2014 Public Campaign Financing Handbook

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Florida Department of State
Division of Elections
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Chapter 1: Explanation

The information contained in this publication is intended as a quick reference guide only and is current upon publication. To the extent that this handbook covers material beyond that contained in law or rule, the Division of Elections (Division) offers such material to candidates as guidelines. Chapter 106, Florida Statutes, the Constitution of the State of Florida, Division opinions and rules, Attorney General opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding campaign financing.

Please direct any questions about the state's campaign matching funds program to the Division at (850) 245-6240.

Chapter 2: Public Campaign Financing

What is Public Campaign Financing?

In 1986, the Florida Legislature found that the costs of running an effective campaign for statewide office had reached a level tending to discourage persons from running for office. Public financing laws were enacted to encourage qualified persons to seek statewide office who may not otherwise do so and to protect the effective competition by candidates using public funding.

(Section 106.31, Fla. Stat.)

Eligible Candidates

A candidate for the office of Governor (Governor and Lieutenant Governor candidates are considered a "single" candidate for public campaign financing purposes) or member of the Cabinet who desires to receive public campaign financing must, upon qualifying for office, file a request with the Division on Form DS-DE 98, Candidate for Governor or Cabinet Officer Request for Contributions. This form is available on the Division's website at:

http://election.dos.state.fl.us/forms/index.shtml

To be eligible to receive public campaign financing a candidate must:

1. Not be an unopposed candidate;

2. Agree to abide by the expenditure limits provided in Section 106.34, Florida Statutes;

3. Raise contributions as follows:

A. $150,000 for Governor candidates; or

B. $100,000 for Cabinet candidates;

Contributions from individuals who are not state residents may not be used to meet the threshold amount.

4. Limit loans or contributions from the candidate's personal funds to $25,000 and contributions from national, state, and county executive committees of a political party to $250,000 in the aggregate, which loans or contributions shall not qualify for meeting the threshold amounts as shown above;

5. Submit to the Division at each reporting period, documentation for matchable contributions.

6. Submit to a post-election audit of the campaign account and financial records by the Division.

(Section 106.33, Fla. Stat., and Rule 1S-2.047, Fla. Admin. Code)

Expenditure Limits

Candidates who request public campaign financing must limit total expenditures. The expenditure limits for the 2014 election cycle are as follows:

Governor and Lieutenant Governor: $25,067,768 ($2.00 for each Florida-registered voter); or

Cabinet Officer: $12,533,884 ($1.00 for each Florida-registered voter).

"Florida-registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division shall certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date. This number was 12,533,884 on June 30, 2013.

Candidates who have primary election opposition only must limit total expenditures to 60 percent of the total limit. Expenditure limits do not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

(Section 106.34, Fla. Stat., and Rule 1S-2.047, Fla. Admin. Code)

Voluntarily Abiding by Public Campaign Financing Limits

Each candidate who has not made a request to receive public campaign financing, but wishes to voluntarily abide by the expenditure limits in Section 106.34, Florida Statutes, and the contribution limits in Section 106.33, Florida Statutes, must file a statement to this effect with the Division, at the time of qualifying for office, on Form DS-DE 90, Irrevocable Statement to Voluntarily Abide by the Expenditure Limits and Contribution Limits on Personal and Party Funds. This form can be found on the Division's website at:

http://election.dos.state.fl.us/forms/index.shtml

If a candidate files Form DS-DE 90 and subsequently exceeds the limits, he or she must pay an amount equal to the amount of the excess contributions or expenditures to the state. This penalty is not an allowable campaign expense and must be paid from personal funds of the candidate.

However, if a nonparticipating candidate exceeds the expenditure limit, a candidate who signs the voluntary statement may exceed the applicable expenditure limit to the extent the nonparticipating candidate exceeded the limit without being subject to a penalty.

