

## **FLORIDA CAMPAIGN FINANCE AND BALLOT MEASURE GUIDE**

These resources are current as of 11/01/18. We do our best to periodically update these resources and welcome any comments or questions regarding new developments in the law.

Please email us at [advocacy@afj.org](mailto:advocacy@afj.org).

### **WHAT'S NEW IN THIS GUIDE**

The following changes/additions have been made since the previous version of this guide:

- Information regarding messages which are in the nature of an electioneering communication but outside of the 30/60 day timeframe or published in a media not regulated as an electioneering communication
- Clarification of coordination rules.

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**This guide summarizes key aspects of state campaign finance law and regulations. It is not intended to provide legal advice or to serve as a substitute for legal advice.**

**In some jurisdictions, city and/or county regulations may also apply to certain political activities. Check with the appropriate local jurisdiction before undertaking any activity.**

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## TYPES OF FLORIDA ORGANIZATIONS

Political Committee (“PC”): any group of two or more individuals that accepts contributions or makes expenditures in excess of \$500 in a calendar year for the purpose of:

- Making contributions to a candidate, PC or political party;
- Expressly advocating the election or defeat of a candidate or passage or defeat of a ballot issue; or
- Making contributions to a common fund for purposes of making contributions to a candidate, PC or political party.

[§ 106.011\(16\), Fla. Stat. \(2018\)](#).

Electioneering Communication Organization (“ECO”): a group, other than a political party or PC, whose election-related activities are limited to making 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 or PC. [§ 106.011\(8\), Fla. Stat. \(2018\)](#).

# CONTRIBUTION LIMITS AND SOURCE RESTRICTIONS

[§§ 106.011\(5\), 106.08, Fla. Stat. \(2018\)](#).

	To Candidates				To Committees		To Ballot Measures
From ↓	Governor	Other Statewide	Legislative	Municipal	PCs	Parties	
Individuals	\$3,000	\$3,000	\$1,000	\$1,000	No Limit	No Limit	No Limit
PCs	\$3,000	\$3,000	\$1,000	\$1,000	No Limit	No Limit	No Limit
Corporations	\$3,000	\$3,000	\$1,000	\$1,000	No Limit	No Limit	No Limit
ECOs	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited (except may make unlimited contributions to other	Prohibited	Prohibited

NOTE: All limits are per election, with the primary and general elections each counted separately. [§ 106.08\(1\)\(c\), Fla. Stat. \(2018\)](#).

### Contributions to PCs and ECOs:

- Contributions to PCs and ECOs – *are unlimited*.

### Contributions to Political Parties:

- Contributions to a political party may *not* be earmarked for a specific candidate but are unlimited in amount. [§ 106.08\(6\)\(a\), Fla. Stat. \(2018\)](#).

### Aggregate Limit:

- There is no aggregate limit on the political contributions an individual may contribute in any one calendar year.

### Legislative Session:

- By Florida House and Senate Rule, legislators may not accept contributions while the Legislature is in session.

### **Government Buildings:**

- Political contributions may not be solicited, given or accepted in buildings owned by government entities. [§ 106.15\(4\), Fla. Stat. \(2018\)](#). “‘Accept’ means to receive a contribution by personal hand delivery from a contributor or the contributor’s agent.” *Id.*

### **In-kind Contributions:**

- In-kind contributions count toward contribution limits. [§ 106.011\(5\)\(a\), Fla. Stat. \(2018\)](#). The person making the in-kind contribution must state the fair market value of the contribution at the time it is made. [§ 106.055, Fla. Stat. \(2018\)](#). Political parties in Florida may not accept any in-kind contribution “that fails to provide a direct benefit to the political party.” [§ 106.08\(6\)\(b\)1, Fla. Stat. \(2018\)](#). Before making an in-kind contribution to a party, a contributor must provide prior written notice to the party, and the party must provide the donor with a written acceptance. [§ 106.08\(6\)\(b\)2b, c, Fla. Stat. \(2018\)](#). The written acceptance must be filed with the Florida Division of Elections at the regular reporting time. [§ 106.08\(6\)\(b\)2d, Fla. Stat. \(2018\)](#).
  - Exception to prior written notice: An in-kind contribution of food and beverage that does not exceed an aggregate \$1500 and is consumed at a single sitting or event (accepted by the party in advance) does not require prior written notice. [§ 106.08\(6\)\(b\)2b, Fla. Stat. \(2018\)](#).

