

# 2016 Political Committee Handbook

**FLORIDA**  
★ DIVISION OF ★  
**ELECTIONS**



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## Chapter 7: 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 electioneering communication organizations, or any combination of these groups;
3. The payment, by a 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 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.

### 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\(12\)](#), F.S.; or
4. Endorsements of three or more candidates by affiliated party 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. 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.

(Sections [106.011](#) and [106.055](#), F.S.; Division of Elections Opinion [09-08](#) (Aircraft Travel))

## 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.

*(Sections [106.011](#), [106.07](#) and [106.075](#), F.S.)*

## Cash Contributions

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.

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.

**IMPORTANT:** Cash contributions should be reported on campaign treasurer's reports to include 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.)*

## Money Order, Debit and Credit Card Contributions

A candidate, political committee or political party 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](#))*

## Contributions via Online Payment Service Organizations

A candidate, political committee or political party may use an online payment service organization, such as PayPal, to receive campaign contributions. The contribution would be reported as a check in the entire amount and the transactional fee would then be reported as an expenditure.

*(Division of Elections Opinion [08-07](#))*

## Contribution Limits

No monetary limit exists on contributions **to** a political committee; therefore, no limit exists to the amount one person may give to a political committee regardless whether the political committee supports or opposes candidates or issues, or both.

Monetary limits exist on contributions **from** a political committee to a candidate, but not to a political party, an electioneering communications organization, or another political committee. (See [Appendix B](#).)

## 2016 Deadlines for Accepting Contributions

August 30, 2016 Primary Election – Contributions must be received no later than August 25, 2016, in order to use the contributions for the 2016 primary election.

November 8, 2016 General Election - Contributions must be received no later than November 3, 2016, in order to use the contributions for the 2016 general election.

*(Section [106.08\(4\)](#), F.S.)*

## 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 8: 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 the production or public dissemination of applicable goods or services; or
3. The electioneering communication is publicly disseminated.

### General Requirements

A political committee shall:

1. Pay all campaign expenditures by a check drawn on the campaign account (except petty cash);
2. 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

3. Pay for public utilities such as telephone, electric, gas, water and like services when the bill is received. Utility companies providing services to political committees must charge a deposit sufficient to meet all anticipated charges during a billing period.

**IMPORTANT:** No 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, unless there are sufficient funds on deposit in the primary depository account of the 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.

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.

Any contribution received by the chairperson, campaign treasurer or deputy 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 five days prior to the day of that election may not be obligated or expended by the committee until after the date of that election.

(Sections [106.011\(10\)](#), [106.021\(3\)](#)  
and [106.08\(4\)](#), F.S.)

## 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.

## Petty Cash Funds

A campaign treasurer may provide a petty cash fund for the political committee. To establish a petty cash fund, the campaign treasurer must write a check drawn on the primary campaign account.

A political committee **must**:

1. Spend petty cash in amounts of less than \$100 and petty cash may only be used for office supplies, transportation expenses, and other necessities;
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;

A political committee **cannot**:

1. Mix cash contributions with petty cash; and
2. Use petty cash for the purchase of time, space or services from any communications media.

From the day a political committee appoints its campaign treasurer until the close of qualifying for office, the campaign treasurer may withdraw from the campaign account for the purpose of providing a petty cash fund for the political committee \$500 per calendar quarter.

After qualifying is over and until the last election in a given election period in which the political committee participates, the treasurer may withdraw \$100 per week.

*(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 or 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 is not 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."

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 any other person, is not considered an independent expenditure if the party 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;
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;
3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of a broadcast or a 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;
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;
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. An officer, director, employee or agent of a national, state or county executive committee of a political party, or affiliated party committee, that has made or intends to make expenditures in connection with or contributions to the candidate; or
  - b. A 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;

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.  
(Section [106.011\(12\)](#), F.S)

Political advertisements paid for by an independent expenditure must prominently state:

***“Paid political advertisement paid for by (name and address of person or committee paying for the advertisement) independently of any (candidate or committee).”***  
(Section [106.071 \(2\)](#), F.S)

An exception to the disclaimer requirement is novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue. See also [Chapter 13, Political Advertising](#) for further information about political disclaimers and exceptions.  
(Section [106.071\(3\)](#) F.S)

## Credit Cards

Political committees organized to support or oppose any statewide office (Governor, Cabinet, and Supreme Court Justice) or issue may obtain a credit card under the following conditions:

1. The credit card is used in making travel-related campaign expenditures to include transportation, lodging, meals and other travel expenses incurred;
2. The credit card is obtained from the same bank designated as the primary campaign depository;
3. The credit card is in the name of the political committee and the name reflects that it is a campaign account;
4. A copy of the agreement or contract between the political committee and bank, along with a list of all persons authorized to use the credit 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; and
6. Each statement received from the issuer of the credit card must be paid upon receipt.