(Section 106.353, Fla. Stat., and Rule 1S-2.047, Fla. Admin. Code)

Nonparticipating Candidate Exceeding Limits

When a candidate who has chosen not to participate in public financing exceeds the expenditure limit in Section 106.34, Florida Statutes, all opposing participating candidates are (notwithstanding the provisions of Section 106.33, Florida Statutes, or any other provision requiring adherence to such limit):

1. Released from such expenditure limit to the extent the nonparticipating candidate exceeded the limit;

2. Still eligible for matching contributions up to such limit; and

3. Not required to reimburse any matching funds provided pursuant thereto.

Unenforceable Provision

Although Section 106.355, Florida Statutes, provides that within seven days after a request by a participating candidate, the Department of State shall provide the candidate with funds equal to the amount by which the nonparticipating candidate exceeded the expenditure limit, not to exceed twice the amount of the maximum expenditure limits specified in Section 106.34(1)(a) and (b), Florida Statutes, and such funds are not considered matching funds, the Department of State is permanently enjoined from implementing, operating, or enforcing this provision. (Scott v. Browning, Case No. 4: 10 cv 283- RH/WCS, N.D. FLA (June 28, 2011)

(Section 106.355, Fla. Stat., and Rule 1S-2.047, Fla. Admin. Code)

Penalties and Fines

In addition to any other penalties which may be applicable under the election code, any candidate who receives public campaign financing and who exceeds the applicable expenditure limit (except as authorized in Sections 106.353 and 106.355, Florida Statutes) or falsely reports qualifying matching contributions and thereby receives public campaign financing to which he or she was not entitled shall be fined an amount equal to three times the amount at issue.

(Section 106.36, Fla. Stat., and Rule 1S-2.047, Fla. Admin. Code)

Chapter 3: Distribution of Funds

Distribution of funds shall be made beginning on the 32nd day prior to the primary and every seven days thereafter (See Appendix D). Distributions are based on verified matching contributions as shown on campaign finance reports, required to be filed by Section 106.07(1)(a), F.S., listing the contributions received after September 1 of the calendar year prior to the election.

The Division will review each request for contributions and certify to the candidate whether or not he or she is eligible. An adverse decision may be appealed to the Florida Elections Commission (see Rule 2B-1.006, Fl. Admin. Code).

Once certified, the candidate is entitled to receive the distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in Section 106.33(2), Florida Statutes, and received after September 1, 2013, distribution shall be on a two-to-one basis.

2. For all other qualifying matching contributions (after the threshold is reached), distribution shall be on a one-to-one basis.

3. There is no match for contributions received on or before September 1, 2013.

Qualifying matching contributions are contributions of $250 or less made after September 1, 2013, from an individual who is a state resident at the time of making the contribution. In determining the amount of the match, the following are applicable:

1. Aggregate contributions from an individual in excess of $250 made after September 1, 2013, will be matched only up to $250.

2. Only contributions by Florida residents shall be considered for the match. For this purpose, a registered voter in Florida is considered a Florida resident.

3. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement.

4. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

The certification and distribution of funds are based on contributions reported by the candidate to the Division. The Division reviews each report and verifies the amount of funds to be distributed prior to authorizing the release of funds.

Notwithstanding the provisions of Section 106.11, Florida Statutes, a candidate who is eligible for a distribution of funds based upon qualifying matching contributions received and certified to the Division on the report due on the 4th day prior to the election may obligate funds (not to exceed the amount which the campaign treasurer's report shows the candidate is eligible to receive) without the funds actually being on deposit in the campaign account.

(Section 106.35, Fla. Stat., and Rule 1S-2.047, Fla. Admin. Code)

First Distribution

The first distribution of funds will be based on campaign finance reports required to be filed on or before the 60th day before the primary election.

Second Distribution

The second distribution of funds will be based on campaign finance reports required to be filed after the 60th day but no later than the 32nd day prior to the primary election.

Subsequent Distributions

Each subsequent distribution of funds will be based on the prior week's timely filed report or reports.

Distribution of funds based on untimely documentation or reports, amended reports, or supplemental documentation will be distributed no later than the weekly cycle occurring three weeks after receipt of such documentation or report.

(Section 106.35, Fla Stat., and Rule 1S-2.047, Fla. Admin. Code)

Chapter 4: Campaign Reports and Supporting Documentation

A statewide candidate required to file reports with the Division must file monthly campaign finance reports AND 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.

Electronic Filing

All candidates who file campaign treasurer's reports with the Division must file reports in electronic format by means of the Internet by either keying in the detail data via the web pages or uploading an electronic file that meets the Division's file specifications pursuant to Section 106.0705, Florida Statutes.

(Sections 106.0705 and 106.0706, Fla. Stat., and Rule 1S-2.047, Fla. Admin. Code)

Timely Filing of Reports and Documentation

For eligible matching funds candidates, a report and supporting documentation is timely if it is received by the Division by 12:00 noon, Eastern Time, on the date it is due. (See Appendix E.) A report or documentation received after 12:00 noon, Eastern Time, on the due date is deemed late for matching fund purposes and any eligible matching funds will be distributed no later than the weekly cycle occurring three weeks after receipt of such report or documentation.

