

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Brian Byrd**

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**Case No.: FEC 17-002**

**TO: Brian Byrd**  
1220 Commerce Park Drive, Suite 207  
Longwood, FL 32779

Edmund Young  
940 Douglas Avenue # 122  
Altamonte Springs, FL 32714

**NOTICE OF HEARING (CONSENT ORDER)**

A hearing will be held in this case before the Florida Elections Commission on, **March 13, 2018 at 10:00 am, or as soon thereafter as the parties can be heard**, at the following location: **Augustus B. Turnbull Conference Center, 555 West Pensacola Street, Room 103, Tallahassee, Florida 32301.**

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

**If you are the Respondent**, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

**If you are the Complainant**, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

**If you are an Appellant**, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

**See further instructions on the reverse side.**

*Amy McKeever Toman*  
Executive Director  
Florida Elections Commission  
February 26, 2018

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However, the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

**THIS FILE CONTAINS INFORMATION  
THAT IS CONFIDENTIAL  
AND EXEMPT FROM DISCLOSURE  
PURSUANT TO  
CHAPTER 119, FLORIDA STATUTES**

**STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION**

**In Re: Brian Byrd**  
\_\_\_\_\_ /

**Case No.: FEC 17-002  
F.O. No.: FOFEC**

**CONSENT FINAL ORDER**

Respondent, Brian Byrd, and the Florida Elections Commission (Commission) agree that this Consent Order resolves all of the issues between the parties in this case. The parties jointly stipulate to the following facts, conclusions of law, and order:

**FINDINGS OF FACT**

1. On January 9, 2017, a sworn complaint was filed with the Commission alleging that Respondent violated Florida's election laws.
2. Respondent has expressed a desire to enter into negotiations directed toward reaching a consent agreement.
3. Respondent and the staff stipulate to the following facts:
  - a. Respondent was a first-time candidate for election to the Seminole Soil and Water Conservation District, Group 4, in the 2016 election.
  - b. Respondent failed to appoint a campaign treasurer and designate a primary campaign depository before accepting in-kind contributions with a view to bringing about his election to public office.
  - c. Respondent failed to report in-kind contributions required to be reported by Chapter 106, Florida Statutes.

## CONCLUSIONS OF LAW

4. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

5. Section 106.25(4)(i)3., Florida Statutes, allows the Commission to approve a consent agreement with a Respondent prior to the Commission finding probable cause that a violation of the election laws occurred. The consent agreement has the same force and effect as a consent agreement reached after the Commission finds probable cause.

6. The Commission staff and Respondent stipulate that staff could prove all the facts in paragraph three above by clear and convincing evidence and to the Commission's ability to impose a civil penalty in the case.

## ORDER

7. Respondent and the staff of the Commission have entered into this Consent Order freely and voluntarily.

8. The Respondent shall bear his own attorney's fees and costs that are in any way associated with this case.

9. The Commission will consider this Consent Order at its next available meeting.

10. The Respondent voluntarily waives confidentiality upon approval of the Consent Order by the Commission, the right to any further proceedings under Chapters 104, 106, and 120, Florida Statutes, and the right to appeal this Consent Order.

11. This Consent Order is enforceable under Sections 106.265 and 120.69, Florida Statutes. Respondent expressly waives any venue privileges and agrees that if enforcement of this Consent Order is necessary, venue shall be in Leon County, Florida, and Respondent shall pay all fees and costs associated with enforcement.

12. Payment of the civil penalty by cashier's check, money order, good for at least 120 days, or attorney trust account check is a condition precedent to the Commission's consideration of this Consent Order.

**PENALTY**

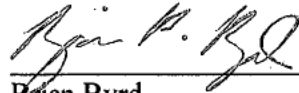
**WHEREFORE**, based upon the foregoing facts and conclusions of law, the Commission finds that the Respondent violated Section 106.021(1)(a), Florida Statutes, on 1 occasion, and Section 106.19(1)(b), Florida Statutes, on 1 occasion, and imposes a civil penalty in the amount of \$150.

Therefore, it is

**ORDERED** that the Respondent shall remit to the Commission a civil penalty in the amount of **\$150**, inclusive of fees and costs. The civil penalty shall be paid by cashier's check, money order, good for at least 120 days, or attorney trust account check. The civil penalty should be made payable to the Florida Elections Commission and sent to 107 West Gaines Street, Collins Building, Suite 224, Tallahassee, Florida, 32399-1050.

**[THIS SPACE INTENTIONALLY LEFT BLANK]**

**Respondent** hereby agrees and consents to the terms of this Consent Order on  
February 6th \_\_\_\_\_, 2018.



\_\_\_\_\_  
Brian Byrd  
1220 Commerce Park Drive, Suite 207  
Longwood, FL 32779

**Commission staff** hereby agrees and consents to the terms of this Consent Order on  
February 13 \_\_\_\_\_, 2018.



\_\_\_\_\_  
Cole H. Kekelis  
Assistant General Counsel  
Florida Elections Commission  
107 West Gaines Street  
The Collins Building, Suite 224  
Tallahassee, FL 32399-1050

Approved by the Florida Elections Commission at its regularly scheduled meeting held  
on \_\_\_\_\_, in Tallahassee, Florida.

\_\_\_\_\_  
M. Scott Thomas, Chairman  
Florida Elections Commission

Copies furnished to:  
Cole H. Kekelis, Assistant General Counsel  
Brian Byrd, Respondent  
Edmund Young, Complainant



# POSTAL MONEY ORDER

Serial Number

23845900228

2018-02-08

Dollars and Cents

\$150.00

One Hundred Fifty Dollars and 00/100 \*\*\*\*\*

Amount

Pay to Florida Elections Commission

Clerk 07

Address 107 West Gaines St.  
Ste. 224, Tallahassee, FL

from Brian Byrd  
Address 1220 Commerce Park Dr.  
Ste. 207, Longwood, FL

Memo Brian Byrd Fine

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**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Case No.: FEC 17-002**

**Respondent:** Brian Byrd  
Counsel for Respondent: None

**Complainant:** Edmund Young  
Counsel for Complainant: None

On January 9, 2017, the Florida Elections Commission (“Commission”) received a sworn complaint alleging that Respondent violated Chapter 106, Florida Statutes. Commission staff investigated whether Respondent violated the following statutes:

Section 106.021(1)(a), Florida Statutes, failure to appoint a campaign treasurer and designate a primary campaign depository before accepting any contribution or making any expenditure with a view to bringing about his or her nomination, election, or retention in public office, or authorize another to accept such contributions or make such expenditure on the person’s behalf;

Section 106.19(1)(b), Florida Statutes, failure of a person or organization to report a contribution required to be reported by Chapter 106, Florida Statutes;

Section 106.19(1)(c), Florida Statutes, prohibiting a person or organization from falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes; and

Section 106.19(1)(d), Florida Statutes, prohibiting a person or organization from making or authorizing any expenditure prohibited by Chapter 106, Florida Statutes.

**I. Preliminary Information:**

1. Respondent was a first-time candidate for election to the Seminole Soil and Water Conservation District, Group 4. He was defeated by Complainant in the November 8, 2016 general election for Seminole County, Florida. To review his Statement of Candidate, refer to Exhibit 1.

2. Respondent has been a member of The Florida Bar since September 20, 2012. In 2012-2015, he worked in the State Attorney’s Office, Ninth Judicial Circuit of Florida, in Orange County, before opening his private law practice, Byrdlaw, PA.

3. On January 20, 2017, by email, Respondent waived the confidentiality provision with respect to the instant case.

4. Complainant was Respondent's opponent and a candidate for re-election for the Seminole Soil and Water Conservation District, Group 4. He secured 52.4 percent of the vote to defeat Respondent in the November 8, 2016 general election for Seminole County, Florida.

5. Seminole County Supervisor of Elections ("SOE"), Michael Ertel, was Respondent's filing officer.

## **II. Alleged Violation of Section 106.021(1)(a), Florida Statutes:**

6. I investigated whether Respondent violated this section of the election laws by not disclosing the in-kind value of his law firm's website and a campaign expenditure for a "professionally made logo" included on his campaign Facebook page.

7. Complainant essentially alleges that Respondent was required to appoint a campaign treasurer and designate a campaign depository but failed to do so. Complainant asserts that Respondent and his campaign made use of his law firm's website while not having a separate website dedicated for campaign use. And Complainant declares Respondent made a campaign expenditure for a "professionally made logo" included on his campaign Facebook page.

### **Law Firm Website**

8. Based upon a search of online records, it appears Respondent's law firm website domain name was obtained on April 26, 2015, updated on June 26, 2015, and expires April 26, 2019. Respondent is identified as the registrant. To review the domain name and registrant information, refer to Exhibit 2.

9. The webpage submitted by Complainant contains the following: Respondent's introduction of himself as a candidate for the Seminole Soil and Water Conservation District, Group 4; a discussion of water issues related to the Indian River in Brevard County, Florida; his opinion of water issues in Flint, Michigan; his request for viewers to like his page on Facebook and join him in calling for independent testing of the water in Seminole County, Florida; and a warning that Florida is not immune from lead in our water system. To review the webpage at issue, refer to Exhibit 3.

10. The webpage submitted by Complainant (Exhibit 3) does not appear to contain express advocacy or specific language requiring an electoral action for Respondent's election and/or Complainant's defeat.

11. However, appearing on the webpage at issue (Exhibit 3) is the following political disclaimer: "Political Advertisement approved and paid for [*sic*] Brian Byrd who is a Seminole County resident running for Soil and Water Group A."

12. On January 25, 2017, in Respondent's non-sworn response to the notice of the instant complaint, he said his corporation made a one-page "endorsement" of his campaign on its 218-page website. Respondent offered that other candidates received numerous endorsements via websites and were not included as "in-kind" donations. He added after learning from the SOE of a potential issue for using his personal account, the endorsement was taken down and he believed the situation was rectified. To review his non-sworn response, refer to Exhibit 4.

13. On June 1, 2017, during a telephone interview, Respondent offered that he had declared during his campaign he would not accept campaign contributions, and had not opened a campaign account due to his naivete in the campaign finance laws. Respondent said he never sought campaign contributions, and was running on principle. Respondent also acknowledged he created his law firm's website and added the page endorsing his candidacy. To review the phone log, refer to Exhibit 5.

14. In his Affidavit of Background Information ("Affidavit") dated September 25, 2017, Respondent affirmed he did not "hire" or expend any money. He indicated he was advised as long as he did not spend any money that he would be fine without a campaign account. To review his Affidavit, refer to Exhibit 6, question 6.

15. Respondent declared he was aware of the requirement to complete and file Form DS-DE 9 with his filing officer; however, he did not believe that requirement applied to him as he did his best to be extremely diligent during his campaign to not expend any money towards his campaign. And any "personal expenses" before his campaign for his "personal website" was an oversight on his part. To review his Affidavit, refer to Exhibit 6, question 8.

16. Respondent offered he was unaware of any issues with a (campaign) webpage on his law firm's website during his campaign and only learned about it when he received notice of the complaint from Commission staff. Upon learning there was a complaint, he immediately removed it from his website. To review his Affidavit, refer to Exhibit 6, question 9.

17. Respondent explained he was unaware he had to disclose creating and adding a webpage to his law firm's website endorsing himself since he did the work himself "in a matter of fifteen minutes." To review his Affidavit, refer to Exhibit 6, question 10.

18. Respondent affirmed he did not have a campaign website, and did not identify a campaign website for articles in local media (*Orlando Sentinel*), because it would have required a campaign expenditure for about \$12 to purchase a website domain which he could not do without a campaign account. To review is Affidavit, refer to Exhibit 6, question 11.

### **Campaign Logo**

19. Complainant took issue with the logo appearing on Respondent's Facebook page and alleges Respondent made a campaign expenditure for a "professionally made logo" included on his campaign Facebook page. The logo on Respondent's Facebook page depicts an image with the head as a bird and the body as a leaf. To review Respondent's logo, refer to Exhibit 7.

20. In his non-sworn response to the instant complaint (Exhibit 4), Respondent said he created his campaign logo; therefore, it was not required to be disclosed as an in-kind donation to his campaign.

21. On June 1, 2017, during a telephone interview (Exhibit 5), Respondent declared he did not hire a professional to create his campaign logo as alleged by Complainant. Respondent acknowledged he does all his IT work and is "tech savvy."

22. In his Affidavit (Exhibit 6, question 15), Respondent said the logo was a base design of a leaf and a bird (symbolic reference to his last name), with text added in the appropriate font size and color. He indicated he used GIMP (GNU Image Manipulation Program—a free open-source image-editor software program) for photo and digital image design. To review relevant information regarding GIMP, refer to Exhibit 8.

23. In my review of Respondent's law firm's website, I also found a bird is included in the logo identified on his law firm's website. On January 11, 2018, during a telephone interview (Exhibit 5), Respondent acknowledged creating both logos as a reference to his last name—Byrd. To review the logo on Respondent's law firm's website, refer to Exhibit 9.

24. I found no record of previous complaints to indicate that Respondent has violated this section of Florida's election laws.

### **III. Alleged Violation of Section 106.19(1)(b), Florida Statutes:**

25. I investigated whether Respondent violated this section of the election laws by not reporting one or more contributions as required by Chapter 106, Florida Statutes.

26. Complainant essentially alleges that Respondent was required to file campaign treasurer's reports and disclose in-kind contributions for use of a website and campaign logo.

27. To review information regarding this section of the election laws, refer to paragraphs 7 through 23 in this report of investigation ("ROI").

28. I found no record of previous complaints to indicate that Respondent has violated this section of Florida's election laws.

### **IV. Alleged Violation of Section 106.19(1)(c), Florida Statutes:**

29. I investigated whether Respondent violated this section of the election laws by falsely reporting or deliberately failing to report information required by Chapter 106, Florida Statutes.

30. To review information regarding this section of the election laws, refer to paragraphs 7 through 23 in this ROI.

31. I found no record of previous complaints to indicate that Respondent has violated this section of Florida's election laws.

### **V. Alleged Violation of Section 106.19(1)(d), Florida Statutes:**

32. I investigated whether Respondent violated this section of the election laws by making or authorizing expenditures prohibited by Chapter 106, Florida Statutes.

33. Complainant essentially alleges that Respondent made an unauthorized expenditure for the development of a campaign logo.

34. To review information regarding this section of the election laws, refer to paragraphs 7 through 23 in this ROI.

35. I found no record of previous complaints to indicate that Respondent has violated this section of Florida's election laws.

**VI. FEC History:**

36. Respondent had no history of additional complaints filed against him with the Commission at the time of our receipt of this complaint.

**Conclusion:**

37. On January 11, 2018, by telephone (Exhibit 5), I reviewed my ROI with Respondent to give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint against him; I reviewed the information I had gathered during my investigation, regarding each section of law. Respondent said in an abundance of caution he provided a political disclaimer on the webpage at issue as he was informed by others one is required for political speech. I informed Respondent in my review of his law firm's website, I also found a bird is included in the logo identified on his law firm's website. Respondent acknowledged both logos are examples of a reference to his last name—Byrd—and he created both images (birds) that were included on his Facebook page and his law firm's website.

38. On September 19, 2017, in the Affidavit of Filing Officer, Charlene M. Pike, Chief Deputy of Administration, affirmed Respondent was provided a candidate packet on March 14, 2016, which included the following: link to Florida's election laws including Chapters 104 and 106, Florida Statutes; and *2016 Candidate and Campaign Treasurer Handbook*. She also declared Respondent filed Affidavit of Intention Special District Candidate ("Affidavit of Intention") on March 16, 2016. Respondent certified "I will not collect, solicit, or accept any contribution...." To review the Affidavit of Filing Officer, refer to Exhibit 10. To review the Affidavit of Intention, refer to Exhibit 11.

39. In his Affidavit, Respondent affirmed he reviewed documents on the SOE's website. On March 14, 2016, Respondent signed and filed his Statement of Candidate. As previously discussed in this ROI, Respondent was a first-time candidate. To review relevant pages of the *Candidate and Campaign Treasurer Handbook*, refer to Exhibit 12.

Respectfully submitted on January 12, 2018.



Helen Hinson  
Investigation Specialist

**Current address of Respondent**

Mr. Brian Byrd  
1220 Commerce Park Drive, Ste. 207  
Longwood, Florida 32779-5014

**Current address of Complainant**

The Honorable Edmund Young  
940 Douglas Avenue, Unit 122  
Altamonte Springs, Florida 32714-2048

**Name and Address of Filing Officer:**

The Honorable Michael Ertel  
Seminole County Supervisor of Elections  
1500 E Airport Boulevard  
Sanford, Florida 32773-6808

Copy furnished to:

Mr. David B. Flagg, Investigations Manager

**FLORIDA ELECTIONS COMMISSION**  
**REPORT OF INVESTIGATION**  
**Brian Byrd -- FEC 17-002**

<b>LIST OF EXHIBITS</b>	
<b>Exhibits #s</b>	<b>Description of Exhibits</b>
Exhibit 1	Respondent's Statement of Candidate
Exhibit 2	Respondent's domain name and registration
Exhibit 3	Respondent's webpage at issue
Exhibit 4	Respondent's non-sworn response to notice of the Complaint
Exhibit 5	Phone Log
Exhibit 6	Respondent's Affidavit of Background Information
Exhibit 7	Respondent's Facebook page Logo
Exhibit 8	Relevant information regarding GIMP
Exhibit 9	Logo on Respondent's Law Firm's Website
Exhibit 10	Affidavit of Filing Officer
Exhibit 11	Respondent's Affidavit of Intention Special District Candidate
Exhibit 12	Relevant pages of the <i>Candidate and Campaign Treasurer Handbook</i>

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

2016 MAR 14 AM 10:53

I, Brian P. Byrd

candidate for the office of Soil & Water Group 4

have been provided access to read and understand the requirements of  
Chapter 106, Florida Statutes.

X Brian P. Byrd

Signature of Candidate

03/14/2016

Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).





Your Domain Starting Place...

Type here for whois, domain and keyword results



### WHOIS LOOKUP

**byrdlawfirm.org is already registered\***

Domain Name: BYRDLAWFIRM.ORG  
 Registry Domain ID: D176104607-LROR  
 Registrar WHOIS Server:  
 Registrar URL: <http://www.networksolutions.com>  
 Updated Date: 2015-06-26T03:45:33Z  
 Creation Date: 2015-04-26T06:45:35Z  
 Registry Expiry Date: 2019-04-26T06:45:35Z  
 Registrar Registration Expiration Date:  
 Registrar: Network Solutions, LLC  
 Registrar IANA ID: 2  
 Registrar Abuse Contact Email:  
 Registrar Abuse Contact Phone:  
 Reseller:  
 Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>  
 Registry Registrant ID: C162002815-LROR  
 Registrant Name: Brian Byrd  
 Registrant Organization: ByrdLaw P.A.  
 Registrant Street: 720 Reflections Cir. Apt. 101  
 Registrant City: Casselberry  
 Registrant State/Province: FL  
 Registrant Postal Code: 32707  
 Registrant Country: US  
 Registrant Phone: +1.4075166984  
 Registrant Phone Ext:  
 Registrant Fax:  
 Registrant Fax Ext:  
 Registrant Email: [brnbyrd88@gmail.com](mailto:brnbyrd88@gmail.com)  
 Registry Admin ID: C162002815-LROR  
 Admin Name: Brian Byrd  
 Admin Organization: ByrdLaw P.A.  
 Admin Street: 720 Reflections Cir. Apt. 101  
 Admin City: Casselberry  
 Admin State/Province: FL  
 Admin Postal Code: 32707  
 Admin Country: US  
 Admin Phone: +1.4075166984  
 Admin Phone Ext:  
 Admin Fax:  
 Admin Fax Ext:  
 Admin Email: [brnbyrd88@gmail.com](mailto:brnbyrd88@gmail.com)  
 Registry Tech ID: C162002815-LROR  
 Tech Name: Brian Byrd  
 Tech Organization: ByrdLaw P.A.  
 Tech Street: 720 Reflections Cir. Apt. 101  
 Tech City: Casselberry  
 Tech State/Province: FL  
 Tech Postal Code: 32707  
 Tech Country: US  
 Tech Phone: +1.4075166984  
 Tech Phone Ext:  
 Tech Fax:  
 Tech Fax Ext:  
 Tech Email: [brnbyrd88@gmail.com](mailto:brnbyrd88@gmail.com)  
 Name Server: NS8.WIXDNS.NET  
 Name Server: NS9.WIXDNS.NET  
 DNSSEC: unsigned  
 URL of the ICANN Whois Inaccuracy Complaint Form: <https://www.icann.org/wicf/>  
 >>> Last update of WHOIS database: 2017-08-11T16:58:03Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

Access to Public Interest Registry WHOIS information is provided to assist persons in determining the contents of a domain name registration record in the Public Interest Registry registry database. The data in this record is provided by Public Interest Registry for informational purposes only, and Public Interest Registry does not guarantee its accuracy. This service is intended only for query-based access. You agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (a) allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or (b) enable high volume, automated, electronic processes that send queries or data to the systems of Registry Operator, a Registrar, or Afilias except as reasonably necessary to register domain names or modify existing registrations. All rights reserved. Public Interest Registry reserves the right to modify these terms at any time. By submitting this query, you agree to abide by this policy.