**Political committees other than those stated above may not use credit cards.**

(Section [106.125](#) F.S)



## Debit Cards

Debit cards may be used in lieu of campaign checks and are considered bank checks if the following conditions are met:

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

*All debit card receipts **must** contain:*

- Last four digits of the debit card number.
- Exact amount of expenditure.
- Name of payee.
- Signature of campaign treasurer, deputy treasurer or authorized user.
- 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.)

## 2016 Deadlines for Making Contributions to Candidates ([See Appendix C.](#))

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.**

## Chapter 9: Recordkeeping

### Bookkeeping

The Division 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's website, (<http://www.elections.myflorida.com/>) contains 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 *applicable filing officer's [Calendar of Reporting Dates](#)*)
3. If filing with the Division, keep a copy of the electronic receipt for each report filed for your own records. If filing with the local officers, who do not have electronic filing, 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, of the contributor, and the amount and date of each contribution.
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 campaign 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.
9. Make sure authorization for advertising has been obtained from the candidate.

### Preservation of Account Records

Accounts kept by the campaign treasurer of a political committee shall be preserved by such treasurer for at least two years after the date of the election to which the accounts refer.

(Section [106.06](#), F.S.)

### Contributions

1. The campaign treasurer of each political committee shall keep detailed accounts of all contributions received, 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 political committee 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 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.)

4. 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.)

5. 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 political committee shall keep detailed accounts of all expenditures made, current within not more than two days after the making of the expenditure.

(Section [106.06](#), F.S.)

2. 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:

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; and

e. 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. 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.)

5. Receipts for reimbursement for authorized expenditures shall be retained by the treasurer along with the records for the campaign.

## Inspections

1. Accounts kept by the campaign treasurer of a political committee, 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 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.

## Chapter 10: Filing Campaign Reports

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

The chairperson and 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 chairperson 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 [106.011](#) and [106.07](#), F.S.)*

### Where to File

A campaign treasurer is required to file campaign treasurer's reports with the officer with whom the committee registers.

Committees filing reports with the Division are required to file by means of the [Electronic Filing System](#) (see [Chapter 11, Electronic Filing of Campaign Reports](#)). If the committee's filing officer is other than the Division, contact the appropriate filing officer to find out the requirements.

The web address for filing online with the Division is: <https://efs.dos.state.fl.us>  
*(Section [106.07\(2\)](#), F.S.)*

### When to File

Reports must be filed on the 10th day following the end of each calendar month 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.

A political committee required to file reports with the Division must file reports:

1. On the 60th day immediately preceding the primary election, and each week thereafter, with the last weekly report being filed on the 4th day immediately preceding the general election.
2. On the 10th day immediately preceding the general election, and each day thereafter, with the last daily report being filed the 5th day immediately preceding the general election.

For political committees that file with the Division, see the "Reporting Dates Calendar" at:

<http://dos.myflorida.com/elections/forms-publications/publications/>

Any political committee required to file reports with a filing officer other than the division must file reports on the 60th day immediately preceding the primary election and bi-weekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and 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 through the [Electronic Filing System \(EFS\)](#) are due no later than midnight, Eastern Time, of the due date. (See [Chapter 12, Electronic Filing of Campaign Reports.](#))

(Sections [106.07](#), [106.0705](#) and [106.141](#), F.S.)

### Penalty for Late Filing

Any political committee 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 due immediately prior to the primary and general elections, 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 [106.07\(8\)](#), F.S.)

### Notice of No Activity

When there has been no reportable activity in the campaign account during a reporting period (no funds expended or received) the filing of the report is waived. The political committee shall notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date. 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.)

A notice of no activity filed with the Division must be filed electronically using the Division's [electronic filing system](#).

(Section [106.0705](#), F.S.)

### Special Election Reports

When a special election is called to fill a vacancy in office, all political committees making contributions or expenditures to influence the results of the special election shall file campaign treasurers' reports with the filing officer on the dates set by the Department of State pursuant to Section [100.111](#), F.S.

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.

Committees are to include on the special election campaign treasurer's reports only expenditures related to the special election made by the committee 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 a committee 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 committee, even if there is no further special election activity.

