



# 2013 Legislative Changes & Other Issues Involving Campaign Finance

**Gary J. Holland**  
**Assistant Director, Division of Elections**  
**Department of State**  
**June 13, 2013**



# The New Law

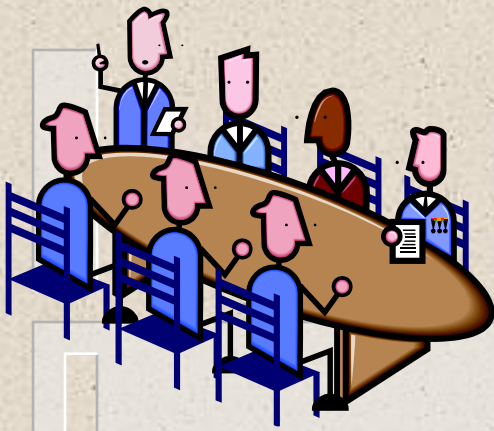


## House Bill 569

### Ch. 2013-37, Laws of Florida

**Effective Date: 11/1/2013**

**(Slides will specify if another date applies)**



# **Committees of Continuous Existence (CCEs) –**

**Repeal of s. 106.04, Fla. Stat.**

**Will not exist  
after 30 Sep 2013**

# CCE – Current Definition

A group, organization, association, or other entity **involved in making contributions** to candidates, PCs, or political parties, which:

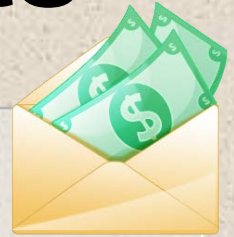
- 1) Is organized and operated IAW **written charter or bylaws** which contain procedures for elections of officers and membership;
- 2) At least **25% of income**, excluding interest, **comes from dues** of its members; and
- 3) Is certified by Division of Elections.



# CCEs – What can they currently do?

- CCE may exist for other purposes, but for political activities, it **may only make contributions to candidates, committees, ECOs, or political parties**
- May not make independent expenditures
- May not make electioneering communications
- Must register as a PC if makes expenditures to directly support or oppose issues.

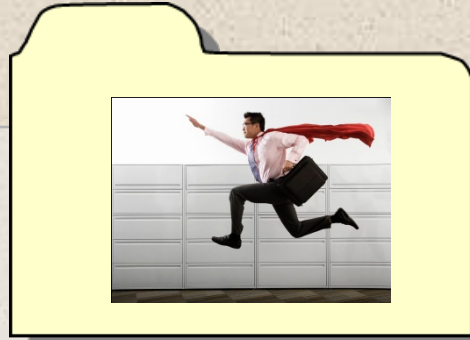
# CCEs – Contribution Limits



- **Contributions to the CCE:** No limit as long as requirements as CCE are maintained.
- **Contributions from the CCE:**
  - To candidate or PC supporting candidates: \$500 per election
  - To PC supporting issues: Not to exceed 25% of CCE's annual income as reported on prior year's annual report.
  - To ECO or political party: No limit

# New Law

- **Repeals s. 106.04** (law governing CCEs)
- **By 7/15/2012**, Division to provide notice to CCEs of new law
- **As of 8/1/2013**: CCEs may no longer accept contributions
- **As of 9/30/2013: CCEs certifications revoked by operation of law and CCE accounts must be at \$0**
- When dissolving, CCEs may make unlimited contributions to PC (regardless of PC type)



# Frequency of Filing Campaign Finance Reports



# New Law Increases Frequency

- **Quarterly to monthly:** All candidates, PCs, and ECOs. (1st monthly report due Nov 12<sup>th</sup>)



- **Beginning on 60<sup>th</sup> day before Primary, reports due:**

1. **Weekly** for a statewide candidate or a PC/ECO filing with the Division until 4<sup>th</sup> day before General Election.
2. **Bi-weekly** on Friday for any other candidate/PC/ECO until 4<sup>th</sup> day before General. Also, additional reports required on 25<sup>th</sup> and 11<sup>th</sup> days before Primary and General Elections.

# New Law – Daily Reporting

**Statewide candidate or PC filing with Division: Daily from 10<sup>th</sup> day, ending on 5<sup>th</sup> day before General**

**For ECOs filing with the Division: Daily from 10<sup>th</sup> day, ending on the day before General (excluding the 4<sup>th</sup> day before)**

**Daily reports only contain unreported contributions received as of the preceding day.**

# # of Candidate Reports under New Law



Candidate	Prior law	New law
■ Election Year (Jan 1 <sup>st</sup> thru General Election): if file w/		
– Division (statewide)	10	31
– Division (non-statewide)	10	20
– Supervisor of Elections	10	20
■ Non-Election Year (Jan 1 <sup>st</sup> thru Dec 31 <sup>st</sup> ): if file w/		
– Division (statewide)	4	12
– Division (non-statewide)	4	12
– Supervisor of Elections	4	12
➤ Termination reports not included in above numbers		



# Effect of New Reporting Schedule on Municipal Elections

**How does new reporting frequency apply to municipal elections?**

**(Remember: The expedited reporting begins 60 days before the “primary election” and goes through the 4<sup>th</sup> day before the “general election.”)**

**Answer:** Except for the normal monthly reports, the expedited reporting schedule only applies to the reports due on the 25<sup>th</sup>, 11<sup>th</sup>, and 4<sup>th</sup> day before the municipal election.