### **Late Contributions:**

- A political committee may not obligate or spend any contributions received less than five days prior to the day of the election, until after Election Day. [§ 106.08\(4\), Fla. Stat. \(2018\)](#).
- Any contribution received by a candidate on the day of the election or less than 5 days before must be returned and cannot be used or expended by or on behalf of the candidate. [§ 106.08\(3\)\(a\), Fla. Stat. \(2018\)](#).

### **Cash Contributions:**

- A person may not make an aggregate cash contribution to the same candidate or committee in excess of \$50 per election. A cashier’s check is treated as a cash contribution and is subject to the \$50 limit. [§ 106.09\(1\)\(b\), Fla. Stat. \(2018\)](#). A person may not accept an aggregate cash contribution from the same contributor in excess of \$50 per election.

### **Conduits:**

- If contributions to a candidate, PC or political party are channeled through another entity, that entity will itself be required to register as a PC – so long as it accepts contributions or makes expenditures in excess of an aggregate \$500 in a calendar year. Contributions to that entity would then count against an individual or third entity’s contribution limits. See Florida Division of Elections Advisory Opinions, [DE 08-03 \(2008\)](#) and [DE 10-11 \(2010\)](#).

### **Corporate Contributions:**

- Florida law permits corporations to make political contributions. [§§ 106.011\(14\), Fla. Stat. \(2018\)](#). Corporations are exempt from the definition of a "political committee" as long as the corporation's activities are limited to contributions to candidates or political committees, or expenditures in support of or in opposition to an issue, from corporate funds. Corporations remove themselves from this exemption if they solicit or receive contributions outside their corporate funds for political purposes. [§ 106.011\(16\)\(b\)2, Fla. Stat. \(2018\)](#). Direct candidate contributions to federal candidates by corporations are banned, however, by federal law.

### **Contributions by Nonprofit Organizations:**

- Under state law, nonprofit organizations may make political contributions from general funds but not from funds specifically solicited for for political purpose, although 501(c)(3) public charities are prohibited from this by federal tax law. Candidates, political committees and political candidates may not solicit contributions from charitable or civic organizations. [§ 106.08\(5\)\(b\), Fla. Stat. \(2018\)](#).

## **COMMUNICATIONS**

### **Member Communications:**

- No reporting requirements exist for membership communications.
- Communications to an organization's members are not considered expenditures if they are contained in the nonprofit's newsletter. [§ 106.011\(10\)\(a\), \(15\)\(a\) Fla. Stat. \(2018\)](#). There is no limit on the amount an organization may spend on communications to members, and it does not matter whether the organization is incorporated or an unincorporated organization. The newsletter may include express advocacy without the communication being considered an expenditure if the distribution of the newsletter is limited to the organization's members. The "newsletter" should look like other newsletters, but may be entitled "Special Election Newsletter" and contain only election information. The newsletter may be disseminated by direct mail or electronic mail. (This interpretation is based on informal advice from staff at the Florida Elections Commission.)

### **Issue Advocacy vs. Express Advocacy:**

- Florida does not have a statutory definition for express advocacy. However, the Florida Division of Elections has adopted the *Buckley v. Valeo* "magic words" test for express advocacy. Express advocacy is limited to communications that contain express words of advocacy of the election or defeat of a candidate or issue such as "vote for," "elect," "support," "cast your ballot for," "Smith for Congress," "vote against," "defeat," "oppose," and "reject." [Florida Division of Elections Advisory Opinion, DE 05-06 \(2006\)](#).

## **Electioneering Communications:**

- “Electioneering communication” means any publicly distributed communication 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 candidate; *and*
  2. is made within 30 days before a primary election or 60 days before any other election; *and*
  3. is targeted to the relevant electorate in the geographic area the candidate would represent if elected. [§ 106.011\(8\)\(a\), Fla. Stat. \(2018\)](#).
  
- 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:
    - The staging organization 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
    - The staging organization 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. [§ 106.011\(8\)\(c\), Fla. Stat. \(2018\)](#).

- An electioneering communication shall not constitute an independent expenditure nor be subject to the limitations applicable to independent expenditures. [§ 106.011\(8\)\(d\), Fla. Stat. \(2018\)](#).
- A message which would be considered an electioneering communication but for the fact that it is disseminated outside of the time period “30 days before a primary election or 60 days before any other election,” or is distributed in a medium other than a “television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone,” is considered protected political speech which is not subject to regulation (Case No.: FEC 18-039; Respondent: Philip Levine).
  - Identification of the sponsor of such a message should nonetheless be included [“Sponsored by (name of person or organization sponsoring such message)"].

