swears falsely in regard to any material matter or thing before the commission shall be guilty of a felony of the third degree and punished as provided by s. 775.082, s. 775.083, or s. 775.084.

(11) At the conclusion of its hearings concerning an alleged violation, the commission shall immediately begin deliberations on the evidence presented at such hearings and shall proceed to determine by affirmative vote of a majority of the members present whether a violation of this chapter or chapter 104 has occurred. Such determination shall promptly be made public. The order shall contain a finding of violation or no violation, together with brief findings of pertinent facts, and the assessment of such civil penalties as are permitted by this chapter or no such assessment and shall bear the signature or facsimile signature of the chair or vice chair.

(12) The commission by rule may determine violations which constitute minor offenses that can be resolved without further investigation by means of a plea of nolo contendere and payment of a fine.

(13) The commission may not issue advisory opinions and must, in all its deliberations and decisions, adhere to statutory law and advisory opinions of the division.

History.—s. 26, ch. 73-128; s. 12, ch. 74-200; s. 60, ch. 77-175; s. 4, ch. 78-403; s. 64, ch. 79-400; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 21, ch. 89-256; ss. 6, 14, 15, ch. 90-338; s. 74, ch. 91-45; s. 5, ch. 91-429; s. 2, ch. 94-170; s. 1396, ch. 95-147; s. 50, ch. 97-13; s. 35, ch. 98-129; s. 71, ch. 2011-40.

106.265 Civil penalties.—

¹(1) The commission or, in cases referred to the Division of Administrative Hearings pursuant to s. 106.25(5), the administrative law judge is authorized upon the finding of a violation of this chapter or chapter 104 to impose civil penalties in the form of fines not to exceed \$1,000 per count, or, if applicable, to impose a civil penalty as provided in s. 104.271 or s. 106.19.

¹(2) In determining the amount of such civil penalties, the commission or administrative law judge shall consider, among other mitigating and aggravating

circumstances:

- (a) The gravity of the act or omission;
- (b) Any previous history of similar acts or omissions;
- (c) The appropriateness of such penalty to the financial resources of the person, political committee, committee of continuous existence, affiliated party committee, electioneering communications organization, or political party; and
- (d) Whether the person, political committee, committee of continuous existence, affiliated party committee, electioneering communications organization, or political party has shown good faith in attempting to comply with the provisions of this chapter or chapter 104.

¹(3) If any person, political committee, committee of continuous existence, affiliated party committee, electioneering communications organization, or political party fails or refuses to pay to the commission any civil penalties assessed pursuant to the provisions of this section, the commission shall be responsible for collecting the civil penalties resulting from such action.

(4) Any civil penalty collected pursuant to the provisions of this section shall be deposited into the General Revenue Fund.

(5) Any fine assessed pursuant to this chapter shall be deposited into the General Revenue Fund.

(6) In any case in which the commission determines that a person has filed a complaint against another person with a malicious intent to injure the reputation of the person complained against by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this chapter or chapter 104, the complainant shall be liable for costs and reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

History.—s. 61, ch. 77-175; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 4, ch. 86-276; ss. 7, 14, 15,

ch. 90-338; s. 5, ch. 91-429; s. 51, ch. 97-13; s. 36, ch. 98-129; s. 3, ch. 2000-355; s. 22, ch. 2004-252; ss. 24, 30, ch. 2011-6; s. 72, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.27 Determinations by commission; legal disposition.—

(1) Criminal proceedings for violations of this chapter or chapter 104 may be brought in the appropriate court of competent jurisdiction. Any such action brought under this chapter or chapter 104 shall be advanced on the docket of the court in which filed and put ahead of all other actions.

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

(3) Civil actions may be brought to enjoin temporarily the issuance of certificates of election to successful candidates who are alleged to have violated the provisions of this chapter or chapter 104. Such injunctions shall issue upon a showing of probable cause that such violation has occurred. Such actions shall be brought in the circuit court for the circuit in which is located the officer before whom the candidate

qualified for office.

History.— s. 27, ch. 73-128; s. 13, ch. 74-200; s. 62, ch. 77-175; s. 1, ch. 82-46; s. 2, ch. 83-265; ss. 8, 14, 15, ch. 90-338; s. 5, ch. 91-429; s. 37, ch. 98-129; ss. 25, 30, ch. 2011-6; HJR 7105, 2011 Regular Session.

¹**Note.**— Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.28 Limitation of actions.— Actions for violation of this chapter must be commenced before 2 years have elapsed from the date of the violation.

History.— s. 28, ch. 73-128; s. 1, ch. 82-46; s. 2, ch. 83-265; s. 22, ch. 89-256; s. 14, ch. 90-338.

¹106.29 Reports by political parties and affiliated party committees; restrictions on contributions and expenditures; penalties.—

(1) The state executive committee and each county executive committee of each political party and any affiliated party committee regulated by chapter 103 shall file regular reports of all contributions received and all expenditures made by such committee. However, the reports shall not include contributions and expenditures that are reported to the Federal Election Commission. In addition, when a special election is called to fill a vacancy in office, each state executive committee, each affiliated party committee, and each county executive committee making contributions or expenditures to influence the results of the special election or the preceding special primary election must file campaign treasurers’ reports on the dates set by the Department of State pursuant to s. 100.111. Such reports shall contain the same information as do reports required of candidates by s. 106.07 and shall be filed on the 10th day following the end of each calendar quarter, except that, during the period from the last day for candidate qualifying until the general

election, such reports shall be filed on the Friday immediately preceding each special primary election, special election, primary election, and general election. In addition to the reports filed under this section, the state executive committee, each county executive committee, and each affiliated party committee shall file a copy of each prior written acceptance of an in-kind contribution given by the committee during the preceding calendar quarter as required under s. 106.08(6). Each state executive committee and affiliated party committee shall file its reports with the Division of Elections. Each county executive committee shall file its reports with the supervisor of elections in the county in which such committee exists. Any state or county executive committee or affiliated party committee failing to file a report on the designated due date shall be subject to a fine as provided in subsection (3). No separate fine shall be assessed for failure to file a copy of any report required by this section.

(2) The chair and treasurer of each state or county executive committee shall certify as to the correctness of each report filed by them on behalf of such committee. The leader and treasurer of each affiliated party committee under s. 103.092 shall certify as to the correctness of each report filed by them on behalf of such committee. Any committee chair, leader, or treasurer who certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

(b) Upon determining that a report is late, the filing officer shall immediately notify the chair of the executive committee or the leader of the affiliated party committee as defined in s. 103.092 as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$1,000 for a state executive committee, \$1,000 for an affiliated party committee, and \$50 for a county executive committee, per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, if an executive committee or an affiliated party committee fails to file a report on the Friday immediately preceding the special election or general

election, the fine shall be \$10,000 per day for each day a state executive committee is late, \$10,000 per day for each day an affiliated party committee is late, and \$500 per day for each day a county executive committee is late. Upon receipt of the report, the filing officer shall determine the amount of the fine which is due and shall notify the chair or leader as defined in s. 103.092. Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer. The filing officer shall determine the amount of the fine due based upon the earliest of the following:

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

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

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

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

- (4) Any contribution received by a state or county executive committee or

affiliated party committee less than 5 days before an election shall not be used or expended in behalf of any candidate, issue, affiliated party committee, or political party participating in such election.

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

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

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

History.—s. 29, ch. 73-128; s. 14, ch. 74-200; s. 62, ch. 77-175; s. 65, ch. 79-400; ss. 14, 33, ch. 81-304; s. 1, ch. 82-46; s. 13, ch. 82-143; s. 2, ch. 83-265; s. 40, ch. 84-302; s. 23, ch. 89-256; s. 39, ch. 90-315; ss. 10, 14, ch. 90-338; ss. 8, 12, ch. 91-107; s. 3, ch. 95-140; s. 653, ch. 95-147; s. 8, ch. 97-13; ss. 23, 24, ch. 2004-252; s. 26, ch. 2005-286; s. 2, ch. 2005-360; ss. 26, 30, ch. 2011-6; s. 73, ch. 2011-40; HJR 7105, 2011 Regular Session.

¹**Note.**—Section 30, ch. 2011-6, provides that “[t]his act shall take effect July 1, 2010.” Passed by the Senate and the House of Representatives over the Governor’s veto March 24, 2011. House Joint Resolution 7105, 2011 Regular Session, provides that C.S. for C.S. for H.B. 1207, 2010 Regular Session, which became ch. 2011-6, is effective “upon becoming a law, the veto of the Governor notwithstanding. If any law amended by this act was also amended by a law enacted during the 2010 Regular Session, such laws shall be construed as if they had been enacted at the same

session of the Legislature, and full effect shall be given to each if possible.” C.S. for C.S. for H.B. 1207, 2010 Regular Session, became law on March 24, 2011.

106.295 Leadership fund.—

(1) For purposes of this section:

(a) “Leadership fund” means accounts comprised of any moneys contributed to a political party, directly or indirectly, which are designated to be used at the partial or total discretion of a leader.

(b) “Leader” means the President of the Senate, the Speaker of the House of Representatives, the majority leader and the minority leader of each house, and any person designated by a political caucus of members of either house to succeed to any such position.

(2) Leadership funds are prohibited in this state. No leader shall accept any leadership funds.

(3) This section applies to leadership funds in existence on or after January 1, 1990.

History.—s. 24, ch. 89-256.

106.30 Short title.— Sections 106.30-106.36 may be cited as the “Florida Election Campaign Financing Act.”

History.—s. 1, ch. 86-276.

106.31 Legislative intent.— The Legislature finds that the costs of running an effective campaign for statewide office have reached a level which tends to discourage persons from becoming candidates and to limit the persons who run for such office to those who are independently wealthy, who are supported by political committees representing special interests which are able to generate substantial campaign contributions, or who must appeal to special interest groups for campaign contributions. The Legislature further finds that campaign contributions generated by such political committees are having a disproportionate impact vis-a-vis contributions from unaffiliated individuals, which leads to the misperception of government officials unduly influenced by those special interests to the detriment of the public interest. Furthermore, it is the intent of the Legislature that the purpose of public campaign financing is to make candidates more responsive to the voters of

the State of Florida and as insulated as possible from special interest groups. The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the misperception, and encourage qualified persons to seek statewide elective office who would not, or could not otherwise do so and to protect the effective competition by a candidate who uses public funding.

History.—s. 1, ch. 86-276; s. 67, ch. 2001-40.

106.32 ¹Election Campaign Financing Trust Fund.—

(1) There is hereby established in the State Treasury an ¹Election Campaign Financing Trust Fund to be utilized by the Department of State as provided in ss. 106.30-106.36. If necessary, each year in which a general election is to be held for the election of the Governor and Cabinet, additional funds shall be transferred to the ¹Election Campaign Financing Trust Fund from general revenue in an amount sufficient to fund qualifying candidates pursuant to the provisions of ss. 106.30-106.36.

(2) Proceeds from filing fees pursuant to ss. 99.092, 99.093, and 105.031 shall be deposited into the ¹Election Campaign Financing Trust Fund as designated in those sections.

(3) Proceeds from assessments pursuant to ss. 106.04, 106.07, and 106.29 shall be deposited into the ¹Election Campaign Financing Trust Fund as designated in those sections.

History.—s. 1, ch. 86-276; s. 19, ch. 91-107.

¹**Note.**— The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.33 Election campaign financing; eligibility.— Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the ¹Election Campaign Financing Trust Fund shall, upon qualifying for office, file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, candidates for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the

fund, a candidate may not be an unopposed candidate as defined in s. 106.011(15) and must:

(1) Agree to abide by the expenditure limits provided in s. 106.34.

(2)(a) Raise contributions as follows:

1. One hundred fifty thousand dollars for a candidate for Governor.

2. One hundred thousand dollars for a candidate for Cabinet office.

(b) Contributions from individuals who at the time of contributing are not state residents may not be used to meet the threshold amounts in paragraph (a). For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to \$25,000 and contributions from national, state, and county executive committees of a political party to \$250,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts in subsection (2).

(4) Submit to a postelection audit of the campaign account by the division.

History.—s. 1, ch. 86-276; s. 40, ch. 90-315; s. 20, ch. 91-107; s. 68, ch. 2001-40; s. 47, ch. 2005-278.

¹**Note.**— The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.34 Expenditure limits.—

(1) Any candidate for Governor and Lieutenant Governor or Cabinet officer who requests contributions from the ¹Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) Governor and Lieutenant Governor: \$2.00 for each Florida-registered voter.

(b) Cabinet officer: \$1.00 for each Florida-registered voter.

(2) The expenditure limit for any candidate with primary election opposition only shall be 60 percent of the limit provided in subsection (1).

(3) For purposes of this section, "Florida-registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division of Elections shall certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 in the year of the

certification date. For the 2006 general election, the Division of Elections shall certify the total number of Florida-registered voters by July 31, 2005.

(4) For the purposes of this section, the term “expenditure” does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

History.—s. 1, ch. 86-276; s. 41, ch. 90-315; s. 21, ch. 91-107; s. 654, ch. 95-147; s. 48, ch. 2005-278.

¹**Note.**— The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.35 Distribution of funds.—

(1) The division shall review each request for contributions from the ¹Election Campaign Financing Trust Fund and certify whether the candidate is eligible for such contributions. Notice of the certification decision shall be provided to the candidate. An adverse decision may be appealed to the Florida Elections Commission. The division shall adopt rules providing a procedure for such appeals.

(2)(a) Each candidate who has been certified to receive contributions from the ¹Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.

2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

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

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

(3)(a) Certification and distribution of funds shall be based on contributions to the candidate reported to the division for such purpose. The division shall review each report and verify the amount of funds to be distributed prior to authorizing the release of funds. The division may prescribe separate reporting forms for candidates for Governor and Cabinet officer.

(b) Notwithstanding the provisions of s. 106.11, a candidate who is eligible for a distribution of funds based upon qualifying matching contributions received and certified to the division on the report due on the 4th day prior to the election, may obligate funds not to exceed the amount which the campaign treasurer's report shows the candidate is eligible to receive from the ¹Election Campaign Financing Trust Fund without the funds actually being on deposit in the campaign account.

(4) Distribution of funds shall be made beginning on the 32nd day prior to the primary and every 7 days thereafter.

(5) The division shall adopt rules providing for the weekly reports and certification and distribution of funds pursuant thereto required by this section. Such rules shall, at a minimum, provide specifications for electronically transmitted campaign treasurer's reports outlining communication parameters and protocol, data record formats, and provisions for ensuring security of data and transmission.

History.—s. 1, ch. 86-276; s. 25, ch. 89-256; s. 42, ch. 90-315; s. 22, ch. 91-107; s. 69, ch. 2001-40; s. 49, ch. 2007-30; s. 74, ch. 2011-40.

¹**Note.**— The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.353 Candidates voluntarily abiding by election campaign financing limits but not requesting public funds; irrevocable statement required; penalty.—

(1) Not later than qualifying for office, each candidate for the office of Governor or member of the Cabinet who has not made a request to receive contributions from the ¹Election Campaign Financing Trust Fund, but who wishes to voluntarily abide by the applicable expenditure limit set forth in s. 106.34 and the contribution limits

on personal and party funds set forth in s. 106.33, shall file an irrevocable statement to that effect with the Secretary of State.

(2) Any candidate who files such a statement and subsequently exceeds such limits shall pay to the ¹Election Campaign Financing Trust Fund an amount equal to the amount of the excess contributions or expenditures. Such penalty shall not be an allowable campaign expense and shall be paid from personal funds of the candidate. However, if a nonparticipating candidate exceeds the expenditure limit as described in s. 106.355, a candidate signing the statement pursuant to this section may exceed the applicable expenditure limit to the extent the nonparticipating candidate exceeded the limit without being subject to a penalty.

History.—s. 23, ch. 91-107.

¹**Note.**— The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.355 Nonparticipating candidate exceeding limits.— Whenever a candidate for the office of Governor or member of the Cabinet who has elected not to participate in election campaign financing under the provisions of ss. 106.30-106.36 exceeds the applicable expenditure limit provided in s. 106.34, all opposing candidates participating in such election campaign financing are, notwithstanding the provisions of s. 106.33 or any other provision requiring adherence to such limit, released from such expenditure limit to the extent the nonparticipating candidate exceeded the limit, are still eligible for matching contributions up to such limit, and shall not be required to reimburse any matching funds provided pursuant thereto. In addition, the Department of State shall, within 7 days after a request by a participating candidate, provide such candidate with funds from the ¹Election Campaign Financing Trust Fund equal to the amount by which the nonparticipating candidate exceeded the expenditure limit, not to exceed twice the amount of the maximum expenditure limits specified in s. 106.34(1)(a) and (b), which funds shall not be considered matching funds.

History.—s. 24, ch. 91-107.

¹**Note.**— The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.36 Penalties; fines.— In addition to any other penalties which may be

applicable under the election code, any candidate who receives contributions from the ¹Election Campaign Financing Trust Fund and who exceeds the applicable expenditure limit, except as authorized in ss. 106.353 and 106.355, or falsely reports qualifying matching contributions and thereby receives contributions from the ¹Election Campaign Financing Trust Fund to which the candidate was not entitled shall be fined an amount equal to three times the amount at issue, which shall be deposited in the ¹Election Campaign Financing Trust Fund.

History.— s. 1, ch. 86-276; s. 11, ch. 90-338; s. 25, ch. 91-107; s. 655, ch. 95-147.

¹**Note.**— The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

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FLORIDA COMMISSION ON ETHICS

GUIDE to the SUNSHINE AMENDMENT
and
CODE of ETHICS for Public Officers and Employees

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FLORIDA COMMISSION ON ETHICS

GUIDE TO THE SUNSHINE AMENDMENT and CODE OF ETHICS for PUBLIC OFFICERS and EMPLOYEES

I. HISTORY OF FLORIDA'S ETHICS LAWS

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of her people to protect the public trust against abuse. Our State Constitution was revised in 1968 to require that a code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interests be prescribed by law.

Florida's first successful constitutional initiative resulted in the adoption of the "Sunshine Amendment" in 1976, providing additional constitutional guarantees concerning ethics in government. In the area of enforcement, the Sunshine Amendment requires that there be an independent commission (the Commission on Ethics) to investigate complaints concerning breaches of public trust by public officers and employees other than judges.

The "Code of Ethics for Public Officers and Employees" adopted by the Legislature is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.

Criminal penalties which initially applied to violations of the Code were eliminated in 1974 in favor of administrative enforcement. The Legislature created the Commission on Ethics that year "to serve as guardian of the standards of conduct" for public officials, state and local. Five of the Commission's nine members are appointed by the Governor, and two each are appointed by the President of the Senate and Speaker of the House of Representatives. No more than five Commission members may be members of the same political party, and none may hold any public employment during their two-year terms of office. A chair is selected from among the members to serve a one-year term and may not succeed himself or herself.

II. ROLE OF THE COMMISSION ON ETHICS

In addition to its constitutional duties regarding the investigation of complaints, the Commission:

- Renders advisory opinions to public officials;
- Prescribes forms for public disclosure;
- Prepares mailing lists of public officials subject to financial disclosure for use by Supervisors of Elections and the Commission in distributing forms and notifying delinquent filers;
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties;
- Administers the Executive Branch Lobbyist Registration and Reporting Law;
- Maintains financial disclosure filings of constitutional officers and state officers and employees;
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure;
- May file suit to void contracts.

III. THE ETHICS LAWS

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws are simplified to put people on notice of their requirements. Therefore, we also suggest that you review the wording of the actual law. Citations to the appropriate laws are contained in brackets.

The laws summarized below apply generally to all public officers and employees, State and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Public Service Commission members and employees, as well as members of the P.S.C. Nominating Council, are subject to additional ethics standards that are enforced by the Commission on Ethics under Chapter 350, Florida Statutes. Further, members of the governing boards of charter schools are subject to some of the provisions of the Code of Ethics [see § 1002.33 (25), Florida Statutes], as are the officers, directors, chief executive officers and some employees of business entities that serve as the chief administrative or executive officer or employee of a political subdivision [See § 112.3136, Florida Statutes].

A. PROHIBITED ACTIONS OR CONDUCT

1. *Solicitation and Acceptance of Gifts*

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service, that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. [Sec. 112.313(2), Fla. Stat.]

A person required to file financial disclosure FORM 1 or FORM 6 (see part III F of this brochure), as well as a procurement employee for the State, is prohibited from **soliciting** any gift from a political committee, committee of continuous existence, lobbyist who has lobbied his or her agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist. [Section 112.3148, Fla. Stat.]

A person required to file FORM 1 or FORM 6, as well as a State procurement employee, is prohibited from directly or indirectly **accepting** a gift worth over \$100 from such a lobbyist, from a partner, firm, employer, or principal of the lobbyist, or from a political committee or committee of continuous existence. [Section 112.3148, Fla. Stat.]

However, effective in 2006 and notwithstanding Section 112.3148, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency or legislative official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. Typically, this would include gifts valued at less than \$100 that formerly were permitted under Section 112.3148, Fla. Stat. [Sec. 112.3215, Fla. Stat.]

2. *Unauthorized Compensation*

Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. [Sec. 112.313(4), Fla. Stat.]

3. *Misuse of Public Position*

Public officers and employees, and local government attorneys are prohibited from corruptly using or attempting to use their official positions to obtain a special privilege for themselves or others. [Sec. 112.313(6), Fla. Stat.]

4. *Disclosure or Use of Certain Information*

Public officers and employees, and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others. [Sec. 112.313(8), Fla. Stat.]

5. *Solicitation or Acceptance of Honoraria*

A person required to file financial disclosure FORM 1 or FORM 6 (see part III F of this brochure), as well as a procurement employee for the State, is prohibited from **soliciting** an honorarium which is related to his or her public office or duties. [Section 112.3149, Fla. Stat.]

A person required to file FORM 1 or FORM 6, as well as a State procurement employee, is prohibited from knowingly **accepting** an honorarium from a political committee, committee of continuous existence, lobbyist who has lobbied the person's agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist. However, he or she may accept the payment of expenses related to an honorarium event from such individuals or entities, provided that the expenses are disclosed. See part III F of this brochure. [Section 112.3149, Fla. Stat.]

Lobbyists and their partners, firms, employers, and principals, as well as political committees and committees of continuous existence, are prohibited from **giving** an honorarium to persons required to file FORM 1 or FORM 6 and to State procurement employees. Violations

of this law may result in fines of up to \$5,000 and prohibitions against lobbying for up to two years. [Section 112.3149, Fla. Stat.]

However, notwithstanding Section 112.3149, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency or legislative official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include honorarium event related expenses that formerly were permitted under Section 112.3149, Fla. Stat. [Sec. 112.3215, Fla. Stat.]

B. PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS

1. Doing Business With One's Agency

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee, his or her spouse, or child own more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

2. Conflicting Employment or Contractual Relationship

(a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]

(b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between private interests and public duties or which will impede the full and faithful discharge of public duties. [Sec. 112.313(7), Fla. Stat.]

(c) Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax districts, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) & (b), Fla. Stat.]

3. *Exemptions*—The prohibitions against doing business with one's agency and having conflicting employment may not apply:

(a) When the business is rotated among all qualified suppliers in a city or county.

(b) When the business is awarded by sealed, competitive bidding and the official, his or her spouse, or child have not attempted to persuade agency personnel to enter the contract. NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.

(c) When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.

(d) When an emergency purchase must be made to protect the public health, safety, or welfare.

(e) When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official's interest to the governing body on Commission FORM 4A.

(f) When the aggregate of any such transactions does not exceed \$500 in a calendar year.

(g) When the business transacted is the deposit of agency funds in a bank of which a county, city, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.

(h) When the prohibitions are waived in the case of ADVISORY BOARD MEMBERS by the appointing person or by a two-thirds vote of the appointing body (after disclosure on Commission FORM 4A).

(i) When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction. [Sec. 112.313(12), Fla. Stat.]

4. Additional Exemption

No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his or her agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way in the decision to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures. [Sec. 112.313(15), Fla. Stat.]

5. Lobbying State Agencies By Legislators

A member of the Legislature is prohibited from representing another person or entity for compensation during his or her term of office before any State agency other than judicial tribunals. [Art II, Sec. 8(e), Fla. Const. and Sec. 112.313(9), Fla. Stat.]

6. Employees Holding Office

A public employee is prohibited from being a member of the governing body which serves as his or her employer. [Sec. 112.313(10), Fla. Stat.]

7. Professional and Occupational Licensing Board Members

An officer, director, or administrator of a state, county, or regional professional or occupational organization or association, while holding such position, may not serve as a

member of a state examining or licensing board for the profession or occupation. [Sec. 112.313(11), Fla. Stat.]

8. *Contractual Services: Prohibited Employment*

A state employee of the executive or judicial branches who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding his or her agency's contract for services, is prohibited from being employed with a person holding such a contract with his or her agency. [Sec. 112.3185(2), Fla. Stat.]

9. *Local Government Attorneys*

Local government attorneys, such as the city attorney or county attorney, and their law firms are prohibited from representing private individuals and entities before the unit of local government which they serve. A local government attorney cannot recommend or otherwise refer to his or her firm legal work involving the local government unit unless the attorney's contract authorizes or mandates the use of that firm. [Sec. 112.313(16), Fla. Stat.]