*(Section [106.07\(1\)](#), F.S.)*

### Incomplete Reports

**Note:** The Division's [Electronic Filing System](#) will allow a committee to file an incomplete report, however, filing a report that is incomplete means filing a report that is not in compliance with the Florida Statutes.

If a campaign treasurer files a report that is deemed incomplete, he or she will be notified by the filing officer 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. Failure to file a complete report after notice constitutes a violation of [Chapter 106](#), F.S.

*(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, 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.

*(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. 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.

Multiple uniform contributions from the same person, aggregating no more than \$250 per calendar year, collected by an organization that is the affiliated sponsor of a political committee, may be reported by the political committee in an aggregate amount listing the number of contributors together with the amount contributed by each and the total amount contributed during the reporting period. The identity of each person making such uniform contribution must be reported to the filing officer as provided in subparagraph (a) 1. by July 1 of each calendar year, or, in a general election year, no later than the 60th day immediately preceding the primary election.

*(Section [106.07\(4\)](#), F.S.)*

Contributions to a political committee may be received by an affiliated organization and transferred to the bank account of the political committee via check written from the affiliated organization if such contributions are specifically identified as intended to be contributed to the political committee. All contributions received in this manner shall be reported pursuant to Section [106.07](#), F.S., by the political committee as having been made by the original contributor.

*(Section [106.08\(10\)](#), F.S.)*

### **Returning Contributions**

If the contribution to be returned has not been deposited into the campaign account, report the contribution on Form [DS-DE 2](#), Contributions Returned. This form can be found at the following link:

<http://dos.myflorida.com/elections/forms-publications/forms/>

If the contribution has been deposited into the campaign account:

1. Report the contribution on the itemized contribution report form;
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 as a negative. The committee may also wish to write the filing officer and explain the error and request that the filing officer place the explanation in the committee's file.

Any contribution received by the chairperson, 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 five days prior to the day of that election may not be obligated or expended by the committee until after the date of the election.

*(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 expenses was made, along with the amount, date and clear purpose of the expenditure. *(See also [Reporting Other Distributions](#))*
3. Total amount withdrawn and the total amount spent for petty cash purposes. Each expenditure from the petty cash fund need not be individually reported but complete records of petty cash expenditures must be kept.
4. Amount and nature of debts and obligations owed by or to the committee, which relate to the conduct of any political campaign.
5. 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.
6. 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. *(See also [Reporting Other Distributions](#))*  
*(Section [106.07](#), F.S.)*

## Reporting Other Distributions

Every distribution should be reported during the coverage period when the distribution actually occurred, as is the case with the expenditures and contributions. The related distribution(s) and expenditure can and often do occur in different reporting periods.

### Types of distributions:

- Prepaid
- Credit card purchases/payments
- Reimbursements
- In-kind

### Reports must contain:

1. Full name and address of each person to whom payment for reimbursement was made by check drawn upon the campaign account 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, campaign signs, insurance or other expenditures that include multiple integral components as part of the expenditure.
3. Distribution of goods and services to a candidate, committee or party.

*(Section [106.07](#), F.S.)*

## Chapter 11: 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 political committee required to file reports with the Division pursuant to 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 midnight 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 chairperson and treasurer, and such persons are 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 [106.0705](#) 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. You are responsible for protecting the password from disclosure. Contact the Division 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 Guide](#) located at:

<http://dos.myflorida.com/elections/candidates-committees/campaign-finance/filing-campaign-reports/>

### 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 USER GUIDE**

<http://dos.myflorida.com/media/694091/dsde110b.pdf>

### **NOTES:**

1. For further information on the [EFS](#), see Rule [1S-2.017](#), Florida Administrative Code, Reporting Requirements for Campaign Treasurer's Reports.
2. Political committees that do not file their campaign treasurer's reports with the Division must consult their filing officer for filing instructions.

## Chapter 12: Electioneering Communications

Electioneering communication means 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 before 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 a radio station, television station, cable television system, or satellite system unless the facilities are owned or controlled by a 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 is not considered a contribution to or on behalf of any candidate and does not constitute an independent expenditure, and is not subject to the limitations applicable to independent expenditures.

(Section [106.011\(8\)](#), 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).”*

Any 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.

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 13: Political Advertising

A political advertisement is a paid expression in any communications media prescribed in Section [106.011\(4\)](#), 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\(15\)](#), F.S.)*

### Disclaimers

Any political advertisement, other than an advertisement that is paid for by a candidate, that is published, displayed, or circulated before, 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.)*

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 by or 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.