#### Popular

<input type="checkbox"/>	<a href="#">byrdlawfirm.biz</a>	\$14.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.cc</a>	\$29.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.us</a>	\$14.99

BUY SELECTED

#### Colors

No Results Found

#### Financial and Banking

<input type="checkbox"/>	<a href="#">byrdlawfirm.accountants</a>	\$75.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.credit</a>	\$99.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.insure</a>	\$37.99

BUY SELECTED

#### Products

<input type="checkbox"/>	<a href="#">byrdlawfirm.clothing</a>	\$34.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.jewelry</a>	\$57.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.watch</a>	\$34.99

BUY SELECTED

#### Marketing and Sales

<input type="checkbox"/>	<a href="#">byrdlawfirm.direct</a>	\$29.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.market</a>	\$29.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.social</a>	\$29.99

BUY SELECTED

#### Arts and Culture

<input type="checkbox"/>	<a href="#">byrdlawfirm.theater</a>	\$54.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.gallery</a>	\$19.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.dance</a>	\$24.99
<input type="checkbox"/>	<a href="#">byrdlawfirm.actor</a>	\$31.99

BUY SELECTED

#### Filters

- Popular
- Arts and Culture
- Audio and Video
- Businesses
- Colors
- Computers and Internet
- Descriptive
- Educational and Academic
- Financial and Banking
- Food and Drink
- Fun and Unique
- Geographic
- Health and Fitness
- Lifestyles and Relationships
- Marketing and Sales
- Media and Music
- Organizations
- Personal
- Products
- Professional
- Real Estate
- Services
- Shopping
- Sports and Hobbies
- Trades and Construction
- Travel and Tourism

**TOP 10 DISASTER RECOVERY PITFALLS: ARE YOU PREPARED?**

Get the White Paper



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\* NTT America endeavors to make the domain name availability search process reliable; however, NTT America does not guarantee availability of domain names or the accuracy or security of the WHOIS system. There are several factors that could cause a WHOIS list to incorrectly display that a currently registered domain is available. Regardless, if a domain name is already registered, WHOIS.NET will not be able to register the domain or gain possession of the registration from the current registrant without the cooperation of the current owner. The registration process is not complete until the domain name requested by you has been registered in your name with the appropriate registry. Because there are delays in the actual registration of a domain name with the appropriate registry, NTT America is not responsible if domain names requested by you are actually registered to third parties. Registration of the domain name through NTT America is not complete until you receive the final confirmation e-mail from NTT America. All registrations through NTT America are subject to NTT America's Global Terms and Conditions.

EXHIBIT 2 (1 of 3)

# WHOIS LOOKUP

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## **byrdlawfirm.org is already registered\***

Domain Name: BYRDLAWFIRM.ORG  
Registry Domain ID: D176104607-LROR  
Registrar WHOIS Server:  
Registrar URL: <http://www.networksolutions.com>  
Updated Date: 2015-06-26T03:45:33Z  
Creation Date: 2015-04-26T06:45:35Z  
Registry Expiry Date: 2019-04-26T06:45:35Z  
Registrar Registration Expiration Date:  
Registrar: Network Solutions, LLC  
Registrar IANA ID: 2  
Registrar Abuse Contact Email:  
Registrar Abuse Contact Phone:  
Reseller:  
Domain Status: clientTransferProhibited <https://icann.org/epp#clientTransferProhibited>  
Registry Registrant ID: C162002815-LROR  
Registrant Name: Brian Byrd  
Registrant Organization: ByrdLaw P.A.  
Registrant Street: 720 Reflections Cir. Apt. 104  
Registrant City: Casselberry  
Registrant State/Province: FL  
Registrant Postal Code: 32707  
Registrant Country: US  
Registrant Phone: +1.4075166984  
Registrant Phone Ext:  
Registrant Fax:  
Registrant Fax Ext:  
Registrant Email: [brianbyrd88@gmail.com](mailto:brianbyrd88@gmail.com)  
Registry Admin ID: C162002815-LROR  
Admin Name: Brian Byrd  
Admin Organization: ByrdLaw P.A.  
Admin Street: 720 Reflections Cir. Apt. 104  
Admin City: Casselberry  
Admin State/Province: FL  
Admin Postal Code: 32707  
Admin Country: US  
Admin Phone: +1.4075166984  
Admin Phone Ext:  
Admin Fax:  
Admin Fax Ext:  
Admin Email: [brianbyrd88@gmail.com](mailto:brianbyrd88@gmail.com)  
Registry Tech ID: C162002815-LROR  
Tech Name: Brian Byrd  
Tech Organization: ByrdLaw P.A.  
Tech Street: 720 Reflections Cir. Apt. 104  
Tech City: Casselberry  
Tech State/Province: FL  
Tech Postal Code: 32707  
Tech Country: US  
Tech Phone: +1.4075166984  
Tech Phone Ext:  
Tech Fax:

EXHIBIT 2(2 of 3)

Tech Fax Ext:  
Tech Email: brianbyrd88@gmail.com  
Name Server: NS8.WIXDNS.NET  
Name Server: NS9.WIXDNS.NET  
DNSSEC: unsigned  
URL of the ICANN Whois Inaccuracy Complaint Form: <https://www.icann.org/wicf/>  
>>> Last update of WHOIS database: 2017-08-11T16:58:03Z <<<

For more information on Whois status codes, please visit <https://icann.org/epp>

Access to Public Interest Registry WHOIS information is provided to assist persons in determining the contents of a domain name registration record in the Public Interest Registry registry database. The data in this record is provided by Public Interest Registry for informational purposes only, and Public Interest Registry does not guarantee its accuracy. This service is intended only for query-based access. You agree that you will use this data only for lawful purposes and that, under no circumstances will you use this data to: (a) allow, enable, or otherwise support the transmission by e-mail, telephone, or facsimile of mass unsolicited, commercial advertising or solicitations to entities other than the data recipient's own existing customers; or (b) enable high volume, automated, electronic processes that send queries or data to the systems of Registry Operator, a Registrar, or Afilias except as reasonably necessary to register domain names or modify existing registrations. All rights reserved. Public Interest Registry reserves the right to modify these terms at any time. By submitting this query, you agree to abide by this policy.

# ByrdLaw, P.A. Criminal Defense



Political Advertisement approved and paid for Brian Byrd who is a Seminole County resident running for Soil and Water Group 4.

<https://www.facebook.com/brianbyrdforseminole/>

I am officially running for Seminole County Soil and Water Group 4. There has never been a more important time to run for this position. The water in Brevard County is under seige due to a brown algae that is toxic to the fish in the Indian River, thousands of fish are dying and the river is suffering greatly. Flint is a despicable disaster, there is no room for politics on this issue, anyone who is responsible for what happened in Flint must either resign or be removed from office. Please like my page on facebook and join me in my calls to conduct independent testing of the water in Seminole County, Florida. Remember, Florida is not immune from lead in our water although our limestone does provide some degree of purification.

EXHIBIT 3 (1 of 2)

live support

for as call you

send an sms

add bontact to your size



## Water Group 4.

<https://www.facebook.com/brianbyrdforseminole/>

I am officially running for Seminole County Soil and Water Group 4. There has never been a more important time to run for this position. The water in Brevard County is under seige due to a crown algae that is toxic to the fish in the Indian River, thousands of fish are dying and the river is suffering greatly. Flint is a despicable disaster, there is no room for politics on this issue, anyone who is responsible for what happened in Flint must either resign or be removed from office. Please like my page on facebook and join me in my calls to conduct independent testing of the water in Seminole County, Florida. Remember, Florida is not immune from lead in our water although our limestone does provide some degree of purification.

### ON THE ISSUES:

Supports periodic testing of our public water for the presence of impurities or hazardous substances to prevent the chance of ever having a situation even a tenth as bad as the disaster in Flint, Michigan.

January 14<sup>th</sup>, 2016

Deputy Clerk Erin Riley  
Florida Elections Commission  
107 W. Gaines St.  
Ste. 224 Collins Building  
Tallahassee, FL 32399-1050

RECEIVED

2017 JAN 25 P 3:34

STATE OF FLORIDA  
ELECTIONS COMMISSION

**In Re: Case No. FEC 17-002; Respondent Brian Byrd**

Dear Deputy Clerk Erin Riley,

Ms. Riley, I write this letter response to you in regards to the Certified Mailing that I received in the above matter. I will start by stating that these complaints were filed by my political opponent, an opponent that I was incredibly gracious to as he defeated me 52.4-47.6 in the General Election. I consistently treated him with the utmost respect and this truly is a race that I am very proud of running fully above board.

As Mr. Young, did point out, it is true that I did not open a campaign account, a decision that was based on a pledge that I made whilst I was still ignorant of the rules. I did abide by this promise even though I knew that I was headed towards a defeat because of my inability to spend any funds. I will now attempt to respond to each of Mr. Young's allegations individually:

1. In regards to this allegation, I never declared that I was an Established or Registered Candidate on March 13<sup>th</sup>, 2016. While I was certainly going to file as a candidate the next day, on March 14<sup>th</sup> (did not know at the time that I needed a check for the filing fee), there was no formal announcement at that time. The first time that I made the formal announcement was on my personal Facebook on March 25<sup>th</sup>, 2016. (SEE EXHIBIT A) Additionally, I do not believe that it is a violation to state your intention to run for an office, so long as you don't falsely state that you are a registered candidate for office.
2. As for complaint #2, as to the first alleged violation, it is true that I did not have a campaign account. My corporation did make an endorsement of my campaign, it was eventually taken down after learning not to use my personal account after a conversation with the supervisor of elections. My website had one page with the endorsement of my candidacy. My website has 218 pages, of which one was dedicated to the endorsement. Other candidates received

EXHIBIT 4(1 of 3)

numerous endorsements via websites and were not included as "in-kind" donations. As soon as learning of the potential issue, it was rectified.

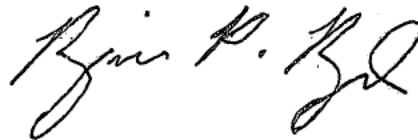
As to the second part of complaint #2, my logo was created by myself and neither purchased or donated, therefore not required to be disclosed as an "in-kind" donation.

3. As to the third complaint, on the personal information part of the Facebook page where it asked for my personal information, I did include my website as an oversight, it was never publicly shown without specifically clicking on the personal information part of the Facebook page, and never did I ask anyone to go to my website. This was also rectified.
4. I do not believe that this rule precludes me from endorsing a Judicial Candidate as I was of the belief that this applied more to the Judicial Candidate not accepting the endorsement of someone currently running for office. As you can see from Mr. Young's Exhibit, I clearly did not endorse Mr. Roger Scott, in fact it was quite the opposite. I had been personal friends with his opponent Eric Dubois, once I informed him of this, he made it clear that this could be a violation. I informed him that this was not a formal endorsement, just a statement of personal loyalties. He appeared to agree and said his post was just a "friendly reminder to not cross the line".

In closing, I ask that you review and dismiss these complaints for the reasons described above. Thank you very much for your time, and please do not hesitate to contact me at my contact information below.

Respectfully Submitted,

Brian P. Byrd  
1220 Commerce Park Dr. Suite #207  
Longwood, FL 32779  
407-516-6984  
brian@byrdlawfirm.org



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BRIAN P. BYRD

EXHIBIT A



Brian Byrd

I would like to officially announce that I am running for Seminole County Soil and Water Group 4. Clean and safe water was taken for granted as a given. However the terrible situation in Flint Michigan and the burgeoning fishkill crisis throughout Brevard County has shown that that we are not immune from these issues. To prevent a potential issue our water must be tested periodically by independent scientists or an independent agency to keep our current regulators honest.



BYRD



Like Page

Like

Share

More



**FLORIDA ELECTIONS COMMISSION  
PHONE LOG  
Case No.: FEC 17-002**

**Respondent:** Brian Byrd

**Complainant:** Edmund Young

1. **Date and time:** 06/01/17; 1:33 p.m.  
**Name:** Edmund Young—Complainant  
**Phone #:** 321-277-4669  
**Summary:** I phoned, reached an unidentified voice-mailbox, identified person I was calling, identified myself, requested he return my call, and provided my contact number.  
**Memo to File?** No  
**Entered by:** HH
  
2. **Date and time:** 06/01/17; 1: 37 p.m.  
**Name:** Brian Byrd—Respondent  
**Phone #:** 407-516-6984 (cell phone)  
**Summary:** I phoned, reached his cell phone voice-mailbox; I identified myself, requested he return my call, and provided my contact number.  
**Memo to File?** No  
**Entered by:** HH
  
3. **Date and time:** 06/01/17; 1:55 p.m.  
**Name:** Edmund Young—Complainant  
**Phone #:** 321-277-4669 (caller I.D.)  
**Summary:** Complainant returned my call, identified himself, and apologized for missing my call; I identified myself and the reason for my call, explained our process, and suggested a timeline for ROI, SR, Commission meetings, etc. Complainant asked about his allegation that it's a violation for Respondent to endorse a judicial candidate as he had been informed by staff at local SOE's office. I suggested there may be allegations made by a complainant that are not investigated because the allegation is not a violation of Florida's election laws, and he may contact the DOE for information. Complainant said he had "clerked for judges for many years," and understands information from others may not be correct. Complainant asked if he may obtain copies of Respondent's responses; I indicated he/Complainant may make a public records request after the Commission determines if there is probable cause or no probable cause to believe there is a violation, and noted final orders are available on DOAH's website. In order to assist me in case I have questions, Complainant provided his email address: [edmundhyoung@aol.com](mailto:edmundhyoung@aol.com).  
**Memo to File?** No  
**Entered by:** HH
  
4. **Date and time:** 06/01/17; 3:55 p.m.  
**Name:** Brian Byrd—Respondent  
**Phone #:** 407-516-6984 (cell phone)

EXHIBIT 5(1 of 4)

**Summary:** Respondent returned my call, I introduced myself indicating I am investigating the instant complaint. Respondent offered he never ran a negative campaign unlike Complainant. Respondent continued, he had declared during his campaign he would not accept campaign contributions, and had not opened a campaign account due to his naivete in the campaign finance laws. Respondent said he never sought campaign contributions. He was running on principle. Respondent declared he did not hire a professional to create his campaign logo as alleged by Complainant or to add an “endorsement” for his candidacy to the law firm website; he does all his IT work—“tech savvy.” I noticed a bird (eagle ?/falcon ?) is also used in logo found on his law firm’s website. Respondent added that the law firm website (containing more than 200 pages) was originally created by him, and updated by him, and the only expense for the law firm website is for the domain name registration, and believes any cost associated for an additional web page is very minimal.

I suggested that any cost or in-kind value for a campaign website/web page even only one cent should be disclosed. He offered that the “endorsement” for his candidacy was one page out of many on the law firms website, and believes the law firm is separate from himself. I also suggested he review information regarding in-kind contributions and pro-rata values, and express advocacy or “magic words” for political advertisements. Respondent said the “endorsement” was removed as soon as it was brought to his attention that it may be improper. (The webpage does not appear to be a political advertisement as it does not contain express advocacy; and link identified on Respondent’s Facebook page to webpage on Respondent’s law firm website is [www.byrdlawfirm.org](http://www.byrdlawfirm.org) and does not contain express advocacy or “magic words.”)

Respondent offered that he does not believe it is improper for him/candidate to support a judicial candidate—contrary to Complainant’s allegations—but it is his understanding a judge or judicial candidate may not endorse any candidate. (This allegation raised by Complainant is not one I am investigating.) Respondent said he had considered running for a judicial office later in his career, but this experience has left him much wiser and wary of ever running for elected office again. Respondent said Complainant also filed a complaint (same allegations) against him with The Florida Bar (attack on him/his livelihood) for which The Bar took no action.

I offered that several years ago, (2011), our ED and staff attorneys wrote an article published in *The Florida Bar Journal* identifying frequent errors made by candidates that he may find informative should he ever consider running for office again; it was published before he was a member of The Florida Bar (out of law school). Respondent indicated his interest in seeing the article.

**Memo to File?** HH

5. **Date and time:** 09/18/17; 9:59 a.m.

**Name:** Charlene Pike

**Phone #:** 407-585-8683

**Summary:** I phoned, identified myself, requested to speak with Ms. Pike, and my call was transferred to her voice-mailbox; I identified myself, provided my contact number, explained my call was to obtain additional information regarding Respondent, candidate in 2016 election, and requested she return my call.

EXHIBIT 5 (2 of 4)

**Memo to File?** No

**Entered by:** HH

6. **Date and time:** 09/18/17; 12:29 p.m.

**Name:** Charlene Pike

**Phone #:** 407-708-7706 (caller I.D.)

**Summary:** Ms. Pike returned my call; I explained that I wish to email a questionnaire (Aff of Filing Officer) to her regarding Respondent's 2016 campaign, and asked what payment instrument Mr. Byrd used to pay his qualifying fee; she said when he came in to qualify, he didn't have a check and another candidate loaned him a check and Mr. Byrd signed the other candidate's check; when she realized what had happened he was directed to come in again, and pay his qualifying fee. She asked me to hold a moment while she retrieved his candidate file as she believes she copied his cash; Ms. Pike said Respondent paid by cash, she believes on Friday, the last day of qualifying. She said he completed an affidavit rather than Form DS-DE 9. She provided and verified her email address: [pike@voteseminole.org](mailto:pike@voteseminole.org). I requested she provide documents by email; however, I need the notarized original Affidavit of Filing Officer. Ms. Pike said Mr. Byrd's candidate file was not extensive, and agreed to provide copies of his file by email since it may contain additional documents relevant to my investigation.

**Memo to File?** No

**Entered by:** HH

7. **Date and time:** 10/23/17; 4:30 p.m.

**Name:** Edmund Young—Complainant

**Phone #:** 321-277-4669 (caller I.D.)

**Summary:** He phoned, identified himself, explained we spoke on June 1 or 2, 2017, he's lost his notes due to a little storm "Irma," and asked when will the case be heard in November 2017; I explained the case is under investigation, will not be on the November agenda as those cases were completed in September, our next meeting will be February or March 2018, and Complainant will receive a NOH about two weeks before that time, and I provided the usual time line for meetings, PC or NPC, etc. I referred him to the DOAH website for Final Order.

**Memo to File?** No

**Entered by:** HH

8. **Date and time:** 01/11/18; 1:30 p.m.