- **See DE 98-03:** Statutory provisions relating to campaign finance reports become problematic because municipalities do not hold primary elections; therefore, municipalities are to apply the Chapter 106 campaign finance reporting schedules to the extent possible.



# **New Provisions for Campaign Finance Reports**



# Person Running for Political Party Executive Committee

- **Current law:** Not a “candidate” - not subject to Chapter 106 reporting requirements.
- **New law (creates s. 106.0702, F.S.)**
  - Still not a “candidate.”
  - However, if such person receives contributions or makes expenditures, must file a single campaign finance report on the 4<sup>th</sup> day (Friday) before the Primary Election.
  - Same reporting requirements like for other candidates under s. 106.07, F.S.

# Reporting of “Dues” paid to a Political Committee

## ➤ New law (s. 106.07(4)(b), F.S.)

- Allows multiple, uniform contributions of less than \$250 per calendar year from the same person to be reported in the aggregate.
- The identity of each person making such uniform contribution must be reported to the filing officer by July 1 of each calendar year, or, in a general election year, no later than the 60th day immediately preceding the primary election.

# New Law: Reporting of “Dues” paid to a Political Committee

- Examples of how to report the dues:
- **100 members @ \$50 or \$.50/hour or \$.50/unit**

Contribution #:

2

Date: 11/30/2012

Amendment:

Last Name, Suffix:

100 MEMBERS @ \$0.05 PER HOUR

First, Middle Name:

Address:

City:

State:

Zip:

Contributor Type:

Other

Contribution Type:

Membership Dues

Occupation/Business:

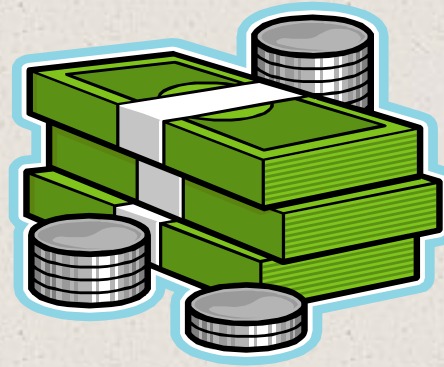
In-kind Description:

Amount:

872.93

Error Flag:



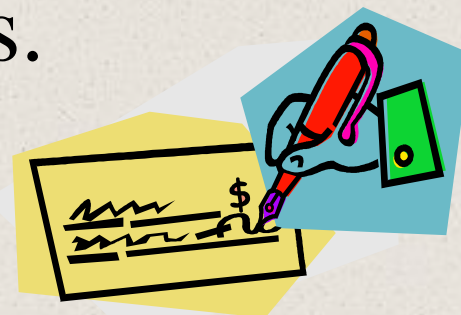


# Limits on Campaign Contributions

# Limits for Candidates

## (s. 106.08, F.S.)

- **Current law:** Except for political parties or affiliated party committees, no person, PC, or CCE may contribute more than \$500 per election to any candidate or PC supporting/opposing one or more candidates.



# Limits for Candidates

## (s. 106.08, F.S.)



**New law:** Except for political parties or affiliated party committees, no person or political committee may contribute in excess of the following amounts to any candidate:

- Statewide office or

- Supreme Court Justice: **\$3000 per election**

- All other candidates: **\$1000 per election**

**Remember: New law not in effect until 11/1/ 2013.**

# Limits for Political Committees

Contributions to Political Committees:

**Current law:** (s. 106.08, F.S.)

- \$500 if PC supported/opposed candidates (or both candidates/issues)
- Unlimited if only supported/opposed issues

**New law:** (repeals provision w/in s. 106.08, F.S.)

- **Unlimited contribution amount to any type of Political Committee**



# Limits for Political Committees

## (s. 106.08, F.S.)

Contributions from Political Committee to a Candidate:

**Current law: \$500**

**New law:**

Statewide office or Supreme Court Justice: **\$3000**

All other candidates: **\$1000**

# New Ethics Law re: Political Committees –

**New s. 112.31485, F.S.** (Ch. 2013-36, LOF, eff. 5/1/2013):

- \* A reporting individual or the individual's immediate family member is prohibited from knowingly accepting a gift from a political committee.
- \* A political committee is prohibited from giving any gift to a reporting individual or the individual's immediate family member.
- \* “Gift” is anything of value not primarily related to contributions, expenditures, or other political activities authorized under Ch 106.
- \* Civil penalty: 3 times the value of the gift.