(Rule 1S-2.047, Fla. Admin. Code)

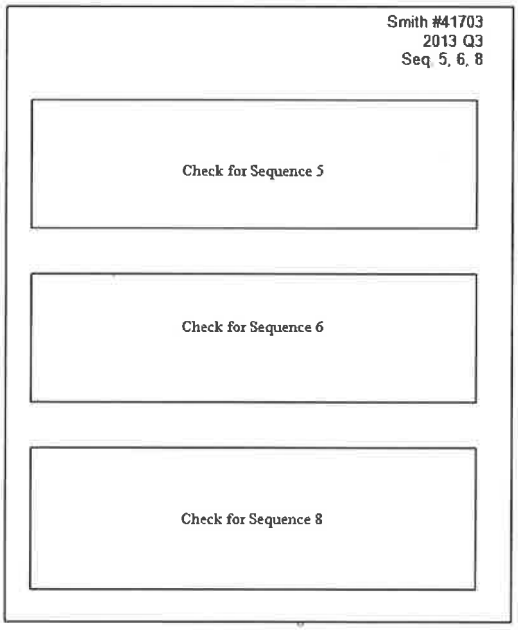
Documentation

Documentation may be submitted in paper or electronic format. Documentation that does not meet the requirements of Rule 1S-2.047(4), Florida Administrative Code, will not be processed and the candidate will be notified by the Division.

Documentation must be arranged by report and provided in sequence order beginning with the smallest sequence. Do not provide documentation for sequences that do not contain a contribution eligible for the threshold requirements or a matchable contribution. Documentation for more than one sequence may appear on a page, however, it must appear in sequence order.

Paper documentation must be submitted on 8 ½ by 11 paper. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format. The top, right portion of each page must include the candidate's last name, candidate identification number, the report name, and the contribution sequence number or numbers to which the documentation pertains.

Example:



Electronic submission of documentation must be done via a separate file for each corresponding contribution report. The file name for the electronic submission must contain the candidate's last name followed by the type of report (e.g., JonesF1, SmithG2, etc.),

unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the filename. The documentation must clearly identify the contribution sequence number or numbers to which the image pertains. All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.

Contribution Documentation

In order to verify contributions, the Division must receive the following documentation:

A. For a contribution made by check or cashier's check, a copy of the check or cashier's check;

B. For a contribution made by credit or debit card, a copy of the credit or debit card receipt;

B. In-kind documentation (a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution, and the fair market value of the contribution);

C. For a cash contribution, a copy of the bank deposit slip.

(Rule 1S-2.047, Fla. Admin. Code)

Missing or Incomplete Information

If information in a campaign treasurer's report related to a matchable contribution is missing, incomplete or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division.

(Rule 1S-2.047, Fla. Admin. Code)

Amendments

If a candidate requesting matching funds amends a previously filed report, any adjustment, to the candidate's distribution will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

(Rule 1S-2.047, Fla. Admin. Code)

Appendices

Appendix A

Frequently Asked Questions

Question 1: If I receive a check drawn on a joint checking account in the amount of $3,000[1], and only one person signs the check, can I attribute the contribution to both signatories on the account?

Answer: No, the contribution is considered to be from the person signing the check; and, therefore, only $250 of the $3000 can be attributed to the candidate for matching fund purposes. (Section 106.35(2)(b), Fla. Stat.)

Question 2: If I receive a check drawn on a joint checking account in the amount of $6,000[1], and two parties sign the check, can I attribute the contribution to both parties and, if so, what amount is attributed to each?

Answer: Yes, the contribution would be divided between both contributors in an amount of $3,000 each; however, only $250 of each contribution will be matched. (Section 106.35(2)(b), Fla. Stat.)

Question 3: If I receive a check drawn on a joint checking account in an amount less than $6,000[1], and two parties sign the check, can I attribute the contribution to both parties and, if so, what amount is attributed to each?

Answer: No, the only check over $3,000 that is acceptable is a check for $6,000 from a joint checking account and signed by both parties. For checks less than $6,000, there is no way to determine how much is attributable to each party.

Question 4: If an individual contributor gives two contributions of $250 each, will both be matched?

Answer: No, each contributor may only be matched up to $250 for the entire election cycle. For example, if a contributor gives an aggregate of $500[1] over the entire election cycle, only $250 of that amount is matchable. (Section 106.35(2)(b), Fla. Stat.)

