

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jason Edward Bloch

Case No.: FEC 23-133

TO: Jason Edward Bloch
(address exempt per Ch. 119, F.S.)

Division of Elections
RA Gray Building, Room 316
500 S. Bronough Street
Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE (AF))

A hearing will be held in this case before the Florida Elections Commission on, **June 23, 2025 at 1:00 p.m., or as soon thereafter as the parties can be heard**, via Zoom, at the following link:
<https://us06web.zoom.us/j/86504722298?pwd=ysJgh3XhXvJnTepZhKKfbbHZIGk252.1> and entering the **Meeting ID: 865 0472 2298 and Passcode: 885875**.

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.

Tim Vaccaro

Executive Director
Florida Elections Commission
May 30, 2025

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 **an appeal of an intent to revoke a registration**, of a Political Committee, Electioneering Communications Organization, or a Political Party, the Division of Elections has issued you a notice of intent, citing the reasons for which it intends to cancel your registration. By filing the appeal, you have asked the Commission to recommend that the Division's Notice of Intent be set aside. You are required to explain why you believe your registration should not be cancelled. Based upon the information you present, the Commission will issue a recommended order to the Division, in which it will either recommend that the Notice of Intent be set aside, or that the cancellation be upheld.

STAFF MEMORANDUM

This case involves an automatic fine imposed on Jason Edward Bloch (“Judge Bloch”) during his 2022 campaign for Circuit Court Judge, Circuit 11, Group 52. Judge Bloch was defeated during this election but subsequently assumed office in 2025.

The Florida Elections Commission (“Commission”) received this matter as an appeal of an automatic fine issued by Judge Bloch’s filing officer, the Division of Elections (“Division” or “Filing Officer”), after the 2022 P1 Report was filed 150 days late. Before the report was filed, Judge Bloch clicked the “waiver” box in the Division’s Electronic Filing System (“EFS”) for the 2022 P1 reporting period, which was submitted two days after the due date. The Filing Officer processed this matter as an automatic fine as Judge Bloch’s selection of the “waiver” option put the Filing Officer on notice that no report would be filed, which was then followed by a report disclosing the campaign’s financial activity.

An Automatic Fine Hearing was scheduled for February 7, 2024. Judge Bloch’s appeal letter and oral arguments focused on two main points. First, the Division’s EFS language led Judge Bloch to believe that his first submission was a report. Second, Judge Bloch contacted the Division, whose advice led Judge Bloch to believe that correcting a previous report was permissible and would not be considered a violation because of “safe harbor” protection for reports. The Commission conducted the hearing but continued the matter for purposes of researching and verifying the Division’s safe harbor advice. Judge Bloch submitted a supplemental memorandum afterwards, which discussed detrimental reliance as well as the lack of authority differentiating between a waiver and a report.

The purpose of this memorandum is to accomplish two goals. First, the undersigned aims to explain why the Commission cannot find a timely report or unusual circumstances in light of

the congruity of Chapter 106, Florida Statutes, the Division's duties under Section 106.22, Fla. Stat., the nature of submissions under Section 106.07, Fla. Stat., the application of Rule 2B-1.0055, Florida Administrative Code, and the Division's current advisory opinions. Second, the undersigned aims to show why mitigating and aggravating circumstances are present because of an intervening cause in Judge Bloch's campaign. The complexity of this matter ultimately boils down to a section 106.07(7) submission that was made, which is colloquially known as a "waiver," "notice of no report," or "notice of no activity," an unrelated section 106.07(1) and (5) matter that prompted section 106.22 advice during the interim, and a section 106.07(1) submission that was filed afterwards, which culminated in a section 106.07(8) automatic fine. An examination of each section's overlap is necessary to understand the functionality of Chapter 106, Fla. Stat.

STATEMENT OF THE FACTS

Judge Bloch was a candidate for Circuit Court Judge, Circuit 11, Group 52, in the 2022 elections when the automatic fine at issue was imposed. Judge Bloch served as his own treasurer. Judge Bloch was defeated in the primary election held on August 23, 2022.

On April 27, 2022, the Division mailed Judge Bloch an acknowledgement letter stating that his name was placed on the 2022 active candidate list. Judge Bloch was provided with a user identification number to access EFS and was directed "to read, understand, and follow . . . Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code." The letter stated that "[a]n online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports" and provided the telephone number for the Division's EFS Help Desk. The letter cautioned that "[r]eports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes." Filers were notified that EFS would issue "an

electronic receipt indicating and verifying the report was filed” and warned that filers would be “subject to the provisions of Section 106.07(5), Florida Statutes.”

The 2022 P1 Report was due on June 24, 2022, and covered from June 1, 2022, to June 17, 2022. On June 23, 2022, the Division emailed a courtesy reminder to Judge Bloch, which stated, “This is a friendly reminder regarding the above referenced report or notification that no reportable activity has occurred during the cover period.” The reminder further stated, “Important: If you have no activity to report, please note that you are required to notify the Division by filing a notice in the EFS no later than the due date. Any activity added to the waived report after the due date is subject to a late filing fine.” (Exhibit 1, pages 1-3)

On June 26, 2022, Judge Bloch entered EFS, clicked the “waiver” box for the 2022 P1 reporting period, and made the submission at 6:37 p.m., which alerted the Filing Officer that the 2022 P1 Report had been waived. This was the campaign’s third reporting period and the first time a submission had been late in either of Judge Bloch’s campaigns. (Exhibit 2, pages 1-2)

The Division sent Judge Bloch a letter on July 19, 2022, which stated that no action would be taken. Judge Bloch was informed that “the notification that you had no reportable activity” was late, but no automatic fine would be assessed because no receipts or expenditures were reported. Judge Bloch was advised that future late filings concerning “either a campaign finance report or if applicable, a notification that no reportable activity occurred” could result in violations of sections 106.07(1) and 106.19(1)(c), Fla. Stat., if referred to the Commission.

On August 9, 2022, the Commission sent Judge Bloch a letter regarding FEC 22-183. The case involved a citizen’s complaint concerning an expenditure that was missing from the campaign’s first report but was accessible to the public on the Division’s website. Judge Bloch submitted a response to the Commission on August 28, 2022, stating that he contacted the Division

after receiving the complaint, requested help in remedying the matter, and asked for advice in avoiding future violations. Judge Bloch stated that he spoke to Sheena Baker and two other Division staff members. (Exhibit 3, pages 1-3; Exhibit 4, page 1)

On the same day the termination report was filed, i.e., November 21, 2022, Judge Bloch revisited the 2022 P1 reporting period and disclosed one expenditure to “Richard Maranon & Associates” for \$15,886.70. It is of note that, over the course of the campaign, twelve of the campaign’s nineteen expenditures were made to “Richard Maranon & Associates” for campaign consulting and accounted for 91% of the campaign’s total expenses.

On March 8, 2023, Judge Bloch received a letter from the Division stating that the report at issue was filed on November 21, 2022. Judge Bloch was assessed a late fine of \$3,971.68. On March 27, 2023, Judge Bloch timely appealed the automatic fine imposed by the Division.

Judge Bloch filed an appeal letter dated January 24, 2024, and provided oral argument at the Automatic Fine Hearing on February 7, 2024. Judge Bloch testified that he spoke to elections staff before and after receiving the fine notice. Before receiving the fine notice, Judge Bloch was advised by elections staff that amendments were encouraged upon the discovery of errors, and if the amendment process was followed, no violation would occur. Judge Bloch stated that he filed a “waiver report” as he believed no activity occurred, discovered that he unintentionally overlooked one transaction, and voluntarily updated the activity. Judge Bloch contacted elections staff again after receiving the fine notice and spoke to an employee who stated that protection did not apply to waiver cases. The staff member proffered that campaigns often get around the automatic fine by filing a token amount in every reporting period instead of no activity. The Commission continued the case for purposes of verifying the existence of the “safe harbor” principle. (The Florida Channel, “2/7/24 Florida Elections Commission,” 0:31:06-0:36:35)

Judge Bloch filed a supplemental memorandum on May 10, 2024. In addition to arguments previously made, he stated that a candidate in effect files a report with no activity when he or she selects the waiver box in EFS. (Supplemental Memorandum, pages 4, 5 & 13; *see also EFS Guide*, pages 46-47, 55-57) Judge Bloch stated that the distinction between a waiver and a report was so arbitrary that even some Division staff members did not detect it. (Supplemental Memorandum, page 2) Alternatively, Judge Bloch stated that all the elements of estoppel were present in that Division staff made a representation that was contrary to later advice, Judge Bloch relied on such advice, and his reliance led to a detrimental outcome. (Supplemental Memorandum, pages 9-10)

This matter is scheduled for a virtual hearing on June 23, 2025. The primary issue is whether a safe harbor provision exists that protects candidates when they select the “waiver” option in EFS, subsequently discover omitted activity after the deadline, and then disclose the identified activity. All citations will pertain to the 2022 publications unless otherwise noted.

SUMMARY OF APPLICABLE LAW AND PRACTICE

I. Distinction between Willful Cases and Automatic Fine Appeals

A. Purpose of the “Who Gave It, Who Got It” Law

The Florida Election Code, which includes Chapter 106 of the Florida Statutes, and its regulatory companion, Chapter 2B-1 of the Florida Administrative Code, were designed to protect the public’s interest in accessing and reviewing the financial sources of those whom the people are supporting or opposing. *Let’s Help Florida v. Smathers*, 453 F. Supp. 1003, 1012 (N.D. Fla. 1978). Consequently, candidates, through their designated treasurer, are required to file accurate, regular reports disclosing all financial activity by designated dates. § 106.07(1), Fla. Stat.

Both Chapter 106, Fla. Stat., and Chapter 2B-1, Fla. Admin. Code, illustrate the requirements for filing as well as the consequences for failing to disclose financial activity. “Where

the language of the [Florida Election] Code is clear and amenable to a reasonable and logical interpretation, courts are without power to diverge from the intent of the Legislature as expressed in the plain language of the Code.” *Palm Beach County Canvassing Bd. v. Harris*, 772 So. 2d 1273, 1282 (Fla. 2000). Further, specific provisions of law shall be evaluated against the “design of the statute as a whole.” *Ga. Ass’n of Latino Elected Officials, Inc. v. Gwinnett County Bd. of Registration & Elections*, 36 F.4th 1100, 1120 (11th Cir. 2022) (citing *K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 291 (1988)).

B. Commission as Prosecutorial Body: Willful Violations

1. Candidate Responsibilities

Candidates are required to list all contributions and expenditures that occur within a given reporting period in a campaign report and must file the report by specific deadlines. §§ 106.07(1), 106.07(2), and 106.07(4), Fla. Stat. Candidates filing with the Division are mandated to use the Filing Officer’s EFS to submit their “reports and statements.” §§ 106.0705(2)(a), 106.0705(4), 106.22(6), and 106.22(10), Fla. Stat.; *Handbook*, pages 52, 54, 64 & 65.

A candidate is relieved from the requirement to file a report if the public already had access to relevant activity in a prior report and if no activity occurred during the reporting period at issue. §§ 106.07(1) and 106.07(7), Fla. Stat.; *Handbook*, page 54. Candidates who fall under this category are eligible to waive the report and its filing requirements under section 106.07(7), Fla. Stat., but must take two additional steps to activate subsection (7). One, “any candidate . . . not reporting by virtue of this subsection . . . shall notify the filing officer in writing on the prescribed reporting date that no report is being filed” § 106.07(7), Fla. Stat. Two, the candidate must ensure that the following report reflects “the entire period between the last submitted report and the report

being filed.” *Id.* The *Candidate EFS User’s Guide* directs filers to click the “waiver” box to submit a “waiver of report (no activity)” for a specified report and coverage period. *EFS Guide*, page 13.

The Division seeks to ensure that candidates understand what their duties are before entering EFS. Apart from the Division’s acknowledgement letter, *Handbook*, *EFS Guide*, courtesy email reminders, and Help Desk number, the Division also issues electronic receipts following all EFS submissions pursuant to section 106.0705(6)(b), Fla. Stat., which confirms the type of filing that was made. The confirmation email for notices of no report states, “Subject: Waiver Filed” and “Report Status: Waiver Filed[.] This is to confirm that a waiver has been filed for the above referenced report.” (Exhibit 5, page 1) This contrasts with the language in the confirmation receipt for reports, which states, “Report Status: Complete[.] This is to confirm that the above referenced report has been filed.” (Exhibit 5, page 2)

The *Handbook* and statute advise candidates that they may request advisory opinions from the Division regarding concerns they have about the meaning of certain provisions under the Code or whether a certain set of facts may constitute a violation, which candidates may rely upon in good faith. § 106.23(2), Fla. Stat.; Fla. Admin. Code R. 1S-2.010; *Handbook*, page 3.