### **Independent Expenditures:**

- “Independent Expenditure” means an expenditure by a person to expressly advocate the election or defeat of a candidate, or the approval or rejection of a ballot issue, if the expenditure is not controlled by, coordinated with, or made in consultation with, any candidate, political committee, or agent of such candidate or committee. [§ 106.011\(12\), Fla. Stat. \(2018\)](#).
- Any person, including individuals, PCs and corporations, may make an independent expenditure.
- A corporation making an independent expenditure in support of or opposition to a candidate must register as a political committee. Florida Division of Elections Advisory Opinion, DE 12-08 (2012).
- If an independent expenditure or electioneering communication is \$5,000 or more, the person must report in the same manner and with the same filing officer as a political committee supporting or opposing that candidate or issue. The report must contain:
  - the full name and address of the person making the expenditures;
  - the full name and address of each person to whom and for whom each expenditure has been made;
  - the amount, date and purpose of each expenditure;
  - a description of the services or goods obtained by each expenditure;
  - the issue to which the expenditures relates; *and*
  - the name and address of, and office sought by, each candidate on whose behalf the expenditures were made. [§ 106.071\(1\), Fla. Stat. \(2018\)](#).

## Disclaimers:

- Disclaimers are required on all political advertisements, independent expenditures, electioneering communications, telephone calls, and miscellaneous advertisements.
- A “political advertisement” is a paid expression in any communications media that expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. [§ 106.011\(15\), Fla. Stat. \(2018\)](#).
- A political advertisement paid for by someone other than a candidate must:
  - be marked “paid political advertisement” or “pd. pol. adv.”;
  - state the name and address of the persons sponsoring the advertisement; *and*
  - state whether the advertisement was paid for in-kind or state who provided or paid for the advertisement and its production, if different from the source of sponsorship. [§ 106.143\(1\)\(c\), Fla. Stat. \(2018\)](#).
  - contain statement that the advertisement was approved by the candidate. [§ 106.143\(5\)\(a\), Fla. Stat. \(2018\)](#)
- The disclaimer on independent expenditures must read “Paid political advertisement paid for by (name and address of person paying for advertisement) independently of any (candidate or committee)” and must provide a statement to the communications medium which is publishing the advertisement that no candidate or committee has approved it. [§ 106.143\(5\)\(b\), Fla. Stat. \(2018\)](#).” This disclaimer is not required on any item with a retail value of less than \$10 that supports (but does not oppose) a candidate. [§ 106.071\(3\), Fla. Stat. \(2018\)](#).
- All electioneering communications, except telephone calls, must include a disclaimer that reads “Paid electioneering communication paid for by (name and address of person paying for advertisement).” [§ 106.1439\(1\), Fla. Stat. \(2018\)](#).
- Electioneering communications made by telephone call and telephone calls that support or oppose a candidate, elected public official, or ballot proposal must include the following statement: “Paid for by” or “Paid for on behalf of (name of persons or organizations sponsoring the call).” [§§ 106.147\(1\)\(a\), 106.1439\(2\), Fla. Stat. \(2018\)](#)). This disclaimer may be at the beginning or end of the call.
- A disclaimer is necessary on any telephone call – either live or automated – that supports or opposes a candidate, elected public official or ballot proposal unless the telephone call is a personal call between individuals who know each other and the person making the call is unpaid. [§ 106.147\(1\)\(a\), Fla. Stat. \(2018\)](#). Additionally, unless the telephone call is paid for by an independent expenditure, prior written authorization from the candidate or sponsor of the ballot proposal is required for a telephone call that expressly advocates for or against a candidate or ballot measure. The written approval must be placed on file with the qualifying officer by the candidate or sponsor before the call commences. [§ 106.147\(2\), Fla. Stat. \(2018\)](#). Any person or organization that conducts paid telephone calls supporting or opposing a candidate or elected public official must file a registered agent form with the Division

of Elections, including the name, address and telephone number of the registered agent (who must be resident of Florida, a domestic corporation or a foreign corporation authorized to do business in Florida) and the name, address and telephone number of the person or organization conducting the telephone calls. If person or organization is not registered to conduct business in they state, they must have and maintain a registered agent for at least 180 days following the cessation of such business activities in the state. [§ 106.1475, Fla. Stat. \(2018\)](#).