Question 5: If I received a $500 check from an individual after September 1 of the year preceding the election, what amount is matched?

Answer: $250 would be matched if the contributor is a Florida resident. (Section 106.35(2)(b), Fla. Stat.)

Question 6: If the above contribution is within the threshold amount, would it be matched two-to-one or one-to-one?

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[1] This question is based upon the allowable contribution limits contained in Section 106.08, Fla. Stat., effective November 1, 2013

Answer: The contribution would be matched two-to-one, or $500 for a $250 contribution. (Section 106.35(2)(a)1., Fla. Stat.)

Question 7: If I receive a contribution on a business check, but it is the only account an individual has and he also uses it for personal transactions, would such a contribution be attributed to the individual?

Answer: No, any check drawn on a business account is considered a contribution from the business and not from the individual and will not be matched. (Section 106.35(2)(b), Fla. Stat.)

Question 8: After the campaign is over, may I, the candidate, pay myself back for contributions I have made to my own campaign?

Answer: Yes, a candidate may reimburse himself in full or in part, for any reported contributions not to exceed the $25,000 limit that a candidate who participates in public campaign financing may contribute to his own campaign, before disposing of surplus campaign funds. (Section 106.141(2), Fla. Stat.)

Question 9: If I have surplus campaign funds and was a petition candidate that filed an affidavit of undue burden, must I reimburse the cost of verification of petition signatures to the appropriate supervisor of elections prior to writing a check to the state for money received for matching funds?

Answer: Yes. (Section 106.141(7), Fla. Stat. (2013))

Question 10: Can the national, state and county executive committees, and their subordinate committees, each contribute $250,000 to my campaign?

Answer: No, the aggregate total that all can give is $250,000. (Section 106.33(3), Fla. Stat.)

Question 11: Can the threshold amount of $150,000 for Governor and $100,000 for Cabinet candidates be from any contributor, or must it be from individuals?

Answer: The threshold can be comprised of contributions from any contributor, except from the candidate, political parties and individuals not Florida residents. (Section 106.33(3), Fla. Stat.)

Question 12: What is the maximum amount that I, as the candidate, can contribute to my own campaign, and does this amount include in-kind contributions?

Answer: The maximum amount that a candidate who participates in public campaign financing may give to his or her campaign is $25,000, which includes loans, monetary and in-kind contributions. (Section 106.33(3), Fla. Stat.)

Question 13: If I exceed the expenditure limits, will I still be able to receive matching funds?

Answer: No, if you exceed the expenditure limits, you no longer qualify to receive matching funds. However, if a non-participating candidate in your race exceeds the limits, you may expend money up to the amount exceeded by the non-participating candidate. (Sections 106.33(1) and 106.355, Fla. Stat.)

Question 14: If I do not meet the threshold amount by qualifying time, may I still submit my request to receive matching funds?

Answer: Yes, but no funds will be disbursed until you have met the threshold amount. (Sections 106.33 and 106.35, Fla. Stat.)

Question 15: If I have submitted a request for matching funds, but have not received the funds as yet, may I obligate those funds for my election?

Answer: As a general rule, no. However, you may obligate funds you have not received only for the last matching period prior to an election. Thus, you may obligate funds, not already on deposit in your campaign account, for the funds you are eligible to receive, based on the report submitted for the 4th day preceding the election. (Section 106.35(3)(b), Fla. Stat.)

Question 16: When do I have to dispose of funds in my campaign account?

Answer: Within 90 days after withdrawing, becoming unopposed, elected or eliminated. (Section 106.141(1), Fla. Stat.)

Question 17: If I receive a refund after my account is closed, what do I do with the funds?

Answer: Sign the refund check over to the state to repay money received for matching funds. (Sections 106.141(1) and (4)(b), Fla. Stat.)

Question 18: What penalties might I incur if I receive matching funds, but have exceeded the expenditure limit, or have falsely reported qualifying matching contributions, and, therefore, receive matching funds to which I was not entitled?

Answer: You can be fined an amount equal to three times the amount received. (Section 106.36, Fla. Stat.)

Appendix B

Florida Statutes

(Effective November 1, 2013)

106.30 Short title.—Sections 106.30-106.36 may be cited as the "Florida Election Campaign Financing Act."

History.—s. 1, ch. 86-276.