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.

*(Section [106.143\(5\)](#) and [\(10\)](#), F.S)*

**NOTE: The Division does not approve the contents of an advertisement.**

The disclaimer requirements in section [106.143](#) do not apply to any campaign message or political advertisement used 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.)*

### 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](#), F.S., in the language used in the advertisement.

*(Section [106.143\(9\)](#), F.S.)*

### Miscellaneous Provisions

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.)*

### **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 appropriate 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.)*



**Examples of disclaimers:**

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

<p><b>ELECT John Doe</b></p> <p>For County Commission, District 1 Democrat <u>Supported by ABC Foundation</u></p> <p>Pd. Pol. Adv. Sponsored and paid for in-kind by ABC Foundation, Zero Street, Jupiter, FL 32323 Approved by John Doe, Democrat, For County Commission</p>	<p style="text-align: center;"><b>ABC Foundation</b></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 John Doe for County Commission, District 1.</p> <p>The content of this advertisement was reviewed and approved in advance.</p> <p style="text-align: right;">Sincerely, Mr. Smith</p>
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2. Political advertisement by political committee supporting or opposing an issue:

<p><b>Say "Yes" to Cleaner Air Vote "Yes" on Proposition 10</b></p> <p>Pd. Pol. Adv. paid for by the ABC Foundation, 110 Pine Street, Jupiter, FL 32323</p>
---

3. Political advertisement by political committee, not an independent expenditure, offered on behalf of a nonpartisan candidate:

<p><b>ABC Foundation Supports the Re-Election of Jane Doe Nassau County Judge</b></p> <p>Pd. Pol. Adv. By ABC Foundation 111 Jewel Street, Tallahassee, FL 32333 Content approved in advance by Jane Doe, 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 ABC Foundation supporting my candidacy for Nassau County Judge.</p> <p style="text-align: right;">Sincerely, Jane Doe</p>
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4. Independent expenditure political advertisement by political committee supporting a partisan candidate running for a partisan office:

<p><b>ABC Foundation Supports</b></p> <p><b>Jane Doe</b></p> <p><b>For Public Defender, Fourth Circuit Democrat</b></p> <p>Paid Political Advertisement paid for by the ABC Foundation 444 Robin Lane, Jacksonville, FL 33433 independently of any candidate. This advertisement was not approved by any candidate.</p>	<p><b>ABC Foundation</b></p> <p>July 15, 2006</p> <p>Dear Sir or Madam:</p> <p>The enclosed advertisement is an independent expenditure by the ABC Foundation in support of Jane Doe for Public Defender, Fourth Circuit.</p> <p>This advertisement was not approved by any candidate.</p> <p>Sincerely, Mr. Smith</p>
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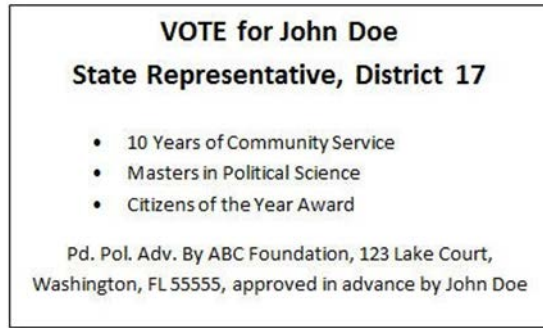
5. Electioneering communication by a Political Committee:

<p><b>Who Do You Want As Your Next Senator</b></p> <p><b>John Doe, a proven pro-taxer</b> <b>OR</b> <b>John Smith, a proven non-taxer?</b></p> <p><b>"Get the Facts"</b></p> <p>Paid electioneering communication paid for by ABC Foundation, 2 Apple Street, Sunnydale, FL 32999</p>
---

6. Campaign ticket event supporting a candidate:

<p><b>Come One Come ALL</b></p> <p><b>Campaign Event to Support</b></p> <p><b>Jane Doe</b></p> <p><b>For State Senate</b></p> <p><b>Ticket for (1) Admission</b></p> <p>Paid Political Advertisement paid for by the ABC Foundation, 1825 Smith Creek, Riverview, FL 32546</p>
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7. Business/Palm cards supporting a candidate:



### Disclaimers on Novelty Items

None of the requirements of Section [106.143](#), F.S., apply to novelty items having a retail value of \$10 or less that support, but do not oppose, a candidate or issue.