- “Miscellaneous advertisements” are those intended to influence public policy or the vote of a public official, and that are not political advertisements, electioneering communications, or independent expenditures. Such advertisements must include a clearly readable statement of sponsorship and, if televised, the statement must be verbal as well. Radio advertisements must include a verbal statement. [§ 106.1437, Fla. Stat. \(2018\)](#).

## COORDINATION

- Independent expenditures may not be coordinated. [§ 106.011\(12\)\(b\), Fla. Stat. \(2018\)](#).
- An expenditure for the purpose of expressly advocating the election or defeat of a candidate will be considered a coordinated communication and not an independent expenditure if the person or entity disseminating the communication engages in any of the following:
  - Communicates about, arranges, or directs the expenditure with the candidate, the candidate’s campaign, or any agent of the candidate, including any pollster or consultant working for the campaign;
  - Makes a payment in cooperation or consultation with the candidate, candidate’s campaign, a political committee organized to support the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign issue;
  - Pays to distribute or re-publish campaign material prepared by a candidate or the candidate’s campaign or consultants;
  - Makes expenditures based on information communicated to the person or committee by the candidate or the committee;
  - Makes payments for an independent expenditure or advertising campaign based on consultations about the candidate’s needs or plans, if those consultations are with a political party, or with the political party’s leaders, staff or consultants, if:
    - that party intends to make expenditures to or on behalf of the candidate; *and*
    - those consultations are made after the last day to qualify for statewide or legislative office;
  - Retains a consultant providing the same services to the candidate, in connection with the candidate’s campaign, after the last day to qualify for statewide or legislative office (*i.e.*, a person or PC is only allowed to employ the

consultant up until the last day of qualifying); or

- After the last day of qualifying for statewide or legislative office, consults about the candidate's plans, projects, or needs and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign with any political party that has made or intends to make expenditures to or on behalf of the candidate, any person whose professional services have been retained by the political party, any person who provides professional services to the candidate, or the candidate or the candidate's agent. [§ 106.011\(12\)\(b\), Fla. Stat. \(2018\)](#).
- Any expenditure made in violation of the coordination rules will be viewed as an excessive contribution if it exceeds the per-election contribution limit set forth in [§ 106.08, Fla. Stat. \(2018\)](#) and will subject the person or entity who made the expenditure and the candidate on whose behalf the expenditure was made to fines equal to three times the amount of the expenditure. [§ 106.19\(1\), \(2\), Fla. Stat. \(2018\)](#). If the expenditure does not exceed the per election contribution limit, it will be deemed an in-kind contribution to the candidate rather than an independent expenditure. Such an in-kind contribution will not violate the Election Code.
- Electioneering communications may be coordinated with candidate campaigns ([Florida Division of Elections Advisory Opinion, DE 05-04 \(2005\)](#)).
  - Such coordination may include sharing of campaign plans and needs, sharing of photos and printed information, use of common staff.

## OPERATING A COMMITTEE

### Registration and Reporting for PCs and ECOs

#### Political Committees:

- Definition – A political committee (“PC”) is any group of two or more individuals or a “person” other than an individual that accepts contributions or makes expenditures in excess of \$500 in a calendar year for the purpose of:
  - Making contributions to a candidate, PC, political party or affiliated party committee;
  - Expressly advocating the election or defeat of a candidate or passage or defeat of an issue; or
  - Making contributions to a common fund for purposes of making contributions to a candidate, PC, political party or affiliated party committee.
  - collecting signatures for the purpose of sponsoring a constitutional amendment.

[§ 106.011\(16\), Fla. Stat. \(2018\)](#).

- Registration – A PC must register with the appropriate filing officer:
  - A PC organized to support or oppose statewide candidates or issues registers with the Florida Division of Elections.
  - A PC organized to support or oppose countywide candidates or issues registers with the county’s Supervisor of Elections; and
  - A PC organized to support or oppose only municipal candidates or issues registers with the officer before whom municipal candidates qualify (usually the city clerk).

[§106.03\(3\), Fla. Stat. \(2018\).](#)

- To register, a PC:
  - Files a statement of organization using Division of Elections Form DS-DE 5, available at <http://election.dos.state.fl.us/forms/pdf/dsde5.pdf>;
  - Designates a treasurer, using Form DS-DE 6, available at <http://election.dos.state.fl.us/forms/pdf/dsde6.pdf> (); and
  - Appoints an in-state registered agent using Form DS-DE 41, available at <http://election.dos.state.fl.us/forms/pdf/DSDE41.pdf>.