2. Consequences for Breaching Responsibilities

Several circumstances establish grounds for any person to file a sworn complaint or for the Division to make a referral to the Commission under section 106.25(2), Fla. Stat. The Division is required to conduct random audits on the “reports and statements filed under this chapter [106]” and to refer “any apparent violation” to the Commission, which includes a candidate’s failure to file a report or disclose information. §§ 106.22(7) and (10), Fla. Stat.; *Handbook*, pages 3 & 72. An absent or late notice waiving a report may subject parties to violations under sections 106.07(7) and 106.19(1)(c), Fla. Stat. *Handbook*, pages 83-84. Absent, incorrect, incomplete, and falsified

campaign reports may subject parties to violations under sections 106.07(2)(b)1., 106.07(5), 106.08, 106.11, 106.141, and 106.19, Fla. Stat. *Handbook*, pages 16, 52-60, 64 & 83. A candidate may also face a first-degree misdemeanor if he or she “willfully certifies the correctness of the report while knowing that such report is incorrect, false, or incomplete[.]” § 106.07(5), Fla. Stat. The Commission routinely receives referrals from the Division and sworn complaints from supervisors of elections, city clerks, and other filing officers when parties file blank reports by uploading, emailing, or mailing a blank report to the filing officer or by failing to select the “waiver” option in the filing officer’s system, which is then followed by a report with activity.

Once a sworn complaint or Division referral is received by the Commission, the full authority of the Commission is activated under section 106.25, Fla. Stat., to investigate the alleged violation(s) and determine willfulness, namely, by subpoenaing bank statements, obtaining the campaign’s documents, performing audits of financial activity, conducting interviews, identifying mitigation efforts, and issuing penalties pursuant to section 106.265, Fla. Stat.

C. Commission as Neutral Tribunal: Automatic Fine Exception for Late Reports

One exception exists that does not activate the full breath of the Commission’s jurisdiction, and the exception involves automatic fines for late reports under section 106.07(8), Fla. Stat. This circumstance occurs either when no submission is made by the deadline or a notice of no report is filed by the deadline, activity is disclosed in a report after the deadline, and the filing officer disposes of the issue by assessing a surface-level fine based on the number of days late or a percentage of the party’s activities. These matters are not brought forth via a sworn complaint or referral under section 106.25, Fla. Stat., and no investigation occurs because, first, the matter is an appeal by the party regarding a fine already imposed and, second, the only matter at issue is tardiness rather than truthfulness or accuracy. The Division is reminded at the end of section

106.07(8)(d), Fla. Stat., that it still has a duty to refer certain matters to the Commission under section 106.25(2), Fla. Stat., for further prosecution.

The focus of an automatic fine hearing is to examine whether the aggrieved party's report was timely filed and, if not, whether the party demonstrated unusual circumstances—or other circumstances beyond the party's control—that directly caused the report to be late. Fla. Admin. Code R. 2B-1.005(3); § 106.07(8)(c), Fla. Stat.; *Handbook*, page 74. Unusual circumstances are rare or sudden events that directly prevented the party from timely filing. Fla. Admin. Code R. 2B-1.0055(1). Some examples of unusual circumstances include natural disasters and emergencies; death, illness, disability, or necessary surgery of the candidate, treasurer, or immediate family thereof; and unanticipated technological failures. Most of the subsections enumerate corroborative evidence that the aggrieved party needs to provide for the claim, such as a newspaper article, death certificate, or a physician's certification on professional letterhead. Fla. Admin. Code R. 2B-1.0055(1)(a)-(d). The Division's Advisory Opinion, DE 91-02 (1991), specifies that, "before the FEC may label these occurrences as 'unusual circumstances,' the FEC must determine that the persons involved took all steps necessary to ensure that a timely report was filed."

The Commission must honor the Administrative Code and the Division's advisory opinions when deciding whether an event qualifies as unusual circumstances. § 106.26(13), Fla. Stat. Nevertheless, the Commission has authority under section 106.265(2), Fla. Stat., to go beyond unusual circumstances in assessing whether a fine is appropriate. § 106.07(8)(c), Fla. Stat.

II. Application to FEC 23-133

A. No Timely Filing

The evidence shows that the 2022 P1 reporting period's first submission was two days late, and the second was five months late. Therefore, timeliness is not applicable to this matter.

B. No Unusual Circumstances

The evidence shows that the 2022 P1 reporting period's sole transaction was overlooked, which does not rise to the level of a rare or sudden event over which the actor had no control. Available evidence shows that contact with Division staff occurred anywhere from six to nine weeks after the deadline, i.e., between August 9, 2022, and August 28, 2022, with the omitted transaction being disclosed at the conclusion of the campaign. This likewise does not show unusual circumstances but may show that contact with the Division impacted how fast an audit occurred to identify the missing transaction, thereby justifying mitigating and aggravating circumstances.

C. No Statutory Ambiguity: Notices and Reports

Argument was presented that the statute was ambiguous and failed to distinguish between a waiver and a report. The statute expressly states that, if a candidate with no activity elects to waive the report under subsection (7), then it necessarily requires notice that "no report is being filed." A candidate who instead chooses to file a blank report does so under the normal reporting protocols of section 106.07(1), Fla. Stat., which places the candidate at risk of Commission jurisdiction under section 106.25(2), Fla. Stat., rather than the filing officer's automatic fine under section 106.07(8), Fla. Stat.

D. Interpreting "Safe Harbor" via § 106.22, Fla. Stat.

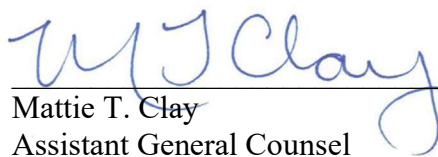
No safe harbor provision could be located in the statute, case law, regulatory directives, or secondary resources. Believing that such terminology was used, the advice makes sense only if interpreted through the Division's exercise of its delegated legislative authority under section 106.22, Fla. Stat., its duty to refer errors and omissions to the Commission under section 106.25, Fla. Stat., and its internal assessment of matters that could be resolved by the Division before escalation to the Commission, especially when assessing FEC 22-183. Judge Bloch's first

documented encounter with the Division involved the campaign's first report, a complainant that was not the Division, an expenditure that was already accessible to the public but omitted from the report, and a matter that was barred from further investigation had the Division made a separate referral to the Commission. It is conceivable that the nature of this matter prompted fact-specific advice that encouraged correction without fear of further prosecution. What remains unknown, and will remain unknown without Division staff's presence, is whether the advice was generalized by Division staff, Judge Bloch, or both to varying degrees.

E. Mitigating and Aggravating Circumstances Present

The available evidence shows that legitimate confusion surfaced because of FEC 22-183 as an intervening cause, which seemingly distorted the statutory urgency of timely, accurate disclosures. As for confusion stemming from EFS, the Commission can decide whether the Division's instructional resources, courtesy notices, and post-filing receipts mitigated the confusion or whether FEC 22-183 impacted the potency of these notices. Further presentation can be given at the hearing to flesh out each element under section 106.265(3), Fla. Stat., which was section 106.265(2), Fla. Stat., when the fine was imposed. The undersigned gives Judge Bloch the benefit of the doubt in proposing that, regardless of the advice given or received, Judge Bloch may have audited and disclosed the omitted transaction up to fifteen weeks earlier had his confusion been identified and resolved at the time he proactively contacted the Division in August 2022. The Commission has the authority to examine and remedy this possibility.

Respectfully submitted by,


Mattie T. Clay
Assistant General Counsel
Florida Elections Commission

Account Number: [AcctNum]

Account Name: [ccName]

Report Year: [ReportYear]

Report Type: [ReportType]

Report Due Date: [DateDue]

Treasurer: [ctaFullName]

This is a friendly reminder regarding the above referenced report or notification that no reportable activity has occurred during the cover period.

Important: If you have no activity to report, please note that you are required to notify the Division by filing a notice in the EFS no later than the due date. Any activity added to the waived report after the due date is subject to a late filing fine.

If you have already filed this report or notice and believe that you have received this email in error, please contact our help desk immediately:

850-245-6280

Link to EFS:

<https://efs.dos.state.fl.us/Default.aspx>

Regards,

Donna S. Brown, Chief
Bureau of Election Records

AcctType	AcctNum	email	sentDate	SentStatus
CAB	79 [REDACTED]	[REDACTED]	6/23/2022 12:10:57 PM	OK
CAB	79 [REDACTED]	[REDACTED]	6/23/2022 12:10:58 PM	OK
CAB	79 [REDACTED]	[REDACTED]	6/23/2022 12:10:58 PM	OK
CAB	79 [REDACTED]	[REDACTED]	6/23/2022 12:10:58 PM	OK
CAB	80 [REDACTED]	[REDACTED]	6/23/2022 12:10:58 PM	OK
CAB	80 [REDACTED]	[REDACTED]	6/23/2022 12:10:58 PM	OK
CAB	80 [REDACTED]	[REDACTED]	6/23/2022 12:10:58 PM	OK
CAB	81 [REDACTED]	[REDACTED]	6/23/2022 12:10:58 PM	OK
ECO	54 [REDACTED]	[REDACTED]	6/23/2022 12:11:02 PM	OK
ECO	54 [REDACTED]	[REDACTED]	6/23/2022 12:11:02 PM	OK
ECO	55 [REDACTED]	[REDACTED]	6/23/2022 12:11:02 PM	OK
ECO	60 [REDACTED]	[REDACTED]	6/23/2022 12:11:02 PM	OK
ECO	64 [REDACTED]	[REDACTED]	6/23/2022	OK

			12:11:01 PM	
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	OK
STA	80533	jebloch@att.net	6/23/2022 12:11:01 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	Invalid email address
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:02 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:02 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	OK
STA	80 [REDACTED]	[REDACTED]	6/23/2022 12:11:01 PM	OK



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Jason Edward Bloch

Name:

Account: [80533](#)

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/21/2022	TR	11/21/2022						
9/2/2022	G1	9/2/2022						
8/19/2022	P7	8/19/2022						
8/12/2022	P6	8/12/2022						
8/5/2022	P5	8/4/2022						
7/29/2022	P4	7/29/2022						
7/22/2022	P3	7/22/2022						
7/8/2022	P2	7/8/2022						
6/24/2022	P1	6/26/2022	APP	0	\$3,971.68		\$3,971.68	\$0.00
6/24/2022	P1	6/26/2022	CLO	2	\$0.00		\$0.00	\$0.00
6/10/2022	M5	6/10/2022						
5/10/2022	M4	5/10/2022						


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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Name:

Candidate Name: Jason Edward Bloch

Account: [64667](#)

Election:

Acct: Type:

Search

Reset

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/28/2016	TR	11/23/2016						
8/26/2016	P7	8/26/2016						
8/19/2016	P6	8/16/2016						
8/12/2016	P5	8/10/2016						
8/5/2016	P4	8/3/2016						
7/29/2016	P3	7/25/2016						
7/15/2016	P2	7/15/2016						
7/1/2016	P1	6/27/2016						
6/10/2016	M5	6/2/2016						
5/10/2016	M4	5/3/2016						
4/11/2016	M3	4/1/2016						
3/10/2016	M2	3/2/2016						
2/10/2016	M1	2/2/2016						
1/11/2016	M12	1/3/2016						
12/10/2015	M11	12/2/2015						
11/10/2015	M10	11/3/2015						
10/13/2015	M9	10/2/2015						
9/10/2015	M8	9/3/2015						
8/10/2015	M7	8/3/2015						
7/10/2015	M6	7/3/2015						
6/10/2015	M5	6/5/2015						
5/11/2015	M4	5/5/2015						

August 28, 2022

Donna Ann Malphurs, Agency Clerk
Florida Elections Commission
107 West Gaines Street, Suite 224
Tallahassee, FL 32399-6596

Via email: fec@myfloridalegal.com

Re: Case No.: FEC 22-183; Respondent: Jason E. Bloch

Dear Ms. Malphurs,

I received your August 9, 2022, letter, enclosing Juan-Carlos Planas's complaint that purports to allege violations of the Florida Election Code. Thank you for the opportunity to respond.