C. RESTRICTIONS ON APPOINTING, EMPLOYING, AND CONTRACTING WITH RELATIVES

1. *Anti-Nepotism Law*

A public official is prohibited from seeking for a relative any appointment, employment, promotion or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies. NOTE: This prohibition does not apply to school districts (except as provided in Section 1012.23, Florida Statutes), community colleges, and State universities, or to appointments of boards in municipalities of less than 35,000, other than those with land-planning or zoning responsibilities. Also, the approval of budgets does not constitute "jurisdiction or control" for the purposes of this prohibition. This provision does not apply to volunteer emergency medical, fire fighting, or police service providers. [Sec. 112.3135, Fla. Stat.]

2. *Additional Restrictions*

A State employee of the executive or judicial branches or the PSC is prohibited from directly or indirectly procuring contractual services for his or her agency from a business entity of which a relative is an officer, partner, director, or proprietor, or in which the employee, his or her spouse, and children own more than a 5% interest. [Sec. 112.3185(6), Fla. Stat.]

D. POST OFFICE HOLDING AND EMPLOYMENT (REVOLVING DOOR) RESTRICTIONS

1. *Lobbying by Former Legislators, Statewide Elected Officers, and Appointed State Officers*

A member of the Legislature or a statewide elected or appointed state official is prohibited for two years following vacation of office from representing another person or entity for compensation before the government body or agency of which the individual was an officer or member. [Art. II, Sec. 8(e), Fla. Const. and Sec. 112.313(9), Fla. Stat.]

2. *Lobbying by Former State Employees*

Certain employees of the executive and legislative branches of State government are prohibited from personally representing another person or entity for compensation before the agency with which they were employed for a period of two years after leaving their positions, unless employed by another agency of State government. [Sec. 112.313(9), Fla. Stat.] These employees include the following:

(a) Executive and legislative branch employees serving in the SENIOR MANAGEMENT SERVICE and SELECTED EXEMPT SERVICE, as well as any person employed by the DEPARTMENT OF THE LOTTERY having authority over policy or procurement.

(b) Persons serving in the following position classifications: the Auditor General; the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA); the Sergeant at Arms and Secretary of the Senate; the Sergeant at Arms and Clerk of the House of Representatives; the executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics; an executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, legislative analyst, or attorney serving in the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, the Senate Minority Party Office, the House Majority Party Office, the House Minority Party Office; the Chancellor and Vice-Chancellors of the State University System; the general counsel to the Board of Regents; the president, vice presidents, and deans of each state university; any person hired on a contractual basis and having the power normally conferred upon such persons, by whatever title; and any person having the power normally conferred upon the above positions.

This prohibition does not apply to a person who was employed by the Legislature or other agency prior to July 1, 1989; who was employed by the Legislature or other agency on July 1, 1989; who was a defined employee of the SUS or the PSC who held such employment on December 31, 1994; or who reached normal retirement age and retired by July 1, 1991. It does apply to OPS employees.

PENALTIES: Persons found in violation of this section are subject to the penalties contained in the Code (see PENALTIES, Part V) as well as a civil penalty in an amount equal to the compensation which the person receives for the prohibited conduct. [Sec. 112.313(9)(a)5., Fla. Stat.]

3. *Additional Restrictions on Former State Employees*

A former executive or judicial branch employee or PSC employee is prohibited from having employment or a contractual relationship, at any time after retirement or termination of employment, with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee. [Sec. 112.3185(3), Fla. Stat.]

A former executive or judicial branch employee or PSC employee who has retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a state employee. [Sec. 112.3185(4), Fla. Stat.]

Unless waived by the agency head, a former executive or judicial branch employee or PSC employee may not be paid more for contractual services provided by him or her to the former agency during the first year after leaving the agency than his or her annual salary before leaving. [Sec. 112.3185(5), Fla. Stat.]

These prohibitions do not apply to PSC employees who were so employed on or before Dec. 31, 1994.

4. Lobbying by Former Local Government Officers and Employees

A person elected to county, municipal, school district, or special district office is prohibited from representing another person or entity for compensation before the government body or agency of which he or she was an officer for two years after leaving office. Appointed officers and employees of counties, municipalities, school districts, and special districts may be subject to a similar restriction by local ordinance or resolution. [Sec. 112.313(13) and (14), Fla. Stat.]

E. VOTING CONFLICTS OF INTEREST

NO STATE PUBLIC OFFICIAL is prohibited from voting in an official capacity on any matter. However, a STATE PUBLIC OFFICER who votes on a measure which inures to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any PRINCIPAL by whom he or she is retained, of the PARENT ORGANIZATION or SUBSIDIARY of a CORPORATE PRINCIPAL by which he or she is retained, of a RELATIVE, or of a BUSINESS ASSOCIATE, must file a memorandum of voting conflict on Commission FORM 8A with the recording secretary within 15 days after the vote occurs, disclosing the nature of his or her interest in the matter.

NO COUNTY, MUNICIPAL, or other LOCAL PUBLIC OFFICER shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any PRINCIPAL by whom he or she is retained, of the PARENT ORGANIZATION or SUBSIDIARY of a CORPORATE PRINCIPAL by which he or she is retained, of a RELATIVE, or of a BUSINESS ASSOCIATE. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission FORM 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. However, members of community redevelopment agencies and district officers elected on a one-acre, one-vote basis are not required to abstain.

NO APPOINTED STATE OR LOCAL OFFICER shall PARTICIPATE in any matter which would inure to the officer's special private gain or loss, the special private gain or loss of any PRINCIPAL by whom he or she is retained, of the PARENT ORGANIZATION or SUBSIDIARY of a CORPORATE PRINCIPAL by which he or she is retained, of a RELATIVE or of a BUSINESS ASSOCIATE, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission FORM 8A or 8B) must be filed with the meeting's recording officer, be provided to the other members of the agency, and be read publicly at the next meeting.

If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15

days of the disclosure being made and must be provided to the other members of the agency with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.]

F. DISCLOSURES

Conflicts of interest may occur when public officials are in a position to make decisions which affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

The following forms are described below to set forth the requirements of the various disclosures and the steps for correctly providing the information in a timely manner.

1. FORM 1 - Limited Financial Disclosure

Who Must File:

Persons required to file FORM 1 include all State officers, local officers, candidates for local elective office, and specified State employees as defined below (other than those officers who are required by law to file FORM 6).

STATE OFFICERS include:

- (1) Elected public officials not serving in a political subdivision of the State and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6;
- (2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies, but including members of the Commission on Tourism, judicial nominating commissions, and Council on the Social Status of Black Men and Boys, and directors of the Black Business Investment Board, Enterprise Florida, Inc., Scripps Florida Funding Corp., Substance Abuse and Mental Health Corp., Citizens Property Insurance Corp., Space Florida, Workforce Florida, Inc., Florida Workers' Compensation Joint Underwriting Association, Inc.;
- (3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, and the local Boards of Trustees and Presidents of State universities; and
- (4) All elected public officers (excluding congressional) not covered under "local officers" and any person appointed to fill a vacancy in such elective office.

LOCAL OFFICER includes:

- (1) Any person elected to office in any political subdivision and any person appointed to fill a vacancy for an unexpired term in such elective office;
- (2) An appointed member of certain boards of political subdivisions, including governing bodies, expressway and transportation authorities (unless required to file Form 6), community colleges, code enforcement boards, bodies with planning or zoning powers, and pension boards;

- (3) Any other appointed local government board member who has been required to file by the appointing authority;
- (4) A mayor and the chief administrative officer of a county, municipality, or other political subdivision;
- (5) Any person holding one or more of the following positions within a county or municipality: city or county attorney; chief building inspector; water resources coordinator; pollution control director; environmental control director; administrator with power to grant or deny a land development permit;
- (6) A chief of police; fire chief; municipal clerk; district school superintendent; community college president; medical examiner; and a purchasing agent having the authority to make any purchase exceeding \$20,000 for any political subdivision of the state or any entity thereof.
- (7) The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision. [Sec 112.3136, Fla.Stat.]

SPECIFIED STATE EMPLOYEE includes:

- (1) The Public Counsel created by Chapter 350; an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency; an administrative law judge; and a hearing officer;
- (2) Any person employed in the offices of the Governor or member of the Cabinet who is exempt from the career service system, except those persons in clerical, secretarial, or similar positions;
- (3) Each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; and the division director, assistant division director, deputy director, bureau chief, or assistant bureau chief of any state department or division, or persons having the power normally conferred upon such person by whatever title;
- (4) A superintendent or institute director of a state mental health institute established for training and research in the mental health field or of any major state institution or facility for corrections, training, treatment, or rehabilitation;
- (5) A business manager, purchasing agent having the power to make any purchase exceeding \$20,000; finance and accounting director, personnel officer, and grants coordinator for any state agency;
- (6) Any person employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house;
- (7) Each employee of the Ethics Commission; and
- (8) Senior managers of the Citizens Property Insurance Corp.
- (9) Senior Manager of the Florida Workers' Compensation Joint Underwriting Association, Inc.

What Must Be Disclosed:

FORM 1 requirements are set forth fully on the form. In general, this includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. NO DOLLAR VALUES ARE REQUIRED TO BE LISTED. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When to File:

CANDIDATES for elected local office must file FORM 1 together with and at the same time they file their qualifying papers.

STATE and LOCAL OFFICERS and SPECIFIED STATE EMPLOYEES are required to file disclosure by July 1 of each year. They also must file within thirty days from the date of appointment or the beginning of employment. Those appointees requiring Senate confirmation must file prior to confirmation.

Where to File:

Each LOCAL OFFICER files FORM 1 with the Supervisor of Elections in the county in which he or she permanently resides.

A STATE OFFICER or SPECIFIED STATE EMPLOYEE files with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

2. *FORM 1F - Final Form 1 Limited Financial Disclosure*

FORM 1F is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 1 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

3. *FORM 2 - Quarterly Client Disclosure*

The state officers, local officers, and specified state employees as listed above, as well as elected constitutional officers, must file a FORM 2 if they or a partner or associate of their professional firm represent a client for compensation before an agency at their level of government.

A FORM 2 disclosure includes the names of clients represented by the reporting person or by any partner or associate of his or her professional firm for a fee or commission before agencies at the reporting person's level of government. Such representations DO NOT INCLUDE appearances in ministerial matters, appearances before judges of compensation claims, or representations on behalf of one's agency in one's official capacity. Nor does the term include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license, so long as the issuance of the license does not require a variance, special consideration, or a certificate of public convenience and necessity.

When to File:

This disclosure should be filed quarterly, by the end of the calendar quarter following the calendar quarter during which a reportable representation was made. FORM 2 need not be filed merely to indicate that no reportable representations occurred during the preceding quarter; it should be filed ONLY when reportable representations were made during the quarter.

Where To File:

LOCAL OFFICERS file with the Supervisor of Elections of the county in which they permanently reside.

STATE OFFICERS and SPECIFIED STATE EMPLOYEES file with the Commission on Ethics. [Sec. 112.3145(4), Fla. Stat.]

4. FORM 6 - Full and Public Disclosure

Who Must File:

Persons required by law to file FORM 6 are all elected constitutional officers and candidates for such office; the Mayor and members of the City Council and candidates for these offices in Jacksonville; the Duval County Superintendent of Schools; Judges of Compensation Claims; and members of the Florida Housing Finance Corporation Board and the Florida Prepaid College Board; expressway authorities, transportation authorities, bridge authorities or toll authorities created pursuant to Ch. 348, 343, or 349, or other legislative enactment.

What Must be Disclosed:

FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over \$1,000 and their values, as well as net worth. Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When and Where To File:

Incumbent officials must file FORM 6 annually by July 1 with the Commission on Ethics. CANDIDATES must file with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

5. FORM 6F - Final Form 6 Full and FORM 6F

is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 6 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

6. FORM 9 - Quarterly Gift Disclosure

Each person required to file FORM 1 or FORM 6, and each State procurement employee, must file a FORM 9, Quarterly Gift Disclosure, with the Commission on Ethics on the last day of any calendar quarter following the calendar quarter in which he or she received a gift worth over \$100, other than gifts from relatives, gifts prohibited from being accepted, gifts primarily

associated with his or her business or employment, and gifts otherwise required to be disclosed. FORM 9 NEED NOT BE FILED if no such gift was received during the calendar quarter.

Information to be disclosed includes a description of the gift and its value, the name and address of the donor, the date of the gift, and a copy of any receipt for the gift provided by the donor. [Sec. 112.3148, Fla. Stat.]

7. FORM 10 - Annual Disclosure of Gifts from Government Agencies and Direct-Support Organizations and Honorarium Event Related Expenses

State government entities, airport authorities, counties, municipalities, school boards, water management districts, the South Florida Regional Transportation Authority, and the Technological Research and Development Authority may give a gift worth over \$100 to a person required to file FORM 1 or FORM 6, and to State procurement employees, if a public purpose can be shown for the gift. Also, a direct-support organization for a governmental entity may give such a gift to a person who is an officer or employee of that entity. These gifts are to be reported on FORM 10, to be filed by July 1.

The governmental entity or direct-support organization giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year. The officer or employee then must disclose this information by filing a statement by July 1 with his or her annual financial disclosure that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3148, Fla. Stat.]

In addition, a person required to file FORM 1 or FORM 6, or a State procurement employee, who receives expenses or payment of expenses related to an honorarium event from someone who is prohibited from giving him or her an honorarium, must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the expenses paid or provided, and the total value of the expenses on FORM 10. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event. Honorarium related expenses from someone who does not employ a lobbyist do not have to be reported.

The disclosure must be filed by July 1, for expenses received during the previous calendar year, with the officer's or employee's FORM 1 or FORM 6. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Section 112.3149, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency or legislative official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include honorarium event related expenses that formerly were permitted under Section 112.3149. [Sec. 112.3215, Fla. Stat.]

8. FORM 30 - Donor's Quarterly Gift Disclosure

As mentioned above, the following persons and entities generally are prohibited from giving a gift worth over \$100 to a reporting individual (a person required to file FORM 1 or FORM 6) or to

a State procurement employee: a political committee or committee of continuous existence; a lobbyist who lobbies the reporting individual's or procurement employee's agency; and the partner, firm, employer, or principal of such a lobbyist. If such person or entity makes a gift worth between \$25 and \$100 to a reporting individual or State procurement employee (that is not accepted in behalf of a governmental entity or charitable organization), the gift should be reported on FORM 30. The donor also must notify the recipient at the time the gift is made that it will be reported.

The FORM 30 should be filed by the last day of the calendar quarter following the calendar quarter in which the gift was made. If the gift was made to an individual in the legislative branch, FORM 30 should be filed with the Lobbyist Registrar. If the gift was to any other reporting individual or State procurement employee, FORM 30 should be filed with the Commission on Ethics.

However, notwithstanding Section 112.3148, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency or legislative official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts that formerly were permitted under Section 112.3148. [Sec. 112.3215, Fla. Stat.]

9. FORM 1X AND FORM 6X - Amendments to Form 1 and Form 6

These forms are provided for officers or employees who want to amend their previously filed Form 1 or Form 6.

IV. AVAILABILITY OF FORMS

LOCAL OFFICERS and EMPLOYEES who must file FORM 1 annually will be sent the form by mail from the Supervisor of Elections in the county in which they permanently reside not later than JUNE 1 of each year. Newly elected and appointed officials or employees should contact the board of their agency for copies of the form, as should those persons who are required to file their final disclosure statements within 60 days of leaving office or employment.

ELECTED CONSTITUTIONAL OFFICERS, OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file annually FORM 1 or 6 will be sent these forms by mail from the Commission on Ethics by JUNE 1 of each year. Newly elected and appointed officers and employees should contact the heads of their agencies or the Commission on Ethics for copies of the forms, as should those persons who are required to file their final disclosure statements within 60 days of leaving office or employment.

Any person needing one or more of the other forms described here may obtain them upon request from a Supervisor of Elections or from the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709. They are also available on the Commission's website: www.ethics.state.fl.us.

V. PENALTIES

A. *Non-criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics*

There are no criminal penalties for violation of the Sunshine Amendment and the Code of Ethics. Penalties for violation of those laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received.

B. Penalties for Candidates

CANDIDATES for public office who are found in violation of the Sunshine Amendment or the Code of Ethics may be subject to one or more of the following penalties: disqualification from being on the ballot, public censure, reprimand, or a civil penalty not to exceed \$10,000.

C. Penalties for Former Officers and Employees

FORMER PUBLIC OFFICERS or EMPLOYEES who are found in violation of a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment may be subject to one or more of the following penalties: public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received. [Sec. 112.317, Fla. Stat.]

D. Penalties for Lobbyists and Others

An executive branch lobbyist who has failed to comply with the Executive Branch Lobbying Registration law (see Part VIII) may be fined up to \$5,000, reprimanded, censured, or prohibited from lobbying executive branch agencies for up to 2 years.

Lobbyists, their employers, principals, partners, and firms, and political committees and committees of continuous existence who give a prohibited gift or honorarium or fail to comply with the gift reporting requirements for gifts worth between \$25 and \$100 may be penalized by a fine of not more than \$5,000 and a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the public officer or employee to whom the gift was given for up to 2 years.

Executive Branch lobbying firms which fail to timely file their quarterly compensation reports may be fined \$50.00 per day per principal for each day the report is late, up to a maximum fine of \$5,000 per report.

E. Felony Convictions: Forfeiture of Retirement Benefits

Public officers and employees are subject to forfeiture of all rights and benefits under the retirement system to which they belong if convicted of certain offenses prior to their retirement. The offenses include embezzlement or theft of public funds; bribery; felonies specified in Chapter 838, Florida Statutes; impeachable offenses; and felonies committed with intent to defraud the public or their public agency. [Sec. 112.3173, Fla. Stat.]

F. Automatic Penalties for Failure to File Annual Disclosure

Public officers and employees required to file either Form 1 or Form 6 annual financial disclosure are subject to automatic fines of \$25 for each day late the form is filed after September 1, up to a maximum penalty of \$1,500. [Sec. 112.3144 and 112.3145, Fla. Stat.]

VI. ADVISORY OPINIONS

Conflicts of interest may be avoided by greater awareness of the ethics laws on the part of public officials and employees through advisory assistance from the Commission on Ethics.

A. Who Can Request an Opinion

Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself, or anyone who has the power to hire or terminate another public employee, may seek an advisory opinion from the Commission about himself or herself or that employee.

B. How to Request an Opinion

Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Opinions are issued by the Commission and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the persons involved unless they consent to the use of their names.

C. How to Obtain Published Opinions

Published opinions of the Commission on Ethics from 1974 through 1999 are available for purchase at prices below their actual cost. The opinions are printed in looseleaf volumes containing a subject-matter index and a citator to all Florida Statutes and State constitutional provisions construed or relied upon by the Commission. Every agency of government should have a set of opinions for ready reference when the need arises.

All of the Commission's opinions are available for viewing or download at its website: www.ethics.state.fl.us.

VII. COMPLAINTS

A. A Citizen's Responsibility

The Commission on Ethics cannot conduct investigations of alleged violations of the Sunshine Amendment or the Code of Ethics unless a person files a sworn complaint with the Commission alleging such violation has occurred.

If you have knowledge that a person in government has violated the standards of conduct or disclosure laws described above, you may report these violations to the Commission by filing a sworn complaint on the form prescribed by the Commission. Otherwise, the Commission is unable to take action, even after learning of such misdeeds through newspaper reports and phone calls.

Should you desire assistance in obtaining or completing a complaint form (FORM 50), you may receive either by contacting the Commission office at the address or phone number shown on the inside front cover of this booklet.

B. Confidentiality

The complaint, as well as all proceedings and records relating to the complaint, are confidential until the accused requests that such records be made public or until the complaint reaches a stage in the Commission's proceedings where it becomes public. This means that unless the Commission receives a written waiver of confidentiality from the accused, the

Commission is not free to release any documents or to comment on a complaint to members of the public or press, so long as the complaint remains in a confidential stage.

IN NO EVENT MAY A COMPLAINT BE FILED OR DISCLOSED WITH RESPECT TO A CANDIDATE OR ELECTION WITHIN 5 DAYS PRECEDING THE ELECTION DATE.

C. How the Complaint Process Works

The Commission staff must forward a copy of the original sworn complaint to the accused within five days of its receipt. Any subsequent sworn amendments to the complaint also are transmitted within five days of their receipt.

Once a complaint is filed, there are three procedural stages which it goes through under the Commission's rules. The first stage is a determination of whether the allegations of the complaint are legally sufficient, that is, whether they indicate a possible violation of any law over which the Commission has jurisdiction. If the complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public at that time.

If the complaint is found to be legally sufficient, a preliminary investigation will be undertaken by the investigative staff of the Commission. The second stage of the Commission's proceedings involves this preliminary investigation and a decision by the Commission of whether there is probable cause to

believe that there has been a violation of any of the ethics laws. If the Commission finds no probable cause to believe there has been a violation of the ethics laws, the complaint will be dismissed and will become a matter of public record. If the Commission finds probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and usually enters the third stage of proceedings. This stage requires the Commission to decide whether the law was actually violated and, if so, whether a penalty should be recommended. At this stage, the accused has the right to request a public hearing (trial) at which evidence is presented or the Commission may order that such a hearing be held. Public hearings usually are held in or near the area where the alleged violation occurred.

When the Commission concludes that a violation has been committed, it issues a public report of its findings and may recommend one or more penalties to the appropriate disciplinary body or official.

When the Commission determines that a person has filed a complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations, the complainant will be liable for costs plus reasonable attorney's fees incurred by the person complained against. The Department of Legal Affairs may bring a civil action to recover such fees and costs, if they are not paid willingly.

D. Dismissal of Complaints At Any Stage of Disposition

The Commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the Commission will issue a public report stating with particularity its reasons for the dismissal. [Sec. 112.324(11), Fla. Stat.]

E. Statute of Limitations

All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics have to be filed with the Commission within 5 years of the alleged violation or other breach of the public trust. Time starts to run on the day AFTER the violation or breach of public trust is committed. The statute of limitations is tolled on the day a sworn complaint is filed with the Commission. If a complaint is filed and the statute of limitations has run, the complaint will be dismissed. [Sec112.3231, Fla. Stat.]

VIII. EXECUTIVE BRANCH LOBBYING

Any person who, for compensation and on behalf of another, lobbies an agency of the executive branch of state government with respect to a decision in the area of policy or procurement may be required to register as an executive branch lobbyist. Registration is required before lobbying an agency and is renewable annually. In addition, each lobbying firm must file a compensation report with the Commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. As noted above, no Executive Branch lobbyist or principal can make, directly or indirectly, and no Executive Branch agency official or employee who files FORM 1 or FORM 6 can knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. 112.3149, Fla. Stat. [Sec. 112.3215, Fla. Stat.]

Paying an executive branch lobbyist a contingency fee based upon the outcome of a specific executive branch action, and receiving such a fee, is prohibited. A violation of this prohibition is a first degree misdemeanor, and the amount received is subject to forfeiture. This does not prohibit sales people from receiving a commission. [Sec. 112.3217, Fla. Stat.]

Executive branch departments, State universities, community colleges, and water management districts are prohibited from using public funds to retain an executive branch (or legislative branch) lobbyist, although these agencies may use full-time employees as lobbyists. [Sec. 11.062, Fla. Stat.]

Additional information about the executive branch lobbyist registration system may be obtained by contacting the Lobbyist Registrar at the following address:

Executive Branch Lobbyist Registration
Room G-68, Claude Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1425
Phone: 850/922-4987

IX. WHISTLE-BLOWER'S ACT

In 1986, the Legislature enacted a "Whistle-blower's Act" to protect employees of agencies and government contractors from adverse personnel actions in retaliation for disclosing information in a sworn complaint alleging certain types of improper activities on the part of an agency contractor, or for participating in an investigation or hearing conducted by an agency. Since then, the Legislature has revised this law to afford greater protection to these employees.

While this language is contained within the Code of Ethics, the Commission has no jurisdiction or authority to proceed against persons who violate this Act in behalf of a person who is being retaliated against. Therefore, a person who has disclosed information alleging improper conduct governed by this law and who may suffer adverse consequences as a result should contact one or more of the following: the Office of the Chief Inspector General in the Executive Office of the Governor; the Department of Legal Affairs; the Florida Commission on Human Relations; or a private attorney. [Sec. 112.3187 - 112.31895, Fla. Stat.]

X. ADDITIONAL INFORMATION

As mentioned above, we suggest that you review the language used in each law for a more detailed understanding of Florida's ethics laws. The "Sunshine Amendment" is Article II, Section 8, of the Florida Constitution. The Code of Ethics for Public Officers and Employees is contained in Part III of Chapter 112, Florida Statutes.

Additional information about the Commission's functions and interpretations of these laws may be found in Chapter 34 of the Florida Administrative Code, where the Commission's rules are published, and in **The Florida Administrative Law Reports**, which until 2005 published many of the Commission's final orders. The Commission's rules, orders, and opinions also are available electronically on the Internet at www.ethics.state.fl.us.

If you are a public officer or employee concerned about your obligations under these laws, you may wish to contact an attorney who represents your agency or a private attorney for advice. The staff of the Commission will be happy to respond to oral and written inquiries by providing information about the law, the Commission's interpretations of the law, and the Commission's procedures.

XI. ONLINE TRAINING

Through a project funded by the Florida Legislature, an online workshop, Florida's Code of Ethics, Sunshine Law, and Public Records Acts, is now available. See www.iog.learnsomething.com for current fees. Bulk purchase arrangements, including state and local government purchase orders, are available. For more information, visit www.ethics.state.fl.us.