# Limits for Political Parties

## (s. 106.08(2), F.S.)

Contributions from Political Party to a Candidate:

### Current law:

- Statewide candidate: \$250,000 aggregate from all party sources
- Other candidate: \$50,000 aggregate from all party sources

# Limits for Political Parties

Contributions from Political Party to a Candidate:

**New law (s. 106.08(2)(a), F.S.):**

- Statewide candidate: \$250,000 aggregate from all party sources & APCs (**No change**)
- Other candidate: \$50,000 aggregate from a county party executive committee + \$50,000 from all other party or APC sources (**New**)



# Limits for ECOs

**Contributions to ECO:** No limit – both current and new law.

**Contributions from ECO to a candidate:**  
ECOs may not contribute to a candidate\* – both current and new law.

\*ECOs exist only:

- To make expenditures to make electioneering communications; and
- To accept contributions for purpose of making electioneering communications.



# **Depository, Checks, and Debit Card Account Designation**

# Account Designations on Check/Debit Cards

(ss. 106.05 and 106.11, Fla. Stat.)

**Current Law:** Verbatim: “ ... (name of candidate or committee) ... Campaign Account.”

**New Law:** No verbatim wording; only requires account contain the name of the candidate or committee within it.



# Candidate Switching Office

**s. 106.021(1)(a), F.S.**

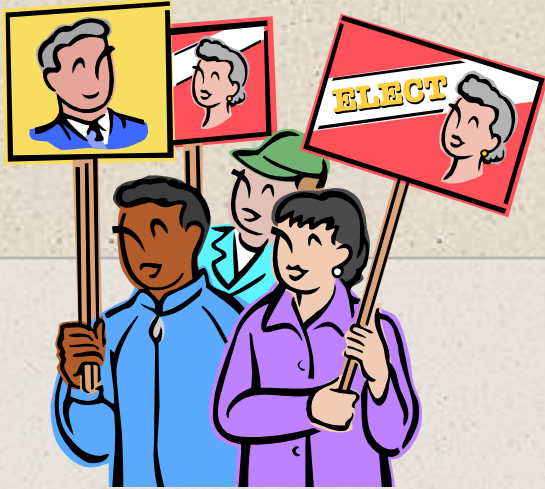




# Candidate Switching Office

**Current Law:** Candidate must offer *pro rata* refund to contributors. Permits candidate to collect max \$500 for original office and then use any amount not requested to be returned and up to another \$500 contribution for the new office; thereby, exceeding the \$500 limitation. (*e.g., see* DE 93-07)

**New Law:** The amount of the prior contribution for former office counts toward contribution limit for new office. (s. 106. 021(1)(a), F.S.)



# **3-Pack Advertisements**

**s. 106.0211(3)(d) Fla. Stat.**



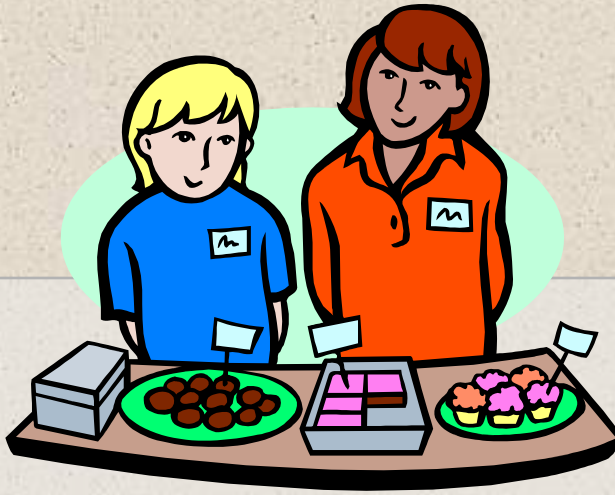
# 3-Pack Advertisement

(s. 106. 021(3)(d), F.S.)

**Defined:** The cost for obtaining time, space, or services in any communications medium jointly endorsing 3 or more candidates is not considered a contribution or expenditure on behalf of such candidates.

**Current law:** Applied to political parties, APCs, and political committees.

**New law:** Applies only to political parties and APCs.



# Campaign Fund Raisers Advertisements & Tickets



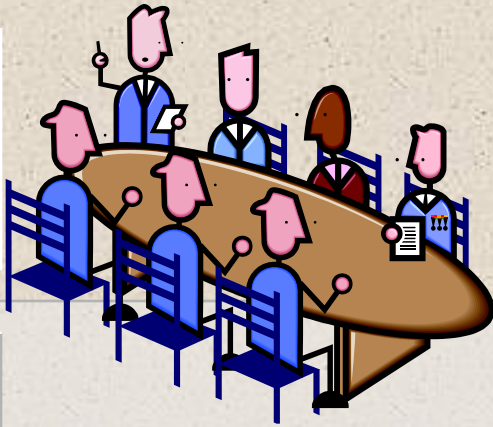
# Campaign Fund Raiser

(s. 106.025(1)(c), F.S.)

**Defined:** Any affair held to raise funds to be used in a campaign for public office.

**Current law:** Since 2011, tickets and advertising were exempt from political disclaimer requirements of s. 106.143, F.S.

**New law:** Campaign fund raiser advertisements and tickets must comply with the political disclaimer requirements of s. 106.143, F.S.