I am a lawyer, a former judge, and was a candidate for circuit judge in the most recent election. For me, abiding by the law is sacrosanct. So, I was distressed to receive Mr. Planas's complaint which I examined with great care and attention. I was gratified to conclude quite easily and quickly that the complaint raises no matters of serious concern. I hope you too will reach the same conclusion.

The complaint should be dismissed for several reasons. The most obvious, which is dispositive, is that the complaint fails to allege *any* specific, cognizable violation of the Election Code.

Mr. Planas's ultimate assertion is this: "Chapter 106...is designed to provide transparency in all aspects of campaign finance. As much as it mandates proper reporting of contributions, it mandates detailed reporting on expenditures. *There are so many sections of Chapter 106 that Bloch appears to have violated in his failure to properly report his expenditures that they are impossible to delineate....* He has violated Chapter 106 and should be sanctioned." *FEC Complaint Form* at 3 (emphasis added).

If the alleged violations are "impossible to delineate," then they are also impossible to respond to. With no asserted violations, the complaint falls short of establishing probable cause and should be rejected with no need for further consideration.

By the same token, Mr. Planas also violates the Commission's requirement that he "*list the provisions of the Florida Election Code* that [he believes I] may have violated." *FEC Complaint Form* at 1 ¶3 (emphasis added). Despite this requirement, Mr. Planas's complaint lists *no* specific provisions of the Election Code. Instead, it cites instead to Chapter 106, *in its entirety*. But Chapter 106 has well over fifty sections and hundreds of subsections. Again, by failing to identify

any specific code provisions supposedly violated, Mr. Planas's complaint fails to establish probable cause. There is nothing to respond to, and there is no way to defend.

Mr. Planas's hyperbolic, shotgun approach, where he simultaneously asserts that limitless violations abound, yet he is unable to articulate even one, is contrary to the basic concepts of fairness and due process. Those principles allow one to defend themselves by first being advised of the allegations against them. Rather than doing that, Mr. Planas's complaint - viewed most charitably - is simply a generalized, amorphous claim to lack of "transparency"¹ framed by ominous but unfair innuendo and exaggeration.² But this falls well short of what is mandated by due process and the FEC itself.

¹ Though not properly framed as specific violations, but instead as part of the generalized claim decrying insufficient transparency, Mr. Planas asserts that my campaign utilized signs, radio ads, and text messages but failed to list signs, radio ads, and text messages in its financial reporting. He also asserts that the campaign failed to report payment of the qualifying fee. My campaign did use signs and radio ads - though not text messaging - as part of the campaign's voter outreach efforts. But, like many campaigns, utilization of such outreach tools was among a variety of outreach efforts implemented and paid for by the campaign's consultant/advertising manager, who in turn was paid by the campaign.

As far as we understand and have been advised - and Mr. Planas's complaint cites nothing to suggest otherwise - such practice is not only perfectly proper, but is also routine in political campaigns, including by my opponent's campaign. Indeed, the Elections Division's financial reporting portal limits the number of characters one can input when describing the purpose of an expenditure, and thus it is *impossible* to list every single aggregated expenditure when billed as part of a larger effort. As such, my campaign endeavored to list the most apt description for the expenditure overall.

As to payment of the qualifying fee, there is no lack of transparency here. *All* Miami-Dade judicial candidates who qualified paid the qualifying fee. The campaign check paying my qualifying fee is prominent and readily available on the State's Campaign Finance website - that Mr. Planas included a copy of that very check proves the point. It is true that the campaign initially neglected to specifically report this obvious expense that is common to all campaigns, but that oversight has since been corrected through the reporting amendment process. It is comforting to know that this "issue" is ultimately innocuous and of no real concern since Mr. Planas considers it to be the most troublesome of all, and the rest of even less concern. *See Complaint* at 3 ("*More troubling*, Bloch does not even report his qualifying fee as an expenditure.") (emphasis added).

² For example, Mr. Planas states that my campaign "has already received Audit letters from the Division of Elections for failing to properly describe ... expenditures" suggesting that the campaign was clouded by a barrage of serious campaign finance violations. In truth, while there have been audit letters, they have all been described as minor, typical, and routine by Division staff and have all identified technical and immaterial errors in financial reporting, such as the failure to include the state where a payee is located, or the notation of an incorrect date. Moreover, these technical errors have all been corrected within the cure window provided by the Division.

Equally problematic, Mr. Planas fails to identify the names or phone numbers of *any* witnesses to the alleged facts underlying his complaint: this too is in direct violation of the FEC's requirements, *see FEC Complaint Form* at 3 (second bullet point), and itself renders his complaint defective.

In sum, the complaint fails to articulate even a single specific alleged violation of the election code and fails to identify a single witness who might have knowledge of any relevant facts. Nevertheless, in an abundance of caution, after receiving the instant complaint I inquired with the Division of Elections about the status and sufficiency of my campaign's compliance with elections laws. I confirmed with three separate employees, including an official Division Auditor (Sheena Baker), that my campaign's financial reporting is in compliance with reporting requirements, including specifically the campaign's description of expenditures. One employee even went as far as to say that my campaign's reporting descriptions are more detailed than other campaigns, which themselves are also in compliance.

Mr. Planas, an elections lawyer and a member of the Florida Bar, clearly does not consider this to be a serious complaint. Neither should the FEC. And so, we ask that the complaint be dismissed. Please advise if I can provide any further information or assistance, and thank you for your attention.

Sincerely,

/s Jason Bloch
Jason E. Bloch
786-208-9802
jebloch@att.net

HISTORY NOTES
#Type!

Unique ID	Date Recorded	Last Edited Date	Originally Recorded By
<hr/>			

From: efsReportFiled@dos.myflorida.com

Sent: [REDACTED]

To: [REDACTED]

Subject: Waiver Filed

Account Number: [REDACTED]

Account Name: [REDACTED]

Report Year: [REDACTED]

Report Type: [REDACTED]

Report Status: Waiver Filed

This is to confirm that a waiver has been filed for the above referenced report.

If you have any questions or need further assistance, please contact the help desk at 850-245-6280.

Regards,

Kristi Reid Willis, Chief
Bureau of Election Records

From: efsReportFiled@dos.myflorida.com

Sent: [REDACTED]

To: [REDACTED]

Subject: Complete

Account Number: [REDACTED]

Account Name: [REDACTED]

Report Year: [REDACTED]

Report Type: [REDACTED]

Report Status: Complete

This is to confirm that the above referenced report has been filed.

If you have any questions or need further assistance, please contact the help desk at 850-245-6280.

Regards,

Kristi Reid Willis, Chief
Bureau of Election Records

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jason Edward Bloch

Case No.: FEC 23-133

TO: Jason Edward Bloch
(Address exempt per Ch. 119, F.S.)

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF CANCELLATION OF HEARING (AUTOMATIC FINE (AF))

You are hereby notified that the previously scheduled hearing for February 26 and 27, 2025, is cancelled. It is anticipated that your case will be heard at the next regularly scheduled meeting, on a date to be determined. A Notice of Hearing will be mailed approximately 14 days prior to the new hearing date.

Tim Vaccaro

Executive Director
Florida Elections Commission
February 24, 2025

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.



RE: FEC 23-133: February hearing - requested continuance or Zoom attendancejebloch
to: 'Mattie Clay' 02/18/2025 04:00 PM
Cc: fec

Hi Mattie! Hope you are well. I left you a voicemail message the other day and I'm just following up. A few days ago, I received a notice of hearing for February 26, at 9 am in Tallahassee.

You may be aware but I became a circuit judge again earlier this year and so my schedule is much less flexible these days. Indeed, I am -- and had been well before receiving the hearing notice -- assigned Emergency/Warrants duty for the circuit criminal division during the week beginning February 24, and thus need to remain in Miami-Dade to be available 24/7 to local law enforcement for search and arrest warrants. Thus, I would not be able to travel to Tallahassee.

As such, I am requesting a continuance or that I be permitted to appear remotely (Zoom). You may recall that because the matter was continued when I appeared the first time, the Chair intimated that I might be able to participate remotely at the next meeting. Alternatively, perhaps the motion/memo of law I previously submitted would be sufficient for the FEC to determine that the matter should be dismissed/resolved in my favor without my appearance.

I'd appreciate whatever you can do, and as always, thanks for your assistance.

Warm regards,

Jason Bloch
786-208-9802

From: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Sent: Monday, October 28, 2024 8:58 AM

To: Jason Bloch <jebloch@att.net>

Subject: Re: FEC 23-133: November hearing

Good morning, Jason,

Thank you for your email and for your patience. I meant to reply sooner but have been in and out of the office. I also see pending voicemails so will listen momentarily.

As of Friday, the November meeting has been canceled due to lack of quorum. The next hearing will be held in February.

Also, thank you for the kind regards. I made it through the storm but have been assisting family with complications stemming from the hurricane series. I am glad you and everyone in Miami fared well.

I will send further updates by email, especially after I catch up on voicemails.

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

mattie.clay@myfloridalegal.com

From: Jason Bloch <jebloch@att.net>

Sent: Tuesday, October 22, 2024 4:42 PM

To: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Cc: blochj@gmail.com <blochj@gmail.com>

Subject: RE: FEC 23-133: November hearing

Hi Mattie - First, I hope you are okay after the recent storms; we were very lucky down in Miami.

I also wanted to see if there were any updates about the November meeting. The letter I received a few weeks ago says the meeting could be Nov. 12 or 13 and doesn't indicate a time. Ideally, I would be permitted to appear remotely (Zoom) – something the Chair intimated might be possible because the hearing I appeared at in person was continued. But of course, I will attempt to travel up if required or preferred.

Please let me know if you have any information, and as always thank you for your assistance.

Best...Jason Bloch

786-208-9802

(PS I also left you a voicemail message Friday.)

From: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Sent: Thursday, August 8, 2024 10:31 AM

To: jebloch@att.net

Cc: blochj@gmail.com

Subject: FEC 23-133: Notice of Cancellation

Good morning, Jason,

Attached please find the Notice of Cancellation for the automatic fine case, FEC 23-133. No further action is needed as to this matter. The Commission will proceed on FEC 22-183 regarding my recommended dismissal.

The autofine case is tentatively rescheduled to Tuesday, November 13, 2024. Further updates and hearing details will be mailed, and I will likely follow with courtesy emails.

Please let me know if you have any questions during the interim.

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

mattie.clay@myfloridalegal.com

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jason Edward Bloch

Case No.: FEC 23-133

TO: Jason Edward Bloch
(Address exempt per Ch. 119, F.S.)

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE (AF))

A hearing will be held in this case before the Florida Elections Commission on, **February 26, 2025 at 9:00 a.m., or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

Tim Vaccaro

Executive Director
Florida Elections Commission
February 5, 2025

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.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jason Edward Bloch

Case No.: FEC 23-133

TO: Jason Edward Bloch
(address exempt per Ch. 119, F.S.)

Division of Elections
500 South Bronough Street, Room 316
Tallahassee, Florida 32399

NOTICE OF CANCELLATION OF HEARING (AUTOMATIC FINE (AF))

You are hereby notified that the previously scheduled hearing for August 13, 2024 is cancelled. It is anticipated that your case will be heard at the next regularly scheduled meeting which is currently scheduled for November 12-13, 2024. A Notice of Hearing will be mailed approximately 14 days prior to the hearing date.

Tim Vaccaro
Executive Director
Florida Elections Commission
August 8, 2024

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jason Edward Bloch

Case No.: FEC 23-133

TO: Jason Edward Bloch
(address exempt per Ch. 119, F.S.)

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE (AF))

A hearing will be held in this case before the Florida Elections Commission on, **August 13, 2024 at 1:00 p.m., or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

Tim Vaccaro

Executive Director
Florida Elections Commission
July 23, 2024

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.