Council District	Precinct	Precinct Name	Address	City/Streetate/Zip
1	T001	PAL Multi Purpose Facility	4300 SW 57 Avenue	Davie, Florida 33314
2	T002	Davie Town Hall Community Room	6591 Orange Drive	Davie, Florida 33314
2	T003	Old Davie School	6650 Griffin Road	Davie, Florida 33314
1	T004	WM T McFatter Vo-Tech Center	6500 Nova Drive	Davie, Florida 33317
1	T005	The Harvest Condo	2900 SW 87 Avenue	Davie, Florida 33328
1	T006	Pine Island Ridge Country Club	9400 Pine Ridge Drive	Davie, Florida 33324
3	T007	Paradise Village Clubhouse	12850 West State Road 84	Davie, Florida 33325
4	T008	Sunshine Village	13453 SW 5th Street	Davie, Florida 33325
2	T009	Old Davie School	6650 Griffin Road	Davie, Florida 33314
3	T010	Pine Island Multi Purpose Center (Palm Room)	3801 South Pine Island Road	Davie, Florida 33324
2	T011	The Harvest Condo	2900 SW 87 Avenue	Davie, Florida 33328
3	T012	Scarborough Homeowners Assoc	10950 Scarborough Drive	Davie, Florida 33324
1	T013	The Quest Center	6401 Charleston Street	Hollywood, Florida 33024
2	T014	Gloria Dei Lutheran Church Fellowship Hall	7601 SW 39 Street	Davie, Florida 33328
4	T015	Shenandoah Community Center	14601 SW 14 Street	Davie, Florida 33325
1	T016	Griffin Garden Apartments	4881 Griffin Road	Davie, Florida 33314
4	T017	Griffin Road Church of Christ	14550 Griffin Road	Southwest Ranches, Florida 33330
4	T018	Rick Case Honda	15700 Rick Case Way	Davie, Florida 33331
4	T019	Rick Case Honda	15700 Rick Case Way	Davie, Florida 33331
3	T020	Western High School	1200 SW 136 Avenue	Davie, Florida 33325
4	T021	Ivanhoe Community Room	6101 SW 148th Avenue	Davie, Florida 33325
3	T022	Robbins Lodge	4005 Hiatus Road	Davie, Florida 33325
2	T023	Gloria Dei Lutheran Church Fellowship Hall	7601 SW 39 Street	Davie, Florida 33328
1	T024	Everglades Lakes Mobile Homes Home Rec Center	3300 SW 52nd Avenue	Davie, Florida 33314
4	T025	Hawkes Bluff Elementary	5900 SW 160 Avenue	Davie, Florida 33331
4	T026	Ivanhoe Community Room	6101 SW 148th Avenue	Davie, Florida 33325
3	T027	Rexmere Village Wharf Club	11300 Rexmere Blvd	Davie, Florida 33325
3	T028	Pine Island Multi Purpose Center Cypress Room)	3801 South Pine Island Road	Davie, Florida 33324
3	T029	Pine Island Multi Purpose Center (Palm Room)	3801 South Pine Island Road	Davie, Florida 33324
2	T030	Pine Island Multi Purpose Center (Cypress Room)	3801 South Pine Island Road	Davie, Florida 33324
3	T031	Pine Island Multi Purpose Center (Cypress Room)	3801 South Pine Island Road	Davie, Florida 33324
2	T034	Old Davie School	6650 Griffin Road	Davie, Florida 33314
1	T035	Pine Island Ridge Country Club	9400 Pine Ridge Drive	Davie, 33324
1	T036	Griffin Garden Apartments	4881 Griffin Road	Davie, Florida 33314
1	T037	Pine Island Multi Purpose Center (Palm Room)	3801 South Pine Island Road	Davie, Florida 33324
1	T038	Pine Island Ridge Country Club	9400 Pine Ridge Drive	Davie, Florida 33324
3	T039	Robbins Lodge	4005 Hiatus Road	Davie, Florida 33325

RESOLUTION NO. R-2001-157

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTIONS R-90-304 AND R-99-133 WHICH ADOPTED FEE SCHEDULES AND CHARGES FOR SPECIAL SERVICES BY CREATING A TOWNWIDE SCHEDULE.

WHEREAS, Florida Statutes Chapter 119, sets guidelines and fees relating to the duplication of public records; and

WHEREAS, the Town Council adopted a fee schedule and charges for special services in 1990 and 1999; and

WHEREAS, it is necessary to review and recalculate the fee schedule for providing reproductions of documents and the labor cost incurred when providing such copies when the nature or volume of such records requires extensive use of information technology resources, clerical and supervisory assistance.

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA:

SECTION 1. That the Town Council of the Town of Davie hereby amends Resolutions R-90-304 and R-99-133 by creating a townwide fee schedule and charges for special services, attached hereto as Exhibit "A".

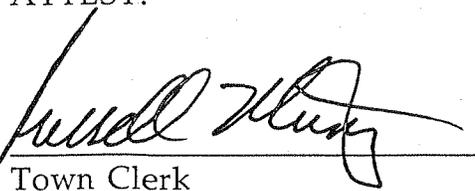
SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS 6th DAY OF JUNE, 2001



Mayor/Councilmember

ATTEST:



Town Clerk

APPROVED THIS 6th DAY OF JUNE, 2001

**FEE SCHEDULE AND
CHARGES FOR SPECIAL SERVICES**

Every effort will be made to retrieve records in a timely manner; however, there may be a delay if the request is extensive* or requires inactive records to be retrieved from the off-site storage facility. Costs shall be prepaid to the Town as allowed by Florida Statute 119.07.

Copies (Letter, Legal, or Ledger Size)*	
Single sided copies, per page.....	15¢
Double sided copies, per page.....	20¢
Certified Documents, per page (plus cost of copies).....	\$1.00
Electronic Mail*	
Information Systems Staff.....	actual labor cost
Staff Review.....	actual labor cost plus copy fee
Electronic Media (not limited to disks, CD's and DVD's).....	actual cost
Blueprints, per page.....	actual cost
Maps.....	actual cost
Video or Audio Tape Duplication	
Police (blank tapes must be provided)*.....	actual cost
Council and/or advisory boards.....	actual cost
Fingerprinting.....	\$5.00
(with print card)	
Homicide and Traffic Homicide Reports.....	\$25.00
Grid Search Request.....	hourly labor charge plus copy fee
Photograph Reproduction (from negative).....	actual cost
Fee for Research Services*.....	actual labor cost

*Per F.S. 119.07 (b) a department may charge a special service charge in addition to the cost of duplication if a request requires extensive use of clerical, supervisory, and/or information technology resources. The charge "...shall be reasonable and shall be based on the cost incurred for such extensive use of information technology resources or the labor cost of the personnel providing the service.." The term "extensive" shall mean any request that requires more than 15 minutes of clerical and/or supervisory assistance to research, locate, review for confidential information, copy, refile, oversee the review, print, or a combination of any like activities and/or use of information or technological resources.

This schedule is not intended to be a comprehensive list, rather it is meant to serve as a guide for items that are frequently requested. Charges for public records are governed by Florida Statutes.

ORDINANCE NO. 2000-06

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF BROWARD COUNTY, FLORIDA, RELATING TO CAMPAIGN ETHICS; CREATING SECTION 11-4, ARTICLE 1, OF CHAPTER 11, BROWARD COUNTY CODE OF ORDINANCES; CREATING THE BROWARD COUNTY ETHICAL CAMPAIGN PRACTICES ACT; PROVIDING FOR APPLICABILITY; DEFINING THE TERM "CANDIDATE"; PROVIDING FOR VOLUNTARY PARTICIPATION IN ETHICAL CAMPAIGN PRACTICES; REQUIRING FILING OF EXECUTED STATEMENT WITHIN SPECIFIED TIME PERIOD; PROVIDING A STATEMENT OF ETHICAL CAMPAIGN PRACTICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING AN EFFECTIVE DATE.

(Sponsored by Commissioner Lori Nance Parrish)

(Underlining Omitted)

Section 1. Section 11-4 is added to Article 1 of Chapter 11, Broward County Code of Ordinances, to read:

Sec. 11-4. Ethical campaign practices.

(a) This section may be cited as the "Broward County Ethical Campaign Practices Act."

(b) Applicability. The Broward County Ethical Campaign Practices Act shall apply to any candidate for elected public office whose constituency resides, in whole or in part, within Broward County, or when the boundaries of the public office sought are located, in whole or in part, within the County.

(c) As used in this section, "candidate" means any person to whom any one or more of the following applies:

- 1 (1) Any person who seeks to qualify for nomination or election by means of the
2 petitioning process;
- 3 (2) Any person who seeks to qualify for election as a write-in candidate;
- 4 (3) Any person who receives contributions or makes expenditures, with a view to
5 bringing about his or her nomination or election to, or retention in, public office;
- 6 (4) Any person who appoints a treasurer and designates a primary depository; or
- 7 (5) Any person who files qualification papers and subscribes to a candidate's oath as
8 required by law.

9 (d) Ethical Campaign Practices. Upon becoming a candidate for an elected public
10 office, a candidate shall obtain from the officer before whom the candidate qualifies the
11 statement described in subsection (e) for the purpose of voluntarily executing said statement
12 and agreeing to abide by the ethical campaign practices established in this section. A
13 candidate's decision regarding whether to execute the statement is strictly voluntary.

14 (e) Statement of Ethical Campaign Practices. In accordance with subsection (d), the
15 following statement of Ethical Campaign Practices shall be provided to each candidate for
16 elected public office in Broward County:

17
18 STATEMENT OF ETHICAL CAMPAIGN PRACTICES

19 As a candidate for public office in Broward County, I believe that political issues
20 can be freely debated without appealing to racial, ethnic, religious, sexual, or
21 other prejudices. I recognize that such negative appeals serve only to divide
22 this community and create long-term moral, social, and economic problems.

23 Therefore:
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1. I shall not make my race, color, religion, gender, national origin, physical disability, or sexual orientation an issue in my campaign.
2. I shall not make my opponent's race, color, religion, gender, national origin, age, marital status, familial status, physical disability, or sexual orientation an issue in my campaign.
3. I will condemn any appeal to prejudice based on race, color, religion, gender, national origin, age, marital status, familial status, physical disability, or sexual orientation.
4. I shall not attack or question my opponent's patriotism.
5. I shall not publish, display, or circulate any anonymous campaign literature or political advertisement nor shall I tolerate or permit members of my campaign organization to engage in such activities.
6. I shall not tolerate nor permit members of my campaign organization to engage in activities designed to destroy or remove campaign materials or signs lawfully displayed on public or private property.
7. I shall not tolerate my supporters engaging in these activities which I condemn nor shall I accept their continued support if they engage in such activities. I will not permit any member of my campaign organization to engage in these activities and will immediately and publicly repudiate the support of any other

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individual or group which resorts to the methods and tactics that I hereby condemn.

8. I shall run a positive campaign emphasizing my qualifications for office and my positions on issues of public concerns and I will limit my attacks on an opponent to legitimate challenges to that person's record, qualifications, and positions.

9. I will neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor will I make or condone unfounded accusations discrediting an opponent's credibility.

10. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.

Executed on this day _____ of _____, _____.

WITNESSES:

BY CANDIDATE:

Signature

(Print Name)

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STATE OF FLORIDA)
) SS.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day
of _____, _____, by _____, who is personally
known to me or who has produced _____ as
identification and who did/did not take an oath.

WITNESS my hand and official seal, this ____ day of _____, _____.

(NOTARY SEAL) _____
(Signature of person taking acknowledgment)

(Name of officer taking acknowledgment)
typed, printed, or stamped

My commission expires:

(f) A candidate executing the statement of ethical campaign practices in subsection
(e) shall file the original and a copy of the executed statement, bearing the candidate's
signature, with the officer before whom the candidate qualifies within five (5) days after
becoming a candidate for the elected public office.

Section 2. SEVERABILITY. If any section, sentence, clause, or phrase of this
Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then
said holding shall in no way affect the validity of the remaining portions of this Ordinance.

1 Section 3. INCLUSION IN CODE.

2 It is the intention of the Board of County Commissioners that the provisions of this
3 Ordinance shall become and be made a part of the Broward County Code; and that the
4 sections of this Ordinance may be renumbered or relettered and the word "ordinance" may
5 be changed to "section," "article," or such other appropriate word or phrase in order to
6 accomplish such intentions.

7 Section 4. EFFECTIVE DATE.

8 This Ordinance shall become effective upon filing with the Department of State.

9
10 ENACTED January 25, 2000

11 FILED WITH DEPARTMENT OF STATE February 1, 2000

12 EFFECTIVE February 1, 2000
13

14 PURPOSE:

15 The purpose of this ordinance is to provide standards of ethical campaign practices to which
16 persons seeking elected public office would voluntarily adhere, thereby improving our system
17 of republican democracy, restoring the public faith in the electoral system, and enhancing the
18 positive public perception of public office candidates and officeholders.
19

20 STATE OF FLORIDA
21 COUNTY OF BROWARD

22 I HEREBY CERTIFY that the above and
foregoing is a true and correct copy of
Ordinance No. 2000-06
as recorded in Board of County Commission
records.

23 WITNESS my hand and official seal this
7th day of February, A.D. 192000
County Administrator

24 EGL/gf
Ord\Campaign.o01
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99-449

-6-

BY W. Morgan D.C.

ORDINANCE NO. 2011-19

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, AMENDING SECTION 1-19 OF THE BROWARD COUNTY CODE OF ORDINANCES, RELATING TO A CODE OF ETHICS FOR THE BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS AND OTHER SPECIFIED INDIVIDUALS; MODIFYING CERTAIN PORTIONS OF SECTION 1-19 AND EXTENDING IT TO COVER ELECTED MUNICIPAL OFFICIALS AND OTHER SPECIFIED INDIVIDUALS; DELETING REFERENCES IN SECTION 1-19 TO THE BROWARD COUNTY OFFICE OF INSPECTOR GENERAL AND REFERENCES TO ENFORCEMENT OF THE CODE OF ETHICS, WHICH SUBJECTS ARE NOW GOVERNED BY ARTICLE XII OF THE BROWARD COUNTY CHARTER; AMENDING SECTIONS 1-261 AND 26-72.5 OF THE BROWARD COUNTY CODE OF ORDINANCES TO PROVIDE CONSISTENT DEFINITIONS OF LOBBYING AND RELATED TERMS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

(Sponsored by Mayor Sue Gunzburger)

WHEREAS, on August 10, 2010, the Board of County Commissioners (the "Board") enacted Ordinance No. 2010-22, a "Code of Ethics for the Broward County Board of County Commissioners" (the "County Commissioner Ethics Code"); and

WHEREAS, on November 2, 2010, Broward County's voters approved an amendment to the Broward County Charter providing that County ordinances shall prevail over municipal ordinances whenever the County acts to regulate the conduct of elected officials, appointed officials, and public employees in Broward County through an enacted code of ethics; and

WHEREAS, also on November 2, 2010, the County's voters approved an amendment to the Broward County Charter that created a charter-based Office of

1 Inspector General (“OIG”) and preempted the portion of Ordinance No. 2010-22 that
2 had previously created a County Office of Inspector General; and

3 WHEREAS, after the Board stated its intention to expand the County
4 Commissioner Ethics Code to cover municipal officials in Broward County,
5 municipalities were afforded the opportunity to provide their input regarding the
6 expanded code; and

7 WHEREAS, the Broward League of Cities submitted certain proposed ethics
8 provisions that the League believed were necessary and appropriate for inclusion in any
9 ethics code applicable to municipal officials, including provisions recognizing differences
10 between service as a County Commissioner and service as an elected municipal
11 official; and

12 WHEREAS, at the request of the Board, the League’s proposed provisions were
13 reviewed by the OIG; and

14 WHEREAS, the OIG recommended that certain provisions proposed by the
15 League be included in the expanded code, and the Board agrees that the provisions
16 recommended by the OIG should be included in the expanded code; and

17 WHEREAS, the Board finds that a single, uniform code providing ethics
18 standards for County Commissioners, elected municipal officials, and certain other
19 specified individuals will facilitate compliance with those ethics standards and will permit
20 greater efficiencies in connection with investigations and enforcement regarding alleged
21 violations of the code; and

22 WHEREAS, the Board finds that the provisions of this Ordinance strengthen and
23 supplement the restrictions and protections originally provided under the County
24 Commissioner Ethics Code,

1 BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

3 Section 1. Section 1-19 of the Broward County Code of Ordinances is hereby
4 amended to read as follows:

5 Sec. 1-19. Code of Ethics for the Broward County Commission Elected
6 Officials.

7 (a) Statement of Policy.

8 It is the policy of Broward County that the Board of County Commissioners works
9 for the benefit of the citizens of the County and elected officials of municipalities work
10 for the benefit of the citizens of their respective municipalities. A County

11 Commissioners and elected municipal officials shall not receive any personal economic
12 or financial benefit resulting from his or her their service on the ~~Board~~ their local
13 governing bodies beyond legally authorized direct County compensation. It is the

14 responsibility of each County Commissioner and elected municipal official to act in a
15 manner that promotes public trust and confidence in government with complete
16 transparency and honesty in their services, and to avoid even the appearance or
17 perception of impropriety. ~~To that end, the voters of Broward County created Section~~

18 ~~11.08 of the Broward County Charter, which requires the Board of County~~
19 ~~Commissioners to consider a Code of Ethics ("Code") drafted by the Broward County~~
20 ~~Ethics Commission, with the sole and express purpose of regulating the behavior of the~~

21 ~~Broward County Commissioners. Upon the adoption of this Code by either the Board of~~
22 ~~County Commissioners or by the electors of Broward County, the Board of County~~

23 ~~Commissioners shall, as expeditiously as possible but no longer than 120 days after~~
24 ~~adoption, enact an ordinance consistent with the Resolution previously adopted by the~~

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 ~~Board which would impose the Code, where applicable and appropriate, on County staff~~
2 ~~and advisory boards.~~

3 (b) Definitions. For purposes of this code of ethics (the “Broward County
4 Elected Official Code of Ethics”):

5 1. “Contractor” means any person or entity having a contract with the
6 applicable local governmental entity.

7 2. “Covered Individual” means (i) any member of the Board of County
8 Commissioners; (ii) any member of a governing body of any municipality
9 within Broward County; (iii) any municipal mayor; (iv) any member of a
10 final decision-making body under the jurisdiction of the Board of County
11 Commissioners or the governing body of any municipality within Broward
12 County; (v) any individual directly appointed to a County or municipal
13 employment position by the Board of County Commissioners, by a
14 governing body of any municipality within Broward County, or by a
15 municipal mayor; (vi) any individual serving on a contractual basis as a
16 municipality’s chief legal counsel or chief administrative officer, when such
17 individual is acting in his or her official capacity; (vii) any member of a
18 selection, evaluation, or procurement committee that ranks or makes
19 recommendations to any final decision-making authority regarding a
20 County or municipal procurement; (viii) any employee, any official, or any
21 member of a committee of Broward County or of any municipality within
22 Broward County that has authority to make a final decision regarding a
23 public procurement; and (ix) the head of any department, division, or office
24 of Broward County or of any municipal government who makes final

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1 recommendations to a final decision-making authority regarding items that
2 will be decided by the final decision-making authority. For purposes of the
3 prohibition on lobbying under section (c)(2) below, “Covered Individual”
4 also includes members of other local governmental entities within Broward
5 County, including taxing authorities, quasi-judicial boards, appointed
6 boards, and commissions.

7 3. “Elected Official” means any member of the Board of County
8 Commissioners and any Municipal Official as defined below.

9 4. “Filed for Public Inspection” means that the form is completed legibly and
10 is filed with the applicable governmental entity’s chief administrative
11 official or clerk, with a copy of the form or all information contained thereon
12 inputted into the applicable governmental entity’s database, which
13 database shall be searchable by internet. For any municipality that does
14 not maintain a website sufficient to meet the requirements of this
15 paragraph, the form or information may be inputted into a database
16 maintained by the Broward League of Cities, provided that database is
17 searchable by internet.

18 5. “Final Decision-Making Authority” means (i) the Board of County
19 Commissioners; (ii) the governing body of any municipality within Broward
20 County; (iii) municipal mayors; (iv) final decision-making bodies under the
21 jurisdiction of the Board of County Commissioners or under the jurisdiction
22 of the governing body of any municipality within Broward County; and (v)
23 any employee, official, or committee of Broward County or of any
24 municipality within Broward County that has authority to make a final

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1 decision to select a vendor or provider in connection with a public
2 procurement. For purposes of the prohibition of Lobbying under section
3 (c)(2) below, “Final Decision-Making Authority” also includes other local
4 governmental entities within Broward County, including taxing authorities,
5 quasi-judicial boards, appointed boards, and commissions.

6 6. “Immediate Family Member” means a parent, spouse, child, sibling, or
7 registered domestic partner.

8 7. “Lobbying” or “Lobbying Activities” means a communication, by any
9 means, from a lobbyist to a covered individual regarding any item that will
10 foreseeably be decided by a final decision-making authority, which
11 communication seeks to influence, convince, or persuade the covered
12 individual to support or oppose the item. Lobbying does not include
13 communications:

- 14 a. Made on the record at a duly-noticed public meeting or hearing; or
15 b. From an attorney to an attorney representing Broward County or
16 any municipality within Broward County regarding a pending or
17 imminent judicial or adversarial administrative proceeding against
18 Broward County or against any municipality within Broward County.

19 8. “Lobbyist” means a person who is retained, with or without compensation,
20 for the purpose of lobbying, or a person who is employed by another
21 person or entity, on a full-time or part-time basis, principally to lobby on
22 behalf of that other person or entity. “Lobbyist” does not include a person
23 who is:

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Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 a. An Elected Official, employee, or appointee of Broward County or
2 of any municipality within Broward County communicating in his or
3 her official capacity.

4 b. An individual who communicates on his or her own behalf, or on
5 behalf of a person or entity employing the individual on a full-time or
6 part-time basis, unless the individual is principally employed by that
7 person or entity to lobby.

8 c. Any employee, officer, or board member of a homeowners'
9 association, condominium association, or neighborhood association
10 when addressing, in his or her capacity as an employee, officer, or
11 board member of such association, an issue impacting the
12 association or its members; or

13 d. Any employee, an officer, or a board member of a nonprofit public
14 interest entity (e.g., Sierra Club, NAACP, ACLU) when addressing
15 an issue impacting a constituent of that entity.

16 9. "Municipal Official" means any individual serving as a member of the
17 governing body of a municipality within Broward County or serving as a
18 municipal mayor within Broward County.

19 10. "Vendor" means an actual or potential supplier of any goods or services to
20 the applicable local governmental entity.

21 All operative words or terms used in this Code not defined herein shall be as
22 defined, in order of priority in the event of inconsistency, by Part III of Florida Statutes
23 Chapter 112, the Broward County Code of Ordinances, and the Broward County
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 Administrative Code. The term "relative" shall be as defined in Florida Statutes section
2 112.3135.

3 (c) Standards of Conduct.

4 In addition to the provisions of Florida Statutes Chapter 112, Part III, Code of
5 Ethics for Public Officers and Employees; Florida Statutes Chapters 838 and 839; Title
6 18, Chapter 63 of the United States Code; and Chapter 26, Article V of the Broward
7 County Code of Ordinances, section 26-67 et seq., the following Standards of Conduct
8 shall apply to each Elected Official ~~the individual members of the Broward County Board~~
9 ~~of County Commissioners.~~

10 ~~The operative words or terms used in this Code, unless otherwise defined~~
11 ~~herein, shall be as defined, in order of priority in the event of inconsistency, by Part III of~~
12 ~~Florida Statutes Chapter 112, the Broward County Code of Ordinances and the Broward~~
13 ~~County Administrative Code. The terms "registered lobbyist" or "lobbyist", "lobbying" or~~
14 ~~"lobbying activities", "vendor" and "contractor" shall be as construed and defined in the~~
15 ~~Broward County Lobbyist Registration Act and the Broward County Procurement Code.~~
16 ~~The term "relative" shall be as defined in Florida Statutes section 112.3135 and the term~~
17 ~~"immediate family" shall be as defined in Florida Statutes section 112.3148.~~

18 (1) Acceptance of Gifts.

19 a. Elected Officials ~~County Commissioners~~, their spouses or
20 registered domestic partners, their other relatives, and their County
21 or municipal office staff, shall not accept gifts, directly or indirectly,
22 regardless of value, from lobbyists registered with the governmental
23 entity on whose behalf they (or their spouse, registered domestic
24 partner, or relative) serve, County or from any principal or employer

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscoring type are additions.

1 of any such registered lobbyist, or from vendors or contractors of
2 such governmental entity Broward County. In order to effectuate
3 this provision, no lobbyist shall engage in any lobbying activity prior
4 to registering as a lobbyist with the applicable governmental entity.

5 b. Elected Officials ~~County Commissioners~~ may accept gifts from
6 other sources given to them in their official capacity, where not
7 otherwise inconsistent with the provisions of Florida Statutes
8 Chapter 112, Part III, up to a maximum value of \$50.00 per
9 occurrence. Gifts given to an Elected Official ~~County~~
10 ~~Commissioner~~ in his or her official capacity up to \$50.00 in value
11 are deemed to be *de minimis*.

12 c. The \$50.00 ~~above restrictions and limitations does~~ not apply to gifts
13 given to Elected Officials ~~County Commissioners~~ in their personal
14 (non-official) capacity, ~~and~~ Such gifts are still subject to the
15 reporting requirements of Florida Statutes section 112.3148.

16 (2) Outside/Concurrent employment.