**Name:** Brian Byrd—Respondent

**Phone #:** 407-516-6984 (cell phone)

**Summary:** I phoned Respondent to conduct a final interview by telephone, and give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint; however, I reached his voice-mailbox. I identified myself, provided my contact number, explained I am finalizing my ROI, wish to review it with him, and offer him an opportunity to make comments.

**Memo to File?** No

**Entered by:** HH

9. **Date and time:** 01/11/18; 1:55 p.m.

EXHIBIT 5(3 of 4)

**Name:** Brian Byrd—Respondent  
**Phone #:** 407-516-6984 (caller I.D.)

**Summary:** Respondent returned my call; I explained I am finalizing my ROI, wish to review it with him, give him an opportunity to respond to the information gathered during the course of the investigation concerning the allegations made in the complaint against him; I reviewed the information I had gathered during my investigation regarding each section of law. Respondent said in an abundance of caution he provided a political disclaimer on the webpage at issue as he was informed by others it was required for political speech. I informed Respondent in my review of his law firm's website, I also found a bird is included in the logo identified on his law firm's website. Respondent acknowledged creating both and are examples of a reference to his last name—Byrd—and images of a bird were included on both his Facebook page and his law firm's website. Respondent reiterated that there was never any cost associated with adding a webpage to his website or to create the logo for his Facebook page.

Respondent thanked me for my fair review of the issues in the instant case. He noted it's been his experience that people usually come to the table with their prejudices and/or an agenda instead of conducting an unbiased review of a matter. Again, he thanked me for my fair appraisal of the matter. I reviewed what will happen next including my ROI, his opportunity to respond in writing, legal staff's SR, his opportunity to respond in writing, NOH, Commission meeting, etc. Respondent asked about the Commission and I explained that members of the Elections Commission are appointed by the Governor and include The Commission is composed of nine members appointed by the Governor. The Governor appoints all the members except the Chair from lists of six names provided to him by the President of the Senate, the Speaker of the House of Representatives, and the minority leaders of both houses. Respondent expressed a desire to attend the relevant Commission meeting. He added after this experience he never wishes to run for office; he indicated that he had had a desire to run for Judicial office in the future; however, he has changed his mind after this experience. Respondent said Complainant had made a complaint to The Florida Bar; however, The Bar said it did not rise to the level required for their review.

**Memo to File?** No  
**Entered by:** HH

10. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**

11. **Date and time:**  
**Name:**  
**Phone #:**  
**Summary:**  
**Memo to File?** No  
**Entered by:**

EXHIBIT 5 (4 of 4)

**AFFIDAVIT OF BACKGROUND INFORMATION**

**Case Number: FEC 17-002**

**STATE OF FLORIDA**

**County of Seminole**

**Brian Byrd, being duly sworn, says:**

1. This affidavit is made upon my personal knowledge.

2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by BYRDLAW, PA as ATTORNEY.

3. Have you ever run for public office other than your 2016 campaign for Seminole Soil and Water Conservation District, Group 4? If so, please name the office(s) you ran for; the date(s) of the election(s) you ran in; and the outcome(s) of the election(s); also, include any races from which you withdrew as a candidate noting if you withdrew before or after qualifying.

THIS WAS MY FIRST TIME SEEKING ANY POLITICAL OFFICE.

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4. Have you ever been appointed to act as a campaign treasurer and/or deputy treasurer for a candidate, political committee ("PC"), electioneering communications organization ("ECO") and/or a committee of continuous existence (CCE)? (Committee of continuous existence is defined in Section 106.04, Florida Statutes (2012))? If so, please list the names of the candidate(s), you served as treasurer/deputy treasurer including your candidacy; indicate whether you served as treasurer or deputy treasurer; the office(s) the candidate ran for; and the dates of the election(s); also, please list the name and addresses of the committees (PC, ECO and/or CCE); the position(s) you held including chairman, treasurer and/or deputy treasurer; and date(s) when you held the position(s).

I HAVE NEVER PARTICIPATED IN A POLITICAL CAMPAIGN IN ANYWAY PRIOR TO THIS CAMPAIGN.

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5. What action have you taken to determine your responsibilities as a **candidate** under Florida's election laws and when? (Please identify and explain when and what you did to determine what was required of you as a candidate under Florida's election laws, such as the following: contact your local filing officer; contact the County Supervisor of Elections; contact the Division of Elections; contact an attorney; review documents provided by the filing officer; review documents available on the County Supervisor of Elections (SOE) website; review documents on the Division of Elections' website; etc.)

SPOKE TO A FEW PEOPLE THAT I TRUST, AND REVIEWED THE DOCUMENTS ON SUPERVISOR

EXHIBIT 6(1 of 6)

MICHAEL ERTEL'S WEBSITE.

6. Please explain if you sought guidance from anyone (municipal clerk, supervisor of elections, Division of Elections, an attorney, etc.) regarding the following requirements: filing Form DS-DE 9, for appointing a campaign treasurer and designating a campaign depository for candidates; and filing the requisite campaign treasurer's report ("CTR") disclosing campaign expenditures and contributions including in-kind contributions. If so, please include in your explanation the following: when you sought guidance; from whom you sought guidance; and the specific guidance they provided concerning Florida's election laws.

JUST TRUSTED FRIENDS, I DID NOT HIRE OR EXPEND ANY MONEY. I WAS ADVISED THAT SO LONG AS I DID NOT SPEND ANY MONEY THAT I WOULD BE FINE WITHOUT A CAMPAIGN ACCOUNT.

7. The allegations made by Complainant that are being investigated are as follows: **a.)** you were required to appoint a campaign treasurer and designate a campaign depository but failed to do so (incurred one or more campaign expenses without appointing a treasurer or designating a campaign depository—website and logo), s. 106.021(1)(a), and s. 106.19(1)(c), F.S.; **b.)** you were required to file campaign treasurer's reports, but failed to do so (report campaign expenditure for a "professionally made logo" and in-kind value of your law firm's website), s. 106.19(1)(b), and s. 106.19(a)(c), F.S.; **c.)** and you made an unauthorized expenditure ("professionally made logo"), s. 106.19(1)(d), F.S. The questions that follow relate to these allegations.

8. Please identify and explain when you first had an understanding regarding when, and if Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, should be completed by a candidate and filed with the appropriate filing officer; include in your explanation the date you sought/obtained this understanding and from whom you obtained this information, and come to this understanding.

I WAS AWARE OF THE REQUIREMENT, BUT DID NOT THINK IT HAD APPLIED TO ME AS THERE WAS NO ADDITIONAL MONEY SPENT TOWARDS MY CAMPAIGN. IF THERE WAS ANY MONEY THAT DATED BACK TO PERSONAL EXPENSES BEFORE THE CAMPAIGN SUCH AS MY PERSONAL WEBSITE

EXHIBIT 6 (2 of 6)

THAT WAS AN OVERSIGHT ON MY PART. I DID MY BEST TO BE EXTREMELY DILIGENT DURING  
THE CAMPAIGN TO NOT EXPEND ANY MONEY.

9. Please identify and explain when you first learned of Complainant's concerns regarding a webpage on your law firm website, from whom (name; title/office/position; mailing and email addresses; and telephone numbers), and what action you took to ameliorate any potential problem(s).

I NEVER HEARD ANYTHING ABOUT THIS DURING THE CAMPAIGN, I LEARNED OF THIS WHEN I  
RECEIVED THE COMPLAINT IN JANUARY, APPROXIMATELY SIXTY DAYS AFTER THE ELECTION.  
THE COMPLAINING PARTY WAS MY OPPONENT IN THE RACE: EDMUND LUKAS YOUNG. THE  
CURRENT SEMINOLE COUNTY SOIL AND WATER SUPERVISOR GROUP 4. I RAN AN EXCEEDINGLY  
CLEAN RACE. BUT I UNDERSTAND IF I VIOLATED THE ELECTION RULES, THEN IT DOES NOT MATTER  
THE POLITICAL MOTIVATION BEHIND THE COMPLAINT. UPON LEARNING OF THE COMPLAINT,  
I IMMEDIATELY REMOVED IT FROM MY WEBSITE.

10. Please identify and explain your campaign procedure(s) for determining when you were required to disclose expenses you incurred (such as for a "professionally made logo," creating and adding web page to your law firm website, etc.) in the appropriate CTR so each expenditure may be properly and timely reported.

I WAS NOT AWARE THAT I HAD TO DISCLOSE THESE AS CAMPAIGN EXPENSES BECAUSE THERE  
WAS NOT ANY MONEY EXPENDED FOR EITHER. THE LOGO WAS MADE BY MYSELF, AND THE WEBSITE  
PAGE WAS DONE IN A MATTER OF FIFTEEN MINUTES BY MYSELF AS WELL. USING MY WEBSITE  
EDITOR. I AM EXTREMELY GOOD WITH DIGITAL AND WEBSITE DESIGN. MY LAW FIRM WEBSITE  
WAS BUILT ENTIRELY BY MYSELF AS WELL.

11. In the *Orlando Sentinel*, your bio and related campaign information identifies the following: your campaign email as "[Brian@byrdlawfirm.org](mailto:Brian@byrdlawfirm.org)"; your campaign phone number as "407-516-6984"; your education as "Juris Doctor, Florida State University"; your campaign Facebook as "[facebook.com/profile.php?id+198068513894395&tsid=0.47413641470484436](https://facebook.com/profile.php?id+198068513894395&tsid=0.47413641470484436)"; your occupation as "Attorney"; plus additional information such as your hometown, age, political or civic experience, etc. However, it identifies your campaign website as "N/A"; and campaign

EIGHT 6(3 of 6)

Twitter as "N/A." Please explain why a campaign website is not identified and included with your related campaign information in the *Orlando Sentinel*.

I DID NOT HAVE A CAMPAIGN WEBSITE BECAUSE THIS WOULD HAVE REQUIRED A CAMPAIGN EXPENDITURE IN ORDER TO BUY A NEW WEBSITE DOMAIN OF AROUND \$12, WHICH I COULD NOT DO WITHOUT A CAMPAIGN ACCOUNT.

12. Please identify and explain when, how and by whom the web page was created and added to your law firm's website, and identify any costs/fees/charges associated with the changes.

I ADDED THE ENDORSEMENT OF MYSELF TO MY PERSONAL WEBSITE, IN I BELIEVE, EARLY FALL. THE COST TO ADD THE PAGE WAS \$0, AND THE TIME EXPENDED WAS APPROXIMATELY 20 MINUTES OR LESS. IF NEED BE, I CAN DEMONSTRATE HOW THIS IS DONE.

13. Please identify and describe the information added to your law firm's website including a webpage discussing your concerns regarding local and national water issues. Please include any references that would be considered as you expressly advocating for your election to office such as vote for, elect, vote against, etc.

I DO NOT CURRENTLY HAVE THAT WEBSITE PAGE CURRENTLY ACCESIBLE SO I AM UNABLE TO ANSWER THE QUESTION ENTIRELY. BUT I HAVE NEVER DENIED THAT THE PURPOSE OF THE PAGE ADDED TO MY SITE WAS FOR MY BUSINESS TO ENDORSE MY CAMPAIGN FOR SSWCD4. I AM UNSURE OF THE ACTUAL LANGUAGE USED, BUT IT LIKELY SAID "ELECT BRIAN BYRD FOR SEMINOLE COUNTY SOIL AND WATER GROUP 4".



14. Please identify the date your Facebook page was created and by whom (name; title/office/position; mailing and email addresses; and telephone numbers), and what charges/expenses resulted for your Facebook page.

I AM UNAWARE OF THE EXACT DATE THAT I CREATED MY FACEBOOK PAGE, BUT IT WAS PROBABLY JUST AROUND 7-10 DAYS FROM WHEN I OFFICIALLY FILED. THE PAGE WAS CREATED BY MYSELF.

15. In your non-sworn response to the instant complaint, you declared there was no cost to you and/or your campaign for the logo as it was not purchased but designed/created by you. Please identify the steps in detail you took to design/create the logo that was of concern to Complainant. THE LOGO IS ACTUALLY VERY SIMPLE, IT IS A BASE DESIGN OF A LEAF AND A BIRD, WITH TEXT ADDED IN THE APPROPRIATE FONT SIZE AND COLOR. GIMP IS AN OPEN SOURCE PHOTO EDITOR THAT I USE FOR ALL THINGS PHOTO AND DIGITAL IMAGE DESIGN.

16. Please identify the date you discussed the creation of your campaign website and Facebook page, and with whom (name; title/office/position; mailing and email addresses; and telephone numbers).

I NEVER DID CREATE A CAMPAIGN WEBSITE, ALSO I CREATED MY FACEBOOK ON MY OWN, I PROBABLY THOUGHT ABOUT IT THE DAY THAT I CREATED THE FACEBOOK PAGE.

17. Please explain why you did not submit Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, to your local filing officer.

I WAS UNAWARE THAT THESE ALLEGATIONS WERE CONSIDERED CAMPAIGN EXPENDITURES

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. Please provide any additional information you believe is relevant.

I FULLY TAKE RESPONSIBILITY IF THESE ARE INDEED VIOLATIONS. I CERTAINLY DID NOT DO THESE ACTIONS WITH ANY ILL INTENT, AND ADMITTEDLY I WAS A PURE NOVICE. I DID NOT CREATE A CAMPAIGN ACCOUNT BECAUSE OF A SILLY PROMISE THAT I MADE AT THE BEGINNING OF THE CAMPAIGN. I ORIGINALLY THOUGHT THAT THIS MEANT THAT I WOULD NOT ACCEPT ANY DONATIONS FROM PEOPLE OR OUTSIDE SOURCES, BUT I SOON LEARNED AFTER THAT THIS MEANT I COULD NOT SPEND ANY OF MY OWN MONEY. I ACTUALLY TOLD THE AUDIENCE THIS AT A DEBATE TOWARDS THE END OF THE RACE WHEN IT BECAME CLEAR THAT I SIMPLY COULDN'T COMPETE WITH MY OPPONENT BECAUSE OF HIS EXPENDITURES, BUT I STOOD BY MY PROMISE.

**I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.**

Brian P. Byrd  
Signature of Affiant

Brian P. Byrd  
Type or print name of Affiant as it appears on her/his ID.

Sworn to (or affirmed) and subscribed before me this 25 day of

September, 2017.

Elizabeth Ann Painter  
Signature of Notary Public - State of Florida  
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known  or Produced Identification \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

Case Investigator: HH

EXHIBIT 7



**Brian Byrd for Seminole County Soil & Water Group 4**

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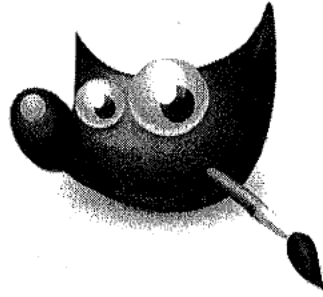
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# GIMP

## GNU IMAGE MANIPULATION PROGRAM

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This is the official website of the GNU Image Manipulation Program (GIMP).

[GIMP 2.9.8 Released](#)

[2017-12-12](#)

GIMP is a cross-platform image editor available for GNU/Linux,

[GIMP 2.9.6 Released](#)

EXHIBIT 8 (1 of 6)

OS X, Windows and more operating systems. It is free software, you can change its source code and distribute your changes.

2017-08-24

An Interview with Michael Schumacher,  
GIMP administrator  
2017-05-15

Whether you are a graphic designer, photographer, illustrator, or scientist, GIMP provides you with sophisticated tools to get your job done. You can further enhance your productivity with GIMP thanks to many customization options and 3rd party plugins.

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---

## High Quality Photo Manipulation

GIMP provides the tools needed for high quality image manipulation. From retouching to restoring to creative composites, the only limit is your imagination.

EXHIBIT 8(2 of 6)

---

## Original Artwork Creation

GIMP gives artists the power and flexibility to transform images into truly unique creations.

---

## Graphic Design Elements

GIMP is used for producing icons, graphical design elements, and art for user interface components and mockups.

---

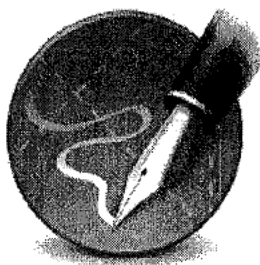
EXHIBIT 8 (3 of 6)

## Programming Algorithms

GIMP is a high quality framework for scripted image manipulation, with multi-language support such as C, C++, Perl, Python, Scheme, and more!

## Key Component in a Desktop Publishing Workflow

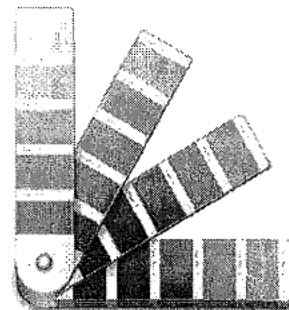
GIMP provides top-notch color management features to ensure high-fidelity color reproduction across digital and printed media. It is best used in workflows involving other free software such as Scribus, Inkscape, and SwatchBooker.



Scribus



Inkscape



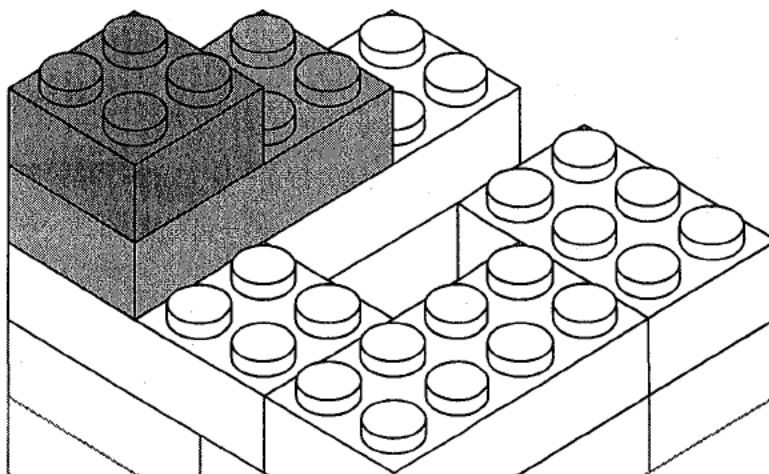
SwatchBooker

EXHIBIT 8 (4 of 6)

## Extensibility & Flexibility

GIMP provides extensibility through integration with many programming languages including Scheme, Python, Perl, and more.

The result is a high level of customization as demonstrated by the large number of scripts and plug-ins created by the community.



*Header image: Matador Rocks by Mica Semrick (cba)*

*High Quality Photo Manipulation background image by Pat David (cba)*

*Original Artwork Creation background image by David Revoy (cb)*

*Graphic Design Elements background image by Ollin Bohan (cba)*

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# ByrdLaw, P.A. Criminal Defense



EXHIBIT 9

Political Advertisement approved and paid for Brian Byrd who is a Seminole County resident running for Soil and Water Group 4.

<https://www.facebook.com/brianbyrdforseminole/>

I am officially running for Seminole County Soil and Water Group 4. There has never been a more important time to run for this position. The water in Brevard County is under seige due to a brown algae that is toxic to the fish

live support

Let us call you

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add contact to your site

**AFFIDAVIT OF FILING OFFICER**  
**Case Number: FEC 17-002**

RECEIVED

2017 SEP 25 P 12:11

STATE OF FLORIDA  
 ELECTIONS COMMISSION

**STATE OF FLORIDA**  
**County of Seminole**

**Charlene Pike, being duly sworn, says:**

1. This affidavit is made upon my personal knowledge.
2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by Seminole County Supervisor of Elections as Chief Deputy Administration.
3. Please provide copies of the listed items from the following candidate's campaign file:  
**Brian Byrd.**

Check	ITEM
X	The Statement of Candidate form for the <b>2016</b> campaign.
N/A	Appointments of Treasurers and Designation of Campaign Depository form(s) for the <b>2016</b> campaign. <b>Candidate filed Affidavit of Intention Special District Candidate 3/16/16.</b>
N/A	Campaign treasurer's reports, waivers, and amendments for the <b>2016</b> campaign.
N/A	Addendum requests and proof of compliance for the <b>2016</b> campaign.
X	All checks issued by the candidate's campaign to your office (qualifying fee, fine payment, maps, etc.)
N/A	If the candidate's campaign did <u>not</u> issue a check as payment, please check the box to the left, and identify the form of payment provided such as cash, personal check, personal debit/credit card, campaign debit card, etc., in the following space: _____
X	Please provide copies of any additional relevant documents from the candidate's campaign file.