**Examples:**



Pens/Pencils



Golf Balls



Balloons

### Items Designed to be Worn by a Person

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.)



**Bumper Stickers (paid for by political committee independently of any candidate)**

<p><b>Vote Jane Doe School Board, District 17</b></p> <p>Pd. Pol. Adv. by ABC Foundation, 123 Apple St., Tallahassee, FL 32303, independently of any candidate. No candidate has approved this advertisement.</p>	<p><b>ABC Foundation</b></p> <p>June 15, 2010</p> <p>Dear Sir:</p> <p>The enclosed advertisement is an independent expenditure by the ABC Foundation in support of Jane Doe for School Board, District 17. This advertisement was not approved by any candidate.</p> <p>Sincerely, John Smith, Chairman</p>
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**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. (The above example shows this.)**

*(Section [106.143\(6\)](#), F.S.)*

## Chapter 14: Telephone Solicitation

### Disclosure requirements

1. 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 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.
2. 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 two minutes in duration is presumed to be a political poll and not subject to the provisions of the above paragraph.

**Note:** If the telephone solicitation is an electioneering communication, see Chapter 12 and section [106.1439](#), F.S.

### Prohibitions

1. 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.

2. No telephone call shall state or imply that the caller represents a nonexistent person or organization.

### Written authorization requirements

Any telephone call, not conducted by independent expenditure, supporting or opposing 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.

### Penalties

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](#).

### The term “person”

The term “person” includes any candidate; any officer of any political committee 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, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.

(Section [106.147](#), F.S.)

## Chapter 15: 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

A political committee 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 political committee 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 committee 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](http://www.fec.state.fl.us).  
*(Sections [106.25](#) and [106.28](#), F.S.)*

# Appendices

## Appendix A: Frequently Asked Questions

### 1. How many deputy treasurers may a political committee have?

Political committees may appoint up to three deputy treasurers.

*(Section [106.021\(1\)\(a\)](#), F.S.)*

### 2. 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 and chairperson.

*(Section [106.021\(4\)](#), F.S.)*

### 3. 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.)*

### 4. May a political committee 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 or political committee.

*(Section [106.011\(14\)](#), F.S.)*

### 5. Are in-kind contributions subject to the same limitations as monetary contributions? How is the value of an in-kind contribution determined?

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. The contributor must inform the person receiving the contribution of the fair market value at the time it is given

*(Section [106.011\(5\)](#), Section [106.055](#), F.S. and [106.08](#), F.S.)*



**6. Can a corporation give to a political committee?**

Yes. A corporation is under the definition of a "person" in [Chapter 106](#), F.S.  
(Section [106.011\(14\)](#), F.S.)

**7. Can I conduct a raffle to raise money for the committee?**

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.

**8. 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 its requirements.

(Section [106.0705](#), F.S.)

**9. 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 [106.07\(2\)\(b\)](#) and [\(3\)](#), F.S.)

**10. If I make a mistake on my report can I go back in and correct it on the Division's [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" to the filed report.

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

The fine is \$50 per day for the first three 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.

**12. 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.)*

**13. Is there a fee to register as a political committee?**

No, there is no fee to register a political committee.

**14. Do you have to be incorporated to start a committee?**

The Division of Elections does not require you to be incorporated in order to register a political committee. However, there may be other entities that require this type of status. Please contact the Division of Corporations at (850) 245-6052 or [www.sunbiz.org](http://www.sunbiz.org) with any questions.

**15. Do I need an Employer Identification Number (EIN) to become a political committee?**

The Division of Elections does not require you to obtain an EIN. However, some banks require that you obtain an EIN from the Internal Revenue Service. Contact the IRS at 1-800-829-1040 for additional information.

**16. May a Florida political committee make contributions to an out-of-state political entity, a federal political action committee (PAC), a candidate for federal office, or a person seeking selection as the chair of a political party?**

No. A Florida political committee must use its funds solely for Florida political activities, *i.e.*, depositing contributions and making expenditures, which by definition in Florida law, are for the purpose of influencing only Florida elections. Florida law defines “election” as one held in Florida for the purpose of nominating or electing candidates to “public office,” which definition is further limited to state, county, municipal, or school or other district offices or positions that are filled by the vote of the electors. A contribution to an out-of-state political entity, to a federal PAC, to a candidate for federal office (even one running for a federal office from Florida), or to a person seeking selection as the chair of a political party does not fall within the applicable definitions of “election” or “public office.” This also means that funds in the Florida political committee’s bank account may not be used for the purpose of influencing elections outside of Florida, such as giving funds to candidates in other states or donating funds to an out-of-state political entity or federal PAC.