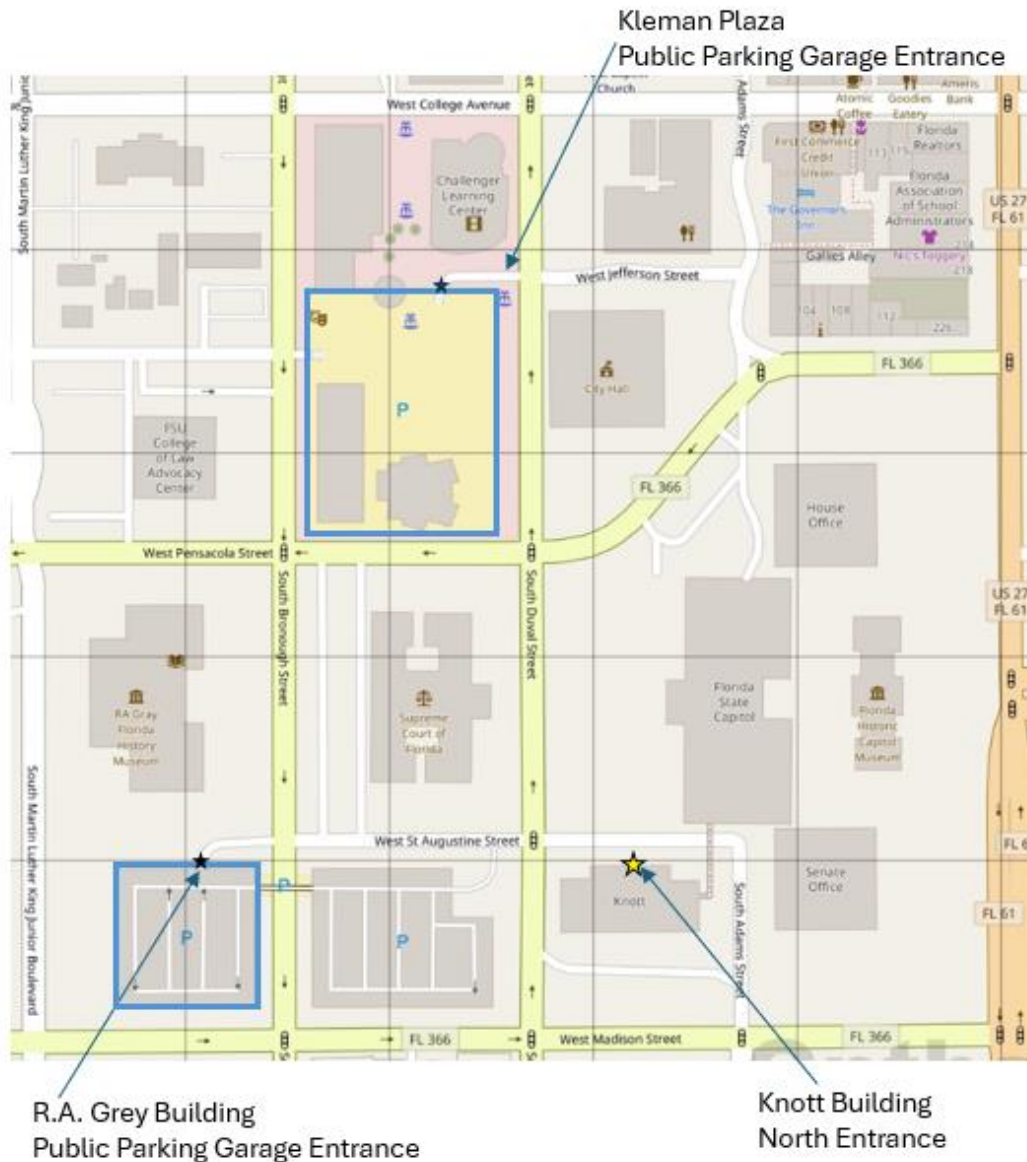
If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the 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.

Florida Elections Commission Meeting - Augut 13-14, 2024, 412 Knott Building

- Please enter the Knott Building at the North entrance as indicated below.
- Public parking is available at Kleman Plaza (entrance at West Jefferson Sreet/South Duval Street) and the R.A. Grey Building Garage (entrance at West St. Augustine Street/South Bronough Street).



**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jason Edward Bloch

Case No.: FEC 23-133

TO: Jason Edward Bloch
(address exempt per Ch. 119, F.S.)

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF CANCELLATION OF HEARING (AUTOMATIC FINE (AF))

You are hereby notified that **the previously scheduled hearing for May 14, 2024, is CANCELLED**. It is anticipated that your case will be scheduled for a new hearing date to be determined as soon as possible.

A Notice of Hearing will be mailed to you approximately 14 days prior to the new hearing date. You may also wish to monitor our website at <https://www.fec.state.fl.us/> for meeting announcements.

Tim Vaccaro

Executive Director
Florida Elections Commission
May 13, 2024

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Jason Edward Bloch/

Case No. FEC 23-133

VERIFIED SUPPLEMENTAL MEMORANDUM
IN SUPPORT OF APPEAL

Introduction and Background

1. As stated in my prior filing and at the first hearing, the reporting error in this case – failing to report a single transaction¹ - was innocently made and was corrected by a subsequent amendment. The transaction itself, very early in the campaign (the P1 report, covering period June 1 through 17, 2022), was nonmaterial, representing less than 3% of the overall expenses of the campaign and was paid to a vendor that was fully disclosed at least eleven times in other reports (and also represented less than 3% of the total paid *to that vendor*) -- demonstrating no attempt to conceal or to gain advantage. Indeed, there was no benefit, strategic or otherwise, to the campaign nor any lack of transparency. This was truly a minor oversight and nothing more.

2. Fortunately, the relevant agencies and regulatory scheme recognize that innocent errors and oversights do happen, and so commensurate processes (like allowing amendments) are in place to accommodate them. Consistent with that framework, and as explained to me by Division staff during the campaign, the

¹ The March 8, 2023, notice of automatic fine did not specify the nature of the violation, and thus going by memory, my initial appeal letter mistakenly stated the omission was a contribution rather than an expenditure. That mistake was corrected at the initial hearing. The initial letter is otherwise incorporated into this filing.

amending process is not only authorized and encouraged but, importantly, provides safe harbor from the so-called “automatic fine” for late reporting when an amendment is completed to correct unintentional errors or omissions.² These propositions – that the availability of safe harbor exists, and that staff advised that it was available to me by amendment - was not, and has not been, contested by Division staff or lawyers.

3. Rather, without disputing the general proposition that amendments correcting inadvertent errors in reports immunizes the campaign for fines, several months later a *different* Division employee, the filing officer, asserted that this proposition does not apply in *this* case, asserting after the fact a purported distinction between “waivers” and “reports.” But, as explained below, that distinction is legally unsupportable, and at a minimum is so arbitrary, obscure, and misunderstood, that even at least some Division staff themselves (including ones that I spoke to) do not recognize it, and thus fines are not appropriate in this case.³

² Of course, when misinformation is *deliberate*, different measures come into play, with severe consequences. For example, under section 106.19(1)(c) of the Florida Statutes, deliberate false reports or omissions are punishable as first-degree misdemeanors. There has been no contention or suggestion, let alone any evidence, that the omission here was deliberate. Thus, the sole focus in this case is the imposition of the “automatic fine” for late reporting.

³ It is true that some campaigns and campaign professionals are aware of this asserted distinction, often learning about it the hard way, by receiving notices of automatic fines like the one I received here. Those “in the know” have thus learned how to insulate themselves from exposure, namely by making token self-contributions to the campaign in periods with otherwise no reportable activity. Meanwhile, those innocently unaware and with no reason to suspect that this purported distinction lies in wait, remain susceptible to the hidden trap. As discussed below, it is hard to imagine how this advances any legitimate policy objectives like transparency or is consistent with notions of rational, fair, and equal treatment.

4. The asserted distinction is recounted in the FEC Case Report in this matter. It reads:

FEC staff was advised [by the filing officer], “The candidate filed a notice of no activity (waiver) on 06/26/22. *A waiver is not a report.* On 11/21/22, the candidate filed a report showing \$15,886.70 of activity. The fine is based on 25% of the activity.”

(emphasis added).

5. At the initial hearing, I explained and provided examples of how the instructions and other written materials from the Division’s electronic filing system (EFS) make no distinction between reports and waivers for safe harbor purposes and noted that similar information was provided to me by Division staff. Thus, I argued it was both fair and appropriate to similarly apply the safe harbor here. While appearing sympathetic, the Chair offered that he believed that this very issue was recently decided in a recent court case which upheld the validity of treating waivers differently than other reports. I was surprised since my legal research found no cases on point. Still, I further argued that even if a court had so ruled, the circumstances here were likely different, and comprise a case of detrimental reliance which would provide a defense notwithstanding a court’s validation of the waiver/report distinction. The Chair appeared intrigued by, or at least open to, that argument and moved to reschedule the hearing to a later date to allow for further consideration, which the Commission granted.

6. I now provide an updated response. It addresses that court case – a case with no written decision – as well as the other legal and equitable issues at play. As explained below, the asserted distinction between “waivers” and reports appears to be legally unsupportable, at least as applied here. At a minimum, it is so arbitrary, obscure, and misunderstood that even at least some Division staff themselves

(including ones that I spoke to) do not recognize it. For any of these reasons, I respectfully submit that fines are not appropriate in this case.

**The Distinction Between Reports and So-Called “Waivers”
Is Legally Unsupportable**

7. In the parlance of elections staff and campaign practitioners, a “waiver” at least in its use today, is simply shorthand for a report with no activity. And when scrutinized, the asserted distinction between “reports” and “waivers,” at least in cases like this, cannot be legally supported. In fact, when using the EFS a candidate filing a “waiver” *is indeed filing a report*, it is simply a report reflecting no financial activity. That this is true is evidenced not only in the relevant statutory provisions but is also confirmed by the instructions, confirmations, and feedback from the EFS, as well as information provided by Division staff.

8. First, the statutory provisions. Section 106.0705(2)(a) of the Florida Statutes (**Electronic filing of campaign treasurer’s reports**), provides that “each individual who is required to file reports with the division pursuant to s. 106.07 ... must file such reports by means of the division’s electronic filing system.” But this provision says nothing about requiring *waivers* to be filed with the electronic filing system. (emphasis added). On the contrary, if candidates with no financial activity elect to *filing no report at all*, which is their right, section 106.07(7) of the Florida Statutes, merely requires that they timely “notify the filing officer in writing ... that no report is being filed.” This notice could presumably take any form, e.g., a mailed letter, hand-delivered note, email, etc. (Note, despite the generality with respect to the method of notice, the Division nonetheless *requires* campaigns to provide notice through the EFS.) And when a candidate utilizes the EFS, as it is currently

configured, that candidate is not merely giving notice, *he is filing a report* -- a report reflecting no financial activity.⁴

9. The enclosed printout, entitled “Campaign Treasurer's Report Summary” from the Division’s EFS confirms this. *See* Exhibit 1. Whenever a candidate files a report, whether it is a report showing activity, or a report showing no activity (i.e., what the filing officer calls a “waiver”), a candidate can generate a report summary, like the one attached. A candidate filing a report with no activity does so by checking a box labeled “waiver.” The generic summary report form is identical in either case, the only difference being that when there is activity, e.g., contributions and expenditures, those are summarized and totaled on the report. When there is no activity, those amounts show as “\$0.00.” The attached report summary reflects a report with no activity.⁵ A simple review of the report summary is both clear and conclusive: the Division, and its EFS, plainly deem the candidate’s submission as a “report.” The summary repeatedly uses the terms “report” and “this report,” including in its very title: “Florida Department of State, Division of Elections: Campaign Treasurer’s ***Report*** Summary.” (emphasis added). It would be

⁴ The statute further contemplates that the period for which a waiver was obtained is nonetheless reabsorbed in the next period in which a report with activity is filed, providing yet another opportunity for campaigns to amend with safe harbor – though the Division’s EFS does not seem to allow campaigns to so avail themselves. *See* § 106.07(7), Fla. Stat. (“In any reporting period during which a candidate [has no reportable financial activity], the filing of the required report for that period is waived. However, the next report filed must specify that *the report covers the entire period between the last submitted report and the report being filed[.]*”) (emphasis added).

⁵ Because the original report summary for the period in question is no longer available as it then existed in real time in June, 2022 – such reports are automatically updated to reflect subsequent amended information -- the summary here is an example generated from a more recent campaign.

inconceivable for any candidate, or any neutral observer, to believe that anything *but* a report had been filed.

10. Of course, as illustrated in my prior submission and at the first hearing, this treatment is consistent throughout the Division’s filing and reporting process. For the same terminology, *i.e.*, describing such no-activity filings as “reports,” is embedded throughout the EFS and is reinforced at every stage of the filing process. *See e.g.*, Exhibits 2, 3, 4, 5, 6. As these documents once again show, a candidate following the Division’s process is advised and repeatedly reassured that submitting a no-activity filing is in fact submitting *a report*.