4. Please check each item provided to the candidate or <her/his> staff, and list the date that the item was provided to her/him.

Check	ITEM	DATE
X	<b>Chapter 104, Florida Statutes Link to election laws provided with candidate packet.</b>	<b>3/14/16</b>

EXHIBIT 10 (1 of 5)

<b>X</b>	<b>Chapter 106, Florida Statutes</b> Link to election laws provided with candidate packet.	<b>3/14/16</b>
<b>X</b>	<b>Candidate and Campaign Treasurer Handbook.</b> Please indicate Year or edition. 2016	<b>3/14/16</b>
<b>X</b>	<b>Other:</b> <sup>1</sup> Link to election laws provided with candidate packet.	<b>3/14/16</b>

5. Relative to Chapter 106, *Florida Statutes*, and the *Candidate and Campaign Treasurer Handbook*, how are these publications provided to the candidate and/or <her/his> staff?

- Publications are given directly to the candidate and/or <her/his> staff. **Printed copy provided with candidate packet.**
- Publications are available in the office, candidate and/or <her/his> staff are advised to pick-up the publications for themselves.
- Candidate and/or <her/his> staff are advised to download copies of the publications from our website or the Division of Elections' website.
- Other, please explain. \_\_\_\_\_

6. Did your office offer any candidate workshops or training seminars prior to the **2016** election?  Yes  No. If yes, please list all workshops/training seminars that were attended by the candidate and/or <her/his> staff, along with the date of attendance. If a staff member attended for the candidate, list her/his name and position. If available, please attach a copy of any attendance sheets from the workshops/training seminars and if available, please provide a copy of the syllabus and outline for the workshops/seminars.

March 30, 2016

---

7. Does your office have any record of **Brian Byrd** having sought elective office within your jurisdiction prior to the **2016** election?  Yes  No. If yes, please list the previous office(s) <he/she> ran for, the date(s) of the election(s), and the result(s) of the election(s).

---

8. Does your office have any record of **Brian Byrd** having been named as a chairperson or campaign treasurer of a political committee or electioneering communication organization within your jurisdiction?  Yes  No. If yes, please list the name(s) of the committees.

---

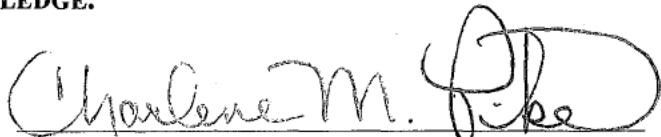
<sup>1</sup> Any local publications relative to Florida's election laws that may have been provided in lieu of the *Candidate and Campaign Treasurer Handbook* published by the Division of Elections. If your office published the item(s), please send a copy of the item(s) with the affidavit, or a link, if available online.

EXHIBIT 10 (2 of 5)

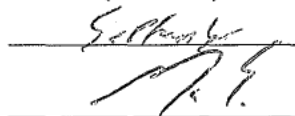
9. Did you or any member from your staff have any conversations with **Brian Byrd** concerning a provision of Chapter 106, Florida Statutes, at any time during <her/his> **2016** campaign?  Yes  No. If yes, please indicate whether the conversation was in person, in writing, or by telephone, and the subject matter of the conversation. If applicable, please provide copies documenting the discussion.

I had a telephone conversation with Mr. Byrd the morning of March 15, 2016 to inform him that the paperwork he turned in March 14, 2016 was incomplete. I made him aware that he had not filed a DS-DE 9 Appointment of Campaign Treasurer or an Affidavit of Intention in lieu of the DS-DE 9. He requested that I email the affidavit. I also sent the link to the Form 1 Statement of Financial Interests because he filed a Form 6 which is not required of a special district candidate.

**I SWEAR OR AFFIRM THAT THE INFORMATION CONTAINED IN THIS DOCUMENT IS COMPLETE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.**

  
**Signature of Affiant**

Sworn to (or affirmed) and subscribed before me this 19 day of September, 2017.

  
**Signature of Notary Public - State of Florida**  
**Print, Type, or Stamp Commissioned Name of Notary Public**



Personally Known  or Produced Identification

Type of Identification Produced: \_\_\_\_\_

Case investigator: HH

EXHIBIT 10 (3 of 5)

CANDIDATE PACKET

03/14/2016  
(Date)

I, Brian P. Byrd  
(Print Name), have this date received the following forms and information:

Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (2 copies) (yellow DS-DE 9) (Rev. 10/10)

Statement of Candidate (DS-DE 84) (Rev. 5/11)

Statement of Candidate for Judicial Office (DS-DE 83) (Rev. 3/08)

Campaign Treasurer's Reports - Summary (DS-DE 12) (Rev. 11/13)  
Itemized Contributions (DS-DE 13) (Rev. 11/13)  
Itemized Expenditures (DS-DE 14) (Rev. 11/13)

Waiver of Report (DS-DE 87) (Rev. 6/15)

Candidate Petition Form (DS-DE 104) (Rev. 9/11)

Candidate Petition Handbook (Rev. 1/27/16)

2015-2016 Calendar (rev. 7/15)

2016 Qualifying Dates (rev. 8/15)

2016 Candidate and Campaign Treasurer Handbook (Rev. 1/22/16)

Election Laws – are available at:

<http://election.dos.state.fl.us/publications/publications.shtml>

Usage and Removal of Political Campaign Advertisements Information

Form 6, Full and Public Disclosure of Financial Interests (2015)

Instructions for Completing and Filing Form 6 (CE Form 6)

Statement of Ethical Campaign Practices

Brian P. Byrd  
(Signature)

**NOTE: Candidate forms and publications are available at:**  
<http://election.dos.state.fl.us/publications/index.shtml>

As a candidate for public office in Seminole County, I believe political issues can be freely debated without appealing to prejudices. Positive campaigning promotes citizen involvement. Therefore:

1. I will run a campaign emphasizing my qualifications for office and my positions on issues of public concerns and I will limit my criticism of an opponent to legitimate challenges to that person's record, qualifications, and positions.
2. I will condemn any appeal to prejudice based on race, religion, gender, age, national origin, marital status, or physical disability.
3. I will not publish, display, or circulate any anonymous campaign literature, political advertisements, emails, websites, blogs, social media entries, etc., nor will I permit members of my campaign organization to engage in such activities.
4. I will provide campaign finance reports which accurately reflect the contributions received and expenditures made.
5. I will not permit members of my campaign organization to engage in activities designed to destroy or remove campaign signs lawfully displayed on public or private property.
6. I will not permit the use of untruths or innuendoes about an opponent's personal life.
7. I will at all times tell the truth, with complete documentation from legitimate, verifiable sources for any charges against my opponent(s), and substantiate claims about my own record.
8. I will not use or permit use of campaign material that falsifies, distorts, or misrepresents facts.
9. I recognize that duty to my country, my state, my county and my own ethics outweigh any personal ambition for public office.
10. I will not permit any member of my campaign to engage in these activities and will immediately and publicly repudiate the support of any other individual or group which resorts to the methods and tactics that I hereby condemn.

Candidate: Brian P. Byrd  
Signature: Brian D. Bl  
Date: 03/17/2016 EXHIBIT 10(5 of 5)

**AFFIDAVIT OF INTENTION  
SPECIAL DISTRICT CANDIDATE**

State of Florida  
Seminole County

I, Brian P. Byrd, a candidate for the special  
(Print name)

district of: Soil and Water Group 4 in the  
(District name including district #, seat #, or group #)

General Election certify that I will not collect, solicit, or accept any contribution; *be it a gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication (106.011(5), Florida Statutes)*. I further certify that the only expenditure made on behalf of my candidacy will be the candidate qualifying fee or, in lieu of the qualifying fee, the signature verification fee for candidate petitions.

I certify that in the event I collect, solicit, or accept any contribution, as described above, or make a campaign expenditure; *be it a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificates of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication (106.011(10), Florida Statutes)* my campaign will be governed by Chapter 106, Florida Statutes.

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE  
FOREGOING AFFIDAVIT AND THAT THE FACTS STATED IN IT ARE TRUE.**

Brian P. Byrd  
Signature of Candidate

03/16/2016  
Date

99.061, Florida Statutes  
05/13

00 1 11 91 888 0102

EXHIBIT 11



# 2016 Candidate & Campaign Treasurer Handbook

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

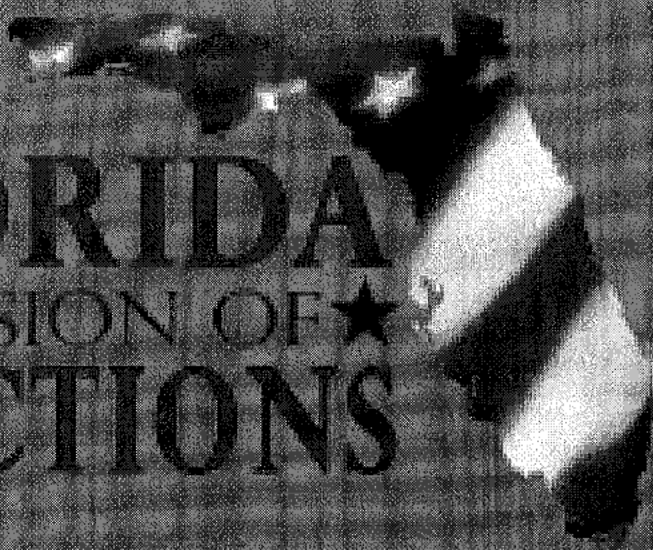


EXHIBIT 12 (1 of 24)

Florida Department of State  
Division of Elections  
R. A. Gray Building, Room 316  
500 South Bronough Street  
Tallahassee, FL 32399-0250  
850.245.6240

(Rev. 01/22/16)

Candidate & Campaign Treasurer Handbook

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## Chapter 2: The Campaign Financing Act

Chapter 106, Florida Statutes, regulates campaign financing for all candidates, including judicial candidates, political committees, electioneering communication organizations, affiliated party committees, and political parties. ***It does not regulate campaign financing for candidates for federal office. Individuals seeking a publicly elected position on a political party executive committee who receive contributions or make expenditures must comply with Section 106.0702, F.S., regarding reporting requirements. (See Chapter 18, Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.)***

The Division of Elections:

- Oversees the interpretation of and provides guidance on the election laws.
- Provides advisory opinions to supervisors of elections, candidates, local officers having election related duties, political parties, political committees, or other persons or organizations engaged in political activity, relating to any provisions or possible violations of Florida election laws with respect to actions such person or entity has taken or proposes to take.
- Conducts audits with respect to reports and statements filed under Chapter 106.

- Reports to the Florida Elections Commission any apparent violations of Chapter 106.
- Prescribes rules and regulations to carry out the provisions of Chapter 106, Florida Statutes.  
(Sections 106.22 and 106.23, F.S.)

## Chapter 4: Glossary of Terms

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

(Section 106.011(1), F.S.)

**Campaign Treasurer:** An individual appointed by a candidate or political committee as provided in Chapter 106, F.S.

(Section 106.011(2), F.S.)

**Candidate:** A person to whom any of the following applies:

- person who seeks to qualify for nomination or election by means of the petitioning process;
- person who seeks to qualify for election as a write-in candidate;
- person who receives contributions or makes expenditures, or gives his or her consent for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention in, public office;
- person who appoints a campaign treasurer and designates a primary depository; or
- person who files qualification papers and subscribes to a candidate's oath as required by law.

This definition does not include an individual seeking a publically elected position on a political party executive committee.

(Sections 97.021(5)  
and 106.011(3), F.S.)

**Contribution:** (See Section 106.011(5), F.S. and Chapter 10, Contributions.)

**Election:** Primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, selecting a member of a political party Executive Committee, or submitting an issue to the electors for their approval or rejection.

(Section 106.011(7), F.S.)

**Electioneering Communication:** Communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that (1) refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; (2) is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and (3) is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

(Section 106.011(8), F.S.)

## Candidate & Campaign Treasurer Handbook

**Expenditure:** (See Section 106.011(10), F.S. and Chapter 11, Expenditures.)

**Filing Officer:** The person before whom a candidate qualifies the agency or officer with whom a political committee registers  
(Section 106.011(11), F.S.)

**General Election:** An election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.  
(Section 97.021(15), F.S.)

**Independent Expenditure:** (See Section 106.011(12), F.S. and Chapter 11, Expenditures.)

**In-Kind Contribution:** In-kind contributions are anything of value made for the purpose of influencing the results of an election except money, personal services provided without compensation by individual volunteers, independent expenditures, as defined in Section 106.011(12), F.S., or endorsements of three or more candidates by affiliated party committees or political parties. (See Division of Elections Opinion 04-06)

**Judicial Office:** Includes the office of Justice of the Supreme Court, judge of a district court of appeal, judge of a circuit court, and county court judge. A judicial office is a nonpartisan office and a candidate for

election or retention thereto is prohibited from campaigning or qualifying for such an office based on party affiliation.  
(Section 105.011, F.S.)

**Minor Political Party:** Any group which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the state.  
(Section 97.021(18), F.S.)

**Nominal Value:** Having a retail value of \$10 or less.  
(Section 97.021(20), F.S.)

**Nonpartisan Office:** An office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.  
(Section 97.021(21), F.S.)

**Office Account:** A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may transfer funds from the campaign account to an office account up to limits listed under Section 106.141(5), F.S. This fund must be used only for legitimate expenses in connection with the candidate's public office.  
(Section 106.141, F.S.)

**Person:** An individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having

## Chapter 5: Becoming a Candidate

A candidate is a person who:

1. Seeks to qualify for nomination or election by means of the petition process;
2. Seeks to qualify for election as a write-in candidate;
3. Receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office;
4. Appoints a treasurer and designates a primary depository; or
5. Files qualification papers and subscribes to a candidate's oath as required by law.
6. This definition does **not** include an individual seeking a publically elected position for a political party executive committee.

(Section 106.011(3), F.S.)

### What to File

Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, is the first document that must be filed with the filing officer to become a candidate. At the same time, the candidate must designate the office for which he or she is running. A candidate can appoint a campaign

treasurer and designate a campaign depository at any time, but **no later** than the date the candidate qualifies for office, and before any contributions are received, any expenditures are made, and any signatures are obtained on a candidate petition. Nothing prohibits a person from announcing their intention to become a candidate prior to filing Form DS-DE 9, **as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition**. Individuals seeking a publically elected position on a political party executive committee are also required to file Form DS-DE 9. (See Chapter 8, Campaign Treasurers.)

### Form DS-DE 9:

- Is considered "filed" only when the filing officer receives the form, (not upon mailing) **and** determines that the form is complete.
- Shall be filed with the filing officer **prior** to opening the campaign account.
- Shall be filed with the filing officer **prior** to the candidate accepting any contributions or making any expenditures, or authorizing another to accept contributions or make expenditures on the person's behalf.
- Shall be filed with the filing officer **prior** to obtaining signatures on a DS-DE 104, Candidate Petition.

Form DS-DE 84, Statement of Candidate, must be filed with the filing officer within 10 days after filing Form DS-DE 9. This form states that the candidate has been provided access to read and understand the requirements of Chapter 106, F.S. The



execution and filing of the statement of candidate does not in and of itself create a presumption that any violation of Chapter 106, F.S., or Chapter 104, F.S., is a willful violation. An individual seeking election to a political party Executive Committee is **NOT** required to file Form DS-DE 84.

***Form DS-DE 83, Statement of Candidate for Judicial Office***, must be filed by each candidate for judicial office, including an incumbent judge, within 10 days after filing Form DS-DE 9.

This form states that the judicial candidate has received, read, and understands the requirements of the Florida Code of Judicial Conduct.

*(Sections 105.031, 106.021  
and 106.023, F.S.)*

### Filing Officer

The filing officer is the person before whom a candidate qualifies:

- **Division of Elections**
  - State, multicounty district, and judicial offices (except county court judge)
- **Supervisor of Elections**
  - County court judge, countywide, and district offices (except multicounty offices)
- **Municipal Clerk**
  - Municipal offices  
*(Section 106.011(11), F.S.)*

### Resign-to-Run

No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other, without resigning from the office he or she presently holds. The resignation is irrevocable.

The written resignation must be submitted at least **ten days** prior to the first day of qualifying for the office. The resignation must be effective no later than the earlier of the following dates:

- The date the officer would take office, if elected; or
- The date the officer's successor is required to take office.

*(Section 99.012(3), F.S.)*

A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to this chapter if the person is seeking to qualify for a public office that is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for reelection to that office.

*(Section 99.012(4), F.S.)*

The resign-to-run law does not apply to political party offices, persons serving without salary as members of an appointive board or authority, and persons holding federal office or seeking the office of President or Vice President.

*(Section 99.012(6) and (7), F.S.)*

## Chapter 8: Campaign Treasurers

### Appointing Campaign Treasurers and Deputy Treasurers

Each candidate and each individual seeking election to a political party executive committee shall appoint a campaign treasurer by filing Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates with the filing officer before whom the candidate qualifies. The name and address of the campaign treasurer must be included on the form. A candidate may appoint a campaign treasurer and designate a campaign depository at any time, but no later than the date the candidate qualifies for office, and before any contributions are received, any expenditures are made, and any signatures are obtained on a candidate petition. Nothing prohibits a person from **announcing** his or her intention to become a candidate prior to filing Form DS-DE 9, as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition.

- A candidate or individual seeking election to a political party executive committee must appoint a campaign treasurer.
- A candidate or individual seeking election to a political party executive committee may appoint herself or himself as campaign treasurer or deputy campaign treasurer.

- A candidate for statewide office (Governor, Cabinet and Supreme Court Justice) may appoint no more than 15 deputy campaign treasurers. Any other candidate may appoint no more than three deputy campaign treasurers.
- Deputy campaign treasurers are appointed in the same manner as the campaign treasurer by filing Form DS-DE 9 with the filing officer.

#### Form DS-DE 9:

- Is considered "filed" only when the filing officer receives the form, (not upon mailing) **and** determines that the form is complete.
- Shall be filed with the filing officer **prior** to opening the campaign account.
- Shall be filed with the filing officer **prior** to the candidate accepting any contributions or making any expenditures, or authorizing another to accept contributions or make expenditures on the person's behalf.
- Shall be filed with the filing officer **prior** to obtaining signatures on a DS-DE 104, Candidate Petition.

### Duties and Responsibilities

No contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly

## Candidate & Campaign Treasurer Handbook

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or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state except through the duly appointed campaign treasurer of the candidate, subject to the following exceptions:

- Independent expenditures;
- Reimbursements to a candidate or any other individual for expenses incurred in connection with the campaign by a check drawn upon the campaign account and reported pursuant to Section 106.07(4), F.S. The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to Section 106.07(4), F.S., together with the purpose of such payment;
- Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance, or other expenditures that include multiple integral components as part of the expenditure and reported pursuant to Section 106.07(4)(a)13.; or
- Expenditures made directly by affiliated party committee or political party regulated by Chapter 103, F.S., for obtaining time, space or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidate for the purposes of this chapter.

The campaign treasurer:

- Shall keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate. Such accounts must be kept current within not more than **two days** after the date a contribution is received or an expenditure is made.
- Shall deposit all funds received by the end of the **5th business day** into the campaign depository. All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount of each contribution.
- Shall keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and all withdrawals made from these accounts to the primary depository and all interest earned.
- **Shall preserve all accounts for a number of years equal to the term of office to which the candidate seeks election.**
- Shall file regular reports of all contributions received and expenditures made by or on behalf of such candidate.
- May be fined \$1,000 or more or be subjected to criminal penalties for failing to file a campaign report or filing an incomplete or inaccurate report.