# Political Committees (PCs) – ss. 106.011(1) and 106.03, Fla. Stat.

# Political Committees – Defined – no change in the law



- A combination of 2 or more individuals, or a “person” other than an individual (*e.g.*, a business entity, law firm, etc.), that, in an amount > \$500 in a calendar year:
- Accepts contributions to give to candidates, PCs, CCEs, APCs, or political parties; or
- Accepts contributions or makes expenditures for purpose of “**expressly advocating**” the election/defeat of candidate or issue.

# Political Committee - Defined

Also, a PC =

- The sponsor of a **proposed constitutional amendment by initiative** who intends to seek the signatures of registered electors.





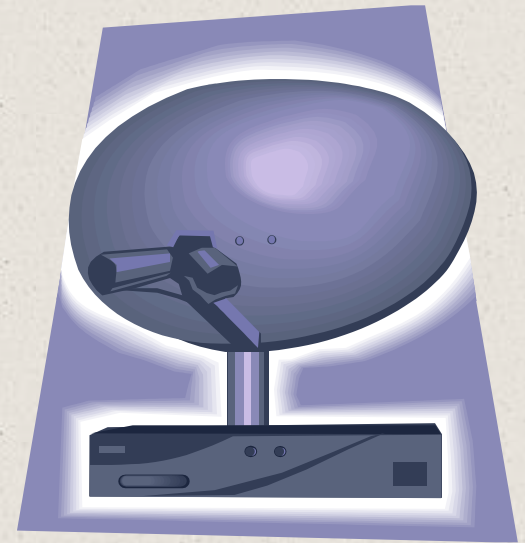
# PCs – What can they do?

## (No change to current law)

- Accept contributions to **contribute to candidates, other PCs, APCs, or political parties.**
- Accept contributions & make expenditures for purpose of **expressly advocating** the election/defeat of candidate/issue.
- Make **independent expenditures**
- Make **electioneering communications** (if the PC supports candidates)

# **Electioneering Communication Organizations (ECOs)**

*(see ss. 106.011(19), 106.03, and  
106.0703, F.S.)*



# Definition (s. 106.011(19), F.S.)

## (No change to current law)

- **ECO** = any group (not a political party, APC, PC, or CCE), whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for purpose of making electioneering communications and whose activities would not require them to register as a political party, PC, or CCE.
- **Key:** ECOs are limited to being involved with “electioneering communications” – ECOs may not “expressly advocate.”





# Electioneering Communication

Defined (s. 106.011(18), F.S.) - **no changes**

- ❑ Any communication publicly distributed by a TV station, radio station, cable TV system, satellite system, newspaper, direct mail, or telephone that:
  - ❑ refers to or depicts a clearly identified candidate without expressly advocating for/against a candidate's election/defeat **BUT** is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; and



# Electioneering Communication

## – Defined (continued)

- ❑ Is made within 30 days before a primary/special primary, or 60 days before any other election for office sought by the candidate; and
- ❑ Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

# Statutory Exceptions to ECs

(No change to current law)

- Communication that is an editorial endorsement or any news story by the media
- Communication that = a public debate or forum with at least two opposing candidates or opposing sides on an issue
- An already existing organization's newsletter distributed only to members of the organization





# ECOs – Where to File?

(No change to current law)

- **Division of Elections** – for statewide, legislative, or multicounty election
- **Supervisor of Elections** – for county or less than county (except municipal) election
- **Municipal Clerk** – for municipal election

**If ECO required to file in 2 or more locations, need only file with Division of Elections.**





# ECOs – When to File?

(s. 106.03, F.S. – No change to current law)

## 2 possible initial filing times:

1. If makes expenditures for EC > \$5000 during the “30/60-day” window, it must register as an ECO within 24 hours of making such expenditures; or
2. If makes expenditures for EC > \$5000 before the “30/60-day” window, it must register as an ECO within 24 hours after the beginning of the “30/60-day” window.



# ECOs – What Can They Do?

(No change to current law)

- Activities strictly are limited to electioneering communications
- May contribute to other ECOs
- May not contribute to candidates, PCs, or political parties
- May not expressly advocate; thus, may not make independent expenditures

**NOTES: (1) ECOs may use regular organization's checking account; need not designate a campaign depository, but must have a treasurer to file reports.**

**(2) May not use credit cards (s. 106.0703(8), F.S.).**

# ECOs – Contribution Limits

(No change to current law)

- **Contributions to the ECO:** No limit
- **Contributions from the ECO:** No limit, but remember its “election-related activities” must only be for electioneering communications
  - **Therefore: ECO is limited to making its own electioneering communications or contributing to other ECOs**
  - **ECOs cannot contribute directly to candidates.**