[§§ 106.03\(2\), 106.022\(1\), 106.021\(1\), Fla. Stat. \(2018\).](#)

- Timing – A PC must register within 10 days of the later of the following two dates:
  - its organization; or
  - the date on which it has information that causes it to anticipate that it will receive contributions or make expenditures during a calendar year totaling more than \$500.

A PC that is organized within the last 10 days before an election must register immediately.

[§106.03\(1\)\(a\), Fla. Stat. \(2018\).](#)

### **Electioneering Communication Organizations:**

- Definition – An electioneering communication organization (“ECO”) is any group other than a political party or PC whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activity would not otherwise require the group to register as a political party or PC. [§ 106.011\(8\), Fla. Stat. \(2018\).](#) An ECO may *not* make express advocacy communications, *nor* may it contribute to a candidate, PC, or political party.
- Registration – An ECO must register with the appropriate filing officer:
  - An ECO organized to focus on *statewide* candidates or issues registers with the Florida Division of Elections;
  - An ECO organized to focus on *countywide* candidates or issues registers with the county’s Supervisor of Elections; and
  - An ECO organized to focus on only *municipal* candidates or issues registers with the officer before whom municipal candidates qualify (usually the city clerk).

[§106.03\(1\)\(b\)2, Fla. Stat. \(2018\).](#)

- To register, an ECO:

- Files a statement of organization using Division of Elections Form DS-DE 103, available at <http://election.dos.state.fl.us/forms/pdf/dsde103.pdf>;
  - Appoints an in-state registered agent using Form DS-DE 41, available at <http://election.dos.state.fl.us/forms/pdf/DSDE41.pdf>.
- [§§ 106.03\(2\), 106.022\(1\), 106.021\(1\), Fla. Stat. \(2018\)](#).
- Timing – An ECO must register within 24 hours of it receiving contributions or making expenditures in excess of \$5,000 in a calendar year. [§ 106.03\(1\)\(b\)1, Fla. Stat. \(2018\)](#).
  - ECOs are not as prevalent as they once were since now a PC may accept unlimited contributions and make electioneering communications but also have other powers which ECOs do not have.

### Operating a PC or ECO:

- PCs are limited to making \$3,000 contributions per election to statewide candidates and \$1,000 per election to non-statewide candidates. ECOs may *not* make contributions to candidates.
- PCs and ECOs may accept unlimited contributions.
- ECOs may coordinate their actions with candidates. Section 106.011(8)(c) Fla. Stat. (2018) notes that an expenditures for making an electioneering communication is not considered a contribution to a candidate and Subsection (d) of the statute states that electioneering communications are not independent expenditures and are not subject to the limitations applicable to independent expenditures. [Florida Division of Elections Advisory Opinion, DE 05-04 \(2005\)](#).
- In-state and out-of-state PCs are treated the same. An out-of-state PC that participates in Florida elections must register and report in Florida in exactly the same manner as an in-state PC. Within 10 days of raising or spending \$500, it must register with the appropriate Florida filing officer, submit reports on Florida forms, report electronically if the appropriate filing officer is the Division of Elections (supporting or opposing a statewide or multi-county candidate or ballot issue) and report all contributions and expenditures (this includes out-of-state contributions received if the contributions will be used to support or oppose a Florida candidate or ballot issue).
- PCs must deposit and disburse all funds through an account at a bank authorized to transact business in Florida. [§ 106.021\(1\)\(b\), Fla. Stat. \(2018\)](#). The account may be opened in a branch outside of Florida.
- All funds received by a PC must be deposited within five business days from the date of receipt. [§ 106.05, Fla. Stat. \(2018\)](#).

### Corporate support for affiliated PC:

- A corporation may pay for the administrative expenses of an affiliated PC. The expenses must be reported as in-kind contributions to the PC.