Deputy campaign treasurers may exercise any of the powers and duties of the campaign treasurer when specifically authorized to do so by the campaign treasurer and candidate.

## Chapter 9: Campaign Depositories

### Primary Campaign Depository

A candidate and each individual seeking election to a political party executive committee must designate a primary campaign depository with a bank, savings and loan association, or credit union authorized to do business in the State of Florida. The campaign depository is designated at the same time as a treasurer is appointed on Form DS-DE 9 (Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates). A candidate who seeks to qualify by the petition process shall designate a campaign depository prior to obtaining signatures on petitions.

**IMPORTANT:** All contributions must be deposited into such account and all expenditures must be drawn by a check on such account, except when paid with petty cash. (See Chapter 11, Expenditures).

A candidate and each individual seeking election to a political party executive committee must file the name and address of the primary campaign depository with the same officer with whom the candidate files the name of his or her campaign treasurer on Form DS-DE 9.

The campaign account must be separate from any personal or other account and used only for depositing campaign contributions and making expenditures.

Designating a campaign depository does not mean physically opening an account. It is

merely naming the financial institution where the campaign funds will be deposited. This is because most banks require an initial deposit to open a campaign account and a contribution cannot be accepted prior to the candidate filing a complete Form DS-DE 9.

All funds received by the campaign treasurer shall, prior to the end of the **fifth business day** following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to Section 106.021, F.S., in an account that contains the name of the candidate.

**IMPORTANT:** All deposits must be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.

(Sections 106.021(1) and 106.05, F.S., and Division of Elections Opinion 09-03)

### Secondary Campaign Depository

A candidate may designate one secondary depository in each county where an election is held in which the candidate participates for the sole purpose of depositing contributions for transfer into the primary depository.

A candidate must file the name and address of each secondary campaign depository with the same officer with whom the candidate files the name of his or her campaign treasurer on Form DS-DE 9.

If a contribution is deposited in a secondary depository, the depository shall forward the full amount of the deposit, along with a copy of the deposit slip, to the primary depository

## Chapter 10: Contributions

A contribution is:

- A gift, subscription, conveyance, deposit, loan, payment or distribution of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. These include contributions in-kind, having an attributable monetary value in any form;
- A transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups;
- The payment, by any person other than a candidate, of compensation for the personal services of another person which are rendered to a candidate without charge to the candidate for such services; or
- The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit. The term includes any interest earned on such account or certificate.

The exceptions are:

- Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate including, but not limited to, legal and accounting services;
- Editorial endorsements.

**IMPORTANT:** The law provides no exceptions for reporting contribution information, regardless of the size of the contribution (e.g., the reporting requirements would be the same for a 50 cent contribution as for a \$500 contribution).

(Section 106.011(5), F.S.)

### Unauthorized Contributions

Any contribution received by a candidate with opposition in an election or by the campaign treasurer or deputy campaign treasurer **on the day of that election or less than five days prior to the day of the election** must be returned to the contributor and may not be used or expended by or on behalf of the candidate.

(Section 106.08(3), F.S.)

### Anonymous Contributions

When a candidate receives an anonymous contribution it must be reported on the candidate's campaign treasurer's report as an anonymous contribution. A letter should be submitted to the filing officer explaining the circumstances surrounding the acceptance of the anonymous contribution.

The candidate cannot spend the anonymous contribution, but at the end of the campaign can donate the amount to an appropriate entity under Section 106.141, F.S.

(Division of Elections Opinion 89-02)

## In-Kind Contributions

In-kind contributions are anything of value made for the purpose of influencing the results of an election.

The exceptions are:

- Money;
- Personal services provided without compensation by individual volunteers;
- Independent expenditures, as defined in Section 106.011(5), F.S.; or
- Endorsements of three or more candidates by affiliated party committees or political parties.

*(Section 106.011, F.S.;  
and Division of Elections Opinion 04-06)*

Any person who makes an in-kind contribution shall, at the time of making the contribution, place a fair market value on the contribution. In-kind contributions are subject to contribution limitations. Travel conveyed upon private aircraft shall be valued at the actual cost of per person commercial air travel for the same or a substantially similar route.

*(Section 106.055, F.S.,  
and Division of Elections Opinion 09-08)*

## Loans

Loans are considered contributions and are subject to contribution limitations. Loans to or from each person or political committee must be reported together with names, addresses, occupations, and principal places of business, if any, of the lenders and

endorsers, including the date and amount of each loan on the campaign treasurer's report.

Loans made by a candidate to his or her own campaign are not subject to contribution limitations. A candidate who makes a loan to his or her campaign and reports the loan as required by Section 106.07, F.S. may be reimbursed for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.

All personal loans exceeding \$500 in value, made to a candidate and used for campaign purposes and made in the twelve months preceding his or her election to office, must be reported on **Forms DS-DE 73 and 73A, Campaign Loans Report**, and filed with the filing officer within ten days after being elected to office.

Any person who makes a contribution to pay all or part of a loan incurred in the twelve months preceding the election, to be used for the campaign, may not contribute more than the amount allowed in Section 106.08(1), F.S.

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

## Cash Contributions

A candidate may not accept an aggregate cash contribution or contribution by means of a cashier's check from the same contributor in excess of \$50 per election. A money order or traveler's check is not considered cash.

**IMPORTANT:** Cash contributions must be

reported on campaign treasurer's reports to include the full name and address of each person who gave a cash contribution during the reporting period, together with the amount and date of such cash contribution.

(Sections 106.07(4) and 106.09, F.S., and Division of Elections Opinion 90-15.)

### Debit and Credit Card Contributions

A candidate may accept contributions via a credit card or debit card. These contributions are categorized as a "check" for reporting purposes.

(Division of Elections Opinions 94-02 and 00-03)

### Contribution Limits for Candidates

**IMPORTANT:** Except for political parties or affiliated party committees, no person or political committee may make contributions in excess of: (1) \$3,000 to a candidate for statewide office or for retention as a justice of the Supreme Court. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate for the purpose of this section; (2) \$1,000 to a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for county-wide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge. The primary and general elections are separate elections. (See Glossary for the definition of "person.")

(Section 106.08(1)(a) F.S.)

***These limits do not apply to contributions made by a state or county executive committee of a political party or affiliated party committee regulated by Chapter 103, F.S., or to amounts contributed by a candidate to his own campaign. The contribution limits do not apply to individuals seeking election to a political party executive committee because they are not "candidates."***

A candidate may *not*:

- Accept contributions until Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, is filed with the filing officer;
- Accept a contribution in excess of the above limits from any one person per election, provided the candidate is an opposed candidate and the contribution is received within the timeframe applicable to each election;
- Accept contributions from family members in excess of the above limits per election;
- Accept contributions from a county executive committee of a political party whose contributions in the aggregate exceed \$50,000, or from the national or state executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, who contributions in the aggregate exceed \$50,000. Polling services, research services, cost for campaign staff, professional consulting services, and

telephone calls are not contributions to be counted toward the contribution limits, but must still be reported by the candidate. All other contributions are counted toward the contribution limits;

- A candidate for statewide (Governor, Cabinet and Supreme Court Justice) office may not accept contributions from a national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, or affiliated party committee, which contributions in the aggregate exceed \$250,000; or
- Accept contributions after the date he or she withdraws his or her candidacy, is defeated, becomes unopposed or is elected.

*(Sections 106.08 and 106.19, F.S.)*

### Foreign Contributions

Federal law prohibits contributions from foreign nationals to any federal, state, or local candidate, unless the foreign national possesses a green card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or on their website at <http://www.fec.gov>.

### Violations

Any candidate, campaign manager, campaign treasurer, or deputy treasurer of any candidate, agent or person acting on behalf of any candidate, or other person who knowingly and willfully:

- Accepts a contribution in excess of the limits prescribed by Section 106.08, F.S.;
- Fails to report any contribution required to be reported by Chapter 106, F.S.;
- Falsely reports or deliberately fails to include any information required by Chapter 106, F.S.; or
- Makes or authorizes any expenditure in violation of Section 106.11(4), F.S., or any other expenditure prohibited by Chapter 106, F.S.; is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

*(Section 106.19, F.S.)*

### 2016 Deadlines for Accepting Contributions

Any contribution received by a candidate with opposition in an election, or the campaign treasurer or deputy campaign treasurer, **on the day of that election or less than five days prior to the day of that election** must be returned to the contributor. It may not be used or expended by or on behalf of the candidate.

*(See Appendix B for 2016 Deadlines)*



## Chapter 11: Expenditures

### Definition

An expenditure is a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication.

### General Requirements

A candidate shall:

- Pay all campaign expenditures by a check drawn on the campaign account (except petty cash);
- Pay the qualifying fee by a check drawn on the campaign account;
- Pay for all expenses authorized or incurred for the purchase of goods or services upon final delivery and acceptance of the goods or services; and
- Pay for public utilities such as telephone, electric, gas, water and like services when the bill is received. Utility companies providing services to candidates must charge a deposit sufficient to meet all anticipated charges during a billing period.

**IMPORTANT:** No candidate, campaign manager, treasurer, deputy treasurer, or any person acting on behalf of the foregoing,

shall authorize any expenses, unless there are sufficient funds on deposit in the primary depository account of the candidate to pay the full amount of the authorized expense, to honor all other checks draw on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid.

Sufficient funds means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained and not that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

### Checks

**IMPORTANT:** Only a campaign treasurer or deputy campaign treasurer is allowed to sign checks drawn on the campaign account. The campaign treasurer or deputy campaign treasurer who signs a check shall be responsible for the completeness and accuracy of the information on the check and for ensuring it is an authorized expenditure. **Candidates are prohibited from signing campaign checks unless they have appointed themselves campaign treasurer or deputy treasurer.**

A candidate or other individual may be reimbursed for expenses incurred in connection with the campaign by a check drawn on the campaign account and reported pursuant to Section 106.07(4), F.S. The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported

## Chapter 16: Filing Campaign Reports

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

The candidate and his or her campaign treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer or candidate who willfully certifies the correctness of any report while knowing that such report is incorrect, false or incomplete commits a misdemeanor of the first degree.

*(Section 106.07, F.S.)*

### Where to File

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

Candidates filing reports with the Division are required to file by means of the Electronic Filing System. If the candidate's filing officer is other than the Division, contact the appropriate filing officer to find out the requirements.

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

### When to File

Reports must be filed on the 10th day following the end of each calendar month from the time the candidate registers, except that if the 10th day occurs on a Saturday, Sunday or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday or legal holiday.

A statewide candidate 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.

All other candidates must file reports on the 60th day immediately preceding the primary election and bi-weekly on each Friday thereafter through and including the 4th day immediately preceding the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.

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

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

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a single report of all contributions and expenditures on the 4th day immediately preceding the primary election. (*See Chapter 18, Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.*)

Unless the electronic filing requirements of Section 106.0705, Florida Statutes, apply, reports shall be filed no later than 5 p.m. of the day designated. A report postmarked by the U.S. Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within 5 days after the designated due date that was delivered by the U.S. Postal Service is deemed timely filed unless it has a postmark indicating the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the U.S. Postal Service at the time of mailing or a receipt from an established courier company, which bears a date on or before the date on which the report is due, is proof of mailing in a timely manner. Reports filed with the Division through the Electronic Filing System (EFS) are due no later than midnight, Eastern Time, of the due date.

(Sections 106.07, 106.0705 and 106.141, F.S.)

### Penalty for Late Filing

Any candidate failing to file a report on the designated due date shall be subject to a fine of \$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is

greater, for the period covered by the late report. However, for the reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report. For a candidate's termination report, the fine shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater for the period covered by the late report. All fines must be paid from the candidate's **personal funds** – not campaign funds.

(Section 106.07(2) and (8), F.S.)

### Notice of No Activity

In any reporting period during which a candidate has not received funds or made any expenditures, the filing of the required report for that period is waived. **However, the candidate must notify the filing officer in writing on or before the prescribed reporting date that no report is being filed on that date.** (A notice of no activity filed with the Division must be filed electronically using the EFS.) The next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

(Section 106.07, F.S.)

### Incomplete Reports

If a campaign treasurer files a report that is deemed incomplete, it shall be accepted on a conditional basis. The campaign treasurer will be notified by the filing officer as to why the report is incomplete. The campaign

treasurer must file an addendum to the incomplete report within seven days of notification. The addendum must include all necessary information to complete the report.

(Section 106.07(2), F.S.)

## Reporting Total Sums

Each campaign treasurer's report required by Chapter 106, F.S., shall contain the total sums of all loans, in-kind contributions, and other receipts by or for such candidate, and total sums of all expenditures made by such candidate during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

(Section 106.07, F.S.)

## Reporting Contributions

Each report must contain:

- Full name, address, specific occupation, amount, and date of each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. **The principal type of business or the occupations are not required if the contribution is \$100 or less, or from a relative provided the relationship is reported.**
- Name, address, amount, and date of each political committee making any transfer of funds.
- Full name, address, specific occupation, principal place of business of the lender

and endorser, date and amount of each loan.

- Statement of each contribution, rebate, refund, or other receipts not listed in 1. through 3. above.

(Sections 106.07(4) and 112.312(21), F.S.)

## Returning Contributions

Contributions **must be returned** to the contributor **if**:

- A candidate receives a contribution in excess of the limitations provided by law.
- A candidate with opposition in an election receives a contribution on the day of that election or less than five days prior to the date of that election.
- A candidate receives a contribution once he or she is elected, defeated, becomes unopposed, or withdraws his or her candidacy.

If the contribution to be returned has not been deposited into the campaign account, report the contribution as a contribution returned using form DS-DE 02.

If the contribution has been deposited into the campaign account:

- Report the contribution; and
- Write a check from the campaign account to the contributor for the amount of the contribution and report this on the itemized contribution report using the contribution type "Refund."

This amount is reported as a negative. The candidate may also wish to submit a written explanation to the filing officer.

(Section 106.08, F.S.)

## Reporting Expenditures

Each report must contain:

- Full name and address of each person to whom expenditures have been made along with the amount, date, and clear purpose of the expenditure. Name, address, and office sought by each candidate on whose behalf such expenditure was made.
- Full name and address of each person to whom an expenditure for personal services, salary or reimbursed authorized expenses was made along with the amount, date, and clear purpose of the expenditure.
- Total amount withdrawn and the total amount spent from the petty cash fund. Each expenditure from the petty cash fund need not be individually reported but complete records of petty cash expenditures must be kept.
- Transaction information for each credit card purchase. Credit cards may be used by statewide (Governor, Cabinet and Supreme Court Justice) candidates only. (See *Division of Elections Opinion 05-07.*)
- Amount and nature of debts and obligations owed by or to the candidate, which relate to the conduct of any political campaign.

- The amount and nature of any separate interest-bearing accounts or certificates of deposit. Identification of the financial institution in which such accounts or certificates of deposit are located must be identified.

- The primary purposes of an expenditure made indirectly through a campaign treasurer for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.

- Total sum of expenditures during the reporting period.

(Section 106.07, F.S.)

## Special Requirements for Judicial Retention Candidates

A candidate for retention as a Justice of the Supreme Court or a Judge of a District Court of Appeal who has not received any contributions or made any expenditures, may file a sworn statement on Form DS-DE 96, Affidavit of Intention, at the time of qualifying that he or she does not anticipate receiving contributions or making expenditures in connection with his or her candidacy for retention to office.

Such candidate must file a final report within 90 days following the general election for which the candidate's name appeared on the ballot for retention. The candidate may

use Form DS-DE 97, Affidavit of Compliance, for this purpose.

A candidate for retention to judicial office who, after filing Form DS-DE 96 receives any contributions or makes any expenditures in connection with his or her candidacy for retention must immediately file a statement to that effect with the qualifying officer and must begin filing reports as an opposed candidate pursuant to Section 106.07, F.S.

*(Sections 105.08(2) and 106.141, F.S.)*

## Chapter 22: Recordkeeping

### Contributions

- The campaign treasurer of each candidate shall keep detailed accounts of all contributions received, which shall be current within not more than two days after the date of receiving the contribution.

(Section 106.06, F.S.)

- All funds received by the campaign treasurer of any candidate shall be deposited in the campaign depository prior to the end of the fifth business day following receipt (Saturdays, Sundays and legal holidays excluded).

(Section 106.05, F.S.)

- All money and contributions received with respect to a campaign fund raiser are deemed campaign contributions and shall be accounted for and subject to the same restrictions as other campaign contributions.

(Section 106.025, F.S.)

- All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.

(Section 106.05, F.S.)

- The campaign treasurer shall keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and of all interest earned.

(Section 106.06, F.S.)

- Contributions deposited in a secondary campaign depository shall be forwarded to the primary campaign depository prior to the end of the first business day following the deposit. A copy of the deposit slip shall accompany the deposit.

(Section 106.05, F.S.)

### Expenditures

- The campaign treasurer of each candidate shall keep detailed accounts of all expenditures made, which shall be current within not more than two days after the making of the expenditure.

(Section 106.06, F.S.)

- **Credit Cards for Statewide (Governor, Cabinet and Supreme Court Justice) Candidates Only** - Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account. The treasurer shall require an accounting of actual expenses and reconcile any overpayment or underpayment to the original payee.

(Sections 106.07 and 106.125, F.S.)

- Receipts for debit card transactions must contain: (1) the last four digits of the debit card number; (2) the exact amount of the expenditure; (3) the name of the payee; (4) the signature of the campaign treasurer, deputy treasurer, or authorized user; and (5) the exact purpose for which the expenditure is authorized. Any information required but not included on the debit card transaction receipt may be handwritten on, or attached to, the receipt by the authorized user before submission to the treasurer.

(Section 106.11, F.S.)

## Candidate & Campaign Treasurer Handbook

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- All expenditures made with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account shall be deemed to be campaign expenditures to be accounted for and subject to the same restrictions as other campaign expenditures.

*(Section 106.025, F.S.)*

- The campaign treasurer shall keep detailed accounts of all withdrawals made from any separate interest-bearing account or certificate of deposit to the primary depository and of all interest earned.

*(Section 106.06, F.S.)*

- The campaign treasurer shall retain the records pursuant to Section 106.06, F.S.

*(Section 106.07, F.S.)*

### Preservation of Accounts

Accounts kept by the campaign treasurer of a candidate shall be preserved by the campaign treasurer for a number of years equal to the term of the office to which the candidate seeks election.

*(Section 106.06, F.S.)*

### Inspections

- Accounts kept by the campaign treasurer of a candidate, including separate interest-bearing accounts and certificates of deposit, may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division or the Florida Elections Commission. The right

of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction.

*(Section 106.06, F.S.)*

- Records maintained by the campaign depository shall be subject to inspection by an agent of the Division or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any such records to the Division or Florida Elections Commission upon request.

*(Section 106.07, F.S.)*

- It is the duty of the Division to make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of Chapter 106, F.S., and with respect to alleged failures to file any report or statement required under the provisions of Chapter 106, F.S.

*(Section 106.22(6), F.S.)*

- It is the duty of the Division to conduct random audits with respect to reports and statements filed under Chapter 106, F.S., and with respect to alleged failure to file any reports and statements required under Chapter 106, F.S.

*(Section 106.22(10), F.S.)*





Re: CONFIDENTIAL Case No.: FEC 17-002

Brian Byrd

to:

Helen Hinson

09/25/2017 01:08 PM

Hide Details

From: Brian Byrd <brian@byrdlawfirm.org>

To: Helen Hinson <Helen.Hinson@myfloridalegal.com>

Yes thank you very much for the fair process throughout.