11. This remains equally true when a candidate amends its reporting. Indeed, filing an amendment reaffirms and ratifies the proposition that an original filing (a “waiver”) showing no activity the prior period (here for June 2022) was indeed *a report*. Once again, to amend, the EFS instructs the candidate to select from a drop-down menu the action: “Amend Report.” One uses the same action command, “Amend Report,” regardless of whether the candidate had previously filed a “report” or had filed a so-called “waiver” report. And the EFS allows the candidate to select which prior filing the candidate wishes to amend, and describes them all, including waivers, as “reports.” The same terminology is employed in the Division’s Candidate’s User Guide. *See Exhibits 7 and 8.*

12. The specifics of this case further illustrate why the filing officer’s contention cannot be correct. Here, even though a waiver report was filed for the June 2022 reporting period, the filing officer asserts that the first time that a report, *any report*, was filed for that period was not until November 21, 2022. *See March 8, 2023, Automatic Fine Letter.* But we know that the November 21, 2022, filing was *not* a new report, on the contrary, it was ***explicitly an amendment***, and explicitly an amendment ***to the June 2022, report***. If there was no report for June – as the filing officer suggests -- then there would be ***nothing to amend***. Obviously, one

cannot amend a report that never existed in the first place. But that clearly could not be so and was not so.

13. In sum, the volume of instructions, descriptions, confirmations, and other indicia describing the filing here as a “report,” is overwhelming and reaches well beyond critical mass. In the face of such evidence, the filing officer’s post-hoc assertion otherwise cannot be sustained.

14. If the Division genuinely believes that such a distinction must be recognized, it is incumbent on the Division to make that distinction clear. Instead, and without attributing any improper motives whatsoever, the Division employs a framework and terminology that does the opposite and creates confusion. Moreover, the Division could provide candidates with two options: a) to provide notice of a true waiver (i.e., an announcement that no report will be filed), or b) to file a report that reflects no financial activity. As it exists now, the process provides only one option, and leads untutored campaigns down the proverbial primrose path. It is manifestly unfair to penalize innocent campaigns acting in good faith for following that path, as in this case.

15. Additionally, because all campaigns can liberally amend reports later when corrections or modifications are required, there is no rational basis for treating campaigns who initially declared no activity differently from campaigns who declared some activity – even nominal, token, contrived activity made for no other purpose but to preserve the safe harbor. Indeed, any such distinction would be considered arbitrary and capricious. Thus, such government actions cannot be enforced.

16. Still, that might sound all good and persuasive, but what about that case the Chair recalled, the one which may have weighed in on these very issues? After the first hearing, with assistance by Ms. Clay, I was able to locate the case in

question, *Floridians for Econ. Advancement v. FEC*, 373 So. 3d 1139 (Fla. 1st DCA 2023). It was a case I had not spotted before, as it turns out, understandably.

17. While the FEC did prevail in that case, the case was decided *per curiam* affirmed (PCA), meaning the ruling contained no written opinion. This explains why the Chair could be familiar with the case but also why legal research would not have found it. When there is no written opinion, the decision is treated as if the court has not expressed a definitive ruling either way or indeed any legal ruling at all. And so, the case is not considered precedent. It does not bind lower courts or even the Commission itself and provides no guidance on any of the legal issues involved. Courts often resolve cases this way to avoid creating precedent, for example, when the factual record or legal issues have not been fully developed or when the court is not yet confident in expressing a definitive view of law.

18. Furthermore, it turns out that the issues I raise here were *not* before the Commission in that case. As Ms. Clay ably argued in *Economic Advancement* to the district court on behalf of the Commission:

Economic Advancement argues [on appeal] that the Division's Queued Transaction Report, which is an internal record of the Division used to show the date and timestamp of all submissions through EFS, was itself the report; that the 2021 M2 Report was in accordance with statute; and that the Division's user guide permits amendments. ***These arguments were not raised before the lower tribunal.***

Economic Advancement, Answer Br. at 13 (emphasis added). Moreover, and unlike this case, Economic Advancement failed to present any evidence to support its positions. Again, as explained by Ms. Clay:

Economic Advancement was not present for the Commission's initial determination of the case, and it did not file any documentation regarding its arguments or evidence for the Commission's consideration in the party's absence.

Id. at 14. Here, by contrast, I was present before the Commission, and I did submit both documentary and testimonial evidence and continue to do so.

19. Thus, neither *Economic Advancement*, nor any other court has upheld or endorsed the filing officer's asserted distinction between the "waiver" reports at issue here, and other reports. There is certainly no court ruling rejecting the legal arguments advanced here. And thus, the Commission is not only free to consider them but to embrace them as well.

**Collateral Estoppel and Other Equitable Circumstances Preclude a
Penalty Here**

20. But regardless of the legal issues, equitable circumstances unique to the facts of this case independently preclude the filing officer from imposing a fine here.

21. As explained above, because candidates, like me, are led by the Division to believe that waivers *are* reports, and rely on that information, the Division is estopped from punishing candidates by later asserting a different position. Thus, even if the filing officer's later stated position that a waiver is not a "report," is determined to be correct, a candidate relying on a contrary conveyed position nonetheless cannot be punished because it would be unfair and inequitable to do so under such circumstances. As the Florida Supreme Court explained, "the theory of estoppel is an application of the rules of fair play." *Branca v. City of Miramar*, 634 So. 2d 604, 606 (Fla. 1994)

22. The elements required to establish estoppel are: "(1) a representation as to a material fact that is contrary to a later-asserted position; (2) reliance on that representation; and (3) a change in position detrimental to the party claiming estoppel, caused by the representation and reliance thereon." *Council Bros., Inc. v. City of Tallahassee*, 634 So. 2d 264, 266 (Fla. 1st DCA 1994) (quoting *Dep't of Revenue v. Anderson*, 403 So. 2d 397, 400 (Fla. 1981)).

23. The Florida Supreme Court illustrated the proper application of the doctrine against the government:

[I]n *Kuge v. State Department of Administration*, 449 So. 2d 389 (Fla. 3d DCA 1984), ... a state employee was advised by the Division of Retirement that if she worked through March 1983, her state retirement benefits would vest. After she retired on March 31, 1983, it was determined that the division had miscalculated her years of creditable retirement service and that she was several months short. The court held that the state was equitably estopped from denying her retirement benefits when the employee had retired upon the state's representation that her benefits had vested.

Branca, 634 So. 2d at 606 (Fla. 1994) (citations omitted). *See also e.g., Council Bros.*, 634 So. 2d at 267-68 (government agency undertaking to provide information to those interacting with agency is obligated to ensure that the information provided is accurate; government estopped from imposing charges upon party that relied on inaccurate information).

24. All the elements of estoppel are present here: material representations contrary to a later stated position, reliance on those representations, leading to a detrimental change in conduct. Thus, independent of the legal reasons set forth above, equitable estoppel prevents the filing officer from imposing a penalty here.

**Notwithstanding the Legal or Equitable Issues Raised Above, the
Commission Can and Should Independently Find Unusual
Circumstances Here**

25. Even if the Commission concludes that our legal positions are incorrect, and further finds that the doctrine of equitable estoppel is inapplicable here, that does not mean that the “automatic fine” must be imposed. Quite the contrary. It bears remembering that *even when violations are apparent*, a specific purpose of this Commission is to determine when such fines should nevertheless not be imposed. Indeed, the Commission is not only specifically empowered to do so but it is directed

to do so. Moreover, the Commission is explicitly given broad discretion in making that determination. *E.g.*, §106.07(8)(c), Fla. Stat. (“Any candidate may appeal or dispute the fine, based upon, ***but not limited to***, unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the Florida Elections Commission, ***which shall have the authority to waive the fine in whole or in part.***”) (emphasis added)⁶; *see also* Rule 2B-1.0055 (1) (providing a ***nonexclusive*** list of examples of unusual circumstances).

26. When the legislature enacted the election code, it understood that not every future scenario or circumstance could be anticipated. And so, it specifically empowered this body to serve as a safety valve to ensure that the regulatory regime does not work unfair results even in the face of what would be considered technical violations. In this case: there was no lack of transparency, no malicious intent, no harm occurring to the public or to the opposing campaign; and no benefit or advantage obtained. The value of the transaction was insignificant compared to total

⁶ Section 106.07(8)(c) further requires the Commission to “consider the mitigating and aggravating circumstances contained in s. 106.265(3)” when deciding whether to waive a fine. The listed circumstances in s. 106.265(3) are:

- (a) The gravity of the act or omission;
- (b) Any previous history of similar acts or omissions;
- (c) The appropriateness of such penalty to the financial resources of the person []; and
- (d) Whether the person...has shown good faith in attempting to comply with the provisions of this chapter[.]

In this case, these factors heavily weigh in favor of waiving the fine. The gravity of the incident is minor, there is no prior (or subsequent) history of it occurring, and the error was clearly made in good faith and while trying to comply with the election code, not violate it.

campaign expenditures. And the “violation,” if it occurred at all, was made innocently, and based on good faith reliance on representations made by Division personnel and contained in Division written materials. If this case does not present the kind of situation where the legislature intended the Commission to exercise its discretion it is difficult to imagine a case where it would.

27. Based on such circumstances, I urge the Commission find that the report was timely filed or the existence of exceptional circumstances.

Conclusion

With thanks, and for all these reasons stated above, I respectfully request the Commission find no violation and waive any penalty in this matter.

Respectfully submitted,

/Jason Bloch

Jason Bloch

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated in it are true to the best of my knowledge and belief.

A handwritten signature in blue ink, appearing to read 'Jason Bloch', is written over the printed name.

Jason Bloch

May 10, 2024.

FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY

(1) Jason Edward Bloch (2) 83882
Candidate, Committee or Party Name I.D. Number

(3) _____
Address (number and street) City State Zip Code
☐ Check box if address has changed since last report

(4) Check appropriate box(es):

- ☒ Candidate (office sought):
☐ Political Committee ☐ Check If PC has DISBANDED
☐ Committee of Continuous Existence ☐ Check If CCE has DISBANDED
☐ Party Executive Committee

(5) **REPORT IDENTIFIERS**

Cover Period: From 04/01/2023 To 04/30/2023 Report Type: M4

☒ Original ☐ Amendment ☐ Special Election Report

(6) **CONTRIBUTIONS THIS REPORT**

Cash & Checks	\$0.00
Loans	\$0.00
<i>Total Monetary</i>	\$0.00
In-Kind	\$0.00

(7) **EXPENDITURES THIS REPORT**

Monetary Expenditures	\$0.00
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$0.00

(8) Other Distributions

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss.839.13, F.S.)

I certify that I have examined **this report** and it is true, correct and complete

Name of ☐ Treasurer ☐ Deputy Treasurer

X _____
Signature

I certify that I have examined **this report** and it is true, correct and complete

Name of ☒ Candidate ☐ Chairman (PC/PTY Only)

X _____
Signature



Filed Report Receipt

**** Report has been Filed ****

ID: **83882** Name: **Jason Edward Bloch**

Report: 2023 - M6 - 4

Election: 2024 General Election

Covers: 6/1/2023-6/30/2023

Due: 7/10/2023

Print Date: **7/10/2023 10:10:35 AM**



Amended



Waiver

Filed: **7/10/2023 10:10:35 AM**

File Status: **Submitted Report for Filing**

Reviewed: **7/10/2023**

Review Status: **Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Entry Method: Web Data Entry

Pending Queued Items: **0**

Number of Detail Records

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0

To Print: Right Click Mouse and Select 'Print'

[Go to Filed Report List](#)



Filed Reports

Home Filings Transactions Print Queue Campaign Account Sign Out Help

The table below lists all campaign finance treasurer reports that have been *Filed* with the Department of State, Division of Elections. *Filed* reports may not be edited, but may be amended.

Select a report by clicking on the Sequence Number.

Seq	Report Year	Election ID	Report Type	Date Filed	Complete Status	Amended	Items In Queue
4	2023	20241105-GEN	M6	07/10/2023	No Detail Records Found	N	
3	2023	20241105-GEN	M5	06/12/2023	No Detail Records Found	N	
2	2023	20241105-GEN	M4	05/17/2023	No Detail Records Found	N	
1	2023	20241105-GEN	M3	04/18/2023	No Detail Records Found	N	

These reports are ALL waivers.