17 a. Elected Officials ~~County Commissioners~~ shall not be employed as a
18 lobbyist or engage in lobbying activities before any member of the
19 governing body of the County or any municipality ~~municipalities~~
20 within Broward County, before any municipal mayor, or before any
21 member of any other local governmental entities within Broward
22 County, including taxing authorities, quasi-judicial boards,
23 appointed boards, and commissions, ~~except on behalf of Broward~~
24 ~~County as authorized by action of the Board of County~~

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscoring type are additions.

1 Commissioners. This form of employment and activity is deemed to
2 be in substantial conflict with the proper discharge of an Elected
3 Official's ~~Commissioner's~~ duties in the public interest.

- 4 b. Elected Officials ~~County Commissioners~~ may engage in other
5 employment consistent with their public duties and where not
6 otherwise inconsistent with the provisions of Florida Statutes
7 Chapter 112, Part III. All outside or concurrent employment by an
8 Elected Official ~~County Commissioner~~, including employment
9 pursuant to contract, as well as any remuneration received from
10 that employment, must be disclosed ~~quarterly~~ on a form created by
11 the Broward County Attorney's Office. The disclosure referenced in
12 the preceding sentence shall be done quarterly by County
13 Commissioners and annually by Municipal Officials. The disclosure
14 form must be ~~completely legible and~~ filed for public inspection in a
15 database designated by the County Administrator, which database
16 shall be searchable both in hard copy and by internet. To the
17 extent complying with the disclosure requirement contained in this
18 paragraph would violate any written agreement to which a
19 Municipal Official is a party, the Municipal Official shall file, for
20 public inspection, a statement, under oath, from the Municipal
21 Official's employer or other person or entity paying such outside
22 remuneration, specifying how such violation would result from the
23 required disclosure. Upon filing such statement, the Municipal
24 Official shall not be required to comply with that portion of the

Coding:

Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 disclosure requirement that would result in a violation of the written
2 agreement for the balance of the Municipal Official's current term of
3 office as of the effective date of this Ordinance (such disclosure
4 requirement shall apply in full upon commencement of a new term
5 of office after the effective date hereof, even if such new term
6 results from the re-election of a currently-serving Municipal Official).

7 c. A spouse or registered domestic partner, immediate family
8 members, and County or municipal office staff of an Elected Official
9 County Commissioner shall not engage in lobbying activities before
10 the Board of County Commissioners lobby any member of the
11 governing body of the County or any municipality within Broward
12 County, or before any municipal mayor, or before members of other
13 local governmental entities within Broward County, including taxing
14 authorities, quasi-judicial boards, appointed boards and
15 commissions, or otherwise conduct business as a vendor or
16 contractor with the local governmental entity served by the Elected
17 Official Broward County.

18 d. The prohibitions on Municipal Officials, their spouses or registered
19 domestic partners, and their immediate family members stated in
20 paragraphs a. and c. above shall not apply for the balance of the
21 Municipal Official's current term of office as of the effective date of
22 this Ordinance. The prohibitions shall apply for any new term of
23 office that begins after the effective date hereof, even if such new
24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 term results from a re-election of a currently-serving Municipal
2 Official.

3 (3) Lobbyists.

4 a. Elected Officials ~~County Commissioners~~ should avoid even the
5 appearance of impropriety in their interaction and dealings with
6 lobbyists registered under their local governmental entity's lobbyist
7 registration system ~~Broward County Lobbyist Registration Act~~ and
8 with the principals or employers of such lobbyists.

9 b. To promote full and complete transparency, lobbyists and their
10 principals or employers who intend to meet or otherwise
11 communicate with an Elected Official ~~County Commissioner~~ for the
12 purpose of engaging in lobby ing activities, either at the Elected
13 Official's ~~Commissioner's~~ offices or elsewhere on the local ~~County~~
14 ~~government's~~ premises, must legibly register by ~~completing~~ a
15 contact log as ~~provided under Sec. 1-267 of the Broward County~~
16 ~~Code of Ordinances.~~ This registration shall be made for listing
17 each Elected Official with whom ~~individual County Co mmissioner~~
18 the lobbyist, principal, or employer meets or intends on meeting or
19 communicating with.

20 1. The information stated on the contact log ~~registration~~ shall
21 include the lobbyist's name; the name of the entity by which
22 the lobbyist is employed ~~his or her principal, including the~~
23 ~~employer or business~~; the name of the person or entity for
24 whom or which he or she is lobb ying; the name of each ~~the~~

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1 Elected Official County Commissioner with whom he or she
2 is meeting or communicating ~~with~~; the date and time of each
3 such ~~the~~ meeting; and the s pecific purpose and s ubject
4 matter of each such ~~the~~ meeting.

5 2. The contact log s hall be c ompleted ~~registration shall be~~
6 ~~made~~ contemporaneously with the meeting(s) ~~, shall be~~
7 ~~legible~~, and shall be filed for public inspection in ~~a databas e~~
8 ~~designated by the County Admi nistrator, which database~~
9 ~~shall be searchable both in hard copy and by internet.~~

10 c. To further promote full and complete transparency, Elected Officials
11 ~~County Commissioners~~ must disclose any and all lobbying activity
12 that knowingly occurs between themselves and individual lobbyists
13 or their pr incipals or employer s outside of their governmental
14 ~~County Commission~~ offices/premises. This shall inc lude
15 communicating by any form of telephonic or electronic media.

16 1. The disclosure shall include the lobbyist's name; the name of
17 the entity by which the lob byist is em ployed; ~~lobbyist's~~
18 ~~principal, including his or her employer or busines s~~; the
19 name of the person or entity for whom or which he or she is
20 lobbying; the date, time, and location of the meeting; and the
21 specific purpose and subject matter of the meeting.

22 2. The disclosure shall be made within ten (10) business day s
23 of the lobbying activity, but must, in any event, be made prior
24

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1 to any vote on a matter that was the subject of the lobbying
2 activity.

3 3. The disclosure shall be ~~made in a legible manner~~ and filed
4 for public inspection ~~in a database designated by the County~~
5 ~~Administrator, which database s hall be searchable both in~~
6 ~~hard copy and by internet.~~

7 (4) Honest Services.

8 a. An Elected Official ~~County Commissioner~~ may not engage in a
9 scheme or artifice to deprive another of the material intangible right
10 of honest services or any activity in contravention of his or her duty
11 to provide loyal service and honest governance for the residents of
12 the governmental entity that he or she serves ~~Broward County.~~

13 b. This section shall be construed, to the extent possible, in
14 accordance with the standards and intent set forth under 18 U.S.C.
15 s.1346, as may be amended, and Florida Statutes Chapter 838.

16 (5) Solicitation and Receipt of Contributions.

17 a. Charitable Contribution Fundraising.

18 1. The solicitation of funds by an Elected Official ~~County~~
19 ~~Commissioner~~ for a non-profit charitable organization, as
20 defined under the Internal Revenue Code, is permissible so
21 long as there is no quid pro quo or other special
22 consideration, including any direct or indirect benefit
23 between the parties to the solicitation.
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2. To promote the full and complete transparency of any such solicitation, an Elected Official ~~County Commissioner~~ shall disclose, on a form created by the Broward_____ County Attorney's Office, the name of the charitable organization, the event for which the funds were solicited, and the name of any individual or entity that may have promoted the solicitation. The form shall be ~~completed legibly and shall be~~ filed for public inspection ~~in a database designated by the~~ County Administrator, ~~which database shall be searchable~~ both in hard copy and by internet.
3. An Elected Official ~~County Commissioners~~ may not use ~~County~~ staff or other ~~County~~ resources of his or her governmental entity in the solicitation of charitable contributions.
4. The requirements and prohibitions of this subpart shall not apply to actions of an Elected Official in connection with ~~Broward County sponsored~~ charities or fundraising events sponsored by the official's governmental entity.
5. Salary received by a Municipal Official from a non-profit charitable organization employing the Municipal Official shall not be considered a quid pro quo or other special consideration for purposes of paragraph 1 above. Additionally, the disclosure requirement contained in paragraph 2 above shall not apply to Municipal Officials who

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1 are employed by a non-profit charitable organization when
2 soliciting charitable contributions on behalf of that
3 organization.

4 b. Campaign Contribution Fundraising.

5 1. It is the intent of this Code to promote the full and complete
6 transparency of campaign contributions received by Elected
7 Officials ~~County Commissioners~~, consistent with the
8 disclosure requirements provided by state statute.

9 2. Any campaign finance disclosure that an Elected Official
10 ~~County Commissioner~~ must submit to the Supervisor of
11 Elections, or to the appropriate municipal election official, in
12 accordance with the provisions of Florida Statutes Chapter
13 106 shall, contemporaneously, be filed for public inspection
14 ~~in a database designated by the County Administrator, which~~
15 ~~database shall be searchable both in hard copy and by~~
16 internet.

17 3. Elected Officials ~~County Commissioners~~ who solicit
18 campaign contributions for other candidates for public office
19 shall disclose, on a form created by the Broward County
20 Attorney's Office ~~and filed for public disclosure in a manner~~
21 ~~designated by the County Administrator~~, the name of the
22 candidate for which whom they are soliciting, the location
23 and date of any associated event, and both the name and
24 contribution amounts of any individual who provided

1 contributions, directly or indirectly, to the Elected Official
2 ~~County Commissioner~~ for subsequent delivery to the
3 candidate. The form shall be filed for public inspection.

4 4. An Elected Official ~~County Commissioners~~ may not use any
5 ~~County~~ staff or other ~~County~~ resources of his or her
6 governmental entity in the solicitation or receipt of campaign
7 contributions.

8 5. Campaign or political contributions may not be made,
9 solicited, or accepted in any government-owned building.

10 c. The Board of County Commissioners shall be prohibited from
11 waiving the provisions of Section 18.63 of the Broward County
12 Administrative Code as it pertains to the County's acceptance of
13 donations ~~in excess of five hundred (\$500.00) dollars.~~

14 (6) Procurement Selection Committees.

15 a. It shall be a conflict of interest for any Elected Official ~~member of~~
16 ~~the Board of County Commissioners~~ to serve as a voting member
17 of a ~~County procurement~~ Selection/Evaluation Committee in
18 connection with any prospective procurement by the Elected
19 Official's governmental entity. Elected Officials ~~County~~
20 ~~Commissioners~~ shall not be included as members on any
21 Selection/Evaluation Committee and shall not participate or
22 interfere in any manner at Committee meetings or in the selection
23 of Committee members, which members shall be appointed by the
24 County Administrator or appropriate municipal staff, as relevant.

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1 Upon the completion of the selection process by the Committee,
2 Elected Officials ~~County Commissioners~~ may inquire into any and
3 all aspects of the selection process and express any concerns they
4 may have to their Purchasing Director or, where applicable, other
5 employee with responsibility to oversee the procurement process.

6 b. The prohibitions stated in the preceding paragraph shall not apply
7 to strong mayors with a charter-prescribed strong mayor form of
8 government or to Elected Officials who, under their charter, are
9 required to participate in the procurement process in a manner that
10 would be inconsistent with such prohibitions. The prohibitions
11 stated in the preceding paragraph shall also not apply to the hiring
12 (or contractual procurement, in lieu of hiring) of individuals who
13 report directly to a local governing body.

14 (7) Financial Disclosure.

15 a. Each County Commissioner, contemporaneously with the annual
16 filing of the Form 6 Disclosure of Financial Interest with the State of
17 Florida Commission on Ethics, shall file such form for public
18 inspection ~~in a database designated by the County Administrator,~~
19 ~~which database shall be searchable both in hard copy and by~~
20 ~~internet.~~ Each Municipal Official, contemporaneously with the
21 annual filing of the Form 1 Statement of Financial Interests with the
22 State of Florida Commission on Ethics, shall file such form for
23 public inspection.

24
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1 (8) Advisory Opinions.

2 a. Any Elected Official may request an advisory opinion about how the
3 Broward County Elected Official Code of Ethics applies to his or her
4 own situation. Requests for opinions from County Commissioners
5 shall be made to the Broward County Attorney or to the County
6 Attorney's designee. Requests for opinions from Municipal Officials
7 shall be made to the municipality's chief attorney or to that
8 attorney's designee. Requests for opinions shall be considered
9 only if in writing and signed by the Elected Official or by his or her
10 office staff. Requests for opinions shall state all material facts
11 necessary for the advising attorney to understand the
12 circumstances and render a complete and correct opinion. If at any
13 time after receipt of a request, the advising attorney believes that
14 additional information is needed, the Elected Official requesting the
15 opinion shall be notified and shall furnish such additional
16 information.

17 b. Until amended or revoked, an advisory opinion rendered pursuant
18 to this section shall be binding on the conduct of the Elected Official
19 covered by the opinion unless material facts were omitted or
20 misstated in the request for the advisory opinion. If the Elected
21 Official acts in accordance with a binding advisory opinion, the
22 Elected Official's action may not be found to be in violation of the
23 Broward County Elected Official Code of Ethics. However, any
24 opinion rendered under this section shall not be binding as to

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1 whether the Elected Official's acti on complies with st ate or federal
2 ethics requirements.

3 (de) Training and Education.

4 (1) New Elected Officials ~~County Commissioners~~ shall receive a minimum of
5 four (4) hours of training from their governmental ent ity's attorney (or as
6 directed by that attorney) ~~Office of the County Attorney~~ on the topics of the
7 Sunshine Law, public records, and public service ethics, and shall .~~The~~
8 ~~County Commissioner~~ shall certify or acknowledge his or her participation
9 in this training ~~through~~ in a form filed with the ent ity's chief administrative
10 official or clerk ~~the County Administrator~~. Such training shall be completed
11 within one hundred t wenty (120) days after taking office. The four (4)
12 hours of training shall count towards t he eight (8) hour training r eferenced
13 in the paragraph immediately below. Additional training for new Elected
14 Officials ~~Commissioners~~ offered by the Flo rida Association of Counties or
15 the Florida League of Cities is strongly encouraged.

16 (2) Each Elected Official ~~member of the Board of County Commissioner~~s
17 shall, on an annual basis, attend or par ticipate in a minimum of eight (8)
18 hours of continuing education training on the topic of public s ervice ethics.
19 These programs may be available thr ough regional universities, municipal
20 or local government organizations, or the state or regional Bar
21 associations. Each Elected Official ~~The County Commissioner~~ shall
22 annually certify or acknowledge that he or she has met this requirement in
23 a form filed with the entity's chief administrative official or clerk ~~his or her~~
24 ~~participation in this program through the County Administrator.~~

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(d) Enforcement.

~~(1) Office of Inspector General.~~

~~a. Created and Established.~~

~~1. The Office of Inspector General is created to detect misconduct involving waste, fraud, abuse, mismanagement, corruption, as well as the violation of County and municipal ordinances, state or federal statutes, and the state and federal constitution by any member of the Board of County Commissioners.~~

~~2. The Inspector General shall head the Office.~~

~~3. The organization and administration of the Office of Inspector General shall be independent to assure that no interference or influence external to the Office of Inspector General adversely affects the objectivity of the Inspector General.~~

~~b. Functions, Authority and Powers.~~

~~1. The authority of the Inspector General shall extend over the Board of County Commissioners.~~

~~2. Upon a determination by the Inspector General that good cause exists, including but not limited to the receipt of a filed complaint or a credible published report, the Inspector General shall commence an investigation of any member of the Board of County Commissioners.~~

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3. ~~Any complaint received by the Office of Inspector General that is made against a candidate for the office of County Commissioner and received within sixty (60) days of the date of the election shall be held in abeyance until the election is determined or, if the complaint is made within sixty (60) days of a primary election, until the general election is determined if the individual against whom the complaint was filed remains a candidate in the general election.~~
4. ~~The Inspector General shall have the authority to investigate any member of the Board of County Commissioners. Each member of the Board of County Commissioners shall fully cooperate with the Inspector General.~~
5. ~~In connection with an investigation, the Inspector General shall have the power to subpoena witnesses, administer oaths, and require the production of documents and records.~~
6. ~~The Inspector General shall have the authority to prepare reports and recommendations based upon its investigation.~~
7. ~~Upon a finding of probable cause and the good faith belief that a violation of a state, federal or local law, rule, regulation or policy has occurred, the Inspector General shall notify the appropriate civil, criminal or administrative agencies charged with enforcement of said violation.~~

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- a) ~~The Inspector General shall refer findings of alleged criminal offenses to the State Attorney and/or the Office of the United States Attorney.~~
- b) ~~The Inspector General shall refer findings of alleged civil offenses involving a violation of Florida Statutes Chapter 112, Part III, to the Florida Commission on Ethics.~~
- e) ~~Civil infractions involving local ordinances or code provisions not covered by Florida Statutes Chapter 112, Part III shall be stated in a complaint brought in the name of the Inspector General on behalf of Broward County, which complaint shall be referred to a Hearing Officer randomly chosen from among the panel of hearing officers selected by the Inspector General Selection Oversight Committee. Upon the finding of a violation, the Hearing Officer shall impose sanctions in accordance with Florida Statutes sections 112.317 and 125.69, or as provided within this Code.~~
 - i. ~~In addition to all other authority granted in this section, the hearing officer shall have the authority to:~~
 - a. ~~Issue notices of hearings;~~
 - b. ~~Administer oaths and affirmations;~~

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- ~~c. Issue subpoenas authorized by law, including those requiring the attendance of witnesses and the preservation and production of documents and other items which may be used as evidence;~~
 - ~~d. Rule upon motions presented and offers of proof and receive relevant evidence;~~
 - ~~e. Issue appropriate orders to effectuate discovery;~~
 - ~~f. Regulate the course of the hearing;~~
 - ~~g. Dispose of procedural requests or similar matters; and~~
 - ~~h. Enter any order, consistent with his or her authority, to carry out the purposes of this chapter.~~
- ~~ii. Except to any extent inconsistent with any provision of this subsection, the Florida Rules of Civil Procedure and Florida Evidence Code, as amended, shall apply to hearings under this section.~~
- ~~iii. Within thirty (30) days after completion of the hearing, the hearing officer shall issue a final order determining whether a violation of the Code has occurred. The final order shall~~

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~~contain detailed findings of fact and conclusions of law. If a violation has occurred, the final order shall specify the sanction(s) imposed.~~

~~iv. Orders issued by the hearing officer, including the final order, are subject to judicial review as provided by applicable law.~~

~~8. The Inspector General shall provide adequate notice to the subject of any investigation and an opportunity to be heard with respect to the charges or allegations made.~~

~~9. The Inspector General's records related to active investigations shall be and are confidential and exempt from disclosure, as provided by F.S. 112.3188(2).~~

~~10. The Inspector General shall be deemed "an appropriate local official" for purposes of whistleblower protection provided by F.S. 112.3188(1).~~

~~11. The Inspector General may recommend remedial action and may follow up to determine whether recommended remedial actions have been taken.~~

~~12. The Inspector General shall establish policies and procedures and monitor the costs of investigations undertaken.~~

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~~13. The Inspector General is hereby deemed to be a public official and shall be subject to all applicable provisions of this Code.~~

~~e. Minimum Qualifications, Selection and Term of Office.~~

~~1. Minimum qualifications. The Inspector General shall be a person who:~~

~~a) Has at least ten (10) years of experience in any one, or a combination of, the following fields:~~

~~1) as a Federal, State or local Law Enforcement Officer;~~

~~2) as a Federal or State court judge;~~

~~3) as a Federal, State or local government attorney with expertise in investigating fraud, mismanagement and corruption; or~~

~~4) as a person with progressive supervisory experience in an investigative public agency similar to an inspector general's office.~~

~~b) Has managed and completed complex investigations involving allegations of fraud, theft, deception and conspiracy;~~

~~c) Has demonstrated the ability to work with local, state and federal law enforcement agencies and the judiciary;~~

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- d) ~~Has a four-year degree from an accredited institution of higher learning;~~
 - e) ~~Has experience in the management of a private or public entity; and~~
 - f) ~~Has not been employed by Broward County or served in an elected office within the State of Florida during the five (5) year period immediately prior to selection.~~
2. ~~Highly qualified candidates will also have audit-related skills and/or hold one or more of the following professional certifications at the time of selection: certified inspector general (CIG), certified inspector general investigator (CIGI), certified inspector general auditor (CIGA), certified public accountant (CPA), certified internal auditor (CIA), or certified fraud examiner (CFE).~~
3. ~~Selection.~~
- a) ~~Responsibility for selecting the Inspector General shall be vested solely with the Inspector General Selection Oversight Committee ("Selection Oversight Committee").~~
 - b) ~~The Selection Oversight Committee shall be comprised of:~~
 - 1) ~~The Chief Judge of Seventeenth Judicial Circuit or, if he or she is unable or unwilling to serve, then his or her designee.~~

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2) ~~The State Attorney of the Seventeenth Judicial Circuit or, if he or she is unable or unwilling to serve, then his or her designee.~~

3) ~~The Public Defender for the Seventeenth Judicial Circuit or, if he or she is unable or unwilling to serve, then his or her designee.~~

4) ~~The Special Agent in charge of the Miami Regional Operation Center of the Florida Department of Law Enforcement or, if he or she is unable or unwilling to serve, then his or her designee.~~

5) ~~The Dean of the Nova Southeastern University Law Center or, if he or she is unable or unwilling to serve, then his or her designee. In the event that no individual in this category agrees to serve, the Selection Oversight Committee shall fill the vacancy.~~

e) ~~In the event any of the above individuals are unable or unwilling to serve, the members of the Selection Oversight Committee shall fill the vacancy by majority vote.~~

d) ~~The members of the Selection Oversight Committee shall elect a chairperson who shall preside over the~~

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~~actions of the Committee. The Selection Oversight Committee shall establish its own rules of procedure.~~

e) ~~The Human Resources Division of Broward County shall be responsible for providing staffing to the Selection Oversight Committee and for the solicitation of qualified candidates for the position of Inspector General.~~

f) ~~In addition to its other responsibilities under this Code, the Selection Oversight Committee shall select qualified hearing officers to preside over hearings in connection with civil infractions as specified above.~~

g) ~~In addition to the factors specified above, in selecting the Inspector General and qualified hearing officers, the Selection Oversight Committee shall take into consideration the rich diversity of the County's residents.~~

4. ~~Term. The Inspector General shall be appointed for a term of four (4) years. The Selection Oversight Committee shall convene at least six (6) months prior to the end of each contract term to determine whether to renew the contract of the Inspector General or solicit new candidates.~~

5. ~~Vacancy. In the event of a vacancy in the position of Inspector General, the Chairperson of the Selection Oversight Committee shall appoint an interim Inspector~~

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~~General until such time as a successor Inspector General is selected and assumes office.~~

~~6. The presence of all five (5) members of the Selection Oversight Committee is necessary to constitute a quorum for purposes of any vote to select or remove the Inspector General. For all other votes, a quorum shall consist of three (3) or more members being present.~~

~~d. Contract. The Director of the Broward County Human Resources Division, with the assistance of the County Attorney of Broward County, shall negotiate a contract of employment with the Inspector General substantially consistent with the terms included in contracts of other contractual employees of Broward County.~~

~~e. Physical Facilities and Staff.~~

~~1. The County shall provide the Office of Inspector General with appropriately located office space and sufficient physical facilities together with necessary office supplies, equipment and furnishings to enable the Office to perform its functions.~~

~~2. The Inspector General shall have the power to appoint, employ, and remove such assistants, employees and personnel, and establish personnel procedures as deemed necessary for the efficient and effective administration of the activities of the Office of Inspector General.~~

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1 3. ~~The Office of the County Auditor shall be a resource to the~~
2 ~~Inspector General and shall make staff available as~~
3 ~~necessary to assist the Inspector General in its~~
4 ~~investigations.~~

5 f. ~~Procedure for Finalization of Reports and Recommendations Which~~
6 ~~Make Findings as to the Person or Entity Being Reviewed or~~
7 ~~Inspected. The Inspector General shall publish and deliver~~
8 ~~finalized reports and recommendations to the Board of County~~
9 ~~Commissioners and to the Offices represented on the Selection~~
10 ~~Oversight Committee. Whenever the Inspector General concludes~~
11 ~~a report or recommendation which contains findings as to a~~
12 ~~member of the Board of County Commissioners, the Inspector~~
13 ~~General shall provide the affected County Commissioner with a~~
14 ~~copy of the report or recommendation and the County~~
15 ~~Commissioner shall have ten (10) working days to submit a written~~
16 ~~explanation or rebuttal of the findings before the report or~~
17 ~~recommendation is finalized. A timely submitted written~~
18 ~~explanation or rebuttal shall be attached to the finalized report or~~
19 ~~recommendation. The requirements of this subsection shall not~~
20 ~~apply when the Inspector General, in conjunction with the State~~
21 ~~Attorney or United States Attorney, determines that supplying the~~
22 ~~County Commissioner with such report will jeopardize a pending~~
23 ~~criminal investigation.~~

24 g. ~~Reporting.~~

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~~1. The Inspector General shall annually prepare and publish a written report to all covered entities concerning the work and activities of the Office of Inspector General including, but not limited to, statistical information regarding the disposition of closed investigations. The annual report of the Inspector General shall, promptly after it is completed, be posted on Broward County's public website and presented to the Selection Oversight Committee.~~

~~2. The Selection Oversight Committee shall convene at least annually, shortly after its receipt of the annual report, to consider the report and the performance of the Inspector General. Other meetings of the Committee may be set by majority vote during the annual meeting or at the request of the Inspector General. A meeting to vote up on setting a public hearing to consider removal of the Inspector General shall be set by the Chair person upon his or her own volition or upon being requested to do so by any member of the Committee.~~

~~h. Financial Support and Budgeting.~~

~~1. The Charter Government of Broward County shall be responsible for the funding of the Office of Inspector General.~~

~~2. Pursuant to its annual budget process, the Broward County Board of County Commissioners shall provide sufficient and~~

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~~adequate financial support for the Inspector General's Office to fulfill its duties. The costs of reviews, inspections and investigations by the Inspector General may be defrayed in part by the imposition of a fee imposed by the County which shall be equal to one quarter of one percent (0.25%) of the contract price (hereinafter "IG contract fee") added to each County contract, as well as a fee on lobbyist registrations.~~

~~3. The Inspector General shall timely deliver to the Board of County Commissioners a budget request including a reasonable estimate of operating and capital expenditures. The budget request shall include funds to enable the Inspector General to retain outside counsel to represent the Inspector General in connection with complaints referred to a hearing officer. The Inspector General's budget shall not be implemented until a public hearing is held by the Broward County Board of County Commissioners. The Inspector General shall establish a fiscal year which coincides with that of Broward County. Nothing contained herein shall be construed to prohibit the Inspector General from transmitting to the Board of County Commissioners supplemental budget requests, which shall be scheduled for a public hearing and if approved by the Commission, shall constitute amendments to the county budget. The Board of County Commissioners'~~

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1 approval of the Inspector General's budget request shall not
2 be unreasonably withheld.