# **Candidate Contribution Limits**

**-- A few Items**





# Contribution Limitations (s. 106.08, F.S.)

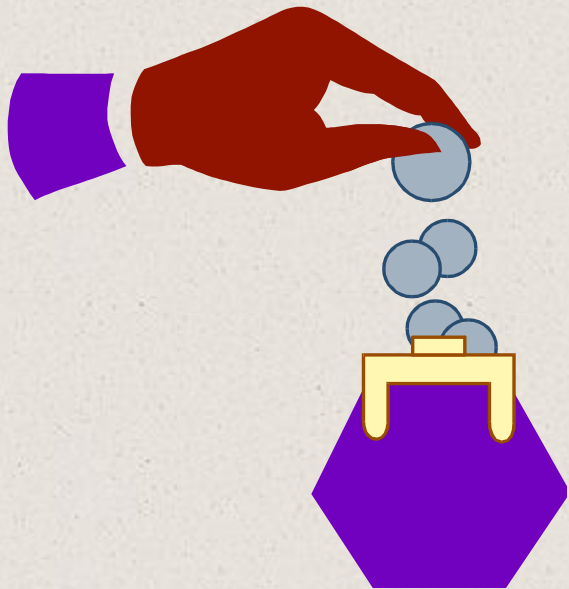
## New law:

Deletes prohibition that an unemancipated child under the age of 18 years of age may not give  $>$  \$100 per election.



# Cash Contributions - Limitations

(s. 106.09, F.S.) (No changes from current law)



**Cash** contributions and contributions by **cashier's check** to a candidate may not exceed **\$50** in the aggregate per election per contributor.

**Note: Money orders and travelers checks are not considered “cash.”**

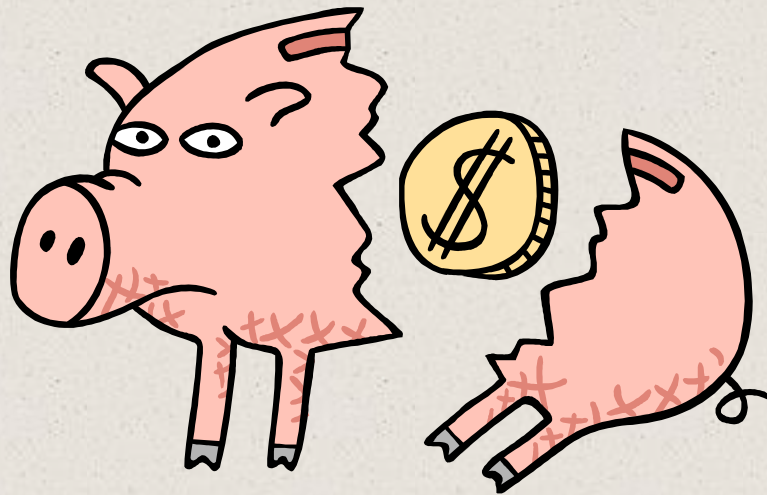
# Contributions

(s. 106.08, F.S.) -- No Change to Current Law

- Any contribution received by an opposed candidate, their treasurer, or deputy treasurer less than five days prior to an election must be returned.



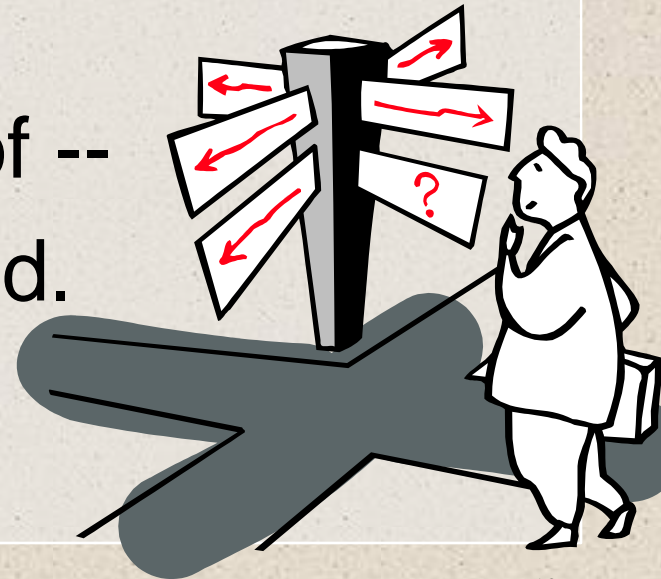
# Disposition of Surplus Funds



# Termination Reports

(s. 106.141, F.S.) – No change to current law

- A termination report must be filed **within 90 days** of withdrawing as a candidate, becoming unopposed, elected, or eliminated.
- Funds must be disposed of -- account need not be closed.





# After the Campaign

(s. 106.075, F.S.)

**Loan Report** - A person who is elected to office must report all loans, exceeding \$500 in value, made to him or her and used for campaign purposes, made within the 12 months preceding his or her election to office, to the filing officer, within 10 days of being elected.

**(No change to current law.)**



# After the Campaign

(ss. 106.11 & 106.141, F.S.)

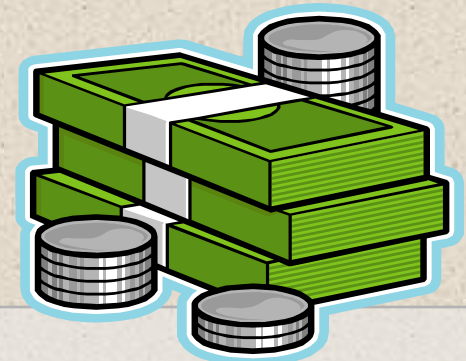
Once a candidate becomes unopposed, elected, eliminated or withdraws, the individual may only expend funds for the following:

- ❑ Purchase thank-you advertising (for up to 75 days).
- ❑ Pay for items obligated.
- ❑ Pay for expenditures necessary to close down the campaign office and to prepare final report.
- ❑ Pay candidate back, in full or in part, for any contributions contributed to own campaign

**(No change to current law.)**

# After the Campaign

(s. 106.141(6), F.S.)