### Reporting for PCs and ECOs:

- All PCs and ECOs must file periodic reports with the appropriate filing officer. [§ 106.07, Fla. Stat. \(2018\)](#); [§ 106.0703, Fla. Stat. \(2018\)](#). PCs and ECOs file reports with the officer with whom the organization registers (depending on the jurisdictional level at which they are active). [§§ 106.07\(3\), 106.0703\(1\)\(d\), Fla. Stat. \(2018\)](#). However, an ECO that is registered with the Florida Division of Elections and makes an expenditure to influence 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 date as county or municipal candidates or committees for that election. [§ 106.0703\(1\)\(d\), Fla. Stat. \(2018\)](#).
- The disclosure reports must include:
  - Contributors: The name and address of each individual contributor, with the date and amount. For individuals who give more than \$100, the disclosure must include their occupation; for corporate contributors of more than \$100, the principal type of business they conduct must be reported. A PC receiving multiple uniform contributions aggregating no more than \$250 per calendar year which are collected by an affiliated sponsoring organization may report the aggregate amount of contributions, the number of members paying such contributions, and the total amount of the contributions. [§ 106.07\(4\)\(b\), Fla. Stat. \(2018\)](#). The identity of each person making a uniform contribution must be reported annually by July 1st of each year. [§ 106.07\(4\)\(b\), Fla. Stat. \(2018\)](#)
  - Transfers: Transfers from other committees, loans and in-kind contributions must be reported with the name and address of the committee.
  - Expenditures: The name and address of each person to whom an expenditure has been made as well as the amount, date and purpose of the expenditure must be included on the report.

Report also must include:

- the amount withdrawn and spent as petty cash;
- total expenditures for the reporting period;
- amount and nature of debts and obligations owed;
- copy of credit card statement;
- amount and nature of any separate interest-bearing accounts or certificates of deposits;
- name, address and office sought of each candidate to whom the committee has made a contribution to or on behalf of as well as the amount and date of the contribution; and
- the primary purpose of an expenditure for goods and services such as communications media placement or procurement services.

- **Reporting Schedule for candidates, PCs and ECOs registered with Division of Elections:**

- Reporting of statewide, district or multi-county election activity is required monthly.
- Monthly reports are due on the 10<sup>th</sup> day following the end of the calendar month; provided that if the 10<sup>th</sup> day occurs on a Saturday, Sunday or legal holiday, the report must be filed on the next day which is not a Saturday, Sunday or legal holiday.
- In addition to the monthly reports, beginning on the 60<sup>th</sup> day immediately preceding the primary election and each week thereafter through the 4<sup>th</sup> day immediately preceding the general election, weekly reports are required.
- On the 10<sup>th</sup> day immediately preceding the general election, and each day thereafter, with the last report due on the 5<sup>th</sup> day immediately preceding the general election, daily reports of previously unreported contributions received as of the previous day are required. [§ 106.07\(1\), Fla. Stat. \(2018\)](#)

- **Reporting Schedule for candidates, PCs and ECOs registered with a local filing officer:**

- Generally, monthly reporting is required in the same manner and on the same dates as is required for candidates, PCs and ECOs registered with the Division of Elections (see second bullet above)
- On the 60<sup>th</sup> day preceding the primary election and biweekly thereafter through the 4<sup>th</sup> day immediately preceding the general election, reports disclosing previously unreported contributions and expenditures must be filed on Friday of the end of the biweekly reporting period.
- On the 25<sup>th</sup> and 11<sup>th</sup> days before the primary election and the general election, reports disclosing previously unreported contributions and expenditures must be filed. [§ 106.07\(1\), Fla. Stat. \(2018\)](#)
  - Special and local elections may have different reporting schedules. Check Division of Elections website for special election schedules and municipal clerk or supervisor websites for local election reporting schedules.
  - Reports filed with the Florida Division of Elections must be submitted electronically using a PIN and password provided by the Division. [§ 106.0705, Fla. Stat. \(2018\)](#).
  - Campaign Finance Reports are posted on the Florida Division of Elections website, <http://election.dos.state.fl.us/>. The names of contributors are disclosed and the database may be searched by contributor name.

### **Terminating a PC or ECO:**

- To terminate a PC or ECO, submit a termination letter to the appropriate filing officer (state/multi-county – Division of Elections; county – Supervisor of Elections; city – city clerk (usually)) signed by the Chair announcing the termination effective on a specific date.

## LOCAL ENFORCEMENT AND PENALTIES

- Generally, a fine of \$1,000 per count may be assessed for violations. [§106.265, Fla. Stat. \(2018\)](#). However, in some instances criminal penalties and treble penalties may also be assessed. [§106.19, Fla. Stat. \(2018\)](#).

## CONTACT INFORMATION FOR STATE AND LOCAL AGENCIES

Florida Department of State, Division of Elections

<http://election.dos.state.fl.us.html>

Room 316, R.A. Gray Building

500 South Bronough Street

Tallahassee, Florida 32399-0250

Telephone: 850-245-6200, Fax 850-245-6260.

Contact Person: Kristi Reid Willis, Chief, Bureau of Election Records

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## FOR FURTHER ASSISTANCE

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