- 3 i. ~~Removal. The Inspector General may be removed only for cause~~
4 ~~based upon specified charges of the following: neglect of duty,~~
5 ~~abuse of power or authority, discrimination, or ethical misconduct.~~
6 ~~Removal shall be considered at a duly noticed public hearing of the~~
7 ~~Selection Oversight Committee. The Inspector General shall be~~
8 ~~provided sufficient advance notice of the reasons for the possible~~
9 ~~removal, and shall be given an opportunity to be heard on the~~
10 ~~charges. The Inspector General may only be removed upon the~~
11 ~~affirmative vote of no fewer than three (3) members of the~~
12 ~~Selection Oversight Committee.~~

13 (2) ~~Sanctions.~~

14 a. ~~Fines.~~

- 15 1. ~~A County Commissioner who violates any provision of this~~
16 ~~Code shall be assessed a monetary fine of between \$250.00~~
17 ~~and \$5,000.00 per violation.~~
- 18 2. ~~Additionally, the Hearing Officer may order the~~
19 ~~Commissioner to pay restitution or to disgorge any sums~~
20 ~~wrongfully received by the Commissioner or by any relative~~
21 ~~of the Commissioner or entity substantially affiliated with the~~
22 ~~Commissioner.~~
- 23 3. ~~In determining the amount of the fine, the Hearing Officer~~
24 ~~shall consider:~~

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

- a) ~~The gravity of the violation;~~
- b) ~~Whether it was intentional; and~~
- e) ~~Whether it is a repeat offense.~~

4. ~~The Hearing Officer may determine that no fine shall be imposed upon making an affirmative, express finding that the violation was unintentional and *de minimis*.~~

b. ~~Public Reprimand/Censure.~~

1. ~~A County Commissioner who is found to have violated any provision of this Code shall be subject to public reprimand or censure.~~

c. ~~Incarceration.~~

1. ~~A County Commissioner who is convicted of a violation of this Code may, pursuant to Florida Statutes section 125.69, be subject to imprisonment for a maximum of sixty (60) days, in addition to a fine and public censure.~~

Section 2. ~~RESTRICTIONS ON AMENDMENT.~~

Except as to any amendments required as a result of changes in governing law:

(a) ~~The Board of County Commissioner s may at any time strengthen or supplement the restrictions and protections provided under this Code, but the restrictions and protections hereof may be weakened or removed, in whole or in part, only by citizen initiative as referenced in Section 7.01 of the Broward County Charter.~~

(b) ~~If any Court determines that the above-provided requirement of a citizen initiative is inconsistent with applicable law, then, to the full extent permitted under applicable law, the restrictions and protections of this Code may be weakened or~~

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1 removed, in whole or in part, only by an affirmative vote of a majority plus one (1)
2 member of the full Board of County Commissioners.

3 Section 3. Section 26-72.5 of the Broward County Code of Ordinances, the
4 definition section of the Broward County Employee Code of Ethics Act, is hereby
5 amended to read as follows:

6 Except as stated in (a) through (g) ~~(e)~~ below, the definitions contained or
7 referenced in Section 1-19, Broward County Code, apply to the same words or terms
8 appearing in this Act.

9 . . .

10 (b) "Covered Individual" means (i) any member of the Board of County
11 Commissioners; (ii) any member of a final decision-making body under the jurisdiction
12 of the Board of County Commissioners; (iii) any member of a selection, evaluation, or
13 procurement committee that ranks or makes recommendations to any final decision-
14 making authority regarding a County procurement; (iv) any employee of Broward
15 County that has authority to make a final decision regarding a public procurement; and
16 (v) the head of any department, division, or office of Broward County who makes final
17 recommendations to a final decision-making authority regarding items that will be
18 decided by the final decision-making authority.

19 ~~(c)(b)~~ "Gift" shall be as defined in Subsection 112.312(12), Florida Statutes.

20 (d) "Final Decision-Making Authority" means (i) the Board of County
21 Commissioners; (ii) final decision-making bodies under the jurisdiction of the Board of
22 County Commissioners; and (iii) any employee of Broward County that has authority to
23 make a final decision to select a vendor or provider in connection with a public
24 procurement.

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underscored type are additions.

1 ~~(e)~~(e) “Immediate family member” means a parent, spouse, child, sibling, or
2 registered domestic partner of a County employee.

3 (f) “Lobbying or Lobbying Activities” means a communication, by any means,
4 from a lobbyist to a covered individual regarding any item that will foreseeably be
5 decided by a final decision-making authority, which communication seeks to influence,
6 convince or persuade the covered individual to support or oppose the item. Lobbying
7 does not include communications:

8 1. Made on the record at a duly-noticed public meeting or hearing; or

9 2. From an attorney to an attorney representing Broward County regarding a
10 pending or imminent judicial or adversarial administrative proceeding
11 against Broward County.

12 (g) “Lobbyist” means a person who is retained, with or without compensation,
13 for the purpose of lobbying; or a person who is employed by another person or entity,
14 on a full-time or part-time basis, principally to lobby on behalf of that other person or
15 entity. “Lobbyist” does not include a person who is:

16 1. An Elected Official, employee, or appointee of Broward County or of any
17 municipality within Broward County communicating in his or her official
18 capacity;

19 2. An individual who communicates on his or her own behalf, or on behalf of
20 a person or entity employing the individual on a full-time or part-time basis,
21 unless the individual is principally employed by that person or entity to
22 lobby;

23 3. Any employee, officer, or board member of a homeowners' association,
24 condominium association, or neighborhood association when addressing,

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in
underscored type are additions.

1 in his or her capacity as an employee, officer, or board member of such
2 association, an issue impacting the association or its members; or

3 4. Any employee, an officer, or a board member of a nonprofit public interest
4 entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue
5 impacting a constituent of that entity.

6 Section 4. Section 1-261 of the Broward County Code of Ordinances, the
7 definition section of the Broward County Lobbyist Registration Act, is hereby amended
8 to read as follows:

9 As used in this article, unless the context otherwise indicates:

10 . . .

11 (b) Lobbying or Lobbying Activities means a communication, by any means,
12 from a lobbyist to a covered individual regarding any item that will foreseeably be
13 decided by a final decision-making authority, which communication seeks to influence,
14 convince, or persuade the covered individual to support or oppose the item. Lobbying
15 does not include communications:

16 1. Made on the record at a duly-noticed public meeting or hearing; or

17 2. From an attorney to an attorney representing Broward County regarding a
18 pending or imminent judicial or adversarial administrative proceeding
19 against Broward County. means communicating directly or indirectly, in-
20 person, by telephone, by letter, or by any other form of communication, on
21 behalf of any other person (as defined in (c) below), with any County
22 Commissioner, any member of any decision-making body under the
23 jurisdiction of the Board, or any County employee, where the lobbyist
24 seeks to influence a decision to be made by the Board, a decision to be

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 ~~made by any decision-making body under the jurisdiction of the Board, or~~
2 ~~a final procurement decision to be made by a County employee~~.
3 ~~Appearing before the Board or other decision-making body under the~~
4 ~~jurisdiction of the Board at a publicly noticed meeting does not constitute~~
5 ~~lobbying.~~

6 . . .

7 (d) *Lobbyist* means a person who is retained, with or without compensation,
8 for the purpose of lobbying; or a person who is employed by another person or entity,
9 on a full-time or part-time basis, principally to lobby on behalf of that other person or
10 entity. "Lobbyist" does not include a person who is:

- 11 1. An Elected Official, employee, or appointee of Broward County or of any
12 municipality within Broward County communicating in his or her official
13 capacity;
- 14 2. An individual who communicates on his or her own behalf, or on behalf of
15 a person or entity employing the individual on a full-time or part-time basis,
16 unless the individual is principally employed by that person or entity to
17 lobby;
- 18 3. An employee, officer, or board member of a homeowners' association,
19 condominium association, or neighborhood association when addressing,
20 in his or her capacity as an employee, officer, or board member of such
21 association, an issue impacting the association or its members; or
- 22 4. An employee, officer, or board member of a nonprofit public interest entity
23 (e.g., Sierra Club, NAACP, ACLU) when addressing an issue impacting a
24 constituent of that entity. ~~any individual who engages in lobbying, a s~~

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1 defined in subsection ~~1-261(b)~~, regardless of whether he or she receives
2 any compensation for such lobbying. Any individual who, in his or her
3 individual capacity, merely communicates with a County Commissioner, a
4 decision-making body under the jurisdiction of the Board of County
5 Commissioners, or any County employee, for the purpose of self-
6 representation, without compensation to express support of or opposition
7 to any item shall not be required to register as a lobbyist. Additionally,
8 "lobbyist" does not include any public officer, public employee, or public
9 appointee when acting in his or her official capacity; any employee or
10 officer of a homeowners' association, condominium association, or
11 neighborhood association when addressing, in his or her capacity as an
12 employee or officer of such a association, an issue impacting the
13 association or its members; or any employee of a nonprofit public interest
14 entity (e.g., Sierra Club, NAACP, ACLU) when addressing an issue
15 impacting a constituent of that entity.

16 . . .

17 (g) Covered Individual means (i) any member of the Board of County
18 Commissioners; (ii) any member of a final decision-making body under the jurisdiction
19 of the Board of County Commissioners; (iii) any member of a selection, evaluation, or
20 procurement committee that ranks or makes recommendations to any final decision-
21 making authority regarding a County procurement; (iv) any employee of Broward
22 County that has authority to make a final decision regarding a public procurement; and
23 (v) the head of any department, division, or office of Broward County who makes final
24

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1 recommendations to a final decision-making authority regarding items that will be
2 decided by the final decision-making authority.

3 (h) *Final Decision-Making Authority* means (i) the Board of County
4 Commissioners; (ii) final decision-making bodies under the jurisdiction of the Board of
5 County Commissioners; and (iii) any employee of Broward County that has authority to
6 make a final decision to select a vendor or provider in connection with a public
7 procurement.

8 Section 5. SEVERABILITY.

9 If any portion of this Ordinance is determined by any Court to be invalid, the
10 invalid portion shall be stricken, and such striking shall not affect the validity of the
11 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
12 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
13 or circumstance(s), such determination shall not affect the applicability hereof to any
14 other individual, group, entity, property, or circumstance.

15 Section 6. INCLUSION IN CODE.

16 It is the intention of the Board of County Commissioners that the provisions of
17 this Ordinance shall become and be made a part of the Broward County Code; and that
18 the sections of this Ordinance may be renumbered or relettered and the word
19 "ordinance" may be changed to "section," "article," or such other appropriate word or
20 phrase in order to accomplish such intentions.

21 Section 7. EFFECTIVE DATE.

22 This ordinance shall become effective as provided by law, except that no
23 provision of this Ordinance shall be applicable to Municipal Officials until January 2,
24 2012.

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ENACTED October 11, 2011
FILED WITH THE DEPARTMENT OF STATE October 17, 2011
EFFECTIVE January 2, 2012

AJM/mm
10/12/11
Municipal Officials Code of Ethics.doc
11-421

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Hearing Outcome

After considering the complaint, the Fair Campaign Practices Committee may:

- Reject the complaint as baseless
- Ask for more information
- Request the candidate or organization cease and desist from such action
- Publicly criticize
- Censure the candidate or organization

If a complaint is found groundless, the committee will issue a public statement of determination at the request of any person. Notification of cease and desist, public criticism, and censure are reported to the media to keep the community apprised. A formal complaint also may be filed with the Florida Elections Commission.

STANDARDS OF ETHICAL CAMPAIGN PRACTICES

Every candidate in Broward County is asked to voluntarily sign the Statement of Ethical Campaign Practices.

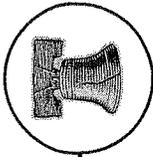
“I believe that political issues can be freely debated without appealing to racial, ethnic, religious, sexual, or other prejudices. I recognize that such negative appeals serve only to divide this community and create long-term moral, social, and economic problems.”

The Statement of Ethical Campaign Practices defines ten activities including: making race, color, religion, gender, national origin, physical disability or sexual orientation of candidates or their opponents an issue; questioning an opponent’s patriotism; utilizing anonymous campaign literature; allowing negative activities by supporters; and using false, distorted or misrepresented facts, accusation or innuendoes.

FAIR CAMPAIGN PRACTICES COMMITTEE

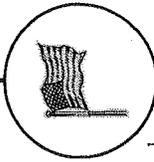


Fair Campaign Practices Committee
Of Broward County
1051 SE 3rd Avenue
Fort Lauderdale, FL 33316
Phone: 954-764-8040
Fax: 954-764-8060
www.nsulaw.nova.edu/fcpc
faircampaigns@yahoo.com



Committee Hearing

To ensure that a complaint is a substantive violation of the code, the committee's officers meet and determine whether there is probable cause and adequate supporting documentation. If it is determined minor, unintentional or unsubstantiated, the complaint is dismissed.



Filing a Complaint
A Broward County resident may file a complaint against a candidate running for any office in the county. The complaint must:

- Be written and signed by a Broward County registered voter. No anonymous complaints will be considered.
- Contain the complainant's street address (no post office boxes), precinct number, and telephone number.

Proof of a violation with clear and convincing evidence is the responsibility of the complainant. Multiple complaints for the same conduct are treated as one issue. Previous complaints are not reconsidered.

Complaints should be filed with:

- Fair Campaign Practices chair via fax: 954-973-2686
- Mail or hand deliver to: Broward Bar Association

1051 SE 3rd Avenue, Fort Lauderdale, FL 33316

Fair Campaign Practices Committee of Broward County, Inc. is a nonprofit, nonpartisan organization established in 2000 to serve as a watchdog for the Broward County Commission's Standards of Ethical Campaign Practices. The committee is composed of approximately 20 Broward leaders who were selected by:

- Recommendations by nonpartisan community organizations including: League of Women Voters, Broward Alliance, The Urban League, Hispanic Unity, the Broward Bar Association and others.
- Nomination by the committee as a community representative. No elected official currently in office is eligible.
- County chairs of the Democratic and Republican parties, who serve as ex officio members.

The goals of the organization are to encourage honest, ethical, political campaigns, and to inform the public of those that violate the county's statement of Ethical Campaign Practices. The committee fulfills its mission by investigating complaints of wrongdoing by candidates, political parties and organizations.

If probable cause is found, the candidate or organization against whom the complaint is filed is notified. A written response is requested and a hearing scheduled. The complainant, members of the Fair Campaign Practices Committee and the media are notified. All hearings and meetings by the entire committee are open to the public.

Fair Campaign Practices Committee members who endorse or contribute to a political campaign may not participate in any deliberations concerning that candidate or the candidate's opponents. If a committee member donates to a political party, the donor may participate in all hearings unless the party itself is the subject of a complaint.

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
Office of International Relations
Division of Elections
Division of Corporations
Division of Cultural Affairs
Division of Historical Resources
Division of Library and Information Services
Division of Licensing
Division of Administrative Services



SUPERVISOR OF ELECTIONS
01 FEB -1 AM 8:47

MEMBER OF THE FLORIDA CABINET

State Board of Education
Trustees of the Internal Improvement Trust Fund
Administration Commission
Florida Land and Water Adjudicatory Commission
Siting Board
Division of Bond Finance
Department of Revenue
Department of Law Enforcement
Department of Highway Safety and Motor Vehicles
Department of Veterans' Affairs

FLORIDA DEPARTMENT OF STATE

Katherine Harris
Secretary of State

DIVISION OF ELECTIONS

MEMORANDUM

TO: All Candidates, Political Committees, Committees of Continuous Existence,
Political Party Executive Committees and Supervisor of Elections

FROM: L. Clayton Roberts, Director
Division of Elections

DATE: January 26, 2001

SUBJECT: Federal Tax Regulation

Background

Most political campaigns, political parties, and even political (action) committees prior to this new federal regulation were treated as Section 527 organizations under the Internal Revenue Code. This meant that they did not pay income tax on their contributions. A number of unregulated organizations or groups, however, have been increasingly using 527 status to influence elections or issues, while avoiding the registration and reporting requirements placed on campaigns, the political parties, and political committees. Consequently, with the legislation, Congress has attempted to close that "loophole" in the regulation of their activities. The law was passed by Congress on a fast track and signed into law by President Clinton within 24 hours of its enactment and effective July 1st, 2000.

Summary of Requirements

The new federal legislation requires Section 527 organizations with annual (calendar/tax year) receipts of \$25,000 or more to register with the IRS ("Registration Requirement"), file regular disclosure reports (Disclosure Requirement"), and file annual returns ("Return Requirement"), all of which will become available to the public for inspection. State and local non-federal candidates and state and county political parties (at least as to their non-federal accounts) appear to have to register, but appear to be exempt from the Disclosure Requirement. Therefore, if your campaign, political committee or committee of continuous existence reasonably anticipates receiving \$25,000 or more in receipts annually, you should at least satisfy the Registration Requirement.

If you have any questions about the registration requirements, please contact the IRS help line at 1-877-829-5500.

LCR/blm/gr
Attachments

FOR RELEASE: 7/12/00

IR-2000-49

**IRS RELEASES NEW FORM FOR SECTION 527 POLITICAL GROUPS,
OUTLINES PLANS FOR NEW LAW**

WASHINGTON – The Internal Revenue Service on Wednesday announced the release of the new form that section 527 political organizations must file and detailed plans for implementing other aspects of the new law governing these groups.

Starting immediately, section 527 political organizations must file Form 8871 with the IRS. This notice of organization must be filed by July 31.

The IRS action follows a new law approved last month by Congress and signed July 1 by President Clinton. The legislation creates a new set of rules for political organizations established under section 527 of the Internal Revenue Code. Under the new law, these 527 groups will be required to publicly disclose details about their organization, contributors, expenditures, annual returns and other information.

"The IRS is moving quickly to put these new rules in place. We want to make information from these organizations available to the public as soon as possible," IRS Commissioner Charles O. Rossotti said.

The IRS will soon release new forms and other details involving reporting and disclosure requirements for 527 organizations.

The first step is the release of Form 8871, "Political Organization Notice of Section 527 Status." The form is now available at the IRS web site, www.irs.gov, in the "Forms and Pubs" section.

Organizations must file Form 8871 both electronically and in writing. The form can be filed electronically at www.irs.gov/bus_info/eo/pol-file.html.

Every political organization under section 527 must file Form 8871 unless it reasonably expects annual gross receipts to always be less than \$25,000 in each taxable year. Political committees also do not have to submit this form if they are required to file reports with the Federal Election Commission. Section 501(c) organizations such as social welfare groups, labor unions and trade associations that file Form 1120-POL and pay taxes under section 527(f) also will not have to submit Form 8871.

(more)

- 2 -

The law requires newly established organizations to file Form 8871 within 24 hours of their creation. However, the IRS realizes some of these section 527 organizations may not yet be aware of this requirement. Consequently, the IRS has extended the due date for filing Form 8871 until July 31, 2000, for any organizations established after June 30, 2000. Organizations already in existence on June 30, 2000, already have until July 31, 2000, to file Form 8871.

Form 8871 contains a variety of information about 527 organizations, including the organization's purpose, a list of related entities, contact persons, record custodians, e-mail addresses and lists of officers, directors and highly compensated employees.

By August 15, the IRS will make available on its Internet site a list of organizations filing Form 8871. Copies of the Form 8871 will be available through the 527 organizations. The IRS is working on procedures to make copies of the forms available for public inspection as soon as possible.

The IRS will soon release another form that 527 organizations will use to periodically disclose contributions and expenditures made after July 1, 2000. Form 8872, Political Organization Report of Contributions and Expenditures, will include names, addresses, employers and occupations for contributors of \$200 or more annually. Organizations or individuals receiving \$500 or more annually from 527 organizations also will be listed on these forms.

The IRS will have additional guidance on Form 8872 very soon.

Information from filed Forms 8872 will be available for public inspection.

The IRS also is in the process of determining which forms will be used as annual returns by 527 organizations with gross receipts of \$25,000 or more. These returns also will be available for public review.

"Putting these new rules in place poses a major challenge for the IRS given the short time frame available," Rossotti said. "However, we are committed to serving taxpayers by implementing this important new law in a timely and convenient manner."

If 527 organizations have questions or need help, they can contact 1-877-829-5500. Media inquiries should be directed to the IRS Media Relations office at (202) 622-4000.

X X X

**IRS ISSUES GUIDANCE REGARDING 527 POLITICAL ORGANIZATION
REPORTING REQUIREMENTS**

WASHINGTON -- The Internal Revenue Service announced Thursday the issuance of a revenue ruling providing guidance concerning the new reporting and disclosure requirements for political organizations under section 527 of the Internal Revenue Code.

The revenue ruling, which provides questions and answers about the reporting and disclosure requirements, follows up on a new law passed by Congress and signed by President Clinton on July 1. The law created a new set of rules for political organizations described in section 527. Under the new law, most of these political organizations will be required to publicly disclose information about their organization, contributors, expenditures and other information.

On August 9, 2000, the IRS released a draft version of the revenue ruling and requested comments. Over 50 comments were received and considered in drafting the revenue ruling. In several instances, the IRS clarified the application of the notice and reporting requirements based upon comments received.

A majority of the comments expressed concern regarding the burden placed upon state and local political organizations that are required to file Form 8872 and also file with state election authorities. As discussed in the revenue ruling, the statute expressly provides an exception for organizations that file with the Federal Election Commission as political committees, but it does not provide a similar exception for organizations merely because they file with state election authorities.

However, the IRS recognizes the potential burden imposed by the statute and is working to ease that burden. The IRS is working to provide an electronic filing system for the Form 8872.

To ease the burden on political organizations, the IRS clarified in the revenue ruling that organizations are not required to provide copies of Form 8871 and Form 8872 to persons making requests in person or in writing so long as they provide the IRS Web site address to the requester. The public can view the submitted forms at www.irs.gov.

The text of the revenue ruling follows. It will be published in the Internal Revenue Bulletin as Revenue Ruling 2000-49, I.R.B. 2000-44, dated October 30, 2000.

X X X

Rev. Rul. 2000-49

ISSUES

On July 1, 2000, Pub. L. 106-230 was enacted, amending § 527 of the Code. The new law imposes three reporting and disclosure requirements on political organizations described in § 527: (1) an initial notice of status, (2) periodic reports of contributions and expenditures, and (3) annual returns. This revenue ruling provides questions and answers relating to the reporting and disclosure requirements for political organizations described in § 527.

QUESTIONS AND ANSWERS

I. Notice of Status

1.1.1.1.1 Q. What is the notice of status requirement for an organization described in § 527?

A. Under § 527(i)(1)(A), a political organization is required to give notice both electronically and in writing to the Service that it is a political organization described in § 527.

1.1.1.1.1 Q. What is the required notice form?

A. The required notice form is Form 8871, *Political Organization Notice of Section 527 Status*.

1.1.1.1.1 Q. Are all political organizations required to file the Form 8871 notice?

A. No. Under § 527(i)(5) and § 527(i)(6), three types of organizations are not required to file the Form 8871 notice:

- (a) Persons required to report under the Federal Election Campaign Act of 1971 (FECA) as a political committee (see 2 U.S.C. § 431(4));
- (b) Organizations that reasonably anticipate that their annual gross receipts will always be less than \$25,000; and
- (c) Organizations described in § 501(c) that are subject to § 527(f)(1) because they have made an "exempt function" expenditure.

All other political organizations, including state and local candidate committees, are required to file the notice.

1.1.1.1.1 Q. Is a political organization required to file Form 8871 if it does not know whether it will have annual gross receipts of \$25,000 or more for any taxable year?

A. A newly established political organization is not required to file Form 8871 if it reasonably anticipates that its annual gross receipts will be less than \$25,000 for its first six taxable years. However, if an organization, in fact, does have annual gross receipts of \$25,000 or more for any taxable year, it is required to file Form 8871 within 30 days of receiving \$25,000.

1.1.1.1.1 Q. Is the separate segregated fund established under § 527(f)(3) by a § 501(c) organization required to file Form 8871?

A. A § 501(c) organization that is not prohibited from participating in political campaign activity has the option of conducting the activity itself or setting up a separate segregated fund. If the § 501(c) organization conducts the activity itself, it is subject to tax under § 527(f)(1) on the lesser of its investment income or the amount of its political expenditures, but it is not required to file Form 8871 pursuant to § 527(i)(5)(A). If the § 501(c) organization establishes a separate segregated fund, the fund is treated as a separate political organization under § 527(f)(3) and does not qualify for the exception under § 527(i)(5)(A). Therefore, unless it meets one of the other exceptions, the separate segregated fund is required to file Form 8871.