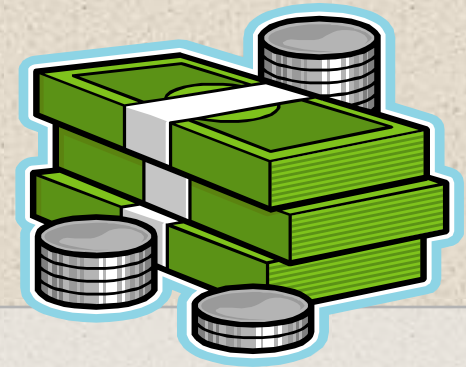


- **Current law:** If candidate qualified by the petition method and has surplus funds, the candidate must
  - First, pay any **petition verification fees** that were waived if filed an undue burden oath;
  - Thereafter, if surplus funds remain, the candidate must reimburse the 1% **election assessment fee** to the filing officer prior to disposing of the surplus funds (even if did not file undue burden oath).



# After the Campaign

(s. 106.141(7), F.S.)



- **New law:** If candidate qualified by the petition method and has surplus funds, the candidate must pay any **petition verification fees** that were waived due to filing an **undue burden oath**.
- **Eliminates any reimbursement for a waived election assessment.**



# Disposing of Surplus Funds

(s. 106.141(4), F.S.)

Can dispose of by any combination of:

1. **Return contributions pro rata** to each contributor.

2. **Donate funds to a charitable organization or** an organization that meets the qualifications of s. **501(c)(3)** of the Internal Revenue Code.

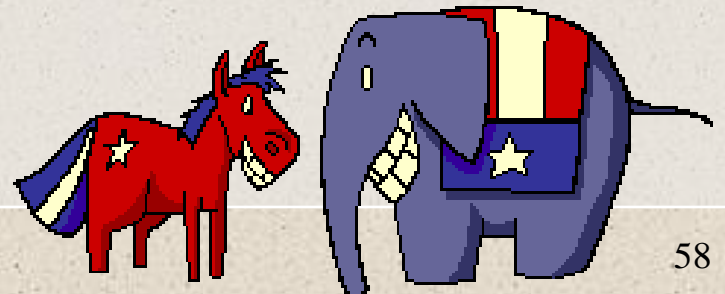
*(continued on next slide)*

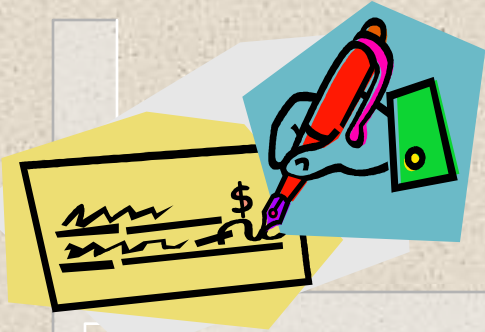


# Disposing of Surplus Funds

(ss. 106.141(4) & (5), F.S.)

3. Give funds to applicable **general revenue fund**.
4. Give funds to candidate's **political party or to APC. (New law limits amount given to the party to NMT \$25,000)**
5. For those candidates who were elected, transfer funds to an **office account**.

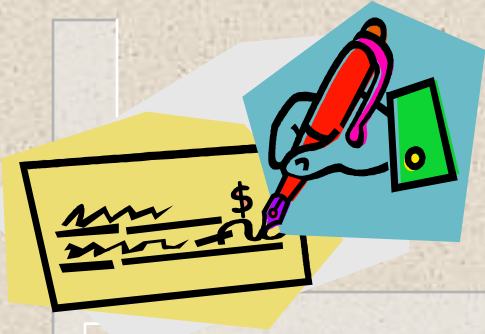




# Office Accounts

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

- **Maximum allowable amount is based upon elected office** (*see* s. 106.141(5), F.S.) – **New law has increased the amounts!**
  - **Statewide office: \$50,000**
  - **Multicounty office: \$10,000**
  - **Legislative: \$10,000 x # of years in term**
  - **County or lesser office: \$5,000 x # of years in term**
  - **Supreme Court: \$6,000**
  - **Other judges: \$3,000**



# Office Accounts

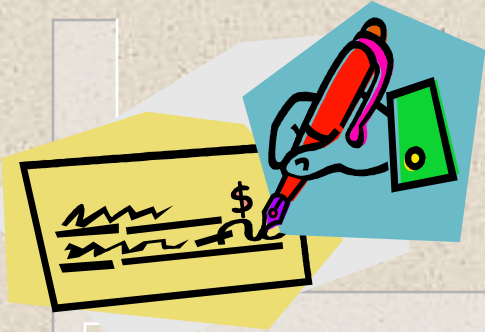
(s. 106.141(5), FS)