(Sections [106.011\(5\)](#), [\(7\)](#), [\(16\)](#), & [\(17\)](#),  
[106.03](#), [106.05](#), [106.07](#), [106.11](#), F.S.)

**17. What are the consequences of an out-of-state political entity or a federal political action committee (PAC) contributing to a Florida political committee?**

Depending upon the circumstances of how the out-of-state entity, federal PAC, or another state’s PAC collects its donations and makes expenditures in Florida, one of two different scenarios could result.

First, an out-of-state political entity or federal PAC, like any other contributor, can give unlimited contributions to one or more Florida political committees, if the out-of-state political entity or federal PAC is not itself receiving “contributions.” “Contributions” are defined as only those made for the purpose of influencing the results of a Florida election. An out-of-state political entity or federal PAC that has only received donations that were *not* made for the purpose of influencing the results of Florida elections has not received contributions under Florida law; therefore, it can make contributions to a Florida political committee without having to register as a Florida political committee.

On the other hand, if an out-of-state political entity or federal PAC receives “contributions” as defined above (donations made for the purpose of influencing the results of a Florida election), the out-of-state political entity or federal PAC must register as a Florida political committee. A Florida political committee must maintain a separate bank account solely for Florida political activities (*i.e.*, depositing contributions and making expenditures, which

again, by definition, are for the purpose of influencing only *Florida* elections). All contributions to a Florida political committee must be deposited into that separate bank account.

If the activities of an out-of-state political entity or federal PAC cause it to become a Florida political committee under the chapter 106 definition of “political committee,” the Florida political committee’s funds may not be commingled with funds from the out-of-state political entity or federal PAC. This means that funds in the Florida political committee’s bank account may not be used for the purpose of influencing elections outside of Florida, such as giving funds to candidates in other states or donating funds to an out-of-state political entity or federal PAC.

*(Sections [106.011\(5\)](#), [\(7\)](#), [\(16\)](#), & [\(17\)](#),  
[106.03](#), [106.05](#), [106.07](#), [106.11](#), F.S.)*

## Appendix B

### Comparison – Political Committee vs. Electioneering Communications Organization (eff. November 1, 2013)

	Political Committee (PC)	Electioneering Communication Organization (ECO)
<b>Purpose</b>	<p>To support or oppose any candidate, issue*, PC, ECO, or political party. May make independent expenditures**</p> <p>May make electioneering communications (if political committee supports candidates).</p> <p>*A sponsor of a constitutional initiative petition must be a PC. (§ <a href="#">100.371</a>, F.S.)</p> <p>** <b>Independent expenditure</b> = an expenditure made for the purpose of expressly advocating the election/defeat of candidate/issue, which expenditure is not controlled by, coordinated with, or made upon consultation with any candidate, political committee, or agent of such. (§ <a href="#">106.011(12)</a>, F.S.)</p> <p><b><u>Note about independent expenditures:</u></b></p> <p><b>If made by an individual:</b> No limit on amount of independent expenditures exists, but if \$5000 or more, must file reports as if was a PC. (§ <a href="#">106.071</a>, F.S.)</p> <p><b>If made by a corporation or business entity:</b> If independent expenditure is for/against an issue: No limit on the amount of independent expenditures exists, but if \$5000 or more, must file reports as if was a PC. (§ <a href="#">106.071</a>, F.S.)</p> <p>However, if independent expenditure is for/against a candidate &gt; \$500: no limit, but must register as PC and file reports as PC. (§ <a href="#">106.011(16)(b)2.</a>, F.S., See <a href="#">DE 12-08.</a>)</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, or political committee. (§ <a href="#">106.011(9)</a>, F.S.)</p> <p>May <b>not</b> “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. (§ <a href="#">106.011(8)</a>, F.S.)</p> <p><b>* Electioneering communication =</b></p> <ol style="list-style-type: none"> <li>1. Communication publicly distribute by TV station, radio station, cable TV system, satellite system, newspaper, magazine, direct mail, or telephone;</li> <li>2. Refers to a clearly identified candidate without expressly advocating election or defeat, but is susceptible of no reasonable interpretation other than appeal to vote for or against a specific candidate;</li> <li>3. Is made w/in 30 days before a primary or special primary or 60 days before any other election for the office sought by the candidate; and</li> <li>4. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected. (§ <a href="#">106.011(8)(a)</a>, F.S.)</li> </ol>