Filed Report Receipt

**** Report has been Filed ****

ID: **83882** Name: **Jason Edward Bloch**

Report: 2023 - M3 - 1

Election: 2024 General Election

Covers: 3/27/2023-3/31/2023

Due: 4/10/2023

Print Date: **4/18/2023 11:39:17 AM**



Amended



Waiver

Filed: **4/18/2023 11:39:17 AM**

File Status: **Submitted Report for Filing**

Reviewed:

Review Status: **Not Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Entry Method: Web Data Entry

Pending Queued Items: **0**

Number of Detail Records

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0

To Print: Right Click Mouse and Select 'Print'

[Go to Filed Report List](#)

Out Help

NOTE: A PIN is the same as your signature attesting under oath to the validity of the report. (s. 106.0705, FS)

Step 1: Select the treasurer who will submit the report and enter their PIN.

Step 2: Select the 'File Report' button.

Report: 2023 - M3 - 1

Coverage Period: 3/27/2023-3/31/2023

Due: 4/10/2023

Review Status: Not Reviewed

☐ Original ☐ Amended

Campaign Treasurer: Jason Bloch

☒ Waiver

PIN for specified Treasurer:

To Edit Report Again Select Cancel:

Cancel

File Report

Note: The following conditions have been found in this report.

It is recommended that they be corrected before filing the report.

- Recent edits to this report have resulted in an incomplete Review.

help

Use this form to submit an original report. To submit an amendment to a previously filed report, first select the report from the 'Filed Reports' listing and then choose the 'Amend Report' option from the 'Filings' menu item.

Coverage Periods

Campaign finance reports itemize financial activity occurring during a specific reporting period. The reporting period is declared by first selecting the election cycle then the report type & year. The beginning and ending coverage dates and the filing due date of the report are automatically associated with the selected report.

Election Cycle: 2024 Election ▼

Report Type & Year: M3 2023 ▼

Coverage Period: 3/27/2023

3/31/2023

Due Date: 04/10/2023

☐ Special Election Report

☐ Waiver

Uploading a Campaign Finance Report

A Campaign Finance report file meeting the department's specifications may be uploaded at the time a report is opened. Use the Browse button to locate and select the report text file (.txt) or zip file to be uploaded. A zip file must contain only one report (.txt) file.

Choose File No file chosen

Open Report

**Department of State
Division of Elections**

Candidate EFS User's Guide



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

EFS HELP LINE: [850-245-6280](tel:850-245-6280)

January 2011

Introduction

The Electronic Filing System (EFS) is located on the internet at <https://efs.dos.state.fl.us>. Each candidate or organization required to file reports with the Division of Elections (DOE) is provided an identification number. Access to the system is gained by inputting the DOE assigned **Identification (ID) Number** and **Password**. The candidate is provided an initial password to gain entry to the EFS. Upon logging into the system for the first time, the user will be prompted to change it.

Campaign reports are created by directly entering data into the DOE EFS or by uploading data from external systems that meet DOE electronic file specifications.

A report goes through a **three** step process before it is **filed** with the DOE:

FIRST, data is created or uploaded to the system. At this point it is a **pending** report.

SECOND, the user submits the pending report for review by the system for correctness and completeness. Errors can be corrected in pending reports via the EFS or by uploading additional data.

THIRD, the report is **filed**. Reports are filed using personal identification numbers (**PINs**), which are considered the same as a person's **signature** on the report.

Any changes to be made to a **filed** report must be done by filing an amendment. Amendments can be done directly through the EFS or by file upload.

The Division of Elections anticipates that this guide will assist you with timely filing all reports required by Chapter 106, Florida Statutes. However, if you have any questions or comments please contact the Division of Elections at:

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

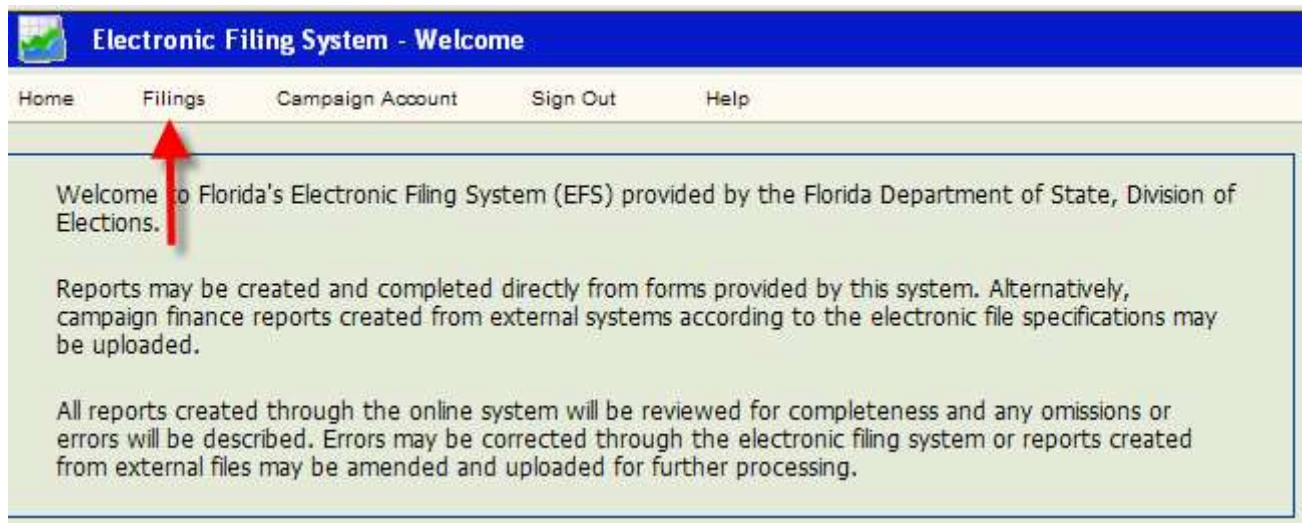
EFS HELP LINE: 850-245-6280

Amend a Report

Once a report is filed with the Division of Elections it cannot be edited. Any changes to a filed report must be done by filing an amendment. Amendments can be done by direct entry through the EFS or by file upload.

From the Welcome page, click

Filings


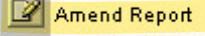


Select



Click on the Sequence number of the report to be amended.

	Seq	Report Year	Election ID	Report Type	Date Filed	Complete Status	Amended	Items In Queue
→	<u>26</u>	2010	20101102-GEN	F3	08/19/2010	Complete Detail Records	N	0
	<u>25</u>	2009	20101102-GEN	Q4	08/19/2010	Incomplete Detail Records	N	0
	<u>21</u>	2009	20101102-GEN	Q1	04/03/2009	Complete Detail Records	Y	0

Click  and then .




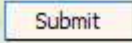
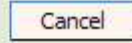
Click on .

Report to Amend


Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Election: 20101102-GEN ☐ Special Election Report ☐ Waiver

The above referenced report has been selected for amendment. The amendment procedure will transfer all activity for this report into a temporary work area that will enable you to add, update or delete individual transactions. When you have completed amending the report, you must 'File' the working copy using the online filing system. Select the 'Submit' button to create the amendment.

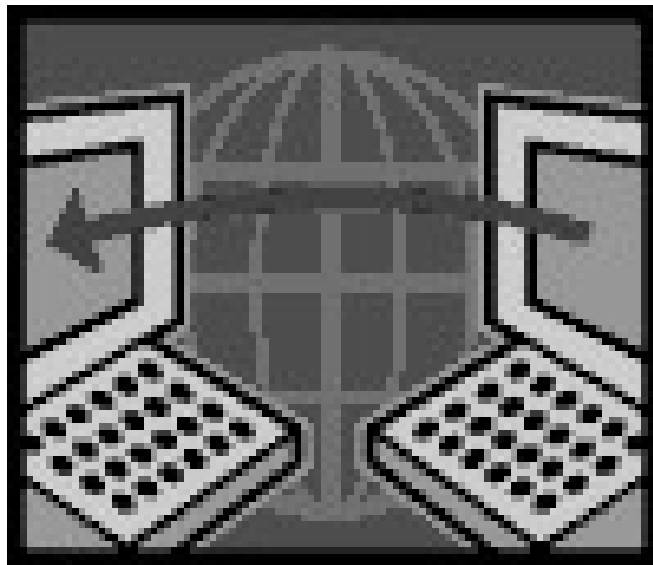
Click on the Sequence number of the report to be amended.

	Seq	Report Year	Election ID	Report Type	Date Filed	Complete Status	Amended	Items In Queue
	26	2010	20101102-GEN	F3	08/19/2010	Complete Detail Records	N	0
	25	2009	20101102-GEN	Q4	08/19/2010	Incomplete Detail Records	N	0
	21	2009	20101102-GEN	Q1	04/03/2009	Complete Detail Records	Y	0

The status of the report will be "Amending."

**Department of State
Division of Elections**

Candidate EFS User's Guide



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

EFS HELP LINE: 850-245-6280

January 2011

The **Due Date** will automatically fill in based on the **Calendar of Election and Reporting Dates**.

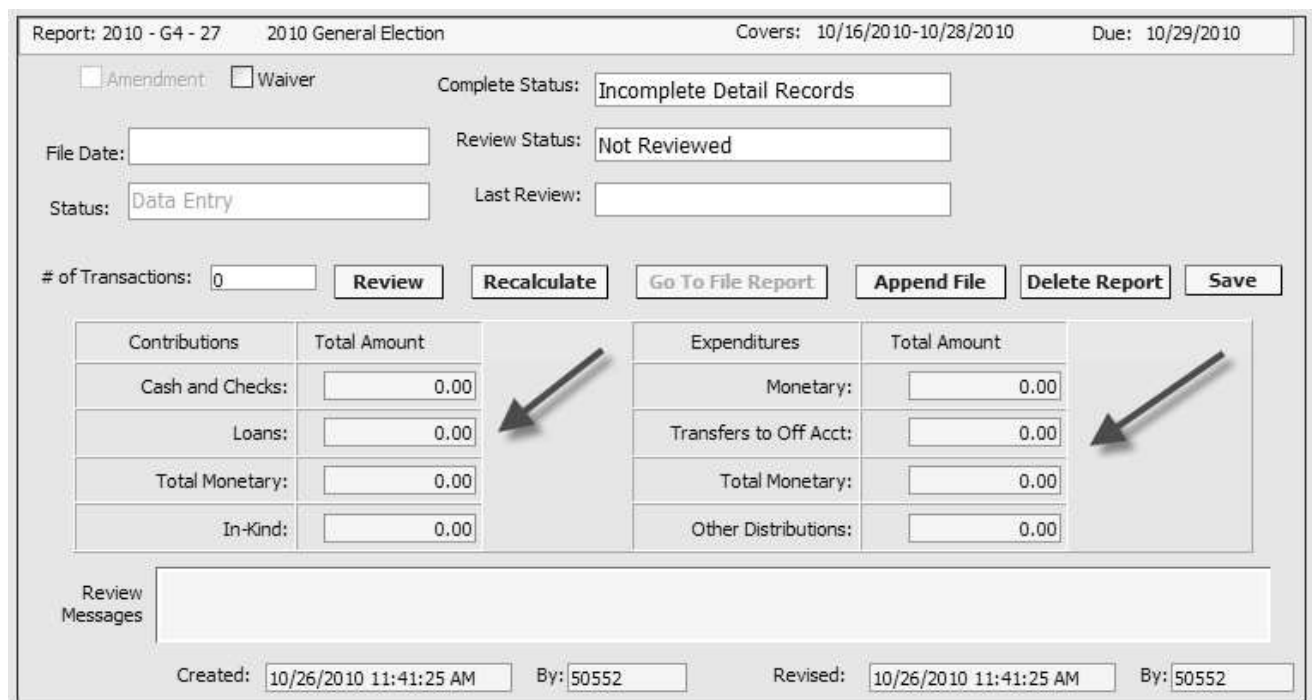
****NOTE****

If this report is a waiver of report (no activity), click the ☐ box next to Waiver.



Election Cycle: 2010 General Election
Report Type: F2 2010
Coverage Period: 7/17/2010 7/30/2010 Due Date: 08/06/2010
☐ Special Election Report ☒ Waiver

Click **Open Report** at the bottom of the screen. A **Report Detail** screen (view only) will appear. This screen will not indicate any activity until individual detail data is entered, saved and a review is performed.