On 9/25/2017 1:07 PM, Helen Hinson wrote:

Dear Mr. Byrd:

Thank you for your cooperation.

**Helen Hinson**

Investigation Specialist

Florida Elections Commission

The Collins Building, Ste. 224

107 West Gaines Street

Tallahassee, FL 32399-1050

[helen.hinson@myfloridalegal.com](mailto:helen.hinson@myfloridalegal.com)

PH: 850.922.4539, extension 115

FAX: 850.921.0783

[www.fec.state.fl.us](http://www.fec.state.fl.us)

Please note: Florida has a very broad public records law. Written communications to or from me regarding state business constitute public records and are available to the public and media upon request **unless** the information is subject to a specific statutory exemption.

Therefore, your e-mail message may be subject to public disclosure.

Brian Byrd <brian@byrdlawfirm.org> wrote on 09/25/2017 01:01:06 PM:

> From: Brian Byrd <brian@byrdlawfirm.org>

> To: Helen Hinson <Helen.Hinson@myfloridalegal.com>

> Date: 09/25/2017 01:01 PM

> Subject: Re: CONFIDENTIAL Case No.: FEC 17-002

>

> Ms. Hinson,

>

> Terribly sorry for the slow response, I totally missed this in my  
> email. Here is the response.

>

> On Fri, Sep 15, 2017 at 6:07 PM, Helen Hinson

> <Helen.Hinson@myfloridalegal.com

> > wrote:

> Brian Byrd, Esq.

> 1220 Commerce Park Dr., Ste. 207

> Longwood, FL

> PH: 407.516.6984

>

> Dear Mr. Byrd:

>  
> The Florida Elections Commission needs additional information  
> concerning the complaint filed against you with the Commission. I  
> have enclosed a questionnaire as we discussed earlier; please  
> complete and returned the signed, notarized original to me by the  
> close of business on September 25, 2017.  
>  
> (See attached file: 2017-08-11\_Aff of R additional info - FEC 17-  
002.pdf)  
>  
> Thank you in advance for your assistance in resolving this matter.  
> Please let me know if you have any questions.  
>  
> Sincerely,  
>  
> Helen Hinson  
> Investigation Specialist  
> Florida Elections Commission  
> The Collins Building, Ste. 224  
> 107 West Gaines Street  
> Tallahassee, FL 32399-1050  
> [helen.hinson@myfloridalegal.com](mailto:helen.hinson@myfloridalegal.com)  
> PH: 850.922.4539, extension 115  
> FAX: 850.921.0783  
> [www.fec.state.fl.us](http://www.fec.state.fl.us)  
>  
> Please note: Florida has a very broad public records law. Written  
> communications to or from me regarding state business constitute  
> public records and are available to the public and media upon request  
unless  
> the information is subject to a specific statutory exemption.  
> Therefore, your e-mail message may be subject to public disclosure.  
>  
>  
> --  
> Brian Byrd  
> 1220 Commerce Park Dr. Ste. 207  
> Longwood, FL 32779  
> Cell (407) 516-6984  
> [www.byrdlawfirm.org](http://www.byrdlawfirm.org)  
>  
> [attachment "Election Law Complaint.pdf" deleted by Helen Hinson/OAG]  
> [image removed]

**AFFIDAVIT OF BACKGROUND INFORMATION**  
**Case Number: FEC 17-002**

**STATE OF FLORIDA**  
**County of Seminole**

**Brian Byrd, being duly sworn, says:**

1. This affidavit is made upon my personal knowledge.

2. I am of legal age and competent to testify to the matters stated herein. I am currently employed by BYRDLAW, PA as ATTORNEY.

3. Have you ever run for public office other than your 2016 campaign for Seminole Soil and Water Conservation District, Group 4? If so, please name the office(s) you ran for; the date(s) of the election(s) you ran in; and the outcome(s) of the election(s); also, include any races from which you withdrew as a candidate noting if you withdrew before or after qualifying.

THIS WAS MY FIRST TIME SEEKING ANY POLITICAL OFFICE.

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4. Have you ever been appointed to act as a campaign treasurer and/or deputy treasurer for a candidate, political committee ("PC"), electioneering communications organization ("ECO") and/or a committee of continuous existence (CCE)? (Committee of continuous existence is defined in Section 106.04, Florida Statutes (2012))? If so, please list the names of the candidate(s), you served as treasurer/deputy treasurer including your candidacy; indicate whether you served as treasurer or deputy treasurer; the office(s) the candidate ran for; and the dates of the election(s); also, please list the name and addresses of the committees (PC, ECO and/or CCE); the position(s) you held including chairman, treasurer and/or deputy treasurer; and date(s) when you held the position(s).

I HAVE NEVER PARTICIPATED IN A POLITICAL CAMPAIGN IN ANYWAY PRIOR TO THIS CAMPAIGN.

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5. What action have you taken to determine your responsibilities as a **candidate** under Florida's election laws and when? (Please identify and explain when and what you did to determine what was required of you as a candidate under Florida's election laws, such as the following: contact your local filing officer; contact the County Supervisor of Elections; contact the Division of Elections; contact an attorney; review documents provided by the filing officer; review documents available on the County Supervisor of Elections (SOE) website; review documents on the Division of Elections' website; etc.)

SPOKE TO A FEW PEOPLE THAT I TRUST, AND REVIEWED THE DOCUMENTS ON SUPERVISOR

MICHAEL ERTEL'S WEBSITE.

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6. Please explain if you sought guidance from anyone (municipal clerk, supervisor of elections, Division of Elections, an attorney, etc.) regarding the following requirements: filing Form DS-DE 9, for appointing a campaign treasurer and designating a campaign depository for candidates; and filing the requisite campaign treasurer's report ("CTR") disclosing campaign expenditures and contributions including in-kind contributions. If so, please include in your explanation the following: when you sought guidance; from whom you sought guidance; and the specific guidance they provided concerning Florida's election laws.

JUST TRUSTED FRIENDS, I DID NOT HIRE OR EXPEND ANY MONEY. I WAS ADVISED THAT SO LONG AS I DID NOT SPEND ANY MONEY THAT I WOULD BE FINE WITHOUT A CAMPAIGN ACCOUNT.

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7. The allegations made by Complainant that are being investigated are as follows: **a.)** you were required to appoint a campaign treasurer and designate a campaign depository but failed to do so (incurred one or more campaign expenses without appointing a treasurer or designating a campaign depository—website and logo), s. 106.021(1)(a), and s. 106.19(1)(c), F.S.; **b.)** you were required to file campaign treasurer's reports, but failed to do so (report campaign expenditure for a "professionally made logo" and in-kind value of your law firm's website), s. 106.19(1)(b), and s. 106.19(a)(c), F.S.; **c.)** and you made an unauthorized expenditure ("professionally made logo"), s. 106.19(1)(d), F.S. The questions that follow relate to these allegations.

8. Please identify and explain when you first had an understanding regarding when, and if Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, should be completed by a candidate and filed with the appropriate filing officer; include in your explanation the date you sought/obtained this understanding and from whom you obtained this information, and come to this understanding.

I WAS AWARE OF THE REQUIREMENT, BUT DID NOT THINK IT HAD APPLIED TO ME AS THERE WAS NO ADDITIONAL MONEY SPENT TOWARDS MY CAMPAIGN. IF THERE WAS ANY MONEY THAT DATED BACK TO PERSONAL EXPENSES BEFORE THE CAMPAIGN SUCH AS MY PERSONAL WEBSITE

THAT WAS AN OVERSIGHT ON MY PART. I DID MY BEST TO BE EXTREMELY DILIGENT DURING  
THE CAMPAIGN TO NOT EXPEND ANY MONEY.

9. Please identify and explain when you first learned of Complainant's concerns regarding a webpage on your law firm website, from whom (name; title/office/position; mailing and email addresses; and telephone numbers), and what action you took to ameliorate any potential problem(s).

I NEVER HEARD ANYTHING ABOUT THIS DURING THE CAMPAIGN, I LEARNED OF THIS WHEN I RECEIVED THE COMPLAINT IN JANUARY, APPROXIMATELY SIXTY DAYS AFTER THE ELECTION. THE COMPLAINING PARTY WAS MY OPPONENT IN THE RACE: EDMUND LUKAS YOUNG. THE CURRENT SEMINOLE COUNTY SOIL AND WATER SUPERVISOR GROUP 4. I RAN AN EXCEEDINGLY CLEAN RACE. BUT I UNDERSTAND IF I VIOLATED THE ELECTION RULES. THEN IT DOES NOT MATTER THE POLITICAL MOTIVATION BEHIND THE COMPLAINT. UPON LEARNING OF THE COMPLAINT, I IMMEDIATELY REMOVED IT FROM MY WEBSITE.

10. Please identify and explain your campaign procedure(s) for determining when you were required to disclose expenses you incurred (such as for a "professionally made logo," creating and adding web page to your law firm website, etc.) in the appropriate CTR so each expenditure may be properly and timely reported.

I WAS NOT AWARE THAT I HAD TO DISCLOSE THESE AS CAMPAIGN EXPENSES BECAUSE THERE WAS NOT ANY MONEY EXPENDED FOR EITHER. THE LOGO WAS MADE BY MYSELF, AND THE WEBSITE PAGE WAS DONE IN A MATTER OF FIFTEEN MINUTES BY MYSELF AS WELL. USING MY WEBSITE EDITOR. I AM EXTREMELY GOOD WITH DIGITAL AND WEBSITE DESIGN. MY LAW FIRM WEBSITE WAS BUILT ENTIRELY BY MYSELF AS WELL.

11. In the *Orlando Sentinel*, your bio and related campaign information identifies the following: your campaign email as "Brian@byrdlawfirm.org"; your campaign phone number as "407-516-6984"; your education as "Juris Doctor, Florida State University"; your campaign Facebook as "facebook.com/profile.php?id+198068513894395&tsid=0.47413641470484436"; your occupation as "Attorney"; plus additional information such as your hometown, age, political or civic experience, etc. However, it identifies your campaign website as "N/A"; and campaign

Twitter as "N/A." Please explain why a campaign website is not identified and included with your related campaign information in the *Orlando Sentinel*.

I DID NOT HAVE A CAMPAIGN WEBSITE BECAUSE THIS WOULD HAVE REQUIRED A CAMPAIGN EXPENDITURE IN ORDER TO BUY A NEW WEBSITE DOMAIN OF AROUND \$12, WHICH I COULD NOT DO WITHOUT A CAMPAIGN ACCOUNT.

12. Please identify and explain when, how and by whom the web page was created and added to your law firm's website, and identify any costs/fees/charges associated with the changes.

I ADDED THE ENDORSEMENT OF MYSELF TO MY PERSONAL WEBSITE, IN I BELIEVE, EARLY FALL. THE COST TO ADD THE PAGE WAS \$0, AND THE TIME EXPENDED WAS APPROXIMATELY 20 MINUTES OR LESS. IF NEED BE, I CAN DEMONSTRATE HOW THIS IS DONE.

13. Please identify and describe the information added to your law firm's website including a webpage discussing your concerns regarding local and national water issues. Please include any references that would be considered as you expressly advocating for your election to office such as vote for, elect, vote against, etc.

I DO NOT CURRENTLY HAVE THAT WEBSITE PAGE CURRENTLY ACCESIBLE SO I AM UNABLE TO ANSWER THE QUESTION ENTIRELY. BUT I HAVE NEVER DENIED THAT THE PURPOSE OF THE PAGE ADDED TO MY SITE WAS FOR MY BUSINESS TO ENDORSE MY CAMPAIGN FOR SSWCD4. I AM UNSURE OF THE ACTUAL LANGUAGE USED, BUT IT LIKELY SAID "ELECT BRIAN BYRD FOR SEMINOLE COUNTY SOIL AND WATER GROUP 4".

14. Please identify the date your Facebook page was created and by whom (name; title/office/position; mailing and email addresses; and telephone numbers), and what charges/expenses resulted for your Facebook page.

I AM UNAWARE OF THE EXACT DATE THAT I CREATED MY FACEBOOK PAGE, BUT IT WAS PROBABLY JUST AROUND 7-10 DAYS FROM WHEN I OFFICIALLY FILED. THE PAGE WAS CREATED BY MYSELF.

15. In your non-sworn response to the instant complaint, you declared there was no cost to you and/or your campaign for the logo as it was not purchased but designed/created by you. Please identify the steps in detail you took to design/create the logo that was of concern to Complainant.

THE LOGO IS ACTUALLY VERY SIMPLE, IT IS A BASE DESIGN OF A LEAF AND A BIRD, WITH TEXT ADDED IN THE APPROPRIATE FONT SIZE AND COLOR. GIMP IS AN OPEN SOURCE PHOTO EDITOR THAT I USE FOR ALL THINGS PHOTO AND DIGITAL IMAGE DESIGN.

16. Please identify the date you discussed the creation of your campaign website and Facebook page, and with whom (name; title/office/position; mailing and email addresses; and telephone numbers).

I NEVER DID CREATE A CAMPAIGN WEBSITE, ALSO I CREATED MY FACEBOOK ON MY OWN, I PROBABLY THOUGHT ABOUT IT THE DAY THAT I CREATED THE FACEBOOK PAGE.

17. Please explain why you did not submit Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, to your local filing officer.

I WAS UNAWARE THAT THESE ALLEGATIONS WERE CONSIDERED CAMPAIGN EXPENDITURES

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

18. Please provide any additional information you believe is relevant.

I FULLY TAKE RESPONSIBILITY IF THESE ARE INDEED VIOLATIONS. I CERTAINLY DID NOT DO THESE ACTIONS WITH ANY ILL INTENT, AND ADMITTEDLY I WAS A PURE NOVICE. I DID NOT CREATE A CAMPAIGN ACCOUNT BECAUSE OF A SILLY PROMISE THAT I MADE AT THE BEGINNING OF THE CAMPAIGN. I ORIGINALLY THOUGHT THAT THIS MEANT THAT I WOULD NOT ACCEPT ANY DONATIONS FROM PEOPLE OR OUTSIDE SOURCES, BUT I SOON LEARNED AFTER THAT THIS MEANT I COULD NOT SPEND ANY OF MY OWN MONEY. I ACTUALLY TOLD THE AUDIENCE THIS AT A DEBATE TOWARDS THE END OF THE RACE WHEN IT BECAME CLEAR THAT I SIMPLY COULDN'T COMPETE WITH MY OPPONENT BECAUSE OF HIS EXPENDITURES, BUT I STOOD BY MY PROMISE.

I HEREBY SWEAR OR AFFIRM THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Brian P. Byrd  
Signature of Affiant

Brian P. Byrd  
Type or print name of Affiant as it appears on her/his ID.

Sworn to (or affirmed) and subscribed before me this 25 day of September, 2017.

Elizabeth Ann Painter  
Signature of Notary Public - State of Florida  
Print, Type, or Stamp Commissioned Name of Notary Public



Personally Known  or Produced Identification \_\_\_\_\_  
Type of Identification Produced: \_\_\_\_\_

Case Investigator: HH





Re: FYI  
 ByrdLaw  
 to:  
 Helen Hinson  
 06/01/2017 06:18 PM  
 Hide Details  
 From: ByrdLaw <brian@byrdlawfirm.org>  
 To: Helen Hinson <Helen.Hinson@myfloridalegal.com>

Awesome article thank you very much Ms. Hinson

Brian P. Byrd  
 ByrdLaw, P.A.  
 1220 Commerce Park Dr. #207  
 Longwood, FL 32779  
 Cell: (407)516-6984  
[brian@byrdlawfirm.org](mailto:brian@byrdlawfirm.org)

On Jun 1, 2017, at 6:04 PM, Helen Hinson <[Helen.Hinson@myfloridalegal.com](mailto:Helen.Hinson@myfloridalegal.com)> wrote:

Brian P. Byrd  
 1220 Commerce Park Dr., Ste. 207  
 Longwood, FL 32779  
 PH: 407.516.6984

Dear Mr. Byrd:

I have enclosed a copy of the article for your consideration as we discussed. I hope it has educational value to you. It was published about a year before you were a member of The Florida Bar. It originally appeared in *The Florida Bar Journal*, Issue: September/October, 2011; Volume 85, No. 8.

Florida's election laws are subject to change, and there have been some changes since this article was first published; for example, contribution limits have increased. However, candidates run afoul of the election laws frequently by committing violations identified by topics appearing in bold font in the following article.

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<http://www.floridabar.org/DIVCOM/JN/JNJournal01.nsf/8c9f13012b96736985256aa900624829/47586deaaa2f7767852578fc0053ca4f?OpenDocument>

## **Top 10 Things You Should Know Before You Run for Public Office**

**by Rosanna Catalano, Joshua B. Moye, and Eric M. Lipman**

Page 45

The legal profession is comprised of leaders, so it is not surprising that some attorneys flirt with the idea of running for public office at some point in their careers. No other profession holds such a high proportion of the positions of authority in our government.<sup>1</sup> After all, lawyers are the only people who control an entire branch of government — the judiciary — and hold most of the positions in the other two branches. However, before you throw your hat into the ring and declare yourself a candidate, you should know the following.

## Appointment of Campaign Treasurer and Designation of Campaign Depository

Candidates should file an Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (Form DS-DE 9) with their filing officer *before* the candidate accepts contributions or makes any expenditure.<sup>2</sup> Unfortunately, many candidates end up violating the election code because they open their campaign bank accounts and contribute to their own campaign prior to filing Form DS-DE 9. Candidates should remember that Form DS-DE 9 is not considered filed once it is mailed; it is considered filed once the filing officer receives it.<sup>3</sup>

## Sufficient Funds on Deposit

Even if a candidate never bounces a check and timely pays all vendors, he or she can violate the election law because no candidate or agent of the candidate may authorize any expense or sign a check drawn on the campaign depository unless there are sufficient unencumbered funds on deposit in the primary depository account.<sup>4</sup> The date the expense is *incurred* and the date the check is written are important.<sup>5</sup> For example, a candidate would violate F.S. §106.11(4) if he or she ordered the printing of campaign fliers for \$2,000 with only \$500 in his or her campaign account — even though he or she paid for the fliers with a check two weeks later when he or she had \$3,000 of unencumbered funds in the campaign account. A candidate would also violate F.S. §106.11(4) if he or she wrote a \$1,000 check today with only \$800 in his or her account, even if the check is not returned for insufficient funds. Candidates should keep in mind that they can be held responsible for these errors even if the errors are made by their campaign treasurers.<sup>6</sup>

## Excessive Contributions

Candidates should pay close attention to contribution limits. Contributions to candidates made by check, credit card, or debit card<sup>7</sup> cannot exceed \$500 from any one person, per election<sup>8</sup> as long as the candidate is running with opposition.<sup>9</sup> A person may also make a contribution up to \$500 per election by money order as long as the name, address, and other required information is reported.<sup>10</sup> A primary election and the general election are considered two separate elections.<sup>11</sup> If someone wishes to contribute \$500 to a candidate for the primary and an additional amount for the general election, the contributor must wait until after the primary election takes place before making the second contribution up to \$500.<sup>12</sup> If a check is written on a joint checking account, the contribution is from the person who signs the check.<sup>13</sup> Therefore, if someone with a personal account and a joint account signs a check for \$500 from both accounts, it would be considered an excessive contribution. This is true, even if the other person from the joint account does not contribute anything to the campaign.