**May only be used for legitimate expenses in connection with public office**

**Current law's sample legitimate expense:**

- Travel
- Personal taxes payable on office account funds
- Expenses incurred in operation of the office





# Office Accounts

(s. 106.141(5), FS)

**New law expands the listing of sample legitimate expenses, to include:**

- **CPA or attorney services for preparation of financial disclosure filing**
- **Costs for holiday cards or newsletters to constituents re officer's official business (may be not be political advertisement)**
- **Fees or dues to religious, civic, or charitable orgs to which officer is a member**
- **Items of modest value for use at a constituent's special event or family occasion**
- **Personal expenses of officer attending a constituent event where public policy is discussed (limited to 1 per week)**

# Office Accounts

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



- **Official must file reports** on the 10<sup>th</sup> day following the end of the quarter until all funds are gone.
- **Upon leaving office**, official must give the remaining funds to:
  - A 501(c)(3) charitable organization; or
  - Applicable gov't general revenue fund
  - **New law**: Officer may use funds to pay for CPA or attorney for preparation of final report.

# Carryover to New Campaign

(s. 106.141(6), F.S.) – NEW

- **New law permits a candidate elected to state office to retain up to \$20,000 in campaign account (or in interest bearing account or certificate of deposit) for use in next campaign for the same office.**
- **All reporting requirements applicable to candidate campaign funds exist for the retained funds.**
- **If candidate does not subsequently qualify for the same office, the retained funds must be disposed of within 90 days of the last day of qualifying per disposal requirements in s. 106.141(5), F.S.**



# Political Organizations

## Disposition of Surplus Funds

- Disposition of funds upon termination of the organization for PCs and ECOs must be stated in the Statement of Organization at the time of their registration. (s. 106.03, F.S.)
- Note: Statement of Organization can be amended at any time.

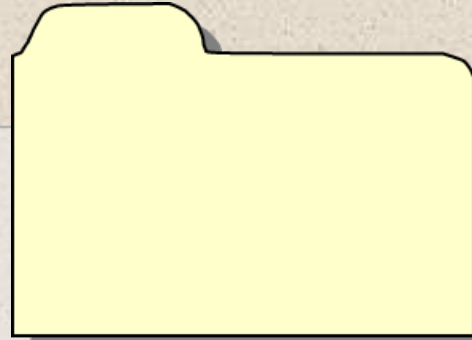
**(No change to current law.)**



# Mandatory Statewide Electronic Filing System

Division must submit to the Legislature by December 1, 2013:

- A proposal for a mandatory statewide electronic filing system
- For all state and local campaign filings required by s. 106.07, s. 106.0703, or s. 106.29.



# **SOE role regarding campaign finance reports:**

# Late Reports (s. 106.07(8)(b), F.S.)

- Filing officer has no discretion with regard to fine. See DE Opinion 00-04
- Filing officer required to:
  - Notify the candidate/chairperson of the fine
  - Notify the FEC if the fine is not paid
- Filing officer may:
  - Once a final order is entered by the FEC, the filing officer has the discretion to file an enforcement action in circuit court to collect fine.

# Calculating Fines

## (s. 106.07(8)(b), F.S.)

- Calculation of fine begins the day after the report due date even if it is a Saturday, Sunday or a holiday, and includes the day of filing.
  - Example: A report due on Friday that is not filed until Tuesday is 4 days late.
  - See DE Opinion 91-07
- Note : There is no automatic fine for a **waiver**.



# Calculating Fines (cont.)

- For all reports except the report immediately preceding the primary or general election and the termination report:
  - \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day,
  - BUT fine is not to exceed:
  - 25% of the total receipts or expenditures, whichever is greater.
  - “whichever is greater” modifies both words: “receipts” & “expenditures.” Take 25% of the one that is greater.

# Calculating Fines (cont.)

- **For reports immediately preceding the primary or general election:**
  - \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater.
- **For termination Report:**
  - \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater (does not increase to \$500 after the 3<sup>rd</sup> day.)

# Calculating Fines – Example 1

- Monthly report filed 4 days late.
  - Expenditures were \$5000 / Receipts were \$10,000
- Fine under daily calculation = \$650
  - [ $\$50 \times 3 \text{ days} + \$500 \times 1 \text{ day} = \$650$ ]
- Fine under 25% rule = \$2,500
  - [ $25\% \times \$10,000 = \$2,500$ ]

**In this scenario, the fine would be assessed under the daily calculations.**

# Calculating Fines – Example 2

- Monthly report filed 4 days late.
  - Expenditures were \$1,000 / Receipts were \$500
- Fine under daily calculation = \$650
  - [ $\$50 \times 3 \text{ days} + \$500 \times 1 \text{ day} = \$650$ ]
- Fine under 25% rule = \$250
  - [ $25\% \times \$1,000 = \$250$ ]

**In this scenario, the fine would be assessed under the percentage calculation.**



# Fine payment

- **Candidates:**

- May not pay fine with campaign funds.
- May be paid by someone else.

- **Political Committees/ ECOs:**

- May be paid with committee funds, but not required to be.
- Officers are not personally liable for fines.