Report: 2010 - G4 - 27 2010 General Election Covers: 10/16/2010-10/28/2010 Due: 10/29/2010

☐ Amendment ☐ Waiver Complete Status: Incomplete Detail Records
File Date: Review Status: Not Reviewed
Status: Data Entry Last Review:

of Transactions: 0 **Review** **Recalculate** **Go To File Report** **Append File** **Delete Report** **Save**

Contributions		Total Amount
Cash and Checks:		0.00
Loans:		0.00
Total Monetary:		0.00
In-Kind:		0.00

Expenditures		Total Amount
Monetary:		0.00
Transfers to Off Acct:		0.00
Total Monetary:		0.00
Other Distributions:		0.00

Review Messages

Created: 10/26/2010 11:41:25 AM By: 50552 Revised: 10/26/2010 11:41:25 AM By: 50552

FW: FEC 23-133: - Supplemental Appeal Memorandum

blochj@gmail.com <blochj@gmail.com>

Fri 5/10/2024 1:26 PM

To: Mattie Clay <Mattie.Clay@myfloridalegal.com>; Florida Elections Commission <fec@myfloridalegal.com>

 9 attachments (7 MB)

Verified Supplemental Appeal (5-10-24).pdf; Ex 8 - USER GUIDE - Excerpt re Waiver.pdf; Ex 1 -Example - Official 'Report' Summary of 'waiver' report - highlighted.pdf; Ex 2 - June 2023 Report (shows 'filed' even though a waiver) - highlighted.pdf; Ex 3 - List of 2023 'filed' reports - but all are 'Waivers'.pdf; Ex 4 - Screenshot Illustration 1.pdf; Ex 5 - Screenshot Illustration 2.pdf; Ex 6 - Screenshot of Filing waiver Report #1.pdf; Ex 7- USER GUIDE - Excerpts re Amendments.pdf;

This Message Is From an Untrusted Sender

You have not previously corresponded with this sender.

I am sending again from my gmail account as I am getting bounce back messages. Kindly confirm receipt.

Warm regards...Jason Bloch

From: Jason Bloch <jebloch@att.net>

Sent: Friday, May 10, 2024 1:20 PM

To: 'Mattie Clay' <Mattie.Clay@myfloridalegal.com>; 'fec@myfloridalegal.com.' <fec@myfloridalegal.com.>

Subject: RE: FEC 23-133: - Supplemental Appeal Memorandum

Good afternoon, Mattie – thank you for your email below and our discussion later, and also for submitting my request for continuance of the May 14, hearing because of my prior conflicts.

In the meantime, attached please find my supplemental appeal memorandum, with accompanying exhibits, for your and the Commission's consideration. I have copied the Commission's Clerk. Kindly confirm receipt and please advise if I may be able to provide anything further of assistance.

As always, I remain grateful for your cooperation and professionalism. Have a wonderful weekend.

Warm regards...Jason Bloch
786-208-9802

From: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Sent: Wednesday, May 1, 2024 12:45 PM

To: Jason Bloch <jebloch@att.net>

Subject: Re: FEC 23-133: Briefs and opinion

Good afternoon, Jason,

Thank you for reaching out. I'll summarize the voicemail I just left for you if it'll spare a few moments of my rambling. Attached please find the PDF that the Commissioners will be reviewing at the next applicable meeting. I didn't mention it in my voicemail, but I have no objection to your request to continue due to the matters you have scheduled on the 14th. My understanding is that we will not have a Zoom option, so it looks like the continuance may be our best bet.

Please feel free to call me at my direct, 850-404-5612, if you have any questions.

Thank you,

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

mattie.clay@myfloridalegal.com

From: Jason Bloch <jebloch@att.net>

Sent: Wednesday, May 1, 2024 10:51 AM

To: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Subject: RE: FEC 23-133: Briefs and opinion

Good morning, Mattie. I hope you are doing well! (I left you a voicemail message yesterday too.)

I received notices for hearings on May 14, in both cases. First, thank you for the staff recommendation as to 22-183, it is much appreciated.

As to 23-133, just following up on my email below and our subsequent conversation.

Fortunately, I was able to obtain a copy of the record in the Floridians for Economic Advancement appeal so no need for you to see about sharing that. However, I would still like to see the memo/materials commission members see so that I can ensure I fully understand the case and so that my response addresses the correct points. I have already begun to draft the argument which I believe the Commission (and hopefully, you) will find legally persuasive and compelling. To that end, I was hoping to request a continuance of the hearing, both to have time to prepare my response and because I already have several matters on my calendar for May 14 – believe it or not, I am running again for Circuit judge in the August 20, election, because I must be crazy. Alternatively, might I appear remotely (e.g., Zoom)? I believe the Chair intimated that might be available in my case.

Please call or write when you have a chance – I know you are super busy.

As always, thank you very much.

Warm regards...Jason Bloch, Esq.
786-208-9802

From: Jason Bloch <jebloch@att.net>

Sent: Friday, February 9, 2024 1:39 PM

To: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Subject: Re: FEC 23-133: Briefs and opinion

Thank you, Mattie. It was nice to finally meet you in person.

If I haven't already overstayed my welcome, might I ask for a copy of the record in that case?
And also, whatever memo or materials the commission was given in connection with my case?
I don't want to put you to a lot of effort so if it's a hassle please let me know. Thanks again and have a great weekend too.

Warm regards...Jason Bloch

From: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Sent: Friday, February 9, 2024 12:50 PM

To: jebloch@att.net <jebloch@att.net>

Subject: FEC 23-133: Briefs and opinion

Mr. Bloch,

Thank you for traveling all the way up to Tallahassee for the hearings, and I hope you had a smooth return trip. Attached please find the initial brief, answer brief, and the opinion that our Executive Director mentioned. Let me know if you need anything else.

I hope you have a good Friday and weekend,

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

mattie.clay@myfloridalegal.com

Re: FEC 23-133: Briefs and opinion

Mattie Clay <Mattie.Clay@myfloridalegal.com>

Wed 5/1/2024 12:44 PM

To: Jason Bloch <jebloch@att.net>

 1 attachments (8 MB)

23-133 Bloch, Jason Edward.pdf;

Good afternoon, Jason,

Thank you for reaching out. I'll summarize the voicemail I just left for you if it'll spare a few moments of my rambling. Attached please find the PDF that the Commissioners will be reviewing at the next applicable meeting. I didn't mention it in my voicemail, but I have no objection to your request to continue due to the matters you have scheduled on the 14th. My understanding is that we will not have a Zoom option, so it looks like the continuance may be our best bet.

Please feel free to call me at my direct, 850-404-5612, if you have any questions.

Thank you,

Mattie T. Clay

Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, Florida 32399-6596
Main: (850) 922-4539
Facsimile: (850) 921-0783
mattie.clay@myfloridalegal.com

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Subject: RE: FEC 23-133: Briefs and opinion

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I hope you have a good Friday and weekend,

Mattie T. Clay
Assistant General Counsel
Florida Elections Commission
107 West Gaines Street
The Collins Building, Suite 224
Tallahassee, Florida 32399-6596
Main: (850) 922-4539
Facsimile: (850) 921-0783
mattie.clay@myfloridalegal.com

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jason Edward Bloch

Case No.: FEC 23-133

TO: Jason Edward Bloch

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE (AF))

A hearing will be held in this case before the Florida Elections Commission on, **May 14, 2024 at 9:00 a.m., or as soon thereafter as the parties can be heard**, at the following location: **412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.**

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.

Tim Vaccaro

Executive Director
Florida Elections Commission
April 26, 2024

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.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Jason Edward Bloch

Case No.: FEC 23-133

ORDER CONTINUING CASE

THIS MATTER was heard by the Florida Elections Commission ("Commission") at its regularly scheduled meeting on February 7, 2024, in Tallahassee, Florida.

The Commission conducted a hearing pursuant to Section 106.07(8)(c), Florida Statutes, and considered whether there were unusual circumstances surrounding Respondent's failure to file a report on the designated due date. The Commission heard arguments from Respondent and Commission staff. The Commission expressed interest in conducting further legal research regarding notices of no activity in contrast to original reports and identifying whether case law has illustrated a safe harbor provision for candidates and committees.

Therefore, it is

ORDERED that the matter is **CONTINUED** *sua sponte* until the next available meeting of the Florida Elections Commission.

DONE AND ORDERED by the Florida Elections Commission on February 7, 2024.



Tim Vaccaro, J.D., Executive Director
For Chad Mizelle, Chairman
Florida Elections Commission

Copies furnished to:
Mattie T. Clay, Assistant General Counsel
Jason Edward Bloch, Esq., Respondent
Division of Elections, Filing Officer


RE: FEC 23-133: Automatic Fine Hearing - Appeal Letter and attachments

Jason Bloch <jebloch@att.net>

Wed 1/24/2024 1:54 PM

To: Florida Elections Commission <fec@myfloridalegal.com>

Cc: Mattie Clay <Mattie.Clay@myfloridalegal.com>

 3 attachments (4 MB)

Appeal Letter to FEC (1-24-24).pdf; Screenshot Illustration 1.pdf; Screenshot Illustration 2.pdf;

Good afternoon. Attached please find my letter and attachments in connection with the appeal in the above case, which is scheduled for hearing before the FEC on February 7.

Please advise if you need anything else from me and if there is anything else you think I should be aware of.

Once again, thank you tremendously for your assistance and service.

Warm regards...Jason Bloch
786-208-9802

From: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Sent: Wednesday, January 24, 2024 8:52 AM

To: Jason Bloch <jebloch@att.net>

Subject: Re: FEC 23-133: Automatic Fine Hearing - request for continuance

Good morning, Jason,

Yes, this is what the Commission needs to evaluate your case. You may send the letter and screenshots to our Agency Clerk (fec@myfloridalegal.com) while cc-ing me, or you're welcome to send me the version you want for distribution. We will ensure the materials are uploaded to the thumbdrives by c/o/b today, which will mail out tomorrow. Please note that Automatic Fine cases are public, so the materials will also be posted on our website under "Meeting & Agenda Information" of the Meetings tab.

Please feel free to call if you have any other questions or concerns. My direct is 850-404-5612.

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

mattie.clay@myfloridalegal.com

From: Jason Bloch <jebloch@att.net>
Sent: Tuesday, January 23, 2024 11:23 PM
To: Mattie Clay <Mattie.Clay@myfloridalegal.com>
Subject: RE: FEC 23-133: Automatic Fine Hearing - request for continuance

Hi Mattie – nice chatting with you earlier today. As discussed, attached is my draft letter to the FEC for my appeal, along with some example screen shots. I look forward to hearing from you with additional instructions or feedback you may have. Thanks again for your cooperation and assistance.

Warm regards...Jason Bloch

786-208-9802

From: Mattie Clay <Mattie.Clay@myfloridalegal.com>
Sent: Wednesday, November 8, 2023 4:57 PM
To: jebloch@att.net
Subject: Re: FEC 23-133: Automatic Fine Hearing - request for continuance

No worries at all, and never a bother. I'll be in touch next week with updates, but please feel free to reach out at any time if you need anything.

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

mattie.clay@myfloridalegal.com

From: jebloch@att.net <jebloch@att.net>
Sent: Wednesday, November 8, 2023 4:45 PM

To: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Subject: RE: FEC 23-133: Automatic Fine Hearing - request for continuance

Thank you! I know you are very busy this week, so sorry for the bother. Hope you have a great week too.

Jason Bloch

From: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Sent: Wednesday, November 8, 2023 4:41 PM

To: jebloch@att.net

Subject: Re: FEC 23-133: Automatic Fine Hearing - request for continuance

Good afternoon,

Thank you, your email was what we needed to continue your case to the February meeting. We will await your supplemental materials, and I will confirm receipt once I see them come through.

I hope you have a good evening and remainder of the week.

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

mattie.clay@myfloridalegal.com

From: jebloch@att.net <jebloch@att.net>
Sent: Wednesday, November 8, 2023 4:26 PM
To: Mattie Clay <Mattie.Clay@myfloridalegal.com>
Cc: ec@myfloridalegal.com <ec@myfloridalegal.com>
Subject: RE: FEC 23-133: Automatic Fine Hearing - request for continuance

Good afternoon. I just wanted to make sure you saw my request below for a continuance from the November commission meeting, given the relatively short notice and my desire to prepare a response. Kindly confirm receipt and please let me if you need anything else.