1.1.1.1.1 Q. Is an organization that finances both federal and non-federal election activity required to file the Form 8871 notice?

A. As a general rule, any political organization (whether or not separately incorporated) that is organized and operated primarily for an exempt function under § 527(e)(2) (see Q&A-17) must file Form 8871 unless it meets one of the exceptions discussed above (see Q&A-3), one of which is being required to report under FECA as a political committee. An organization that finances election activity (within the meaning of FECA) for both federal and non-federal elections may establish a political committee to receive contributions and make expenditures for both federal and non-federal election activity. In that case, the organization must register as a political committee and comply with the FECA contribution limitations and reporting requirements. 11 C.F.R. 102.5(a)(1)(ii). Such an organization is, therefore, not required to file Form 8871.

If, however, the organization sets up separate accounts to conduct its federal election activity and its non-federal election activity, the federal account is treated as a separate political committee that is required to register and report under FECA. 11 C.F.R. 102.5(a)(1)(i). The treatment of the federal account as a separate committee is consistent with the organizational requirements for political organizations under § 527, as discussed below in Q&A-12. Accordingly, the separate federal account is not required to file Form 8871. However, a separate non-federal account is not required to register and report under FECA as a political committee. Therefore, a separate non-federal account that is described in § 527(e)(1) is required to file Form 8871.

1.1.1.1.1 Q. Are political organizations that are required to report to state or local election agencies excepted from the notice requirement?

A. Section 527(i) does not except political organizations that file reports with state or local election agencies from the notice of status requirement. Therefore, unless the political organization meets one of the exceptions discussed above in Q&A-3, it must file Form 8871 with the Service.

1.1.1.1.1 Q. When must the organization file Form 8871?

A. Form 8871 must be filed within 24 hours after the date on which the organization was established. See Notice 2000-36, 2000-33 I.R.B. 173 for information about filing requirements for organizations in existence before July 30, 2000.

1.1.1.1.1 Q. What are the methods of filing Form 8871?

A. Section 527(i)(1)(A) requires that the organization file Form 8871 both electronically and in writing. Therefore, the methods for filing Form 8871 are as follows:

- (a) Electronically via the Internal Revenue Service Internet Web Site (IRS Web Site) at www.irs.gov/polorgs, and
- (b) In writing by sending a signed copy of Form 8871 to the Internal Revenue Service Center, Ogden, UT 84201. An organization can fill in and print out the form from the IRS Web Site.

1.1.1.1.1 Q. Must an organization take any additional steps before filing Form 8871?

A. Before filing Form 8871, the political organization must have its own employer identification number (EIN) even if it has no employees. To obtain an EIN, an organization must file Form SS-4, *Application for Employer Identification Number*, with the Service (see Q&A-52).

1.1.1.1.1 Q. What information must be provided in the Form 8871 notice?

A. Under § 527(i)(3), an organization must provide in its Form 8871 notice its name and address (including any business address, if different) and electronic mailing address; its purpose; the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors; and the name and address of, and relationship to, any related entities (within the meaning of § 168(h)(4)).

1.1.1.1.1 Q. Does § 527(i) change the organizational requirements for § 527 organizations?

A. No. Section 527 does not require an organization to have formal organizational documents, such as articles of incorporation. Under § 1.527-2(a)(2) of the Income Tax Regulations, a political organization meets the organizational test if it is organized for the primary purpose of carrying on exempt function activities as defined in § 527. The regulation specifically states that the organization need not be formally chartered or established as a corporation, trust, or association. For example, a separate bank account can qualify as a political organization. See Rev. Rul. 79-11, 1979-1 C.B. 207.

The requirement that a § 527 organization include the names and addresses of its officers, highly compensated employees, and members of its Board of Directors does not change the organizational test for § 527. Section 527(i) does not require political organizations to be organized with Boards of Directors, officers and highly compensated employees. It merely requires the organization to provide their names and addresses if it is so organized.

1.1.1.1.1 Q. What is a "related entity" for this purpose?

A. An entity is a "related entity" within the meaning of § 168(h)(4), which provides that an organization is related to another entity as follows:

- (a) The two entities have (i) significant common purposes and substantial common membership or (ii) directly or indirectly substantial common direction or control; or
- (b) Either entity owns (directly or through one or more entities) a 50 percent or greater interest in the capital or profits of the other. For this purpose, entities treated as related entities under (a) above shall be treated as one entity.

1.1.1.1.1 Q. What are "highly compensated employees" for this purpose?

A. Highly compensated employees for this purpose are the five employees (other than officers and directors) who are reasonably expected to have the highest annual compensation over \$50,000. Compensation includes both cash and noncash amounts, whether paid currently or deferred, for the 12-month period that began with the date the organization was formed (if the organization was formed after June 30, 2000). If the organization was already in existence on June 30, 2000, it must use the accounting period that includes July 1, 2000.

1.1.1.1.1 Q. What if an organization described in § 527(e)(1) does not file the Form 8871 notice?

A. An organization described in § 527(e)(1) must file Form 8871 unless it is an organization described in § 527(i)(5) or § 527(i)(6) (see Q&A-3). If the organization fails to file Form 8871 on a timely basis, § 527(i)(4) provides that until the organization satisfies the notice requirement, the taxable income of the organization includes its exempt function income (including contributions received, membership dues, and political fundraising receipts), minus any deductions directly connected with the production of that income. For purposes of computing its taxable income, the organization may not deduct its exempt function expenditures because § 162(e) denies a deduction for political campaign expenditures.

Under § 527(b), the tax is computed by multiplying the organization's taxable income (including its net investment income) by the highest corporate tax rate, currently 35 percent. The organization must file a Form 1120-POL to report the income and pay the tax.

1.1.1.1.1 Q. When is an organization described in § 527(e)(1)?

A. An organization is described in § 527(e)(1) if it meets both the organizational and operational tests, that is, it must be organized and operated primarily for the purpose of accepting contributions or making expenditures for an exempt function under § 527(e)(2). See § 1.527-2(a).

1.1.1.1.1 Q. What is an "exempt function" under § 527(e)(2)?

A. "Exempt function" means, under § 527(e)(2), influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any federal, state, or local public office or office in a political organization, or the election of Presidential or Vice-Presidential electors, whether or not such individual or electors are selected, nominated, elected, or appointed.

1.1.1.1.1 Q. Are transfers to political organizations that fail to file Form 8871 subject to the gift tax?

A. Section 2501(a)(5) provides that the gift tax does not apply to transfers of money or other property to political organizations within the meaning of § 527(e)(1). Therefore, transfers to an organization described in § 527(e)(1) (see Q&A-16) are not subject to the gift tax, regardless of whether the organization has filed Form 8871.

1.1.1.1.1 Q. Is the Form 8871 notice publicly available?

A. Yes. Under § 6104(a), Form 8871 (including any supporting papers), and any letter or other document the Service issues with regard to Form 8871, will be open to public inspection. Copies of Form 8871 that have been filed are currently available at the IRS Web Site at www.irs.gov/polorgs and are considered widely available under § 301.6104(d)-3 of the Procedure and Administration Regulations, as long as the organization provides the IRS Web Site address to the person making the request. In addition, the organization is required to make a copy of these materials available for public inspection during regular business hours at the organization's principal office (and at each of its regional or district offices having at least three paid employees) in the same manner as applications for exemption of § 501(c) organizations are made available. § 6104(d).

1.1.1.1.1 Q. What is the penalty on the organization for failure to comply with the public inspection requirement?

A. Under § 6652(c)(1)(D), a penalty of \$20 per day may be imposed on any person with a duty to comply with the public inspection requirement for each day a failure to comply continues.

II. Periodic Reporting Requirements

1.1.1.1.1 Q. What are the periodic reporting requirements imposed upon political organizations?

A. Under § 527(j), a political organization is required to periodically report certain contributions it receives and expenditures it makes.

1.1.1.1.1 Q. What is the required periodic reporting form?

A. The required periodic reporting form is Form 8872, *Political Organization Report of Contributions and Expenditures*.

1.1.1.1.1 Q. When are political organizations required to file periodic reports on Form 8872?

A. Under § 527(j)(2), political organizations that accept contributions or make expenditures for an exempt function under § 527 (see Q&A-17) during a calendar year are required to file periodic reports on Form 8872, beginning with the first month or quarter in which they accept contributions or make expenditures. In addition, organizations that make contributions or expenditures with respect to an election for federal office (as defined in § 527(j)(6)) may be required to file pre-election reports for that election.

1.1.1.1.1 Q. Are all political organizations required to file periodic reports on Form 8872?

A. No, § 527(j)(5) provides that some organizations are not subject to this requirement. The organizations excepted from the filing requirements are as follows:

- 1.1.1.1.1.1 Organizations excepted from the requirement to file a Form 8871 (see Q&A-3);
- 1.1.1.1.1.2 Political committees of a state or local candidate, including political committees of state or local officeholders; and
- 1.1.1.1.1.3 State and local committees of political parties.

All other political organizations, including state and local political action committees, are subject to the reporting requirements of § 527(j), even if they file reports with state or local election agencies.

1.1.1.1.1 Q. Must a state or local candidate or officeholder organize a formal committee to be excepted from the Form 8872 filing requirements?

A. No. As discussed in Q&A-12, § 527 does not require organizations to have formal organizational documents. Therefore, a candidate or officeholder does not need to organize a formal committee to qualify for the exception under § 527(j)(5) for committees of state or local candidates.

1.1.1.1.1 Q. Are political organizations that engage in exempt function activities (as defined in § 527(e)(2)) solely with respect to elections for state or local offices excepted from the Form 8872 filing requirements?

A. No. Although the timing of the reports is based upon federal elections (see Q&A-34), the requirement to file the reports is based on accepting contributions or making expenditures for an exempt function under § 527(e)(2) (see Q&A-17). Therefore, unless a political organization meets one of the exceptions discussed above in Q&A-24, it must file Form 8872 with the Service.

1.1.1.1.1 Q. Is an organization that reasonably anticipated it would not have annual gross receipts of \$25,000 or more required to file Form 8872 if it, in fact, receives \$25,000 or more in any taxable year?

A. An organization that receives \$25,000 in any taxable year no longer qualifies for the exception in § 527(j)(5)(C) and, therefore, must begin filing Form 8872 unless it meets one of the other exceptions discussed in Q&A-24. The organization must file, within 30 days of receiving \$25,000, any Form 8872 that would otherwise have been due during the calendar year prior to that date.

1.1.1.1.1 Q. How often must the Form 8872 be filed?

A. A political organization subject to the periodic reporting requirement may choose to file Form 8872 on a monthly basis or on a quarterly/semi-annual basis, but it must file on the same basis for the entire calendar year.

1.1.1.1.1 Q. What is an election year and non-election year for purposes of determining the due dates for filing Form 8872?

A. An election year is any year in which a regularly scheduled general election for federal office is held, i.e., any even-numbered year. A non-election year is therefore any odd-numbered year.

1.1.1.1.1 Q. If an organization chooses to file on a monthly basis, when is Form 8872 due in a non-election year?

A. Pursuant to § 527(j)(2)(B), a political organization that chooses to file monthly must file Form 8872 reports not later than the 20th day after the end of the month, which must be complete as of the last day of the month. December activity is included in the year-end report which is due not later than January 31 of the following year.

1.1.1.1.1 Q. If an organization chooses to file on a monthly basis, when is Form 8872 due during an election year?

A. Pursuant to § 527(j)(2)(B), in any election year (i.e., even-numbered years), monthly reports are due not later than the 20th day after the end of the month (see Q&A-30), except the organization shall not file the reports regularly due in November and December (i.e., the monthly reports for activity in October and November). Instead, the organization must file a Form 8872 report not later than 12 days before the general election (or 15 days before the general election if posted by registered or certified mail) that contains information through the 20th day before the general election. The organization must also file a report no more than 30 days after the general election which shall contain information through the 20th day after the election. The December activity is included in the year-end report due not later than January 31 of the following year.

1.1.1.1.1 Q. If an organization chooses not to file on a monthly basis, when is Form 8872 due in a non-election year?

A. Pursuant to § 527(j)(2)(A), a political organization that chooses not to file monthly must file semi-annual reports in non-election years (i.e., odd-numbered years). These reports are due not later than July 31 for the first half of the year and, for the second half of the year, not later than January 31 of the following year.

1.1.1.1.1 Q. If an organization chooses not to file on a monthly basis, when is Form 8872 due during an election year?

A. Pursuant to § 527(j)(2)(A), in an election year (even-numbered years), an organization that chooses not to file monthly reports must file quarterly reports not later than the 15th day after the last day of the quarter, except that the return for the final quarter shall be due not later than January 31 of the following year. The organization must also file a post-general election report not later than 30 days after the general election that contains information through the 20th day after the election. In addition, the organization must file a pre-election report for any election for federal office with respect to which the organization makes a contribution or expenditure. These reports shall be filed not later than 12 days before the election (15 days before if posted by registered or certified mail) and must contain information through the 20th day before the election.

1.1.1.1.1 Q. What is an election for purposes of the reporting deadlines under § 527(j)?

A. For purposes of determining what is an election year and what elections trigger the pre-election and post-general election reports, § 527(j)(6) provides that an "election" is a general, special, primary, or runoff election for a federal office; a convention or caucus of a political party with authority to nominate a candidate for federal office; a primary election to select delegates to a national nominating convention of a political party; or a primary election to express a preference for the nomination of individuals for election to the office of President. Thus, an election for purpose of these reporting deadlines does not include a purely state or local election. When an election involves both candidates for federal office and candidates for state or local offices, it is an election for purposes of the reporting deadlines, but only those organizations that make contributions or expenditures with respect to the candidates for federal office are required to file the pre-election reports for those elections under § 527(j)(2)(A)(i)(II). However, all reports filed under § 527(j) must contain information about the contributions and expenditures within the reporting period, regardless of whether they were accepted or made with respect to candidates for federal, state or local office.

1.1.1.1.1 Q. What is a general election?

A. A general election is either one of the following:

1.1.1.1.1.1 an election for federal office held in even numbered years on the Tuesday following the first Monday in November or

1.1.1.1.1.2 an election held to fill a vacancy in a federal office (i.e., a special election) that is intended to result in the final selection of a single individual to the office at stake. See 11 C.F.R. 100.2(b).

1.1.1.1.1 Q. How will "election" under § 527(j)(6) be interpreted?

A. The definition of "election" under § 527(j)(6) is virtually identical to the definition of "election" under FECA (2 U.S.C. § 431(1)). Organizations may rely on FEC interpretations of the FECA definition in the absence of further guidance from the Service. The FEC publishes information concerning the filing requirements under FECA and the dates for filing those reports, including information on the dates of elections, on its Web Site at <http://www.fec.gov/pages/report.htm>.

1.1.1.1.1 Q. What must a Form 8872 report contain?

A. The report must include the name, address, and (if an individual) the occupation and employer, of any person to whom expenditures are made that aggregate \$500 or more in a calendar year and the amount of such expenditure. The report must also include the name, address, and (if an individual) the occupation and employer, of any person that contributes in the aggregate \$200 or more in a calendar year and the amount of such contribution. However, an organization is not required to report independent expenditures, as defined in § 301 of FECA. Only expenditures made or contributions received after July 1, 2000, that are not made or received pursuant to binding contracts entered into before July 2, 2000, must be reported.

1.1.1.1.1 Q. What is an independent expenditure under § 301 of FECA?

A. An independent expenditure is an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate for federal office which is made without cooperation or consultation with any candidate for federal office, or any authorized committee or agent of such candidate, and which is not made in concert with, or at the request or suggestion of, any candidate for federal office, or authorized committee or agent of such candidate. See 2 U.S.C. § 431(17).

1.1.1.1.1 Q. Where is the Form 8872 filed?

A. The report is filed by sending a signed copy of Form 8872 to the Internal Revenue Service Center, Ogden, UT 84201. The form must be signed by an official authorized by the organization to sign the report.

1.1.1.1.1 Q. What if a political organization that has filed Form 8871 does not file the required Form 8872?

A. Under § 527(j)(1), a political organization that does not file the required Form 8872 or which fails to include the information required on the Form 8872 is subject to a penalty equal to the amount of contributions and expenditures that are not disclosed multiplied by the highest corporate tax rate, currently 35 percent.

1.1.1.1.1 Q. Is the Form 8872 filed by political organizations publicly available?

A. Yes. Under § 6104(b) and § 6104(d)(6), Form 8872 will be made available for public inspection by the Service. Copies of Form 8872 that have been filed are currently available at the IRS Web Site at www.irs.gov/polorgs and are considered widely available under § 301.6104(d)-3, as long as the organization provides the IRS Web Site address to the person making the request. In addition, under § 6104(d)(1)(A), the organization is required to make a copy of these reports available for public inspection during regular business hours at the organization's principal office (and at each of its regional or district offices having at least three paid employees) in the same manner as applications for exemption of § 501(c) organizations are made available. Pursuant to § 6104(b) and § 6104(d)(3)(A), contributor information must be disclosed to the public.

1.1.1.1.1 Q. What if the political organization does not make its Form 8872 publicly available?

A. Under § 6652(c)(1)(C), a penalty of \$20 per day may be imposed on any person with a duty to comply with the public inspection requirement for each day a failure to comply continues. The maximum penalty that may be incurred for any failure to disclose any one report is \$10,000.

III. Annual Return Requirements

1.1.1.1.1 Q. Which political organizations are required to file annual income tax returns?

A. A political organization that has taxable income in excess of the \$100 specific deduction allowed under § 527 is required to file an annual income tax return on Form 1120-POL, *U.S. Income Tax Return for Certain Political Organizations*. In addition, for taxable years beginning after June 30, 2000, a political organization that has \$25,000 or more in gross receipts for the taxable year is also required to file Form 1120-POL, without regard to whether it has taxable income. § 6012(a)(6).

1.1.1.1.1 Q. When is the Form 1120-POL due?

A. The Form 1120-POL is due on or before the 15th day of the third month after the close of the organization's taxable year. § 6072(b). Thus, for a calendar-year taxpayer, Form 1120-POL is due on March 15 of the following year.

1.1.1.1.1 Q. Which political organizations are required to file an annual information return?

A. A political organization that is required under § 6012(a)(6) to file an income tax return is also required to file Form 990, *Return of Organization Exempt from Income Tax*, for taxable years beginning after June 30, 2000. § 6033(g). Organizations with gross receipts less than \$100,000 and assets less than \$250,000 may file Form 990-EZ, *Short Form Return of Organization Exempt from Income Tax*. Organizations with gross receipts of less than \$25,000 are not required to file Form 990 or Form 990-EZ.

1.1.1.1.1 Q. When is the Form 990 due?

A. The Form 990 (or Form 990-EZ) is due on or before the 15th day of the fifth month after the close of the organization's taxable year. Thus, for a calendar-year taxpayer, Form 990 is due on May 15 of the following year.

1.1.1.1.1 Q. What if the political organization fails to file Form 1120-POL or Form 990?

A. A political organization that fails to file a required Form 1120-POL or Form 990 or fails to include required information on those returns is subject to a penalty of \$20 per day for every day such failure continues. The maximum penalty imposed regarding any one return is the lesser of \$10,000 or 5 percent of the gross receipts of the organization for the year. In the case of an organization having gross receipts exceeding \$1,000,000 for any year, the penalty is increased to \$100 per day with a maximum penalty of \$50,000. § 6652(c)(1)(A).

1.1.1.1.1 Q. Are the Forms 1120-POL and Forms 990 filed by political organizations publicly available?

A. Yes, the Forms 1120-POL and the Forms 990 filed for taxable years beginning after June 30, 2000 will be made available for public inspection by the Service. § 6104(b). In addition, each political organization must make a copy of its returns available for public inspection during regular business hours at its principal office (and any regional or district offices having at least three paid employees) in the same manner as annual information returns of § 501(c) organizations are made available. It must also provide a copy of the returns to any person requesting a copy in person or in writing without charge other than a reasonable charge for reproduction and postage in the same manner that § 501(c) organizations provide copies of their annual returns. § 6104(d)(1). If an organization's returns are widely available under § 301.6104(d)-3 (such as on the Internet), the organization need not respond to requests for copies so long as it provides the web site address where the returns are available to the person making the request. Returns only need to be made available for three years after filing. § 6104(d)(2). Contributor information must be disclosed to the public. § 6104(d)(3)(A).

1.1.1.1.1 Q. What if the political organization does not make its Forms 1120-POL and Forms 990 publicly available?

A. A penalty of \$20 per day may be imposed on any person with a duty to comply with the public inspection requirement for each day a failure to comply continues. The maximum penalty that may be incurred for any failure to disclose any one return is \$10,000. § 6652(c)(1)(C).

IV. General

1.1.1.1.1 Q. What if the filing date for any of these forms falls on Saturday, Sunday or a holiday?

A. If any due date falls on a Saturday, Sunday or legal holiday, the organization may file the report on the next business day.

1.1.1.1.1 Q. Where can organizations get copies of the various forms?

A. The various forms (Form SS-4, Form 8871, Form 8872, Form 1120-POL, and Form 990) and their instructions are available by calling 1-800-TAX-FORM (1-800-829-3676) or via the Internet at the IRS Web Site at www.irs.gov in the "Forms and Publications" section.

1.1.1.1.1 Q. What if an organization has questions regarding the notice and reporting requirements or has any problem obtaining an EIN?

A. For more information or if an organization has any problem obtaining an EIN, organizations may call the TE/GE Customer Service Center at 1-877-829-5500.

DRAFTING INFORMATION

The principal author of this announcement is Judith E. Kindell of Exempt Organizations. For further information regarding this announcement contact Judith E. Kindell on (202) 622-6494 (not a toll-free call).



**TOWN OF DAVIE
MARCH 13, 2012
GENERAL INFORMATION SHEET**

**ALL DOCUMENTS FILED WITH THE TOWN CLERK'S OFFICE
WILL BE PLACED ON THE TOWN'S WEBSITE**

Candidate's Name _____ Mayor _____
District 1 _____
Circle One

Residency Address _____

Have you resided at the above address six months or more? Yes _____ No _____

Mailing Address _____
(if different from residency address)

Telephone: Home _____ Work _____ Cell _____

E-Mail Address _____

Date of Birth _____

Occupation _____

Spouse's Name _____

Campaign Treasurer _____ Telephone _____

Deputy Treasurer _____ Telephone _____

At time of qualifying, the following must be filed with the Town Clerk:

Form #	<u>Title of Form</u>
_____ DS-DE9	Appointment of Campaign Treasurer and Designation of Depository (if not already filed)
_____ DS-DE84	Statement of Candidate
_____ DS-DE25	Loyalty Oath and Oath of Candidate
_____ CE Form 1	Statement of Financial Interests (<u>for incumbents</u> , a copy of the 2010 Form 1 filed July 1, 2011 is acceptable - F.S. 99.061(7)(6))
_____ \$507.28 Filing Fee	Check must be written from the campaign account made payable to the Town of Davie (the filing fee includes the \$380.46 qualifying fee and the \$126.82 election assessment fee)
_____	Acknowledgement of Notice of Logic and Accuracy Test
_____	Notice of Candidacy

RETURN THIS PAGE TO THE TOWN CLERK WITH YOUR QUALIFYING PAPERS



TOWN OF DAVIE
MARCH 15, 2034
*****PQVÆG'QHECPFÆ CE[

ALL DOCUMENTS FILED WITH THE TOWN CLERK'S OFFICE
WILL BE PLACED ON THE TOWN'S WEBSITE

Candidate's Name _____ Date _____
(name as it is to appear on ballot - please print)

Residency Address _____

The undersigned is qualified to be a member of the Town Council of the Town of Davie, Florida and states:

- 1. I am a qualified elector of the State of Florida and the Town of Davie.
2. Have you resided at the above address six months or more? Yes _____ No _____
3. I shall not, as a Councilmember, hold any other elected public office.
4. I am otherwise qualified to be Councilmember in the Town of Davie.
5. I have paid a \$507.28 filing fee to the Town Clerk (\$380.46 qualifying fee and \$126.82 election assessment) (check from campaign account made payable to the Town of Davie)
6. I have read and understand the provisions in the Town's Charter concerning Council qualifications.
7. I have read and will comply with all provisions of Chapter 106, Florida Statutes.

Candidate for: Mayor/District 1 Signature: _____
Circle One Name: _____
Print Address: _____

I hereby certify that this Notice of Candidacy form was filed with me on the _____ day of January 2012.

Town Clerk or Qualifying Officer

RETURN THIS PAGE TO THE TOWN CLERK'S OFFICE WITH YOUR
QUALIFYING PAPERS AND SIGN IT IN THE PRESENCE OF THE
TOWN CLERK OR QUALIFYING OFFICER

**LOYALTY OATH FOR
NON-PARTISAN OFFICE**

(Sections 876.05-876.10, Florida Statutes)

STATE OF FLORIDA

_____, **COUNTY**

OFFICE USE ONLY

I,

First Name

Middle Name/Initial

Last Name

a citizen of the State of Florida and of the United States of America, . . . and a candidate for public office . . . do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

OATH OF CANDIDATE

(Section 99.021, Florida Statutes)

I,

(PLEASE PRINT NAME AS YOU WISH IT TO BE WRITTEN IN ON THE BALLOT -- NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the office of _____, _____, _____ .
(office) (district) (group)

My legal residence is _____ County, Florida. I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected. I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes.