	Political Committee (PC)	Electioneering Communication Organization (ECO)
<b>Initial Filings</b>	<p>Statement of Organization must be filed within 10 days after its organization 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. Also, must file immediately when organized within 10 days of any election. <i>(§ 106.03, F.S.)</i></p> <p>Appointment of Campaign Treasurer and Designation of Campaign Depository <i>(§ 106.021, F.S.)</i></p> <p>Registered Agent Statement of Appointment <i>(§ 106.022, F.S.)</i></p>	<p>Statement of Organization must be filed within 24 hours when ECO makes expenditures in excess of \$5,000 in a calendar year if made <u>within</u> 30 days before a primary or 60 days before any other election for the office sought by the candidate. If made <u>before</u> the 30/60 day timeframe, statement of organization must be filed within 24 hours after the 30th day before the primary or within 24 hours after the 60th day before any other election, whichever is applicable. <i>(§ 106.03(1)(b)1., F.S.)</i></p> <p>Registered Agent Statement of Appointment <i>(§ 106.022, F.S.)</i></p>
<b>Campaign Accounts</b>	<p>Funds must be deposited in a campaign depository in an account that contains the name of the committee <i>(§ 106.05, F.S.)</i></p>	<p>May use the organization's checking account</p>
<b>Limits on Contributions To the Entity</b>	<p>No monetary limit.</p>	<p>No monetary limit</p>
<b>Limits on Contributions By the Entity</b>	<p>PC to a candidate - \$1000 per election, except limit to candidates for statewide office or Supreme Court Justice = \$3000</p> <p>PC to a political party – no limit</p> <p>PC to ECO – no limit</p> <p>PC to PC – no limit</p>	<p>Limited to making electioneering communications <i>(§ 106.011(9), F.S.)</i></p> <p>May not make contributions to candidates <i>(§ 106.011(9), F.S.)</i></p> <p>May not make contributions to a political party or a political committee <i>(§ 106.011(9), F.S.)</i></p> <p>May make contributions to another ECO</p>
<b>Disposition of Residual Funds in the Event of Dissolution</b>	<p>In accordance with the plans stated in the PC's Statement of Organization <i>(§ 106.03(2)(j), F.S.)</i></p>	<p>In accordance with the plans stated in the ECO's Statement of Organization <i>§ 106.03(2)(j), F.S.)</i></p>

	Political Committee (PC)	Electioneering Communication Organization (ECO)
<b>Restrictions</b>	<p>Funds may be used <b>only</b> for PC activity and <b>only</b> for the purpose of influencing the results of an election.</p> <p>Credit cards: PC created to support/oppose a statewide candidate or to support/oppose any statewide issue, may use credit cards in making travel-related campaign expenditures subject to the conditions in § <a href="#">106.125</a>, F.S.</p>	<p>Funds for its election-related activities may only be used to make electioneering communications. (§ <a href="#">106.011(9)</a>, F.S.) (Thus, ECO may not make expenditures for an ad which is distributed outside the 30/60-day timeframe since the ad would not be an electioneering communication)</p> <p>May <b>not</b> make independent expenditures</p> <p>May <b>not</b> expressly advocate</p> <p>May <b>not</b> use credit cards. (§ <a href="#">106.0703(8)</a>, F.S.)</p>
<b>Where to File</b>	<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 if supports or opposes only municipal candidates or issues.</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 file only with the Division of Elections. (§ <a href="#">106.03(3)(d)</a>, F.S.)</p>	<p>Division of Elections – if relates to statewide, legislative, or multicounty candidates.</p> <p>Supervisor of Elections – if relates to candidates in a countywide or less than a countywide election, except if relates only to municipal candidates.</p> <p>Municipal Clerk – if relates to 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. (§ <a href="#">106.03(1)(b)2.d.</a>, F.S.)</p>