106.31 Legislative intent.—The Legislature finds that the costs of running an effective campaign for statewide office have reached a level which tends to discourage persons from becoming candidates and to limit the persons who run for such office to those who are independently wealthy, who are supported by political committees representing special interests which are able to generate substantial campaign contributions, or who must appeal to special interest groups for campaign contributions. The Legislature further finds that campaign contributions generated by such political committees are having a disproportionate impact vis-a-vis contributions from unaffiliated individuals, which leads to the misperception of government officials unduly influenced by those special interests to the detriment of the public interest. Furthermore, it is the intent of the Legislature that the purpose of public campaign financing is to make candidates more responsive to the voters of the State of Florida and as insulated as possible from special interest groups. The Legislature intends ss. 106.30-106.36 to alleviate these factors, dispel the misperception, and encourage qualified persons to seek statewide elective office who would not, or could not otherwise do so and to protect the effective competition by a candidate who uses public funding.

History.—s. 1, ch. 86-276; s. 67, ch. 2001-40.

106.32 [1]Election Campaign Financing Trust Fund.—

(1) There is hereby established in the State Treasury an [1]Election Campaign Financing Trust Fund to be utilized by the Department of State as provided in ss. 106.30-106.36. If necessary, each year in which a general election is to be held for the election of the Governor and Cabinet, additional funds shall be transferred to the [1]Election Campaign Financing Trust Fund from general revenue in an amount sufficient to fund qualifying candidates pursuant to the provisions of ss. 106.30-106.36.

(2) Proceeds from filing fees pursuant to ss. 99.092, 99.093, and 105.031 shall be deposited into the [1]Election Campaign Financing Trust Fund as designated in those sections.

(3) Proceeds from assessments pursuant to ss. 106.07 and 106.29 shall be deposited into the [1]Election Campaign Financing Trust Fund as designated in those sections.

History.—s. 1, ch. 86-276; s. 19, ch. 91-107; s. 26, ch. 2013-37.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.33 Election campaign financing; eligibility.—Each candidate for the office of Governor or member of the Cabinet who desires to receive contributions from the [1]Election Campaign Financing Trust Fund, upon qualifying for office, shall file a request for such contributions with the filing officer on forms provided by the Division of Elections. If a candidate requesting contributions from the fund desires to have such funds distributed by electronic fund transfers, the request shall include information necessary to implement that procedure. For the purposes of ss. 106.30-106.36, the respective candidates running for Governor and Lieutenant Governor on the same ticket shall be considered as a single candidate. To be eligible to receive contributions from the fund, a candidate may not be an unopposed candidate as defined in s. 106.011 and must:

(1) Agree to abide by the expenditure limits provided in s. 106.34.

(2)(a) Raise contributions as follows:

1. One hundred fifty thousand dollars for a candidate for Governor.

2. One hundred thousand dollars for a candidate for Cabinet office.

(b) Contributions from individuals who at the time of contributing are not state residents may not be used to meet the threshold amounts in paragraph (a). For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident.

(3) Limit loans or contributions from the candidate's personal funds to $25,000 and contributions from national, state, and county executive committees of a political party to $250,000 in the aggregate, which loans or contributions do not qualify for meeting the threshold amounts in subsection (2).

(4) Submit to a postelection audit of the campaign account by the division.

History.—s. 1, ch. 86-276; s. 40, ch. 90-315; s. 20, ch. 91-107; s. 68, ch. 2001-40; s. 47, ch. 2005-278; s. 27, ch. 2013-37.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.34 Expenditure limits.—

(1) Any candidate for Governor and Lieutenant Governor or Cabinet officer who requests contributions from the [1]Election Campaign Financing Trust Fund shall limit his or her total expenditures as follows:

(a) Governor and Lieutenant Governor: $2.00 for each Florida-registered voter.

(b) Cabinet officer: $1.00 for each Florida-registered voter.

(2) The expenditure limit for any candidate with primary election opposition only shall be 60 percent of the limit provided in subsection (1).

(3) For purposes of this section, "Florida-registered voter" means a voter who is registered to vote in Florida as of June 30 of each odd-numbered year. The Division of Elections shall certify the total number of Florida-registered voters no later than July 31 of each odd-numbered year. Such total number shall be calculated by adding the number of registered voters in each county as of June 30 in the year of the certification date. For the 2006 general election, the Division of Elections shall certify the total number of Florida-registered voters by July 31, 2005.

(4) For the purposes of this section, the term "expenditure" does not include the payment of compensation for legal and accounting services rendered on behalf of a candidate.