- **Fines collected are deposited in the county or city general revenue fund.**

# Incomplete Reports

## (s. 106.07(2)(b), F. S.)

- Division does completion and compliance reviews of all reports filed.
- **Completion** – A review to determine that all information required by 106.07, FS is provided.
- **Compliance** – A review to determine that activity is reported correctly, limits not exceeded, correct coding is used, etc. May require a written explanation to be submitted to filing officer to place in candidate/committee account.

# Common Completion Errors

- The word “Confidential” used in place of an address.
- Generic phrase in occupation field such as “business person.”
- Vague or no description of in-kind contribution.
- Dues listed incorrectly – # of members or amount per member not reported.
- Office sought not reported when contribution given to candidate

# Common Compliance Errors -1

- Contribution received / expenditure made prior to becoming a candidate.
- Contribution limits exceeded.
- Refund of expenditure reported as a contribution.
- Refund of contribution or returned check reported as expenditure.
- Joint contributions – Bob and Sue Smith
- Petty cash spent in increments greater than \$100
- Petty cash withdrawals in excess of limits per week or quarter.



# Common Compliance Errors -2

- Reporting petty cash withdrawn without reporting petty cash spent or vice versa.
- Incorrect expenditure/contribution codes used.
- Anonymous contributions – explanation for file
- Reimbursements or prepaid expenses not itemized.
- Payment to a credit card company (other than statewide candidate).
- Activity reported in wrong cover period.

# Common Termination Report Errors

- Not using correct codes:
  - TOA – transfer to office account
  - DIS – disposing of surplus funds
- Improper post election use of funds
- Failing to pay petition verification fees
- Termination report reflects a balance or deficit
- Contributions received after the deadline.

# Reporting FAQs

- **How do I report Paypal (or other online) contributions?**
  - Report as a check;
  - Report entire amount as a contribution;
  - Report transaction fee as an expenditure
  - Date of receipt is when money is swept into bank account; not date transaction made by contributor. DE Opinion 08-07

# Reporting FAQs

- **For purposes of reporting a contribution on a campaign report, what is the appropriate date to use?**
  - Contributions are considered received for reporting purposes when received by the candidate, the campaign or deputy treasurer or an agent of the campaign.
  - Not when mailed.
  - Not date of check.



# Reporting FAQs

- **Can the candidate be reimbursed for in-kind contributions when the campaign is over? YES**
  - Can be reimbursed for both monetary and in-kind contributions.
  - In-kind contribution is reimbursed in the amount of the fair market value placed on the item when it was reported.

# Qualifying: Ethics Financial Forms (CE Forms 1 and 6)

**New law:** SB 2 [Ch. 2013-36, LOF],  
**effective May 1, 2013.**



# CE Form 6 (s. 112.3144(2), F.S.)



- When a candidate qualifies prior to deadline for filing the full and public disclosure of statement of financial interests (CE Form 6) with the Commission on Ethics, the disclosure filed with the qualifying officer satisfies the annual disclosure requirements.
- **New Requirement:** When a candidate has qualified for office, the qualifying officer shall forward an electronic copy of the CE Form 6 to the Commission on Ethics **NLT July 1. Email a scanned copy of CE Form 6 to the Commission at: [Disclosure@leg.state.fl.us](mailto:Disclosure@leg.state.fl.us)**
- A candidate who does not qualify until after the CE Form 6 is due (July 1) shall file the form with the Commission.

# CE Form 1 (s. 112.3145(2), F.S.)



- When a candidate qualifies prior to deadline for filing the statement of financial interests (CE Form 1) with Commission on Ethics, the statement filed with the qualifying officer satisfies the annual disclosure requirements.
- **Issue for SOEs:** If municipal candidate qualifies with City Clerk, the filing of the Form 1 satisfies the Ethics filing requirements; however, the SOE is the filing officer for the financial statements. How will SOE know that person has filed? (**Suggestion:** SOE should develop a procedure for city clerks to provide SOE a copy of the Form 1.)



# CE Form 1 (s. 112.3145(1), F.S.)



- New law mandates **additional Form 1 filers**:
  - Community Redevelopment Agency board members;
  - Finance directors of counties, municipalities, or other political subdivisions;
  - Criminal Conflict and Civil Regional Counsel; and
  - Assistant Criminal Conflict and Civil Regional Counsel.

# Ethics Complaints



## Prior law:

Complaint against a candidate may not be filed or disclosed 5 days before a special, primary, or general election.

## New law (s.112.324(2), F.S.):

Complaint against a candidate may not be filed or disclosed 30 days before a special, primary, or general election unless the complaint is based upon personal information or information other than hearsay.

# Ethics Training



## **New law (s. 112.3142, F.S.):**

All constitutional officers (definition of which includes supervisors of elections) must receive a minimum of 4 hours of training annually that addresses:

- Government in Sunshine law
- Code of Ethics for Public Officers and Employees
- Public Records law
- Open Meeting laws.

# CONCLUSION

■ Forms, publications, and answers to many Chapter 106 questions can be found on the Division of Elections' website:

<http://election.myflorida.com>





# Department of State