	Political Committee (PC)	Electioneering Communication Organization (ECO)
<b>When to File Reports</b>	<p>Monthly; except for additional reports due beginning 60 days before the primary election; thereafter, reports are due as follows for political committees who:</p> <p><b>1. File with Division of Elections —</b></p> <p>WEEKLY full reports of contributions and expenditures to the 4th day before the general election; and,</p> <p>DAILY contribution-only reports beginning on the 10th day before the general election and ending on the 5th day before the general election.</p> <p><b>2. File with a filing officer other than the Division of Elections—</b></p> <p>BI-WEEKLY full reports of contributions and expenditures to 4th day before the general election, with an additional report due on the 25th and 11th days before the primary and general election.</p> <p>See <i>Calendar of Reporting Dates</i> on the Division’s web site. For filing date calendars for counties and municipalities, contact the applicable county supervisor of elections and municipal clerk, respectively. (§ <a href="#">106.07(1)</a>, F.S.)</p>	<p>Monthly; except for additional reports due beginning 60 days before the primary election; thereafter, reports are due as follows for ECOs who:</p> <p><b>1. File with Division of Elections —</b></p> <p>WEEKLY full reports of contributions and expenditures to the 4th day before the general election; and,</p> <p>DAILY contribution-only reports beginning on the 10th day before the general election and ending on the day before the general election (excluding the 4th day before the general election).</p> <p><b>2. File with a filing officer other than the Division of Elections—</b></p> <p>BI-WEEKLY full reports of contributions and expenditures to 4th day before the general election, with an additional report due on the 25th and 11th days before the primary and general election.</p> <p>See Calendar of Reporting Dates on the Division’s web site. For filing date calendars for counties and municipalities, contact the applicable county supervisor of elections and municipal clerk, respectively. (§ <a href="#">106.0703(1)</a>, F.S.)</p>
<b>Political Disclaimers on ads</b>	<p>Political advertisements – see § <a href="#">106.143(1)(c) &amp; (2)</a>, F.S.</p> <p>Independent expenditures – see § <a href="#">106.071(2)</a>, F.S.</p> <p>Electioneering communication – see § <a href="#">106.1439</a>, F.S.</p> <p>Telephone solicitation – see §§ <a href="#">106.147(1)</a> &amp; <a href="#">106.1439(2)</a>, F.S.</p> <p>Miscellaneous advertisement – see § <a href="#">106.1437</a>, F.S.</p>	<p>Electioneering communication – see § <a href="#">106.1439</a>, F.S.</p> <p>Electioneering communication telephone solicitation – see § <a href="#">106.1439(2)</a>, F.S.</p>



	Political Committee (PC)	Electioneering Communication Organization (ECO)
<b>Pros/Cons</b>	<p><b>Pros:</b></p> <p>May accept unlimited contributions</p> <p>May communicate with public</p> <p>May expressly advocate</p> <p>May contribute to candidate, political party, or any other political organization</p> <p>May make electioneering communications, which are not considered contributions to the candidate</p> <p><b>Cons:</b></p> <p>Cannot coordinate with the candidate on political advertisements without the political advertisement becoming a contribution to the candidate</p>	<p><b>Pros:</b></p> <p>May accept unlimited contributions</p> <p>May communicate with public</p> <p>May coordinate with candidates on electioneering communications (not subject to the limitations applicable to independent expenditures) (§ <a href="#">106.011(8)(d)</a>, F.S.)</p> <p>Expenditures made for, or in furtherance of, an electioneering communication are not considered a contribution to the candidate (§ <a href="#">106.011(8)(c)</a>, F.S.)</p> <p><b>Cons:</b></p> <p>May not expressly advocate</p> <p>May not contribute to candidates, political parties, affiliated party committees, or political committees</p> <p>Cannot use credit card</p>

## Appendix C: 2016 Deadlines for Accepting Contributions

	Other Offices (except Supreme Court)	Justice of the Supreme Court	Judge of a District Court of Appeal	Circuit Judge or County Court Judge
<b>If opposed in the primary election the candidate may accept:</b>	\$1,000 no later than midnight on August 25, 2016			\$1,000 no later than midnight on August 25, 2016
<b>If opposed in the primary and general elections the candidate may accept:</b>	<ul style="list-style-type: none"> <li>• \$1,000 no later than midnight on August 25, 2016;</li> <li>• \$1,000 between August 31 and midnight on November 3, 2016</li> </ul>			<ul style="list-style-type: none"> <li>• \$1,000 no later than midnight on August 25, 2016;</li> <li>• \$1,000 between August 31 and midnight on November 3, 2016</li> </ul>
<b>If opposed only in the general election, the candidate may accept:</b>	<ul style="list-style-type: none"> <li>• \$1,000 no later than midnight on August 30, 2016;</li> <li>• \$1,000 between August 31 and midnight on November 3, 2016</li> </ul>			
<b>Considered an opposed candidate but only has one election, the general election, may accept:</b>		\$3,000 no later than midnight on November 3, 2016 ***	\$1,000 no later than midnight on November 3, 2016 ***	

\*\*\*Contributions may be accepted during the primary election, but must be applied toward the general election limitation.