X

()

Signature of Candidate

Daytime Telephone Number

Email Address

Address

City

State

ZIP Code

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 200_____.

Personally Known: _____ or

Produced Identification: _____

Type of Identification Produced: _____

Signature of Notary Public – State of Florida

Print, Type or Stamp Commissioned Name of Notary Public

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

Initial Filing of Form Re-filing to Change: Treasurer/Deputy Depository Office Party

2. **Name of Candidate** (in this order: First, Middle, Last)

3. Address (include post office box or street, city, state, zip code)

4. Telephone

5. E-mail address

()

6. **Office sought** (include district, circuit, group number)

7. **If a candidate for a nonpartisan office, check if applicable:**

My intent is to run as a Write-In candidate.

8. **If a candidate for a partisan office, check block and fill in name of party as applicable:** My intent is to run as a

Write-In No Party Affiliation _____ Party candidate.

9. **I have appointed the following person to act as my** Campaign Treasurer Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

11. Mailing Address

12. Telephone

()

13. City

14. County

15. State

16. Zip Code

17. E-mail address

18. **I have designated the following bank as my** Primary Depository Secondary Depository

19. Name of Bank

20. Address

21. City

22. County

23. State

24. Zip Code

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

26. Signature of Candidate

X

27. **Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate block)

I, _____, do hereby accept the appointment
(Please Print or Type Name)

designated above as: Campaign Treasurer Deputy Treasurer.

X

_____ Date

_____ Signature of Campaign Treasurer or Deputy Treasurer

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**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR
POLITICAL COMMITTEES**
(Sections 106.011(1) and 106.021(1), F.S.)

CHECK APPROPRIATE BOX:

OFFICE USE ONLY

Original Appointment of Treasurer Reappointment of Treasurer Deputy Treasurer

1. Committee or Organization		2. Telephone ()	
3. Name of Treasurer or Deputy Treasurer		4. Email (optional)	
5. Telephone (optional) ()			
6. Mailing Address			
7. Street Address			
8. The following bank has been designated as the <input type="checkbox"/> Primary Depository <input type="checkbox"/> Secondary Depository			
9. Name of Bank		10. Street Address	
11. City		12. State	13. Zip Code
14. Signature of Chairman X		15. Name of Chairman (Print or Type)	

Campaign Treasurer's Acceptance of Appointment

I, _____, do hereby accept the appointment as
(Please Print or Type)
 treasurer or deputy treasurer for _____
(Committee or Organization)

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING CAMPAIGN TREASURER'S
ACCEPTANCE OF APPOINTMENT AND THAT THE FACTS STATED ARE TRUE.**

X

_____ _____
 Date Signature of Campaign Treasurer or Deputy Treasurer

Please print or type your name, mailing address, agency name, and position below:

FINANCIAL INTERESTS

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

FOR OFFICE USE ONLY:

ID Code

ID No.

Conf. Code

P. Req. Code

****** BOTH PARTS OF THIS SECTION MUST BE COMPLETED ******

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

DECEMBER 31, 2011 OR SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: _____

MANNER OF CALCULATING REPORTABLE INTERESTS:

THE LEGISLATURE ALLOWS FILERS THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). PLEASE STATE BELOW WHETHER THIS STATEMENT REFLECTS EITHER (must check one):

COMPARATIVE (PERCENTAGE) THRESHOLDS OR DOLLAR VALUE THRESHOLDS

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions p. 4]
(If you have nothing to report, you must write "none" or "n/a")

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY

PART B -- SECONDARY SOURCES OF INCOME [Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions p. 4]
(If you have nothing to report, you must write "none" or "n/a")

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions p. 4]
(If you have nothing to report, you must write "none" or "n/a")

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

OTHER FORMS you may need to file are described on page 6.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc. - See instructions p. 5]
 (If you have nothing to report, you must write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

PART E — LIABILITIES [Major debts - See instructions p. 5]
 (If you have nothing to report, you must write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses - See instructions p. 5]
 (If you have nothing to report, you must write "none" or "n/a")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE (required):

DATE SIGNED (required):

FILING INSTRUCTIONS:

WHAT TO FILE:

After completing all parts of this form, **including signing and dating it**, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).

NOTE:

MULTIPLE FILING UNNECESSARY:

Generally, a person who has filed Form 1 for a calendar or fiscal year is not required to file a second Form 1 for the same year. However, a candidate who previously filed Form 1 because of another public position must at least file a copy of his or her original Form 1 when qualifying.

WHERE TO FILE:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

State officers or specified state employees file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 3600 Maclay Boulevard, South, Suite 201, Tallahassee, FL 32312.

Candidates file this form together with their qualifying papers.

To determine what category your position falls under, see the "Who Must File" Instructions on page 3.

Facsimiles will not be accepted.

WHEN TO FILE:

Initially, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates for publicly-elected local office must file at the same time they file their qualifying papers.

Thereafter, local officers/employees, state officers, and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

Finally, at the end of office or employment, each local officer/employee, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment. However, filing a CE Form 1F (Final Statement of Financial Interests) does **not** relieve the filer of filing a CE Form 1 if he or she was in their position on December 31, 2011.

INSTRUCTIONS FOR COMPLETING FORM 1 STATEMENT OF FINANCIAL INTERESTS

WHO MUST FILE FORM 1:

All persons who fall within the categories of "state officers," "local officers/employees," "specified state employees," as well as candidates for elective local office, are required to file Form 1. Positions within these categories are listed below. Persons required to file full financial disclosure (Form 6) and officers of the judicial branch do not file Form 1 (see Form 6 for a list of persons who must file that form).

STATE OFFICERS include the following positions for state officials:

1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of sole advisory bodies; but including judicial nominating commission members; Directors of the Florida Black Business Investment Board, Enterprise Florida, Scripps Florida Funding Corporation, Workforce Florida, and Space Florida; Members of the Florida Commission on Tourism, Florida Substance Abuse and Mental Health Corporation, and the Council on the Social Status of Black Men and Boys; and Governors and senior managers of Citizens Property Insurance Corporation and Florida Automobile Joint Underwriting Association.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, and the local Boards of Trustees and Presidents of state universities.

LOCAL OFFICERS/EMPLOYEES include the following positions for officers and employees of local government:

1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; an expressway authority or transportation authority established by general law; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a board of adjustment; a planning or zoning board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.

3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

4) Persons holding any of these positions in local government: Mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$15,000 for the local governmental unit.

SPECIFIED STATE EMPLOYEES include the following positions for state employees:

1) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

2) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, Assistant Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant State Attorneys, Assistant Public Defenders, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.

5) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

6) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$15,000.

7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

INSTRUCTIONS FOR COMPLETING FORM 1:

INTRODUCTORY INFORMATION (At Top of Form):

If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, then contact your agency's financial disclosure coordinator. Your coordinator is identified in the financial disclosure portal on the Commission on Ethics website: www.ethics.state.fl.us.

NAME OF AGENCY: This should be the name of the governmental unit which you serve or served, by which you are or were employed, or for which you are a candidate. For example, "City of Tallahassee," "Leon County," or "Department of Transportation."

OFFICE OR POSITION HELD OR SOUGHT: Use the title of the office or position you hold, are seeking, or held during the disclosure period (in some cases you may not hold that position now, but you still would be required to file to disclose your interests during the last year you held that position). For example, "City Council Member," "County Administrator," "Purchasing Agent," or "Bureau Chief." If you are a candidate for office or are a new employee or appointee, check the appropriate box.

MAILING ADDRESS: If your home address appears on the form but you prefer another address be shown, change the address as described above. If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the

Commission is required to maintain the confidentiality of your home address **if you submit a written request for confidentiality**. Persons listed in Section 119.071(4)(d), F.S., are encouraged to provide an address other than their home address.

DISCLOSURE PERIOD: The tax year for most individuals is the calendar year (January 1 through December 31). If that is the case for you, then your financial interests should be reported for the calendar year 2008; just check the box and you do not need to add any information in this part of the form. However, if you file your IRS tax return based on a tax year that is not the calendar year, you should specify the dates of your tax year in this portion of the form and check the appropriate box. This is the time frame or "disclosure period" for your report.

MANNER OF CALCULATING REPORTABLE INTERESTS: As noted in this portion of the form, the Legislature has given filers the option of reporting based on either thresholds that are comparative (usually, based on percentage values) or thresholds that are based on absolute dollar values. The instructions on the following pages specifically describe the different thresholds. Simply check the box that reflects the choice you have made. You must use the type of threshold you have chosen for each part of the form. In other words, if you choose to report based on absolute dollar value thresholds, you cannot use a percentage threshold on any part of the form.

(CONTINUED on page 4)

PART A — PRIMARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)1 or (b)1, Fla. Stat.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose the amount of income received. The sources should be listed in descending order, with the largest source first. Please list in this part of the form the name, address, and principal business activity of each source of your income which (depending on whether you have chosen to report based on percentage thresholds or on dollar value thresholds) either:

exceeded five percent (5%) of the gross income received by you in your own name or by any other person for your benefit or use during the disclosure period, or

exceeded \$2,500.00 (of gross income received during the disclosure period by you in your own name or by any other person for your use or benefit).

You need not list your public salary received from serving in the position(s) which requires you to file this form, but this amount should be included when calculating your gross income for the disclosure period. The income of your spouse need not be disclosed. However, if you are reporting based on percentage thresholds and if there is joint income to you and your spouse from property held by the entireties (such as interest or dividends from a bank account or stocks held by the entireties), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the 5% threshold.

"Gross income" means the same as it does for income tax purposes, including all income from whatever source derived, such as compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, social security, distributive share of partnership gross income, and alimony, but not child support.

Examples:

— If you were employed by a company that manufactures computers and received more than 5% of your gross income (salary, commissions, etc.) from the company (or, alternatively, \$2,500), then you should list the name of the company, its address, and its principal business activity (computer manufacturing).

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded 5% of your gross income (or, alternatively, \$2,500), then you should list the name of the firm, its address, and its principal business activity (practice of law).

— If you were the sole proprietor of a retail gift business and your gross income from the business exceeded 5% of your total gross income (or, alternatively, \$2,500), then you should list the name of the business, its address, and its principal business activity (retail gift sales).

— If you received income from investments in stocks and bonds, you are required to list only each individual company from which you derived more than 5% of your gross income (or, alternatively, \$2,500), rather than aggregating all of your investment income.

— If more than 5% of your gross income (or, alternatively, \$2,500) was gain from the sale of property (not just the selling price), then you should list as a source of income the name of the purchaser, the purchaser's address, and the purchaser's principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.

— If more than 5% of your gross income (or, alternatively, \$2,500) was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

PART B — SECONDARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)2 or (b)2, Fla. Stat.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. You will **not** have anything to report **unless**:

(a) If you are reporting based on percentage thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than ten percent (10%) of your gross income during the disclosure period from that business entity; **and**

(3) You received more than \$1,500 in gross income from that business entity during the period.

(b) If you are reporting based on dollar value thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded the appropriate thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded ten percent (10%) of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

Examples:

— You are the sole proprietor of a dry cleaning business, from which you received more than 10% of your gross income (an amount that was more than \$1,500) (or, alternatively, more than \$5,000, if you are using dollar value thresholds). If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.

— You own an orange grove and sell all your oranges to one marketing cooperative. You should list the cooperative, its address, and its principal business activity if your income met the thresholds.

PART C — REAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

In this part, please list the location or description of all real property (land and buildings) in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of five percent (5%) of the property's value. This threshold is the same, whether you are using percentage thresholds or dollar thresholds. You are not required to list your residences and vacation homes; nor are you required to state the value of the property on the form.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you are more than a 5% partner in a partnership or stockholder in a corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more current appraisal.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. Although a legal description of the property will do, such a lengthy description is not required. Using simpler descriptions, such as "duplex, 115 Terrace Avenue, Tallahassee" or 40 acres located at the intersection of Hwy. 60 and I-95, Lake County" is sufficient. In some cases, the property tax identification number of the property will help in identifying it: "120 acre ranch on Hwy. 902, Hendry County, Tax ID # 131-45863."

(CONTINUED on page 5)

Examples:

- You own 1/3 of a partnership or small corporation that owns both a vacant lot and a 12% interest in an office building. You should disclose the lot, but are not required to disclose the office building (because your 1/3 of the 12% interest—which equals 4%—does not exceed the 5% threshold).
- If you are a beneficiary of a trust that owns real property and your interest depends on the duration of an individual's life, the value of your interest should be determined by applying the appropriate actuarial table to the value of the property itself, regardless of the actual yield of the property.

PART D — INTANGIBLE PERSONAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

Provide a general description of any intangible personal property that, at any time during the disclosure period, was worth more than:

- (1) ten percent (10%) of your total assets (if you are using percentage thresholds), or
- (2) \$10,000 (if you are using dollar value thresholds),

and state the business entity to which the property related. Intangible personal property includes such things as money, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interests in a trust, promissory notes owed to you, accounts receivable by you, IRA's, and bank accounts. Such things as automobiles, houses, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity should be aggregated; for example, two certificates of deposit and a savings account with the same bank. Where property is owned by husband and wife as tenants by the entirety (which usually will be the case), the property should be valued at 100%.

Calculations: In order to decide whether the intangible property exceeds 10% of your total assets, you will need to total the value of all of your assets (including real property, intangible property, and tangible personal property such as automobiles, jewelry, furniture, etc.). When making this calculation, do not subtract any liabilities (debts) that may relate to the property—add only the fair market value of the property. Multiply the total figure by 10% to arrive at the disclosure threshold. List only the intangibles that exceed this threshold amount. Jointly owned property should be valued according to the percentage of your joint ownership, with the exception of property owned by husband and wife as tenants by the entirety, which should be valued at 100%. None of your calculations or the value of the property have to be disclosed on the form. If you are using dollar value thresholds, you do not need to make any of these calculations.

Examples for persons using comparative (percentage) thresholds:

- You own 50% of the stock of a small corporation that is worth \$100,000, according to generally accepted methods of valuing small businesses. The estimated fair market value of your home and other property (bank accounts, automobile, furniture, etc.) is \$200,000. As your total assets are worth \$250,000, you must disclose intangibles worth over \$25,000. Since the value of the stock exceeds this threshold, you should list "stock" and the name of the corporation. If your accounts with a particular bank exceed \$25,000, you should list "bank accounts" and bank's name.
- When you retired, your professional firm bought out your partnership interest by giving you a promissory note, the present value of which is \$100,000. You also have a certificate of deposit from a bank worth \$75,000 and an investment portfolio worth \$300,000, consisting of \$100,000 of IBM bonds and a variety of other investments worth between \$5,000 and \$50,000 each. The fair market value of your remaining assets (condominium, automobile, and other personal property) is \$225,000. Since your total assets are worth \$700,000, you must list each intangible worth more than \$70,000. Therefore, you would list "promissory note" and the name of your former partnership, "certificate of deposit" and the name of the bank, "bonds" and "IBM," but none of the rest of your investments.

PART E — LIABILITIES

[Required by Sec. 112.3145(3)(a)4 or (b)4, Fla. Stat.]

In this part of the form, list the name and address of each private or governmental creditor to whom you were indebted at any time during the disclosure period in an amount which exceeded:

- (1) your net worth (if you are using percentage thresholds), or
- (2) \$10,000 (if you are using dollar value thresholds).

You are not required to list the amount of any indebtedness or your net worth. You do not have to disclose any of the following: credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, and accrued income taxes on net unrealized appreciation (an accounting concept). A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability; if you are using the \$10,000 threshold and the total amount of the debt (not just the percentage of your liability) exceeds \$10,000, such debts should be reported.

Calculations for persons using comparative (percentage) thresholds: In order to decide whether the debt exceeds your net worth, you will need to total all of your liabilities (including promissory notes, mortgages, credit card debts, lines of credit, judgments against you, etc.). Subtract this amount from the value of all your assets as calculated above for Part D. This is your "net worth." You must list on the form each creditor to whom your debt exceeded this amount unless it is one of the types of indebtedness listed in the paragraph above (credit card and retail installment accounts, etc.). Joint liabilities with others for which you are "jointly and severally liable," meaning that you may be liable for either your part or the whole of the obligation, should be included in your calculations based upon your percentage of liability, with the following exception: joint and several liability with your spouse for a debt which relates to property owned by both of you as "tenants by the entirety" (usually the case) should be included in your calculations by valuing the asset at 100% of its value and the liability at 100% of the amount owed.

Examples for persons using comparative (percentage) thresholds:

- You owe \$15,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with your spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth \$80,000 and your other property is worth \$20,000. Since your net worth is \$20,000 (\$100,000 minus \$80,000), you must report only the name and address of the savings and loan.
- You and your 50% business partner have a \$100,000 business loan from a bank, for which you both are jointly and severally liable. The value of the business, taking into account the loan as a liability of the business, is \$50,000. Your other assets are worth \$25,000, and you owe \$5,000 on a credit card. Your total assets will be \$50,000 (half of a business worth \$50,000 plus \$25,000 of other assets). Your liabilities, for purposes of calculating your net worth, will be only \$5,000, because the full amount of the business loan already was included in valuing the business. Therefore, your net worth is \$45,000. Since your 50% share of the \$100,000 business loan exceeds this net worth figure, you must list the bank.

PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by Sec. 112.3145(5), Fla. Stat.]

The types of businesses covered in this disclosure are **only**: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies (including insurance agencies); mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

(CONTINUED on page 6)

You are required to disclose in this part of the form the fact that you owned during the disclosure period an interest in, or held any of certain positions with, particular types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than five percent (5%) of the total assets or capital stock of one of the types of business entities granted a privilege to operate in Florida that are listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the

disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list (vertically for each business): the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

(End of Instructions.)

PENALTIES

A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [Sec. 112.317, Florida Statutes]

Also, if the annual form is not filed by September 1st, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. [Section 112.3145, F.S.].

OTHER FORMS YOU MAY NEED TO FILE IN ORDER TO COMPLY WITH THE ETHICS LAWS

In addition to filing Form 1, you *may* be required to file one or more of the special purpose forms listed below, depending on your particular position, business activities, or interests. As it is your duty to obtain and file any of the special purpose forms which may be applicable to you, you should carefully read the brief description of each form to determine whether it applies.

Form 1F — Final Statement of Financial Interests:

Required of *local officers, state officers, and specified state employees* within 60 days after leaving office or employment. This form is used to report financial interests between January 1st of the last year of office or employment and the last day of office or employment. [Sec. 112.3145(2)(b), Fla. Stat.]

Form 1X — Amended Statement of Financial Interests:

To be used by *local officers, state officers, and specified state employees* to correct mistakes on previously filed Form 1's. [Sec. 112.3145(9), Fla. Stat.]

Form 2 — Quarterly Client Disclosure:

Required of *local officers, state officers, and specified state employees* to disclose the names of clients represented for compensation by themselves or a partner or associate before agencies at the same level of government as they serve. The form should be filed by the end of the calendar quarter (March 31, June 30, Sept. 30, Dec. 31) following the calendar quarter in which a reportable representation was made. [Sec. 112.3145(4), Fla. Stat.]

Form 3A — Statement of Interest in Competitive Bid for Public Business:

Required of public officers and public employees prior to or at the time of submission of a bid for public business which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12)(b), Fla. Stat.]

Form 4A — Disclosure of Business Transaction, Relationship, or Interest:

Required of public officers and employees to disclose certain business transactions, relationships, or interests which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12) and (12)(e), Fla. Stat.]

Form 8A — Memorandum of Voting Conflict for State Officers:

Required to be filed by a state officer within 15 days after having voted on a measure which inured to his or her special

private gain (or loss) or to the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed state officer who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

Form 8B — Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers:

Required to be filed (within 15 days of abstention) by each local officer who must abstain from voting on a measure which would inure to his or her special private gain (or loss) or the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed local official who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

Form 9 — Quarterly Gift Disclosure:

Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value. The form should be filed by the end of the calendar quarter (March 31, June 30, September 30, or December 31) following the calendar quarter in which the gift was received. [Sec. 112.3148, Fla. Stat.]

Form 10 — Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses:

Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value received from certain agencies and direct support organizations; also to be utilized by these persons to report honorarium event-related expenses paid by certain persons and entities. The form should be filed by July 1 following the calendar year in which the gift or honorarium event-related expense was received. [Sec. 112.3148 and 112.3149, Fla. Stat.]

AVAILABILITY OF FORMS; FOR MORE INFORMATION

Copies of these forms are available from the Supervisor of Elections in your county; from the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864 (Suncom 278-7864); and at the Commission's web site: www.ethics.state.fl.us.

Questions about any of these forms or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864 (Suncom 278-7864).

**LOGIC AND ACCURACY TEST
ACKNOWLEDGEMENT**

I hereby acknowledge that I have received notification of the time and place for the Logic and Accuracy Test for the March 13, 2012 election. This acknowledgement is pursuant to F.S.S. 101.5612.

DATE: March 7, 2012*

TIME: 2:00 p.m.

PLACE: Voting Equipment Center II
(entrance on the west side of the Lauderhill Mall)
1501 NW 40 Avenue
Lauderhill, Florida

Date

Candidate

Witness

*tentative - should the date and time be amended, the candidate will be notified

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

I, _____ ,
candidate for the office of _____ ;
have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X

Signature of Candidate

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

**STATEMENT OF ETHICAL CAMPAIGN PRACTICES
(Broward County Ordinance 2000-06)**

As a candidate for public office in Broward County, I believe that political issues can be freely debated without appealing to racial, ethnic, religious, sexual, or other prejudices. I recognize that such negative appeals serve only to divide this community and create long-term moral, social, and economic problems. Therefore:

1. I shall not make my race, color, religion, gender, national origin, physical disability, or sexual orientation an issue in my campaign.
2. I shall not make my opponent's race, color, religion, gender, national origin, age, marital status, familial status, physical disability, or sexual orientation an issue in my campaign.
3. I will condemn any appeal to prejudice based on race, color, religion, gender, national origin, age, marital status, familial status, physical disability or sexual orientation.
4. I shall not attack or question my opponent's patriotism.
5. I shall not publish, display, or circulate any anonymous campaign literature or political advertisement nor shall I tolerate or permit members of my campaign organization to engage in such activities.
6. I shall not tolerate nor permit members of my campaign organization to engage in activities designed to destroy or remove campaign materials or signs lawfully displayed on public or private property.
7. I shall not tolerate my supporters engaging in these activities which I condemn nor shall I accept their continued support if they engage in such activities. I will not permit any member of my campaign organization to engage in these activities and will immediately and publicly repudiate the support of any other individual or group which resorts to the methods and tactics that I hereby condemn.
8. I shall run a positive campaign emphasizing my qualifications for office and my positions on issues of public concerns and I will limit my attacks on an opponent to legitimate challenges to that person's record, qualifications, and positions.
9. I will neither use nor permit the use of malicious untruths or innuendoes about an opponent's personal life, nor will I make or condone unfounded accusations discrediting an opponent's credibility.
10. I will not use or permit the use of campaign material that falsifies, distorts, or misrepresents facts.

Executed on this day _____ of _____, 2012.

WITNESSES:

BY CANDIDATE:

Signature

(Print name)

**STATEMENT OF ETHICAL
CAMPAIGN PRACTICES
PAGE 2**

STATE OF FLORIDA)

) SS.

COUNTY OF BROWARD)

The foregoing instrument was acknowledged before me this _____ day of _____,
2012, by _____, who is personally known to me or who has produced
_____ as identification and who did/did not take an oath.

Witness my hand and official seal, this _____ day of _____, 2012.

Signature of person taking acknowledgment
[Public Notary, State of Florida]

Name of person taking acknowledgment
(typed, printed, or stamped)

My commission expires:

POLLWATCHER APPLICATION

TO: DR. BRENDA C. SNIPES
Supervisor of Elections
115 S. Andrews Avenue, Room 102
Fort Lauderdale, FL 33301

Precinct / Early Voting Site
Requested: _____
Voter Registration #: _____
Date of Election: _____
Date of Application: _____

THE FOLLOWING PERSON, SUBJECT TO VERIFICATION OF QUALIFICATIONS,
IS DESIGNATED AS A POLLWATCHER

SEPARATE APPLICATIONS ARE NECESSARY FOR EACH PRECINCT YOU ARE
REQUESTING.
(PLEASE PRINT OR TYPE)

NAME: _____ DATE OF BIRTH: _____

ADDRESS: _____

ZIP CODE _____

NAME OF CANDIDATE REQUESTING POLLWATCHER: _____

OFFICE CANDIDATE IS SEEKING: _____
(INCLUDE DISTRICT, GROUP, ZONE OR SEAT IF APPLICABLE)

X _____
SIGNATURE OF CANDIDATE

OR

NAME OF POLITICAL EXECUTIVE COMMITTEE

X _____
SIGNATURE OF EXECUTIVE COMMITTEE CHAIRPERSON

EACH PARTY, POLITICAL COMMITTEE AND EACH CANDIDATE REQUESTING TO HAVE
POLLWATCHERS SHALL DESIGNATE, IN WRITING, POLLWATCHERS FOR POLLWATCHERS FOR
EACH PRECINCT PRIOR TO NOON ON THE 14TH DAY PRECEDING AN ELECTION. THE
POLLWATCHERS FOR EACH PRECINCT / EARLY VOTING SITE SHALL BE APPROVED BY THE
SUPERVISOR OF ELECTIONS AT LEAST 7 DAYS PRIOR TO EACH ELECTION. F.S. 101.131(2)

APPLICATIONS RECEIVED AFTER THE ABOVE DEADLINE WILL NOT BE PROCESSED.