History.—s. 1, ch. 86-276; s. 41, ch. 90-315; s. 21, ch. 91-107; s. 654, ch. 95-147; s. 48, ch. 2005-278.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.35 Distribution of funds.—

(1) The division shall review each request for contributions from the [1]Election Campaign Financing Trust Fund and certify whether the candidate is eligible for such contributions. Notice of the certification decision shall be provided to the candidate. An adverse decision may be appealed to the Florida Elections Commission. The division shall adopt rules providing a procedure for such appeals.

(2)(a) Each candidate who has been certified to receive contributions from the [1]Election Campaign Financing Trust Fund shall be entitled to distribution of funds as follows:

1. For qualifying matching contributions making up all or any portion of the threshold amounts specified in s. 106.33(2), distribution shall be on a two-to-one basis.

2. For all other qualifying matching contributions, distribution shall be on a one-to-one basis.

(b) Qualifying matching contributions are those of $250 or less from an individual, made after September 1 of the calendar year prior to the election. Any contribution received from an individual who is not a state resident at the time the contribution is made shall not be considered a qualifying matching contribution. For purposes of this paragraph, any person validly registered to vote in this state shall be considered a state resident. Aggregate contributions from an individual in excess of $250 will be matched only up to $250. A contribution from an individual, if made by check, must be drawn on the personal bank account of the individual making the contribution, as opposed to any form of business account, regardless of whether the business account is for a corporation, partnership, sole proprietorship, trust, or other form of business arrangement. For contributions made by check from a personal joint account, the match shall only be for the individual who actually signs the check.

(3)(a) Certification and distribution of funds shall be based on contributions to the candidate reported to the division for such purpose. The division shall review each report and verify the amount of funds to be distributed prior to authorizing the release of funds. The division may prescribe separate reporting forms for candidates for Governor and Cabinet officer.

(b) Notwithstanding the provisions of s. 106.11, a candidate who is eligible for a distribution of funds based upon qualifying matching contributions received and certified to the division on the report due on the 4th day prior to the election, may obligate funds not to exceed the amount which the campaign treasurer's report shows the candidate is eligible to receive from the [1]Election Campaign Financing Trust Fund without the funds actually being on deposit in the campaign account.

(4) Distribution of funds shall be made beginning on the 32nd day prior to the primary and every 7 days thereafter.

(5) The division shall adopt rules providing for the weekly reports and certification and distribution of funds pursuant thereto required by this section. Such rules shall, at a minimum, provide specifications for electronically transmitted campaign treasurer's reports outlining communication parameters and protocol, data record formats, and provisions for ensuring security of data and transmission.

History.—s. 1, ch. 86-276; s. 25, ch. 89-256; s. 42, ch. 90-315; s. 22, ch. 91-107; s. 69, ch. 2001-40; s. 49, ch. 2007-30; s. 74, ch. 2011-40.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.353 Candidates voluntarily abiding by election campaign financing limits but not requesting public funds; irrevocable statement required; penalty.—

(1) Not later than qualifying for office, each candidate for the office of Governor or member of the Cabinet who has not made a request to receive contributions from the [1]Election Campaign Financing Trust Fund, but who wishes to voluntarily abide by the applicable expenditure limit set forth in s. 106.34 and the contribution limits on personal and party funds set forth in s. 106.33, shall file an irrevocable statement to that effect with the Secretary of State.

(2) Any candidate who files such a statement and subsequently exceeds such limits shall pay to the [1]Election Campaign Financing Trust Fund an amount equal to the amount of the excess contributions or expenditures. Such penalty shall not be an allowable campaign expense and shall be paid from personal funds of the candidate. However, if a nonparticipating candidate exceeds the expenditure limit as described in s. 106.355, a candidate signing the statement pursuant to this section may exceed the applicable expenditure limit to the extent the nonparticipating candidate exceeded the limit without being subject to a penalty.

History.—s. 23, ch. 91-107.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.355 Nonparticipating candidate exceeding limits.—Whenever a candidate for the office of Governor or member of the Cabinet who has elected not to participate in election campaign financing under the provisions of ss. 106.30-106.36 exceeds the applicable expenditure limit provided in s. 106.34, all opposing candidates participating in such election campaign financing are, notwithstanding the provisions of s. 106.33 or any other provision requiring adherence to such limit, released from such expenditure limit to the extent the nonparticipating candidate exceeded the limit, are still eligible for matching contributions up to such limit, and shall not be required to reimburse any matching funds provided pursuant thereto. In addition, the Department of State shall, within 7 days after a request by a participating candidate, provide such candidate with funds from the [1]Election Campaign Financing Trust Fund equal to the amount by which the nonparticipating candidate exceeded the expenditure limit, not to exceed twice the amount of the maximum expenditure limits specified in s. 106.34(1)(a) and (b), which funds shall not be considered matching funds.