Limits for contributions made by children<sup>14</sup> or via cash and cashier's check are lower.<sup>15</sup> Candidates may not accept more than \$100 per election from an unemancipated child under 18 years of age.<sup>16</sup> If a contributor pays with cash or cashier's check, the candidate cannot accept more than \$50 from that individual per election.<sup>17</sup>

## Late Filing

Candidates are required to file periodic reports of contributions received and expenditures made during the reporting period.<sup>18</sup> A report is considered "filed" if received by the local filing officer no later than 5:00 p.m. on the designated date or postmarked by the U.S. Postal Service no later than 11:59 p.m. on the designated date.<sup>19</sup> If the Division of Elections is the filing officer, the report should be filed electronically no later than 11:59 p.m. on the designated due date.<sup>20</sup> If the filing officer determines a report is incomplete, the filing officer can accept the report on a conditional basis and require the candidate to file an addendum to the report to correct any omissions within three days.<sup>21</sup>

A candidate and the campaign treasurer must certify that each report is true, correct, and complete.<sup>22</sup> Reports are due on the 10th day following each quarter. However, reports are filed more often when there are 32 days or less remaining prior to an election.<sup>23</sup> A candidate can be fined for failing to file a report on time. The fine is \$50 per day for the first three days that a report is not filed and \$500 for each day thereafter, not to exceed 25 percent of total receipts and expenditures, whichever is greater.<sup>24</sup> If, however, the report is the last one prior to an election, the fine is \$500 per day, not to exceed 25 percent of total receipts and expenditures, whichever is greater.<sup>25</sup> Candidates may appeal a fine to the Florida Elections Commission.<sup>26</sup>

## Independent Expenditures

Independent expenditures are expenditures made for advocating the election or defeat of a specific candidate, independently of the candidate.<sup>27</sup> The expenditure cannot be controlled, coordinated, or in consultation with the

candidate or an agent of the candidate.<sup>28</sup> Anyone who makes combined independent expenditures of \$5,000 or more is required to file a report of these expenditures.<sup>29</sup>

### **In-kind Contributions**

In-kind contributions are defined as anything having an attributable monetary value in any form, given for the purpose of influencing the results of an election or making an electioneering communication.<sup>30</sup> Unfortunately, candidates often forget to report in-kind contributions. These include contributions for website hosting, printing services, fundraising location rentals, etc. Additionally, in-kind contributions are still limited by the \$500 contribution limit discussed above.<sup>31</sup> Therefore, the aggregate of a check contribution and an in-kind contribution cannot exceed the \$500 limit.<sup>32</sup> Some professional personal services are exempt from the in-kind reporting requirement. These exempted professional personal services include, but are not limited to, legal and accounting services voluntarily provided without compensation.<sup>33</sup>

### **Political Advertising and Endorsements**

In 2010, the Florida Elections Commission found probable cause for political advertising violations for nearly one-third of its caseload.<sup>34</sup> Candidates are often in violation because they fail to include a disclaimer on all of their advertising or fail to use the proper wording in their advertisements.

*All* paid political advertisements expressly advocating for a candidate should have a disclaimer. That means all radio, television, newspaper, magazine, billboard, robotic telephone calls, Internet, and direct mail advertisements should include the proper statutory language.<sup>35</sup> The exact wording of the disclaimer is contingent on who pays for the advertisement, how the advertisement is paid, and whether the candidate is running for partisan office.<sup>36</sup> Many candidates forget that their letterhead, campaign websites, and social media websites contain words of express advocacy,<sup>37</sup> and that these communication mediums may be considered political advertisements, which require specific disclaimer language.<sup>38</sup>

Candidate political advertisements often contain abbreviations and fail to have the *exact* word-for-word language spelled out in statute.<sup>39</sup> The candidate's first and last name should be spelled out completely, and partisan candidates should spell out the party name rather than use previously acceptable abbreviations like "R" or "D." Candidates with no party affiliation should specifically state this in their disclaimer, and nonpartisan candidates should not reference a party affiliation in their disclaimer.<sup>40</sup> Additionally, nonincumbent candidates should use the word "for" between their name and the office for which they are running.<sup>41</sup>

Candidates need to make sure they have received specific approval in writing from the people and organizations that endorse them *before* they advertise these endorsements.<sup>42</sup> However, candidates do not need to worry about this requirement when it comes to editorial endorsements from recognized news mediums and publications by a party committee advocating for the candidacy of its nominees.<sup>43</sup>

### **Florida Elections Commission and Division of Elections**

Two separate and independent state agencies regulate election laws in Florida: the Florida Elections Commission (FEC or "commission") and the Division of Elections (DOE).<sup>44</sup>

The FEC enforces the provisions of F.S. Chs. 104 and 106<sup>45</sup> and is administratively housed within the Office of the Attorney General.<sup>46</sup> However, the commission is a separate budget entity and is not subject to the control, supervision, or direction of the attorney general.<sup>47</sup> The FEC is comprised of nine commissioners appointed by the governor.<sup>48</sup> The governor appoints all the members, except the chair, from lists of names provided to him by the president of the Senate, the speaker of the House of Representatives, and the minority leaders of both houses.<sup>49</sup> The chair of the commission serves for a maximum of four years with his or her term running concurrently with the term of the appointing governor.<sup>50</sup> The members of the commission may serve no more than two full terms of four years, and no more than five commissioners can be from the same political party at any one time.<sup>51</sup> The commissioners appoint an executive director,<sup>52</sup> who supervises a staff including a general counsel, several investigators, and a commission clerk.

The FEC is not permitted to give advisory opinions.<sup>53</sup> Additionally, the FEC does not have jurisdiction over how elections are run, how votes get counted, or candidate qualifying issues.<sup>54</sup> These are all within the

jurisdiction of the DOE.<sup>55</sup>

The DOE is a division within the Department of State that provides guidance on election laws.<sup>56</sup> The DOE prescribes forms for statements and other information required by F.S. Ch. 106, and publishes manuals explaining a candidate's obligations of reporting contributions received and expenditures made.<sup>57</sup> Candidates should read these manuals and follow the examples given. The DOE is the filing officer for all statewide, multi-county, and circuit court judicial candidates,<sup>58</sup> and can refer cases to the FEC for enforcement related to election code violations.<sup>59</sup> However, it usually refers cases when an individual has failed to file the necessary campaign finance reports or when the reports are filed late.<sup>60</sup>

### **Campaign Handbook/Advisory Opinions**

Candidates are required to sign a form declaring that they have received, read, and understand F.S. Chs. 104 and 106 before qualifying for office. If the candidate has a question about his or her campaign, he or she should contact the DOE immediately to get advice.<sup>61</sup> The candidate can request an advisory opinion from the DOE as long as the candidate puts the request in writing and complies with Rule 1S-2.010 of the Florida Administrative Code.<sup>62</sup>

### **FEC Complaint Process**

Anyone can file a complaint alleging a violation of F.S. Ch. 104 or 106 with the Florida Elections Commission.<sup>63</sup> All complaints must be sworn, signed, notarized, and based on personal information or information other than hearsay.<sup>64</sup> Because of these requirements, the FEC will not accept anonymous complaints. Once a properly sworn complaint is received, the executive director determines if the case is legally sufficient so that staff can conduct a preliminary investigation.<sup>65</sup> Once the investigation is complete, FEC attorneys make a staff recommendation to the commissioners, who determine if probable cause exists for the case to go forward.<sup>66</sup>

### **Conclusion**

Candidates should surround themselves with individuals who know the elections process. They should file reports timely, put procedures in place so that all contributions and expenditures are properly documented, and remember to include disclaimers on their advertisements. Candidates should refer to their campaign handbooks often and pose any questions they have about the process to the DOE.

Running for public office is a noble undertaking, and candidates should take some time to familiarize themselves with Florida's election laws so that they can avoid an election law violation.

<sup>1</sup> Neil W. Hamilton, *Ethical Leadership in Professional Life*, 6 U. St. Thomas L. J. 358, 361-62 (2009); Deborah L. Rhode, *Lawyers and Leadership*, 20, 3 Prof. Law. 1 (2010).

<sup>2</sup> Fla. Stat. §106.021 (2010).

<sup>3</sup> Fla. Div. of Elecs., *Candidate and Campaign Treasurer Handbook* 18 (2010).

<sup>4</sup> Fla. Stat. §106.11(4) (2010).

<sup>5</sup> *Id.*

<sup>6</sup> *See Diaz de la Portilla v. Fla. Elections Comm'n*, 857 So. 2d 913 (2003).

<sup>7</sup> Fla. Stat. §106.11(2)(a) (2010).

<sup>8</sup> Fla. Stat. §106.08(1)(a) (2010).

<sup>9</sup> Fla. Stat. §106.08(1)(c) (2010).

<sup>10</sup> Op. Div. of Elecs. 90-15 (1990).

<sup>11</sup> Fla. Stat. §106.08(1)(c) (2010).

<sup>12</sup> *Id.*

<sup>13</sup> Therefore, if there are two checks for \$500 each from the same joint account, it would not be considered an excessive contribution if each check is signed by a different individual.

<sup>14</sup> Fla. Stat. §106.08(1)(b)2 (2010).

<sup>15</sup> Fla. Stat. §106.09 (2010).

<sup>16</sup> Fla. Stat. §106.08(1)(b)2 (2010).

<sup>17</sup> Fla. Stat. §106.09 (2010). The Florida Legislature considered legislation during the 2011 session that would increase contribution limits.

<sup>18</sup> Fla. Stat. §106.07(1) (2010).

<sup>19</sup> *See* Fla. Stat. §106.07(2)(a)1 (2010). Candidates for statewide office, multi-county, and circuit court judge are required to file reports electronically with the Division of Elections. All district court of appeal judges and Supreme Court justices seeking retention are also required to file their reports with the Division of Elections. Candidates filing with the Division of Elections must file their reports before midnight of the due date. *See also* Fla. Stat. §99.061 (2010); Fla. Stat. §105.031 (2010).

<sup>20</sup> Fla. Stat. §106.0705(3) (2010)

<sup>21</sup> Fla. Stat. §106.07(2)(a)(1) (2010).

<sup>22</sup> Fla. Stat. §106.07(5) (2010).

<sup>23</sup> Fla. Stat. §106.07(1) (2010).

<sup>24</sup> Fla. Stat. §106.07(8)(b) (2010).

<sup>25</sup> *Id.*

<sup>26</sup> Fla. Stat. §106.07(8) (2010).

<sup>27</sup> Fla. Stat. §106.011(5)(a) (2010).

<sup>28</sup> Fla. Stat. §106.011(5) (2010).

<sup>29</sup> Fla. Stat. §106.071(1) (2010).

<sup>30</sup> Fla. Stat. §106.011(3) (2010); Op. Div. of Elecs. 04-06 (2004).

<sup>31</sup> *See* Fla. Stat. §106.08 (2010).

<sup>32</sup> The limit is \$100 for an unemancipated child under 18 years of age.

<sup>33</sup> Fla. Stat. §106.011(3)(d) (2010).

<sup>34</sup> Between January 2010 and December 2010, probable cause was found in 62 cases for violations of political advertising provisions, including Fla. Stat. §§106.143, 106.071(2), 106.1435, 106.1437, and 106.147.

<sup>35</sup> Fla. Stat. §§106.143, 106.071, and 106.147 (2010).

<sup>36</sup> Fla. Stat. §106.143 (2010).

<sup>37</sup> *See Buckley v. Valeo*, 421 U.S. 1 (1976).

<sup>38</sup> Fla. Stat. §106.143(8)(e) (2010) (stating that the provisions regarding political disclaimers do not apply if political message or advertisement is “[p]laced or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website”).

<sup>39</sup> See Op. Div. of Elecs. 06-12 (2004)..

<sup>40</sup> Fla. Div. of Elecs., Candidate and Campaign Treasurer Handbook at 35 (2010).

<sup>41</sup> See Fla. Stat. §106.143(5) (2010).

<sup>42</sup> Fla. Stat. §106.143(3) (2010).

<sup>43</sup> See Fla. Stat. §106.143(3) (2010).

<sup>44</sup> Outside parties tend to confuse the agencies, as evidenced by the amount of phone calls and mail received by the FEC for the DOE and vice versa.

<sup>45</sup> Fla. Stat. §106.25(2) (2010).

<sup>46</sup> Fla. Stat. §106.24(1)(a) (2010).

<sup>47</sup> See Fla. Stat. §106.24(1)(a) (2010).

<sup>48</sup> Fla. Stat. §106.24(1)(b) (2010).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> Fla. Stat. §106.24(4) (2010).

<sup>53</sup> See Fla. Stat. §106.26(13) (2010).

<sup>54</sup> See Fla. Stat. §106.22(2010).

<sup>55</sup> *Id.*

<sup>56</sup> Fla. Stat. §106.22(1) (2010).

<sup>57</sup> See Fla. Stat. §106.22 (2010).

<sup>58</sup> See Fla. Stat. §99.061 (2010); Fla. Stat. §105.031 (2010).

<sup>59</sup> Fla. Stat. §106.22(7) (2010).

<sup>60</sup> *Id.*

<sup>61</sup> The phone number for DOE is (850) 245-6240.

<sup>62</sup> Fla. Stat. §106.23(2) (2010); Fla. Admin. Code R. 1S-2.010 (2003).

<sup>63</sup> Fla. Stat. §106.25(2) (2010).

<sup>64</sup> *Id.* See also *Valliere v. Fla. Elecs. Comm'n*, 989 So. 2d 1242 (Fla. 4th D.C.A. 2008).

<sup>65</sup> See Fla. Stat. §106.25(4) (2010); Fla. Admin. Code R. 2B-1.0025(2005). See also Fla. Stat. Ch. 120 with regards to determination of probable cause.

<sup>66</sup> Fla. Stat. §106.25(4)(e) (2010).

**AUTHORS:**

**Rosanna Manuela Catalano** is the executive director of the Florida Elections Commission. Prior to joining the FEC, she was the assistant dean for Administration at the Florida State University College of Law and served as an assistant attorney general in the Administrative Law Section. She received her undergraduate and law degrees from the University of Florida.

*Joshua Moye is the assistant general counsel for the Florida Elections Commission. He previously worked at the Florida Department of Business and Professional Regulation prosecuting cases for the Construction Industry Licensing Board and the Division of Alcoholic Beverages and Tobacco. He obtained his law degree from the Florida State University College of Law in 2006.*

*Eric Lipman is the general counsel for the Florida Elections Commission and has worked with the commission since 2001. He was awarded his J.D. with honors from the University of Miami School of Law in 1991 and is admitted to practice in both Nevada and Florida.*

*The authors thank Jacqueline Davison for her assistance with this article.*

*This column is submitted on behalf of the Government Lawyer Section, Ward Patrick Griffin, chair, Diana K. Bock, editor.*

---

**Helen Hinson**  
Investigation Specialist  
Florida Elections Commission  
The Collins Building, Ste. 224  
107 West Gaines Street  
Tallahassee, FL 32399-1050  
[helen.hinson@myfloridalegal.com](mailto:helen.hinson@myfloridalegal.com)  
PH: 850.922.4539, extension 115  
FAX: 850.921.0783  
[www.fec.state.fl.us](http://www.fec.state.fl.us)

Please note: Florida has a very broad public records law. Written communications to or from me regarding state business constitute public records and are available to the public and media upon request **unless** the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.



**FLORIDA ELECTIONS COMMISSION**

**107 W. Gaines Street,  
Suite 224 Collins Building  
Tallahassee, Florida 32399-1050  
Telephone: (850) 922-4539  
Fax: (850) 921-0783**

**[www.fec.state.fl.us](http://www.fec.state.fl.us); [fec@myfloridalegal.com](mailto:fec@myfloridalegal.com)**

May 24, 2017

Brian Byrd  
1220 Commerce Park Drive, Suite 207  
Longwood, FL 32779

**RE: Case No.: FEC 17-002; Respondent: Brian Byrd**

Dear Mr. Byrd:

On January 9, 2017, the Florida Elections Commission received a complaint alleging that you violated Florida's election laws. I have reviewed the complaint and find that it contains one or more **legally sufficient allegations**. The Commission staff will investigate the following alleged violations:

**Section 106.021(1)(a), Florida Statutes:** Respondent, a 2016 candidate for the Seminole Soil and Water Conservation District, Group 4, incurred one or more campaign expenses without appointing a treasurer or designating a campaign depository, as alleged in the complaint.

**Section 106.19(1)(b), Florida Statutes:** Respondent, a 2016 candidate for the Seminole Soil and Water Conservation District, Group 4, failed to report one or more contributions required to be reported by Chapter 106, Florida Statutes, as alleged in the complaint.

**Section 106.19(1)(c), Florida Statutes:** Respondent, a 2016 candidate for the Seminole Soil and Water Conservation District, Group 4, falsely reported or deliberately failed to include information in one or more campaign reports, as alleged in the complaint.

**Section 106.19(1)(d), Florida Statutes:** Respondent, a 2016 candidate for the Seminole Soil and Water Conservation District,



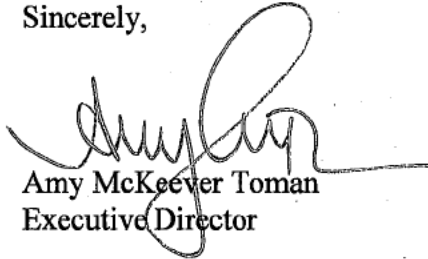
Group 4, made or authorized one or more expenditures prohibited by Chapter 106, Florida Statutes, as alleged in the complaint.

When we conclude the investigation, a copy of the Report of Investigation (ROI) will be mailed to you at the above address. Based on the results of the investigation, a staff attorney will make a written recommendation (Staff Recommendation or SR) to the Commission as to whether there is probable cause to charge respondent with violating Chapters 104 or 106, Florida Statutes. You will have an opportunity to respond to both the ROI and the SR. The Commission will then hold one or more hearings to determine whether the alleged violations occurred and, if so, the amount of the fine to be imposed. You and the complainant will receive notice at least 14 days before any hearing at which your case is to be considered.

Please note that all documents related to this matter will be mailed to the above address unless you **notify us of a new address**. Also, please remember that complaints, Commission investigations, investigative reports, and other documents relating to an alleged violation of Chapters 104 or 106, Florida Statutes, are **confidential** until the Commission finds probable cause or no probable cause.

For additional information, please refer to the "Frequently Asked Questions" section of the Commission's website ([www.fec.state.fl.us](http://www.fec.state.fl.us)). If you have additional questions, please contact **Helen Hinson**, the investigator assigned to this case.

Sincerely,



Amy McKeever Toman  
Executive Director

AMT/dam

January 14<sup>th</sup>, 2016

Deputy Clerk Erin Riley  
Florida Elections Commission  
107 W. Gaines St.  
Ste. 224 Collins Building  
Tallahassee, FL 32399-1050

RECEIVED

2017 JAN 25 P 3:34

STATE OF FLORIDA  
ELECTIONS COMMISSION

**In Re: Case No. FEC 17-002; Respondent Brian Byrd**

Dear Deputy Clerk Erin Riley,

Ms. Riley, I write this letter response to you in regards to the Certified Mailing that I received in the above matter. I will start by stating that these complaints were filed by my political opponent, an opponent that I was incredibly gracious to as he defeated me 52.4-47.6 in the General Election. I consistently treated him with the utmost respect and this truly is a race that I am very proud of running fully above board.

As Mr. Young, did point out, it is true that I did not open a campaign account, a decision that was based on a pledge that I made whilst I was still ignorant of the rules. I did abide by this promise even though I knew that I was headed towards a defeat because of my inability to spend any funds. I will now attempt to respond to each of Mr. Young's allegations individually:

1. In regards to this allegation, I never declared that I was an Established or Registered Candidate on March 13<sup>th</sup>, 2016. While I was certainly going to file as a candidate the next day, on March 14<sup>th</sup> (did not know at the time that I needed a check for the filing fee), there was no formal announcement at that time. The first time that I made the formal announcement was on my personal Facebook on March 25<sup>th</sup>, 2016. (SEE EXHIBIT A) Additionally, I do not believe that it is a violation to state your intention to run for an office, so long as you don't falsely state that you are a registered candidate for office.
2. As for complaint #2, as to the first alleged violation, it is true that I did not have a campaign account. My corporation did make an endorsement of my campaign, it was eventually taken down after learning not to use my personal account after a conversation with the supervisor of elections. My website had one page with the endorsement of my candidacy. My website has 218 pages, of which one was dedicated to the endorsement. Other candidates received

numerous endorsements via websites and were not included as "in-kind" donations. As soon as learning of the potential issue, it was rectified.