S:\Pollwatcher Application.pub

**TEMPORARY PERMIT APPLICATION
FOR POLITICAL SIGNS
WITHIN THE TOWN LIMITS OF DAVIE**

Candidate/Issue: _____ **Election Date:** _____

Name of Applicant: _____ **Telephone:** _____

THIS APPLICATION MUST BE ACCOMPANIED WITH A \$500 BOND AT THE TIME OF APPLICATION. SIGNS CANNOT BE ERECTED MORE THAN 80 DAYS PRIOR TO THE ELECTION AND MUST BE REMOVED WITHIN 7 DAYS AFTER THE ELECTION.

In the event that political signs are erected by a candidate, or regarding an issue, which involves more than one election, the application shall be deemed extended to 7 days after the election to which the signs pertain. If an applicant does not follow the Code regarding political signs, the bond shall be forfeited and the Town is authorized to remove and dispose of signs erected by the candidate.

"

Signs may be erected beginning 03/35/34 and must be removed by 03/42/34
(30 days prior to election) (7 days after election)

Signs shall not be placed on Town, State or County rights-of-way or on utility poles or trees. Signs shall also not be placed on property owned by the Town or other governmental agencies or units in the Town.

Per Florida Statutes 106.1435 - Usage and Removal of Political Campaign Advertisements

- (3) Pursuant to Chapter 479, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed or located on or above any State or County road right-of-way.
- (4) The officer before whom a candidate qualifies for office shall notify the candidate, in writing, of the provisions in this section.
- (5) This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.

I hereby acknowledge that I have received a copy of Code Section 12-243(D)(1), concerning political signs. I further acknowledge that any violation of this Section shall result in the forfeiture of my bond and I shall also be subject to further Code enforcement penalties.

(Candidate/Applicant)

(Date)

Receipt Number: _____

Date Sign Bond Posted: _____

Receipt Number: _____

Date Sign Bond Posted: _____

Receipt Number: _____

Date Sign Bond Posted: _____

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION
107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050
Telephone Number: (850) 922-4539
www.fec.state.fl.us

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: _____ Work Phone: (____) _____
Address: _____ Home Phone: (____) _____
City: _____ County: _____ State: _____ Zip Code: _____

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. If both an individual and a committee or organization are involved, name both.

Name of individual: _____
Address: _____ Phone: (____) _____
City: _____ County: _____ State: _____ Zip Code: _____

If individual is a candidate, list the office or position sought: _____

Name of committee or organization: _____
Address: _____ Phone: (____) _____
City: _____ County: _____ State: _____ Zip Code: _____

Have you filed this complaint with the State Attorney's Office? (check one) Yes No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: **Chapter 104, Chapter 106, Section 98.122, and Section 105.071, Florida Statutes.** Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

Additional materials attached (check one)? Yes No

5. OATH

STATE OF FLORIDA
COUNTY OF _____

I swear or affirm, that the above information is true and correct to the best of my knowledge.

Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this _____ day of _____, 200 _____

Signature of Officer Authorized to Administer Oaths or Notary public.

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known _____ Or Produced Identification _____
Type of Identification Produced _____

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

**FLORIDA DEPARTMENT OF STATE DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) _____
Name

(2) _____
Address (number and street)

City, State, Zip Code

OFFICE USE ONLY

CHECK IF ADDRESS HAS CHANGED

(3) ID Number: _____

(4) Check appropriate box(es):

- Candidate (office sought): _____
- Political Committee CHECK IF PC HAS DISBANDED
- Committee of Continuous Existence CHECK IF CCE HAS DISBANDED
- Party Executive Committee
- Electioneering Communication CHECK IF NO OTHER ELECTIONEERING COMMUNICATION REPORTS WILL BE FILED

(5) REPORT IDENTIFIERS

Cover Period: From ____ / ____ / ____ To ____ / ____ / ____ Report Type _____

Original Amendment Special Election Report Independent Expenditure Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$ _____

Loans \$ _____

Total Monetary \$ _____

In-Kind \$ _____

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$ _____

Transfers to Office Account \$ _____

Total Monetary \$ _____

(8) Other Distributions

\$ _____

(9) TOTAL Monetary Contributions To Date

\$ _____

(10) TOTAL Monetary Expenditures To Date

\$ _____

(11) CERTIFICATION

It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)

I certify that I have examined this report and it is true, correct, and complete.

I certify that I have examined this report and it is true, correct, and complete.

(Type name) _____

Individual (only for electioneering commun.) Treasurer Deputy Treasurer

(Type name) _____

Candidate Chairperson (only for PC, PTY & electioneering commun. organization)

X _____
Signature

X _____
Signature

INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT SUMMARY

<p>(1) Type full name of candidate, political committee, committee of continuous existence, party executive committee, or individual or organization filing an electioneering communication report.</p>								
<p>(2) Type the address (include city, state, and zip code). You may use a post office box. If the address has changed since the last report filed, check the appropriate box.</p>								
<p>(3) Type identification number assigned by the Division of Elections.</p>								
<p>(4) Check one of the appropriate boxes: Candidate (type office sought - include district, circuit, or group numbers) Political Committee Committee of Continuous Existence Party Executive Committee Electioneering Communication</p> <p>If PC or CCE has disbanded and will no longer file reports, check appropriate box. If individual or organization will no longer file electioneering communication reports, check appropriate box.</p>								
<p>(5) Type the cover period dates (e.g., From <u>07/01/03</u> To <u>09/30/03</u>) Enter the report type using one of the following g abbreviations (see <i>Calendar of Election and Reporting Dates</i>). If report is for a special election, add "S" in front of the report code (e.g., SG3).</p>								
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center; padding: 5px;">Quarterly Reports</td> <td style="text-align: center; padding: 5px;">General Election Reports</td> </tr> <tr> <td style="padding: 5px;"> January Quarterly..... Q4 April Quarterly Q1 July Quarterly Q2 October Quarterly..... Q3 </td> <td style="padding: 5px;"> 46th Day Prior G1 32nd Day Prior G2 18th Day Prior G3 4th Day Prior G4 </td> </tr> <tr> <td style="text-align: center; padding: 5px;">Primary Reports</td> <td style="text-align: center; padding: 5px;">90-Day Termination Reports (Candidates Only)</td> </tr> <tr> <td style="padding: 5px;"> 32nd Day Prior..... F1 18th Day Prior F2 4th Day Prior F3 </td> <td style="padding: 5px;"> Termination Report TR </td> </tr> </table>	Quarterly Reports	General Election Reports	January Quarterly..... Q4 April Quarterly Q1 July Quarterly Q2 October Quarterly..... Q3	46 th Day Prior G1 32 nd Day Prior G2 18 th Day Prior G3 4 th Day Prior G4	Primary Reports	90-Day Termination Reports (Candidates Only)	32 nd Day Prior..... F1 18 th Day Prior F2 4 th Day Prior F3	Termination Report TR
Quarterly Reports	General Election Reports							
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Primary Reports	90-Day Termination Reports (Candidates Only)							
32 nd Day Prior..... F1 18 th Day Prior F2 4 th Day Prior F3	Termination Report TR							
<p>Check one of the appropriate boxes: Original (first report filed for this reporting period) Amendment (an amendment to a previously filed report) Special Election Report Independent Expenditure Report (see Section 106.071, F.S.)</p>								
<p>(6) Type the amount of all contributions this report: Cash & Checks Loans Total Monetary (sum of Cash & Checks and Loans) In-kind (a fair market value must be placed on the contribution at the time it is given)</p>								
<p>(7) Type the amount of all expenditures this report: Monetary Expenditures Transfers to Office Account (elected candidates only) Total Monetary (sum of Monetary Expenditures and Transfers to Office Account)</p>								
<p>(8) Type the amount of other distributions (goods & services contributed to a candidate or other committee by a PC, CCE or PTY).</p>								
<p>(9) Type the amount of TOTAL monetary contributions to date (parties keep cumulative totals for 2 year periods at a time (e.g., 01/01/02 – 12/31/03). Candidates keep cumulative totals from the time the campaign depository is opened through the termination report).</p>								
<p>(10) Type the amount of TOTAL monetary expenditures to date (parties keep cumulative totals for 2 year periods at a time (e.g., 01/01/02 – 12/31/03). Candidates keep cumulative totals from the time the campaign depository is opened through the termination report).</p>								
<p>(11) Type or print the required officer's name and have them sign the report: Candidate report (treasurer & candidate must sign) PC report (treasurer & chairperson must sign) CCE report (treasurer must sign) PTY report (treasurer & chairperson must sign) Electioneering Communication report (individual or organization's treasurer & chairperson must sign)</p>								
<p>AMENDMENT REPORTS: An amendment report summary should summarize only contributions, expenditures, distributions, & fund transfers being reported as additions or deletions. Read the instructions for the sequence number & amendment type fields on the back of forms DS-DE 13, 14, 14A and 94. The Division will summarize all reports submitted for each reporting period and for the filer to date.</p>								

CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name _____

(2) I.D. Number _____

(3) Cover Period

/ /

through

/ /

(4) Page

of

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor Type Occupation		(9) Contribution Type	(10) In-kind Description	(11) Amendment	(12) Amount
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

INSTRUCTIONS FOR CAMPAIGN TREASURER’S REPORT – ITEMIZED CONTRIBUTIONS

- (1) Type candidate’s full name or name of the political committee (PC), committee of continuous existence (CCE) or party executive committee (PTY).
- (2) Type the identification number assigned by the Division of Elections.
- (3) Type cover period dates (e.g., 7/1/03 through 9/30/03). (See *Calendar and Election Dates* for appropriate year and cover periods.)
- (4) Type page numbers (e.g., 1 of 3).
- (5) Type date contribution was RECEIVED (Month/Day/Year).

(6) **Sequence Number** – Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the Division and for reporting amendments.

For example, a Q1 report having 75 contributions would use sequence numbers 1 through 75. The next report (Q2), comprised of 40 contributions would use sequence numbers 1 through 40. Contributions on amended Q1 reports would begin with sequence number 76 and on amended Q2 reports would begin with sequence number 41. See the *Amendment Type* instructions below.

- (7) Type full name and address of contributor (including city, state and zip code).
- (8) Enter the type of contributor using one of the following codes:

- Individual** = **I**
- Business** = **B** (also includes corporations, organizations, groups, etc.)
- Committees** = **C** (includes PC’s, CCE’s and federal committees)
- Political Parties** = **P** (includes federal, state ad county executive committees)
- Other** = **O** (e.g., candidate surplus funds to party, etc.)

Type occupation of contributor for **contributions over \$100 only**. (If a business, please indicate nature of business.)

- (9) Enter Contribution Type using one of the following codes:

NOTE: Cash includes cash and cashier’s checks.

DESCRIPTION	CODE
Cash	CAS
Check	CHE
In-kind	INK
Interest	INT
Loan	LOA
Membership dues	DUE
Refund	REF

- (10) Type the description of any in-kind contribution received.
Candidate’s Only – If in-kind contribution is from a party executive committee and is allocable toward the contribution limits, type an “A” in this box. If contribution is not allocable, type an “N”.

- (11) **Amendment Type** (required on amended reports) – To add a new (previously unreported) contribution for the reporting period being amended, enter “ADD” in amendment type on a line with ALL of the required data.

The sequence number for contributions with amendment type “ADD” will start at one plus the number of contributions in the original report. For example, amending an original Q1 report that had 75 contributions, means the sequence number of the first contribution having amendment type “ADD” will be 76; the second “ADD” contribution would be 77, etc. When amending an original Q2 report that had 40 contributions, the sixth “ADD” contribution would have sequence number 46.

To correct a previously submitted contribution use the following drop/add procedure. Enter “DEL” in amendment type on a line with the sequence number of the contribution to be corrected. In combination with the report number being amended, this sequence number will identify the contribution to be dropped from your active records. On the next line enter “ADD” in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.

- (12) Type amount of contribution received. **Committees of continuous existence ONLY:** Any contribution which represents the payment of dues by a member in a fixed amount pursuant to the schedule on file with the Division of Elections need only list the aggregate amount of such contribution, together with the number of members paying such dues and the amount of membership dues.

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name _____

(2) I.D. Number _____

(3) Cover Period ____/____/____ through ____/____/____

(4) Page _____ of _____

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

- (1) Type candidate's full name or name of the political committee (PC), committee of continuous existence (CCE) or party executive committee (PTY).
- (2) Type identification number assigned by the Division of Elections.
- (3) Type cover period dates (07/01/03 through 09/30/03). (See *Calendar and Election Dates* for appropriate cover periods.)
- (4) Type page numbers (e.g., 1 of 3).
- (5) Type date of expenditure (Month/Day/Year).
- (6) **Sequence Number** - Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the Division and for reporting requirements.

For example, a Q1 report having 40 expenditures would use sequence numbers 1 through 40. The next report (Q2), comprised of 30 expenditures would use sequence numbers 1 through 30. Expenditures on amended Q1 reports would begin with sequence number 41 and on amended Q2 reports would begin with sequence number 31. See *Amendment Type* instructions below.

- (7) Type full name and address of entity receiving payment (including city, state and zip code).
- (8) Type purpose of expenditure (if expenditure is a contribution to a candidate, also type the office sought by the candidate). **PLEASE NOTE:** This column does not apply to candidate expenditures, as candidates cannot contribute to other candidates from campaign funds. However, PCs (supporting candidates), CCEs and party executive committees contributing to candidates must report office sought (Section 106.07, F.S.).
- (9) Enter Expenditure Type using one of the following codes:

DESCRIPTION	CODE
Disposition of Funds (Candidate)	DIS
Monetary	MON
Petty Cash Withdrawn	PCW
Petty Cash Spent	PCS
Transfer to Office Account	TOA
Refund	REF

- (10) **Amendment Type** (required on amended reports) - To add a new (previously unreported) expenditure for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.

The sequence number for expenditures with amendment type "ADD" will start at one plus the number of expenditures in the original report. For example, amending an original Q1 reports that had 75 expenditures, means the sequence number of the first expenditure having amendment type "ADD" will be 76; the second "ADD" expenditure would have sequence number 39.

To correct a previously submitted expenditure use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the expenditure to be corrected. In combination with the report number being amended, this sequence number will identify the expenditure to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.

- (11) Type amount of expenditure.

Electioneering Communications

Chapter Law 2004-252, Laws of Florida, (CS/SB 2346 and 516), amended Chapter 106, Florida Statutes, to provide a definition of "electioneering communication" in Section 106.011(18)(a), Florida Statutes. Basically, electioneering communications are what has been referred to as "issue advocacy" in the past and do not contain the "express words of advocacy of election or defeat, such as 'vote for,' 'elect,' 'support,' 'cast your ballot for,' 'Smith for Congress,' 'vote against,' 'defeat,' 'reject.'" (*Buckley v. Valeo* 424 US 1, 39 n.52 (1976)).

Electioneering communications are paid expressions in a communications media that refer to or depict a candidate or issue, without expressly advocating the election or defeat of the candidate or issue.

If the electioneering communication refers to or depicts a candidate, it must be targeted to the relevant electorate. This means the communication is to be received by **1,000 or more persons in the geographical area the candidate would represent**, if elected, and the electioneering communication is **published after the end of qualifying for the office sought by the candidate**.

To be an electioneering communication for an issue, it must be published after the issue is designated ballot position or 120 days before the election, whichever occurs first.

There are several **exceptions** to the definition of electioneering communication:

1. Statements in an **organization's newsletter**, which is distributed only to members of the organization.
2. **Editorial endorsements, news story, commentary, or editorial by any recognized news medium.**
3. A communication that constitutes a **public debate** or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue **and** the staging organization is a charitable organization or a recognized news medium.

Organizations whose activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications are exempt from the definition of a political committee. However, the **organization is required to register and report contributions and expenditures in the same manner, at the same time, subject to the same penalties and with the same filing officer as a political committee**. Individuals do not have to register but must report expenditures.

This legislation also amended several definitions in Section 106.011, Florida Statutes. The definitions of "contribution" and "expenditure" now include making electioneering communications. The definition of "independent expenditure" was amended to provide that independent expenditures **expressly** advocate the election or defeat of a candidate or the approval or rejection of an issue. Likewise, the definition of "political advertisement" was amended to be expressions which **expressly** advocate the election or defeat of a candidate or the approval or rejection of an issue.

All electioneering communications must display a disclaimer indicating it is an electioneering communication. The disclaimer for an electioneering communication is found in Section 106.1439, Florida Statutes, and must prominently state, "Paid electioneering communication paid for by... (Name and address of person paying for the communication)..."

Finally, the legislation also amends Section 106.04(5), Florida Statutes, to **prohibit** committees of continuous existence from making electioneering communications.

ELECTIONEERING COMMUNICATION STATEMENT OF ORGANIZATION

(PLEASE TYPE)

OFFICE USE ONLY

1. Full Name of Organization

Telephone

Mailing Address (include city, state and zip code)

Street Address (include city, state and zip code)

2. Affiliated or Connected Organizations

Name of Affiliated or Connected Organization	Mailing Address	Relationship

3. Area, Scope and Jurisdiction of the Organization

4. Identify by Name, Address & Position, the Custodian of Books & Accounts for the Organization

Full Name	Mailing Address	Street Address	Title or Position

5. This Organization was formed (check applicable box): (Calendar quarters end the last day of March, June, September, and December.)

- As a newly created organization during the current calendar quarter.
 From an organization existing prior to the current calendar quarter.

6. List By Name, Mailing and Street Address, & Position, Other Principal Officers, including the treasurer and deputy treasurer, if any. Include the top-ranking officer's (e.g., chairperson) name and information.

Full Name	Mailing Address	Street Address	Title or Position

7. In the Event of Dissolution, What Disposition will be Made of the Residual Funds?

8. List All Banks, Safety Deposit Boxes, or Other Depositories Used by this Organization for Electioneering Communications

Name of Bank or Depository	Mailing Address

9. List All Reports Required to be Filed by this Organization with Federal Officials, & the Names, Addresses, & Positions of Such Officials, If Any

Report Title	Dates Required to be Filed	Name & Position of Official	Mailing Address

STATE OF _____ COUNTY

I, _____, certify that the information in this Statement of Organization is complete, true, and correct.

X _____ Date
Signature of Top-ranking Principal Officer of Organization

WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

Name

Office Sought

Address

City

State

Zip Code

Candidate

Committee of Continuous Existence

Electioneering Communication Organization

Political Committee

Party Executive Committee

Check box if address has changed since last report.

Check here if PC, CCE, or ECO has DISBANDED and will no longer file reports.

TYPE OF REPORT (Check Appropriate Box)

QUARTERLY REPORTS

PRIMARY ELECTION

GENERAL ELECTION

January

32nd day prior

46th day prior

April

18th day prior

32nd day prior

July

4th day prior

18th day prior

TERMINATION REPORT

October

4th day prior

SPECIAL ELECTION

NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

THROUGH

X

Signature

Date

SIGNATURES REQUIRED FOR:

Candidates

Candidate, Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Political Committees

Chairman, Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

Committees of Continuous Existence and Electioneering Communication Organizations

Treasurer (s. 106.04(4)(c), F.S.)

Party Executive Committees

Treasurer or Chairman (s. 106.29(2), F.S.)

In any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

CAMPAIGN LOANS REPORT

(Section 106.075, F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

This report applies to all candidates ELECTED to office who had loans exceeding \$500 in value, which were accepted and used for campaign purposes within the 12 months preceding the election. All such loans must be reported to the filing officer within 10 days after the candidate's election to office.

Full Name of Newly Elected Official

Office

Mailing Address

City

State

Zip Code

I CERTIFY THAT I HAVE EXAMINED THIS REPORT
AND IT IS TRUE, CORRECT AND COMPLETE.

Type or Print Name of Newly Elected Official

X

Signature

CAMPAIGN LOANS REPORT ITEMIZED

Page _____ of _____

(PLEASE TYPE)

<p>FULL NAME AND ADDRESS OF LENDER: _____ _____ _____</p> <p>OCCUPATION: _____</p> <p>AMOUNT OF LOAN: _____</p> <p>DATE RECEIVED: _____</p>	<p>FULL NAME AND ADDRESS OF LENDER: _____ _____ _____</p> <p>OCCUPATION: _____</p> <p>AMOUNT OF LOAN: _____</p> <p>DATE RECEIVED: _____</p>
<p>FULL NAME AND ADDRESS OF LENDER: _____ _____ _____</p> <p>OCCUPATION: _____</p> <p>AMOUNT OF LOAN: _____</p> <p>DATE RECEIVED: _____</p>	<p>FULL NAME AND ADDRESS OF LENDER: _____ _____ _____</p> <p>OCCUPATION: _____</p> <p>AMOUNT OF LOAN: _____</p> <p>DATE RECEIVED: _____</p>
<p>FULL NAME AND ADDRESS OF LENDER: _____ _____ _____</p> <p>OCCUPATION: _____</p> <p>AMOUNT OF LOAN: _____</p> <p>DATE RECEIVED: _____</p>	<p>FULL NAME AND ADDRESS OF LENDER: _____ _____ _____</p> <p>OCCUPATION: _____</p> <p>AMOUNT OF LOAN: _____</p> <p>DATE RECEIVED: _____</p>

REQUEST FOR RETURN OF CONTRIBUTION

(Section 106.021, F.S.)

(PLEASE TYPE)

I, _____,

hereby request that the pro rata share of my contribution to the

campaign of _____ as a

candidate for the office of _____

be returned to me pursuant to Section 106.021(1)(a), Florida Statutes.

X

Signature

Date

Street Address

City State Zip Code

CONTRIBUTIONS RETURNED

(Section 106.07(4)(b), F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

This report applies only to contributions received by any candidate, committee, or organization but returned to the contributor before being deposited in the campaign account.

Candidate

Committee or Organization

Full Name: _____

Full Address: _____

Full Name and Address of Contributor:

Amount of Contribution: \$ _____

Date Received: _____

Date Returned: _____

Full Name and Address of Contributor:

Amount of Contribution: \$ _____

Date Received: _____

Date Returned: _____

Full Name and Address of Contributor:

Amount of Contribution: \$ _____

Date Received: _____

Date Returned: _____

Full Name and Address of Contributor:

Amount of Contribution: \$ _____

Date Received: _____

Date Returned: _____

I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.

Type or Print Name of Candidate, Treasurer or Chairman

X

Signature

CAMPAIGN TREASURER'S REPORT - ITEMIZED DISTRIBUTIONS

(1) Name _____ (2) I.D. Number _____

(3) Cover Period ____ / ____ / ____ through ____ / ____ / ____ (4) Page ____ of ____

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Related Expenditures	(10) Amendment	(11) Amount
(6) Sequence Number					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

CAMPAIGN TREASURER'S REPORT - ITEMIZED DISTRIBUTIONS

THIS FORM IS USED TO REPORT DISTRIBUTIONS OF GOODS OR SERVICES CONTRIBUTED TO A CANDIDATE OR COMMITTEE, INDIRECT EXPENDITURES AND REIMBURSEMENTS.

- (1) Type name of the entity.
 - (2) Type identification number assigned by the Division of Elections or other filing officer.
 - (3) Type cover period dates (e.g., 04/01/03 through 06/30/03). (See *Calendar and Election Dates* for appropriate cover periods.)
 - (4) Type page numbers (e.g., 1 of 3).
 - (5) Type date of distribution (Month/Day/Year).
 - (6) **Sequence Number** - Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the Division and for reporting amendments.

For example, a Q1 report having 40 distributions would use sequence numbers 1 through 40. The next report (Q2), comprised of 30 distributions would use sequence numbers 1 through 30. Distributions on amended Q1 reports would begin with sequence number 41 and on amended Q2 reports would begin with sequence number 31. See *Amendment Type* instructions below.
 - (7) Type full name and address of entity receiving distribution (including city, state and zip code).
 - (8) Type purpose of distribution (if distribution is a contribution to a candidate, also type the office sought by the candidate).
 - (9) For each distribution that is related to an itemized expenditure previously listed on Itemized Expenditures (Form DS-DE 14), enter the Year, Report Type and Sequence Number associated with the expenditure.
- *PARTY EXECUTIVE COMMITTEES ONLY - If distribution is allocable toward the contribution limits, type an "A" in this box. If distribution is nonallocable, type and "N".**
- (10) **Amendment Type** (required on amended reports) - To add a new (previously unreported) distribution for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.

The sequence number for distributions with amendment type "ADD" will start at one plus the number of distributions in the original report. For example, amending an original Q1 report that had 75 distributions, means the sequence number of the first distribution having amendment type "ADD" will be 76; the second "ADD" distribution would be 77, etc. When amending an original Q2 report that had 30 distributions, the ninth "ADD" distribution would have sequence number 39.

To correct a previously submitted distribution use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the distribution to be corrected. In combination with the report number being amended, this sequence number will identify the distribution to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assigns the sequence number as described above.

- (11) **Type amount of distribution.**

DISTRIBUTION EXAMPLE

On November 30, 2003, your committee purchased \$10,000 in direct mail services from ABC Direct Mailing Company. This monetary expenditure was previously listed on the January Quarterly report (Q4), sequence number 75. On February 2, 2004, the mail services were then distributed to several candidates. Therefore, pursuant to Section 106.07(4)(a), F.S., you must report the distributions in the following manner:

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Related Expenditures	(10) Amendment	(11) Amount
(6) Sequence Number					
02/ 02/ 04	Campaign Account of John Doe 222 South Street Tallahassee, FL 32432	Mailouts (Senate District 2)	2003 Q4 75 A		\$500.00
1					