History.—s. 24, ch. 91-107.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

106.36 Penalties; fines.—In addition to any other penalties which may be applicable under the election code, any candidate who receives contributions from the [1]Election Campaign

Financing Trust Fund and who exceeds the applicable expenditure limit, except as authorized in ss. 106.353 and 106.355, or falsely reports qualifying matching contributions and thereby receives contributions from the [1]Election Campaign Financing Trust Fund to which the candidate was not entitled shall be fined an amount equal to three times the amount at issue, which shall be deposited in the [1]Election Campaign Financing Trust Fund.

History.—s. 1, ch. 86-276; s. 11, ch. 90-338; s. 25, ch. 91-107; s. 655, ch. 95-147.

[1]**Note.**—The trust fund expired, effective November 4, 1996, by operation of s. 19(f), Art. III of the State Constitution.

Appendix C

Rule 1S-2.047, F.A.C.

1S-2.047 State Campaign Matching Funds Program.

(1) Form of Request. A candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall complete Form DS-DE 98, "Candidate for Governor or Cabinet Officer Request for Contributions" (eff. 03/09), and submit it to the Division of Elections (Division) no later than the date the candidate qualifies for office.

(2) Distribution of Funds.

(a) State matching funds shall be distributed to eligible candidates beginning on the 32nd day prior to the primary election and every 7 days thereafter. Distributions are based on verified matching contributions as shown on campaign finance reports, required to be filed by Section 106.07(1)(a), F.S., listing the contributions received after September 1 of the calendar year prior to the election.

(b) Funds shall be distributed as follows:

1. The first distribution of funds is based on campaign finance reports required to be filed on or before the 60th day before the primary election.

2. The second distribution of funds is based on campaign finance reports required to be filed after the 60th day but no later than the 32nd day prior to the primary election.

3. Each subsequent distribution of funds will be based on the prior week's timely filed report or reports.

4. Distribution of funds based on untimely documentation or reports, amended reports, or supplemental documentation will be distributed no later than the weekly cycle occurring three weeks after receipt of such documentation or report.

(3) Filing of Reports.

(a) A report of contributions filed by candidates requesting matching funds must be filed with the Division electronically as provided in Section 106.0705, F.S., and Rule 1S-2.017, F.A.C., except such report is timely for purposes of matching funds only if it is filed no later than 12:00 Noon (Eastern Time), on the date it is due.

(b) If a report is filed after 12:00 Noon (Eastern Time), on the due date, the report will be deemed late for matching fund purposes and any eligible matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.

(c) Reports of contributions filed by candidates requesting matching funds must include all information required by Sections 106.07 and 106.30-.36, F.S. If information related to a matchable contribution is missing, incomplete, or cannot be verified, no match will be made for that contribution and the Division will notify the candidate. Upon the Division's receipt and verification of the missing or incomplete information, matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.

(d) If a candidate requesting matching funds submits a contribution report and subsequently amends such report, any adjustment, to the candidate's distribution of funds will be made as provided in subparagraph (2)(b)4. of this rule.

(4) Documentation.

(a)1. Documentation for each contribution report must satisfy the requirements of this rule to permit verification of the applicable contribution on the campaign finance report for which matching funds are requested.

2. Documentation for each contribution report is timely if it is received by the Division no later than 12:00 Noon (Eastern Time) on the date the report is due.

3. If documentation for such report is received by the Division after 12:00 Noon (Eastern Time) on the due date, the documentation will be deemed late for matching fund purposes and any eligible matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.

4. Documentation for the first distribution must be received by the Division on or before the 60th day prior to the primary election.

5. Documentation for the second distribution must be received by the Division on or before the 32nd day prior to the primary election.

6. Documentation for subsequent distributions must be received weekly by the Division each Friday.

7. If documentation for a report is untimely, any eligible matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.

(b) Documentation may be submitted in paper or electronic format.

1. Regardless of the format, documentation must be submitted in the corresponding sequence order as recorded on the filed contribution report beginning with the smallest sequence number.