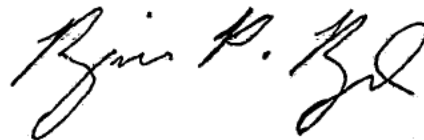
As to the second part of complaint #2, my logo was created by myself and neither purchased or donated, therefore not required to be disclosed as an "in-kind" donation.

3. As to the third complaint, on the personal information part of the Facebook page where it asked for my personal information, I did include my website as an oversight, it was never publicly shown without specifically clicking on the personal information part of the Facebook page, and never did I ask anyone to go to my website. This was also rectified.
4. I do not believe that this rule precludes me from endorsing a Judicial Candidate as I was of the belief that this applied more to the Judicial Candidate not accepting the endorsement of someone currently running for office. As you can see from Mr. Young's Exhibit, I clearly did not endorse Mr. Roger Scott, in fact it was quite the opposite. I had been personal friends with his opponent Eric Dubois, once I informed him of this, he made it clear that this could be a violation. I informed him that this was not a formal endorsement, just a statement of personal loyalties. He appeared to agree and said his post was just a "friendly reminder to not cross the line".

In closing, I ask that you review and dismiss these complaints for the reasons described above. Thank you very much for your time, and please do not hesitate to contact me at my contact information below.

Respectfully Submitted,

Brian P. Byrd  
1220 Commerce Park Dr. Suite #207  
Longwood, FL 32779  
407-516-6984  
brian@byrdlawfirm.org



---

BRIAN P. BYRD

EXHIBIT A



Brian Byrd

March 25, 2016

I would like to officially announce that I am running for Seminole County Soil and Water Group 4. Clean and safe water was taken for granted as a given. however the terrible situation in Flint, Michigan and the burgeoning fishkill crisis throughout Brevard County has shown that that we are not immune from these issues. To prevent a potential issue, our water must be tested periodically by independent scientists or an independent agency to keep our current regulators honest.



BYRD



Like Page

Like

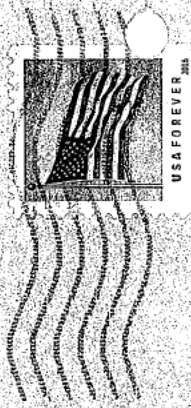
Comment

Share

Brian Byrd  
1220 Commerce Park Dr.  
Ste. 207  
Longwood, FL 32779

RECEIVED  
2011 JAN 25 P 3:34  
STATE OF FLORIDA  
ELECTIONS COMMISSION

ORLANDO FL 328  
23 JAN 13 PM 8 T



Erin Riley  
Florida Elections Commission  
107 W. Gaines St.  
Ste. 224 Collins Bldg.  
Tallahassee, FL 32399-1050

3239995549





**ATTN: Erin Riley In Re: FEC 17-002**  
Brian P. Byrd to: fec

01/20/2017 06:49 PM

From: "Brian P. Byrd" <brian@byrdlawfirm.org>  
To: fec@myfloridalegal.com

---

2 attachments



Confidentiality Waiver.docx



Response to Complaint.docx

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Ms. Riley,

Please see the attached response to the complaint filed by Mr. Ed Young.

-Brian Byrd

January 14<sup>th</sup>, 2017

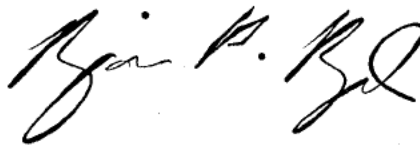
Deputy Clerk Erin Riley  
Florida Elections Commission  
107 W. Gaines St.  
Ste. 224 Collins Building  
Tallahassee, FL 32399-1050

**In Re: Case No. FEC 17-002; Respondent Brian Byrd**

Dear Deputy Clerk Erin Riley,

I Brian P. Byrd hereby waive the confidentiality provision as to all of these matters involving myself on this 14<sup>th</sup> day of January, 2017.

Brian P. Byrd  
1220 Commerce Park Dr. Suite #207  
Longwood, FL 32779  
407-516-6984  
brian@byrdlawfirm.org

A handwritten signature in black ink, appearing to read "Brian P. Byrd", written in a cursive style.

---

BRIAN P. BYRD

January 14<sup>th</sup>, 2016

Deputy Clerk Erin Riley  
Florida Elections Commission  
107 W. Gaines St.  
Ste. 224 Collins Building  
Tallahassee, FL 32399-1050

**In Re: Case No. FEC 17-002; Respondent Brian Byrd**

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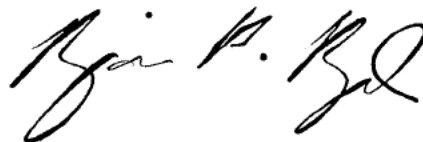
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Respectfully Submitted,

Brian P. Byrd  
1220 Commerce Park Dr. Suite #207  
Longwood, FL 32779  
407-516-6984  
brian@byrdlawfirm.org



---

BRIAN P. BYRD

EXHIBIT A



**Brian Byrd**

March 25, 2016 · 🌐 ▼

I would like to officially announce that I am running for Seminole County Soil and Water Group 4. Clean and safe water was taken for granted as a given, however the terrible situation in Flint, Michigan and the burgeoning fishkill crisis throughout Brevard County has shown that that we are not immune from these issues. To prevent a potential issue, our water must be tested periodically by independent scientists or an independent agency to keep our current regulators honest.

**Brian Byrd for Seminole County Soil & Water Group 4**  
Politician · 241 Likes

👍 Like Page

👍 Like

💬 Comment

➦ Share

Brian Byrd  
1220 Commerce Park Dr.  
Ste. 207  
Longwood, FL 32779

RECEIVED

2011 JAN 25 P 3:34

STATE OF FLORIDA  
ELECTIONS COMMISSION

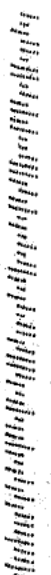
Erin Riley  
Florida Elections Commission  
107 W. Gaines St.  
Ste. 224 Collins Bldg.  
Tallahassee, FL 32399-1050

ORLANDO FL 328

23 JAN 17 PM 8 T



323996549



STATE OF FLORIDA  
FLORIDA ELECTIONS COMMISSION

RECEIVED 107 West Gaines Street, Suite 224, Tallahassee, Florida 32399-1050  
Telephone Number: (850) 922-4539  
www.fec.state.fl.us

RECEIVED  
2017 JAN - 3 / P 12 20

2017 JAN - 01 P 12: 25

CONFIDENTIAL COMPLAINT FORM

The Commission's records and proceedings in a case are confidential until the Commission rules on probable cause. A copy of the complaint will be provided to the person against whom the complaint is brought.

1. PERSON BRINGING COMPLAINT:

Name: Edmund Young Work Phone: ( )  
Address: 940 Douglas Ave #122 Home Phone: (321) 277-4669  
City: Altamonte Springs County: Seminole State: FL Zip Code: 32714

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

A person can be an individual, political committee, committee of continuous existence, political party, electioneering communication organization, club, corporation, partnership, company, association, or any other type of organization. (If you intend to name more than one individual or entity, please file multiple complaints.)

Name of individual or entity: Brian Byrd  
Address: 1220 Commerce Park Dr Ste 207 Phone: (407) 516-6984  
City: Longwood County: Seminole State: FL Zip Code: 32779

If individual is a candidate, list the office or position sought: Seminole Soil & Water Conservation District Group 4

Have you filed this complaint with the State Attorney's Office? (check one)  Yes  No

3. ALLEGED VIOLATION(S):

Please list the provisions of The Florida Election Code that you believe the person named above may have violated. The Commission has jurisdiction only to investigation the following provisions: **Chapter 104, Chapter 106, and Section 105.071, Florida Statutes.** Also, please include:

- ✓ The facts and actions that you believe support the violations you allege,
- ✓ The names and telephone numbers of persons you believe may be witnesses to the facts,
- ✓ A copy or picture of the political advertisements you mention in your statement,
- ✓ A copy of the documents you mention in your statement, and
- ✓ Other evidence that supports your allegations.

I believe Mr. Brian Byrd Has violated multiple parts of Florida State Statue Chapters 104 and 106 as detailed below:

1. Declaring himself as an established candidate before actually filing.

-On Sunday, March 13th 2016, Mr. Byrd erected a social media page (Facebook) declaring himself a registered candidate for the position of Seminole Soil & Water Conservation District Group 4 Supervisor (see attached pictures).

-Mr. Byrd did not actually pick-up the form to file as a candidate until Monday, March 14th 2016.

This can be verified by the Seminole County Supervisor of elections office.

-Mr Byrd did not actually file to be a candidate until Wednesday, March 16th 2016, 3 days after he declared himself to be a registered

candidate. This can

2. Failure to establish a campaign treasury

-Mr. has not appointed a campaign treasurer or opened a campaign account to cover expenditures. This can be verified by the Seminole County Supervisor of elections office.

-Mr. Byrd is using his private business's website ( a law firm) to campaign. This website is being paid for by his private firm but must be declared as an "in-kind" contribution but cannot as he does not have a campaign account (see attached pictures).

-Mr. Byrd has a professionally made logo on his candidate social media page. Whether donated or purchased, again without a campaign treasury this is a violation of the law (see attached photos). (CONTINUED ON NEXT PAGE)

Additional materials attached (check one)?  Yes  No

4. OATH

STATE OF FLORIDA  
COUNTY OF SEMINOLE

I swear or affirm, that the above information is true and correct to the best of my knowledge.



*[Handwritten Signature]*  
Original Signature of Person Bringing Complaint

Sworn to and subscribed before me this 8<sup>th</sup> day of November, 20 16

*[Handwritten Signature]*  
Signature of Officer Authorized to Administer Oaths or Notary public.

Tanya M McNeill  
(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally known  Or Produced Identification

Type of Identification Produced \_\_\_\_\_

RECEIVED  
2017 JUN -9 P 12:25  
STATE OF FLORIDA  
ELECTIONS COMMISSION

Any person who files a complaint while knowing that the allegations are false or without merit commits a misdemeanor of the first degree, punishable as provided in Sections 775.082 and 775.083, Florida Statutes.

(Continued from previous page)

**3. Advertising a private company/firm on a political page**

- Mr. Byrd is advertising his private law practice's website on his social media page (see attached photos).

-As stated earlier Mr. Byrd is using part of the website his law firm pays for to campaign for the office he is seeking. This contribution to his campaign has not been documented as Mr. Byrd has not established a campaign treasury which makes such a donation illegal.

**4. Current candidate endorsing a judge in a judicial race.**

-Mr. Byrd endorsed local judicial candidate Roger Scott via social media (see attached picture).

-Individuals who are running for public office are not allowed to endorse judicial candidates.

I ask that these complaints against Mr. Brian Byrd be fully investigated and the appropriate penalties be applied to him.



Search Facebook



Timeline

**About**

Photos

Likes

Videos

### About Brian Byrd for Seminole County Soil & Water Group 4

#### Page Info

#### PAGE INFO

Hometown

Orlando, FL, United States

Currently Running for

Seminole County Soil and Water Group 4, Florida

Short Description

Political Advertisement approved and paid for Brian Byrd who is a Seminole County resident running for Soil and Water Group 4.

Bio

My name is Brian Byrd, and I am running for Seminole County Soil and Water Conservation Group 4 with several specific goals ... [See More](#)

Favorite Books

1984, Fahrenheit 451, Animal Farm, Lord of the Flies

Cell

(407)516-6984

Website

<http://www.byrdlawfirm.org>



Brian Byrd for Seminole County Soil & Water Group 4



**BYRD**  
FOR SEMINOLE COUNTY

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**Pat Cilley Southward**  
March 24 at 4:04pm

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Politician

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**Alok Chaturvedi- a politici...**  
Politician

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...conspiracy theories to draw a conclusion that corruption is spreading  
Seminole County. One term. The party hacks must go.

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**Brian Byrd for Seminole County Soil & Water Group 4**  
added a new photo to the album: Byrd For Seminole.  
March 13



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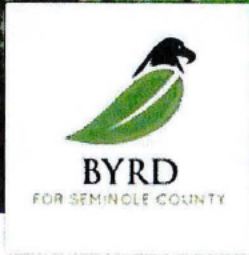
EARLIER IN 2016

HIGHLIGHTS





Brian Byrd for Seminole County Soil & Water Group 4



# Brian Byrd for Seminole County Soil & Water Group 4

Politician

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### ABOUT

Political Advertisement approved and paid for Brian Byrd who is a Seminole County resident running for Soil and Water Group 4.

Status Photo/Video



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**Brian Byrd for Seminole County Soil & Water Group 4**

March 13

#### ON THE ISSUES:

Supports periodic testing of our public water for the presence of impurities or hazardous substances to prevent the chance of ever having a situation even a tenth as bad as the disaster in Flint, Michigan.

Flint, Michigan is a disaster of Third World proportions. Lead levels as high as we have seen in Flint is disgusting and the neglect from their local politicians is downright criminal. Supports calls for the resignation of the Governor and the potential arres... [See More](#)



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March 13 at 9:52am

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ABOUT

Political Advertisement approved and paid for Brian Byrd who is a Seminole County resident running for Soil and Water Group 4.

<http://www.byrdlawfirm.org/>

PHOTOS



BYRD  
FOR SEMINOLE COUNTY



ON THE ISSUES:

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Flint, Michigan is a disaster of Third World proportions. Lead levels as high as we have seen in Flint is disgusting and the neglect from their local politicians is downright criminal. Supports calls for the resignation of the Governor and the potential arrest of former Mayor Dayne Walling for criminal negligence if further evidence of knowledge of the impending catastrophe is revealed.

Supports the legalization of marijuana, and exposes the hypocrisy of selective enforcement of laws and municipal regulations regarding alcohol when compared to marijuana.

Self-funding my campaign, money in politics creates influence, especially in small non-partisan races.

Aggressively supports gun rights, including the right to carry in County and State parks with a valid CCW.

Supports Prison Reform to lower penalties for those convicted of lesser crimes and drug possession offenses.

Supports Same-Sex Marriage and Gay and Lesbian Adoption.

A public servant should be first and foremost, a careful steward of your tax dollars, I will be as fiscally conservative as possible with your money.

Supports term limits, each political position should be limited to two terms (I pledge to only run for one term in this race).

Opposes banning the use of vehicles on beaches.

Opposes time restrictions on the watering of residential and commercial lawns, in the absence of an immediate water shortage.

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BYRD

FOR SEMINOLE COUNTY

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Opposes time restrictions on the watering of residential and commercial lawns, in the absence of an immediate water shortage.

Supports reasonable research into all forms of alternative energy, renewable and non-renewable.

Opposes all government regulations over the use of your property unless it is directly harming others, or an emergency situation exists.

Supports expanding business access to our local parks for events and food service.

Supports hosting "Clean our river events", which encourages students and local activists in the cleaning of our great Wekiva River.

NASA should have their budget increased. NASA was a valuable Agency in our neighboring Brevard County.

Opposes new taxes, raise revenue by raising our Seminole County Gross Domestic Product and encouraging a business friendly and innovative climate.

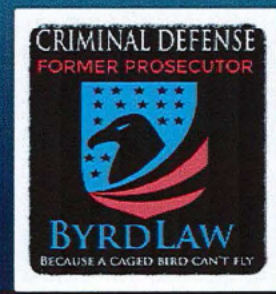
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I am officially running for Seminole County Soil and Water Group 4. There has never been a more important time to run for this position. The water in Brevard County is under seige due to a brown algae that is toxic to the fish

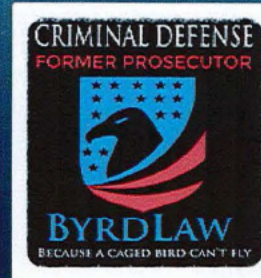
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## Water Group 4.

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### ON THE ISSUES:

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# BYRD

FOR SEMINOLE COUNTY

## Contact Us

Contact Us Today, by call, email or text

Phone # (407) 516-6984 **TEXT or CALL ANYTIME**

Email: [brian@byrdlawfirm.org](mailto:brian@byrdlawfirm.org)

Socialize With Us





# BYRD

FOR SEMINOLE COUNTY



## Contact Us

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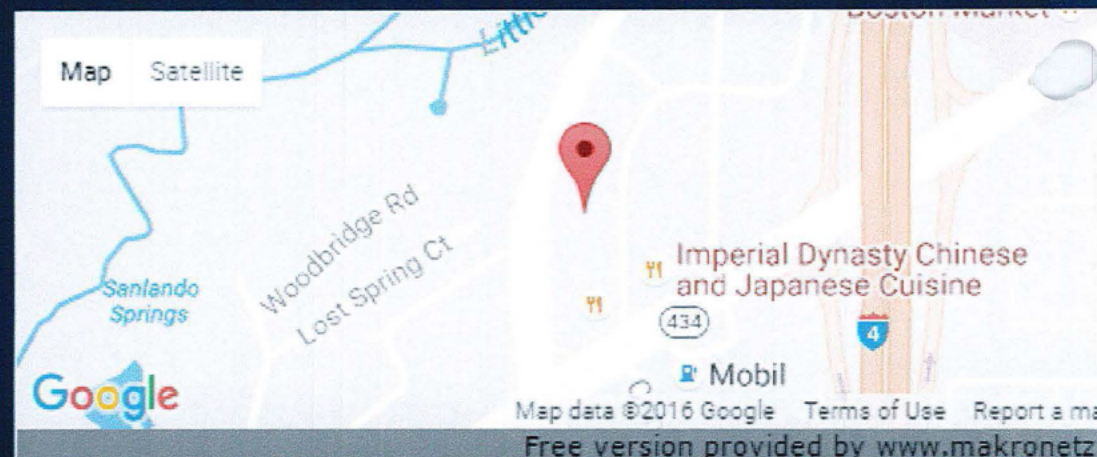
Phone # (407) 516-6984 **TEXT or CALL ANYTIME**

Email: [brian@byrdlawfirm.org](mailto:brian@byrdlawfirm.org)

Address: 1220 Commerce Park Dr. Suite 207  
Longwood, FL 32779

[www.byrdlawfirm.org](http://www.byrdlawfirm.org)

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**Brian Byrd**

12 hrs

I would like to call on those who have never participated in the political process to get involved. You don't have to be rich to run for a political office. Our democracy only works if we have participation. For example, Soil and Water, has a qualifying fee of \$25. There are currently only two people running in each race. I would love to see more people jump into the race and experience the political process for themselves. Conservative or Liberal, everyone should value thei... [See More](#)



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H Alexander Duncan and 3 others



**Roger Scott** I'm that guy! [www.voterogerscott.com](http://www.voterogerscott.com)



Elect Roger Scott for Orange County Judge Group 1 | Home Page

VOTEROGERSSCOTT.COM

Like · Reply · 3 · 12 hrs



**Brian Byrd** Appreciate the independence, but I am already fully committed and loyal to Eric Dubois, who I do believe will be a fine Judge. It is an interesting race without a doubt, and yourself, Gibson, and Dubois have all put in a lot of leg work!

Like · Reply · 11 hrs



**Roger Scott** Brian Byrd , has anyone told you that judicial candidates are not allowed to be endorsed by anyone who is running for office? It is a pretty major violation.

Like · Reply · 1 · 4 hrs



**Brian Byrd** I was simply trying to be open and honest with you about who I was supporting in the race. A formal endorsement is much different. Not cool Roger, not cool

Like · Reply · 52 mins



**Roger Scott** Just a friendly reminder not to cross the line, that's all

Like · Reply · 34 mins



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**Dani Page** I'd love to run for office someday, but that would require me to not move every year...

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