

### **2B-1.003 Minor Violations.**

(1) The Commission shall consider a violation of chapter 106, F.S., a minor violation under the following circumstances:

(a) The violation is one of those identified in this rule;

(b) The complaint alleging the violation contains no legally sufficient violation(s) other than one or more of the violations identified in this rule;

(c) The respondent against whom the complaint was filed is not a political party; and,

(d) The respondent against whom the complaint was filed agrees to correct, if feasible, the conduct that resulted in a violation identified in this rule.

(2) The following violations are minor violations so long as the requirements of subsection (1) of this rule, have been met:

(a) Section 106.021(1)(b), F.S., failure of a candidate or political committee to properly designate a separate interest-bearing campaign account, so long as the account is identified as the campaign account of the candidate or political committee. A fine of \$100 shall be imposed for each violation.

(b) Section 106.023, F.S., failure of a candidate to file a statement with the filing officer that says he or she has read and understands the requirements of chapter 106, F.S., within ten days after filing his or her appointment of campaign treasurer and designation of campaign depository. A fine of \$100 shall be imposed for each violation.

(c) Section 106.025(1)(c), F.S., failure of a person holding a campaign fund raiser to mark the tickets or advertising for the fund raiser with the required disclaimers. A fine of \$250 shall be imposed for each violation.

(d) Section 106.07(7), F.S., failure of a candidate or political committee, in any reporting period during which the candidate or political committee has not received funds, made any contributions, or expended any reportable funds, to notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date. A fine of \$50 shall be imposed for each violation.

(e) Section 106.071(2), F.S., failure of a person making an independent expenditure for a political advertisement, **other than a text message or a telephone call**, to mark prominently the political advertisement with the required disclaimer. A fine of \$250 shall be imposed for each violation.

(f) Section 106.143(1)(a), F.S., failure of a candidate, except a write-in candidate, making an expenditure for a political advertisement to mark prominently the political advertisement with the required disclaimer. A fine of \$250 shall be imposed for each violation.

(g) Section 106.143(1)(b), F.S., failure of a write-in candidate making an expenditure for a political advertisement to mark prominently the political advertisement with the required disclaimer. A fine of \$250 shall be imposed for each violation.

(h) Section 106.143(1)(c), F.S., failure of a person making an expenditure for a political advertisement to mark prominently the political advertisement as a “pd. pol. adv.” or a “paid political advertisement” and to identify the sponsor. A fine of \$200 shall be imposed for each violation.

(i) Section 106.143(3), F.S., failure of a candidate running for a partisan office to mark his or her political advertisement with his or her political party affiliation or to indicate that he or she is running with no party affiliation. A fine of \$200 shall be imposed for each violation.

(j) Section 106.143(3), F.S., stating a candidate’s political party affiliation in a political advertisement in a nonpartisan race, or any other campaigning by a candidate running for nonpartisan office based on party affiliation. A fine of \$200 shall be imposed for each violation.

(k) Section 106.143(5)(a), F.S., failure of a candidate or a person on behalf of a candidate to state on the candidate’s political advertisement that the content of the advertisement was approved by the candidate and to identify the person who paid for the advertisement. A fine of \$250 shall be imposed for each violation.

(l) Section 106.143(5)(a), F.S., failure of a candidate to provide the news media with a written statement authorizing the content of each political advertisement submitted to the media for distribution. A fine of \$250 shall be imposed for each violation.

(m) Section 106.143(5)(b), F.S., failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to provide the media with a written statement that no candidate approved the advertisement. A fine of \$200 shall be imposed for each violation.

(n) Section 106.143(5)(b), F.S., failure of a person making an independent expenditure for a political advertisement submitted to the news media for distribution to state on the advertisement that no candidate approved the advertisement. A fine of \$200 shall be imposed for each violation.

(o) Section 106.143(6), F.S., failure of a candidate who is not the incumbent from including the word “for” in his or her political

advertisement between his or her name and the office for which he or she is running. A fine of \$100 shall be imposed for each violation.

(p) Section 106.1435(3), F.S., prohibiting a person from placing or locating a political advertisement on or above any state or county road right-of-way. A fine of \$100 shall be imposed for a violation.

(q) Section 106.1437, F.S., failure of a person sponsoring an advertisement, other than a political advertisement, independent expenditure or electioneering communication, intended to influence public policy or the vote of a public official to include a clearly readable statement of sponsorship. A fine of \$200 shall be imposed for each violation.

(r) Section 106.1439(1), F.S., failure of a person making an expenditure for an electioneering communication, other than a text message or a telephone call, to mark prominently the electioneering communication with the required disclaimer. A fine of \$250 shall be imposed for each violation.

(s) Section 106.147(1)(a), F.S., failure of a person or organization making an expenditure for any text message or telephone call, supporting or opposing a candidate, an elected official, or a ballot measure, or making an expenditure for any electioneering text message or telephone call, to mark the text message with, or include in the telephone call, the required disclaimer. A fine of \$200 shall be imposed for each violation.

(t) Section 106.147(1)(b), F.S., failure of a candidate making an expenditure for a text message or telephone call to mark the text message with, or include in the telephone call, the required disclaimer. A fine of \$250 shall be imposed for each violation.

(u) Section 106.147(3), F.S., failure of a person making an expenditure for any text message or telephone call, not conducted by independent expenditure, which expressly advocates for or against a candidate or ballot measure to obtain prior written authorization by the candidate or sponsor of the ballot measure that the text message or telephone call supports. A fine of \$250 shall be imposed for each violation.

(v) Section 106.147(3), F.S., failure of a candidate or sponsor of a ballot measure supported by a text message or telephone call under this subsection to file a copy of the written authorization with the qualifying officer before the text messages or telephone calls commence. A fine of \$250 shall be imposed for each violation.

(w)(s) Section 106.19(1)(a), F.S., prohibiting a person from accepting a contribution in excess of the limits prescribed by section 106.08, F.S., if the excessive contribution is returned to the donor within 14 days of receipt. A fine of \$200 shall be imposed for each violation.

(3) Upon the executive director's determination that an alleged violation is a minor violation as defined by this rule, the executive director shall offer the respondent an opportunity to enter into a consent order to pay the fine or fines designated above. The consent order shall provide that the respondent neither admits nor denies the allegations.

(4) The Commission shall approve the consent order unless it determines that the requirements of this rule have not been met.

*Rulemaking Authority 106.26(12) FS. Law Implemented 106.26(12) FS. History—New 1-11-99, Amended 2-14-00, 1-2-02, 4-24-05, 8-13-14, 8-22-17.*