2. Paper documentation must be submitted on 8 1/2 by 11 paper. The top, right portion of each page must include the candidate's last name, candidate identification number, the report name, and the contribution sequence number or numbers to which the documentation pertains. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format.

3. Electronic submission of documentation must be done via a separate file for each corresponding filed contribution report. The filename for the electronic submission must contain the candidate's last name followed by the type of report (e.g., JonesF1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the filename. The documentation must clearly identify the contribution sequence number or numbers to which the image pertains. All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.

(c) In order to verify contributions, the Division must receive the following documentation:

1. For a contribution made by check or cashier's check, a copy of the check or cashier's check;

2. For a contribution made by credit or debit card, a copy of the credit or debit card receipt;

3. For an in-kind contribution, a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution and the fair market value of the contribution; and

4. For a cash contribution, a copy of the bank deposit slip.

(d) Documentation that does not conform to the specifications in this paragraph will not be processed and the Division will notify the candidate. Upon the Division's receipt and verification of documentation that is in compliance with these specifications, matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.

(5) Appeal. An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

(6) Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90, "Irrevocable Statement to Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds" (eff. 03/09), upon qualifying for office.

(7) Forms Incorporated by Reference. All forms contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250, from the Division's website at: http://election.dos.state.fl.us, or by calling (850) 245-6240.

Rulemaking Authority 20.10(3), 106.33, 106.35(1), (5) FS. Law Implemented 106.30-.36 FS. History–New 4-15-09, Amended 2-2-14.

Appendix D

2014 Distribution Schedule

Documentation Due	Reports Covered	Distribution Date
6/27/14	2013 Q3 (beginning 9-2-13), M10, M11, M12; 2014 M1, M2, M3, M4, M5 and P1	7/25/14
7/25/14	2014 P1A, P2, P2A and P3	8/1/14
8/1/14	P4	8/8/14
8/8/14	P5	8/15/14
8/15/14	P6	8/22/14
8/22/14	P7	8/29/14
8/29/14	P7A	9/5/14
9/5/14	G1	9/12/14
9/12/14	G1A	9/19/14
9/19/14	G2	9/26/14
9/26/14	G2A	10/3/14
10/3/14	G3	10/10/14
10/10/14	G4	10/17/14
10/17/14	G5	10/24/14
10/24/14	G6	10/31/14
10/31/14	D1, D2, D3, D4, D5, D6 and G7	11/7/2014

Appendix E

2014 Calendar of Reporting Dates for Statewide Candidates

Cover Period	Report Code	Due Date
12/01/13 - 12/31/13	2013 M12	01/10/14
01/01/14 - 01/31/14	2014 M1	02/10/14
02/01/14 - 02/28/14	2014 M2	03/10/14
03/01/14 - 03/31/14	2014 M3	04/10/14
04/01/14 - 04/30/14	2014 M4	05/12/14
05/01/14 - 05/31/14	2014 M5	06/10/14
06/01/14 - 06/20/14	2014 P1	06/27/14
06/21/14 - 06/27/14	2014 P1A	07/04/14
06/28/14 - 07/04/14	2014 P2	07/11/14
07/05/14 - 07/11/14	2014 P2A	07/18/14
07/12/14 - 07/18/14	2014 P3	07/25/14
07/19/14 - 07/25/14	2014 P4	08/01/14
07/26/14 - 08/01/14	2014 P5	08/08/14
08/02/14 - 08/08/14	2014 P6	08/15/14
08/09/14 - 08/21/14	2014 P7	08/22/14
08/22/14	2014 P7A	08/29/14
08/23/14 - 08/29/14	2014 G1	09/05/14
08/30/14 - 09/05/14	2014 G1A	09/12/14
09/06/14 - 09/12/14	2014 G2	09/19/14
09/13/14 - 09/19/14	2014 G2A	09/26/14
09/20/14 - 09/26/14	2014 G3	10/03/14
09/27/14 - 10/03/14	2014 G4	10/10/14
10/04/14 - 10/10/14	2014 G5	10/17/14
10/11/14 - 10/17/14	2014 G6	10/24/14
10/24/14	2014 D1*	10/25/14
10/25/14	2014 D2*	10/26/14
10/26/14	2014 D3*	10/27/14
10/27/14	2014 D4*	10/28/14
10/28/14	2014 D5*	10/29/14
10/29/14	2014 D6*	10/30/14
10/18/14 - 10/30/14	2014 G7	10/31/14

** These reports need only contain information on all previously unreported contributions received as of the preceding day. Expenditures need not be reported.