Thanks again,

Jason Bloch

786-208-9802

From: jebloch@att.net <jebloch@att.net>
Sent: Friday, November 3, 2023 5:10 PM
To: 'Mattie Clay' <Mattie.Clay@myfloridalegal.com>
Subject: RE: FEC 23-133: Automatic Fine Hearing

Ms. Clay – thank you very much for taking my call and for so kindly and patiently explaining the process and other details to me on the phone. I will begin to prepare materials for the Commission that I hope will show why no fines should be imposed in this case.

Given the time considerations, however, having just learned of the hearing today, I would like to request a continuance to allow me to do that and to make plans to attend the hearing in person if at all possible. Please let me know if this email is sufficient for the continuance request or if other steps are needed.

Thank you again for your professionalism and courtesy. I look forward to working with you, and hopefully toward a mutually agreeable resolution.

Warm regards...Jason Bloch

786-208-9802

P.S. Thank you also for the honor of the greeting, but please, call me Jason. (And just to reiterate I am a former judge - now doing bono law as a lawyer.)

From: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Sent: Friday, November 3, 2023 4:42 PM

To: jebloch@att.net

Subject: FEC 23-133: Automatic Fine Hearing

Good afternoon, Judge Bloch,

Thank you for your call this afternoon. As a brief summary, we will accept supplemental information for the Commissioners' consideration at the Automatic Fine hearing, including a statement of your circumstances and any mitigating factors. We will provide print copies as well as electronic copies for the Commission. You may send materials either to me at this email address or to our Agency Clerk, Donna Malphurs, at fec@myfloridalegal.com.

If you wish to request a continuance, we will accept either an email or a formal motion outlining the reasons for your request. I will not object to the continuance. The next hearing will likely be held during the second week of February. We will know closer to February whether the hearing will occur virtually or in Tallahassee. Attendance is not required but strongly encouraged.

Please do not hesitate to contact our office if you have any other questions or concerns leading up to the hearing.

Thank you,

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

mattie.clay@myfloridalegal.com

Jason Bloch, Esq.

January 24, 2024

Florida Elections Commission
Division of Elections
500 S. Bronough St., Room 3016
Tallahassee, FL 32399

Via email to FEC Agency Clerk: fec@myfloridalegal.com

Re: Case No.: FEC 23-133 (Jason Edward Bloch); Appeal

Dear Members of The Florida Elections Commission,

Thank you for the opportunity to explain why unusual circumstances exist and/or that an amended report was timely filed and thus no violations should be found, nor fines imposed in this case.

If I may begin by providing some context. I have had the privilege to be a lawyer in Florida for nearly 30 years. I became a lawyer because, though not perfect, I believe that law is a noble profession with the capacity to help people and to further justice. To that end, I spent my entire career in public service, beginning as an Assistant County Attorney in the Miami-Dade County Attorney's Office where I served for twenty years. In 2014, I was nominated from among over thirty candidates and then appointed to be a Circuit Judge by then Governor Scott.

Since leaving the bench I have continued in public service, practicing exclusively *pro bono* (without charge), representing people who could not otherwise afford a lawyer as well as nonprofit organizations. I received several recognitions for my *pro bono* work, most recently the Access to Justice Pro-Bono Award and 2022 Child Advocacy Award, both from Legal Aid. I have also volunteered on non-profit boards and on public committees and panels, including Legal Services of Greater Miami, the SEED School (a nonprofit residential charter school serving at-risk students), Miami's Civilian Investigative Panel (investigating allegations of police misconduct), and others.

I would also like to stress that there is nothing more important to me than my reputation and it is always my intent to comply with all laws, rules, and ethical standards. To my knowledge, there has never been a complaint about me to the Florida Bar, either as a lawyer or a judge.

Returning to this case, before the 2020 election friends and colleagues persuaded me to return the bench, this time by running for the office. However, I decided that my campaign would neither seek nor accept contributions from any outside source. Instead, it would be entirely self-funded and thus further assure stakeholders of my independence and impartiality as a judge. And so, my campaign had one and only one contributor: me.

This is significant since the misunderstanding which underlies the instant alleged violation – a single overlooked contribution which was corrected via an amended report – involves no concealment or misrepresentation about the source of contributions: all contributions came from me. Nor is there a concern about how or where the funds were spent. All expenditures were disclosed. And so, the aim and spirit of election finance rules – to provide transparency into campaign finances – was not undermined or even affected in this case. From the beginning, and until the end, it was always clear that I was the only contributor to my campaign.

Instead, in my case, the mistake was inadvertently failing to record one contribution during its correct reporting period. This was my mistake and I take full responsibility. But the oversight was fully corrected by amendment, as is routinely done by many campaigns. Indeed, the overall campaign finance process not only contemplates amendments, but the online filing portal specifically facilitates them. elections staff also encourage campaigns to file amendments when necessary and also help facilitate the process.

Importantly, my understanding from elections staff was that the amendment process provides safe harbor. So long as reports are ultimately amended to reflect correct contributions and/or expenditures – as was done in my case – any initial errors or omissions *are not considered violations*. For example, if a \$1,000, contribution was incorrectly reported as \$10.00, whether due to input error, miscommunication, or some other reason, that error can be later corrected, without penalty, by amendment.

This process is both sensical and fair. The goal of the election reporting regime is to ensure full disclosure and transparency, not to punish campaigns that have made inadvertent bookkeeping errors or that have not quite mastered the

(sometimes difficult to navigate) filing portal. Allowing amendments merely recognizes the realities of hectic day-to-day operations of campaigns and the existence of good faith errors inherent in any human endeavor, while ensuring an avenue for transparency.

Indeed, my campaign itself filed other amended reports when good faith discrepancies were discovered. In those cases, elections staff advised me that such amended reports meant that the campaign was in good standing with no violations or other concerns requiring attention.

Thus, when I received the notice of fine in this case I was profoundly confused and so I called the elections department. The staff member I spoke to was just as perplexed. Seeing my amendment, he too could not understand why there was an issue. We both concluded the notice was a mistake. Only later, after he did some investigation, was he able understand what triggered the notice and explain it to me. The problem, it seems, was that because my initial report was a “waiver” report, i.e., one with no other activity, it was not considered a “report.” And thus, for purposes a subsequent amendment to it does not receive the same safe harbor. Even after explaining it to me he agreed that this result seemed anomalous and inconsistent, if not difficult to defend. And, as shown in the attached screenshots from the elections portal, “waivers” are themselves described at every stage of the filing process as “reports.” And there is nothing to suggest that they are treated differently than other reports.

To illustrate: suppose a candidate reported a single contribution of one dollar (\$1) during the reporting period. If the campaign later realized the omission of other reportable activity during the period, or to continue with the example, if the amount were wrong, say \$10,000, instead of \$1, the discrepancies can be corrected by filing an amended report. In that case there are no deemed violations. But on the other hand, suppose a candidate reported \$0 (zero dollars) in contributions, and so filed a “waiver” report. Upon discovering the error and filing an amended report to reflect the accurate amount of \$10,000, that would be considered a violation, or I should say *could* be a violation, since Filing Officers apparently sometimes do, but sometimes don’t, impose this result. Starkly differing results for nearly identical situations are not only anomalous and inconsistent but are also unfair. This is

especially so for candidates like me who relied on elections staff for their understanding the use and implications of amendments.¹

Moreover, this different treatment creates distorted incentives. We want campaigns to do the right thing and amend incomplete or inaccurate reports to achieve transparency. By penalizing campaigns for full, albeit delayed, disclosure, some may instead choose to weigh the cost, particularly where there is little chance that the accurate numbers would otherwise come to light. I am not suggesting that there is ever a reason not to fully comply but why build incentives to encourage noncompliance? Finally, the \$1 contribution example discussed above is not merely hypothetical. The same staff member shared with me that some campaigns will do exactly that -- make and report a token nominal self-contribution even in reporting periods with no reportable activity -- for the very purpose of protecting against the risk found here. Again, encouraging such contrived activity does nothing to further the goals of disclosure and transparency while at the same time disadvantages campaigns not aware of the technique. Unfortunately, I was in the latter camp.

Knowing the work of this body which vigilantly watches over the integrity of Florida elections and at the same time demonstrates fairness and reason, I humbly and respectfully request that you employ your authority and discretion to find unusual circumstances exist in this case. Thank you again for the opportunity to address you, and for your service.

Sincerely,



Jason Bloch

CC: Asst. General Counsel Mattie Clay

¹ I want to stress that in no way am I suggesting that any staff person did anything improper, nor am I making any negative commentary about them at all. On the contrary, in all my interactions with Elections staff, from the person who answers the phone to the Assistant General Counsel and everyone in between, each has been unfailingly polite, professional, patient, and helpful. They represent the highest standard for public employees that every agency should strive for, and I am grateful for their assistance.

Filed Report Receipt

**** Report has been Filed ****

ID: **83882** Name: **Jason Edward Bloch**

Report: 2023 - M3 - 1

Election: 2024 General Election

Covers: 3/27/2023-3/31/2023

Due: 4/10/2023

Print Date: **4/18/2023 11:39:17 AM**



Amended



Waiver

Filed: **4/18/2023 11:39:17 AM**

File Status: **Submitted Report for Filing**

Reviewed:

Review Status: **Not Reviewed**

Detail Complete: **No Detail Records Found**

File Method: Web Filed

Entry Method: Web Data Entry

Pending Queued Items: **0**

Number of Detail Records

Contributions: 0

Expenditures: 0

Fund Transfers: 0

Distributions: 0

To Print: Right Click Mouse and Select 'Print'

[Go to Filed Report List](#)

Out Help

NOTE: A PIN is the same as your signature attesting under oath to the validity of the report. (s. 106.0705, FS)

Step 1: Select the treasurer who will submit the report and enter their PIN.

Step 2: Select the 'File Report' button.

Report: 2023 - M3 - 1

Coverage Period: 3/27/2023-3/31/2023

Due: 4/10/2023

Review Status: Not Reviewed

☐ Original ☐ Amended

Campaign Treasurer: Jason Bloch

☒ Waiver

PIN for specified Treasurer:

To Edit Report Again Select Cancel:

Cancel

File Report

Note: The following conditions have been found in this report.

It is recommended that they be corrected before filing the report.

- Recent edits to this report have resulted in an incomplete Review.

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jason Edward Bloch

Case No.: FEC 23-133

TO: (address exempt per Ch. 119, F.S.)

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE (AF))

A hearing will be held in this case before the Florida Elections Commission on **February 7, 2024 at 9:00 a.m., or as soon thereafter as the parties can be heard**, at the following location: **402 South Monroe Street, 12 HOB, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

Tim Vaccaro

Executive Director
Florida Elections Commission
January 19, 2024

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 to 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.

STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

In Re: Jason Edward Bloch

Case No.: FEC 23-133

ORDER CONTINUING CASE

THIS MATTER was heard by the Florida Elections Commission ("Commission") at its regularly scheduled meeting on November 14, 2023, in Tallahassee, Florida.

Respondent requested a continuance as he was unable to attend the hearing but wished to be present.

The Commission considered Respondent's request and staff's response. The request was **GRANTED**.

THIS MATTER is continued until the next available meeting of the Florida Elections Commission.

DONE AND ORDERED by the Florida Elections Commission on November 14, 2023.



Tim Vaccaro, J.D., Executive Director
For Chad Mizelle, Chairman
Florida Elections Commission

Copies furnished to:
Mattie T. Clay, Assistant General Counsel
Jason Edward Bloch, Esq., Respondent
Division of Elections, Filing Officer

RE: FEC 23-133: Automatic Fine Hearing

jebloch@att.net <jebloch@att.net>

Fri 11/3/2023 5:10 PM

To: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Ms. Clay – thank you very much for taking my call and for so kindly and patiently explaining the process and other details to me on the phone. I will begin to prepare materials for the Commission that I hope will show why no fines should be imposed in this case.

Given the time considerations, however, having just learned of the hearing today, I would like to request a continuance to allow me to do that and to make plans to attend the hearing in person if at all possible. Please let me know if this email is sufficient for the continuance request or if other steps are needed.

Thank you again for your professionalism and courtesy. I look forward to working with you, and hopefully toward a mutually agreeable resolution.

Warm regards...Jason Bloch
786-208-9802

P.S. Thank you also for the honor of the greeting, but please, call me Jason. (And just to reiterate I am a former judge - now doing bono law as a lawyer.)

From: Mattie Clay <Mattie.Clay@myfloridalegal.com>

Sent: Friday, November 3, 2023 4:42 PM

To: jebloch@att.net

Subject: FEC 23-133: Automatic Fine Hearing

Good afternoon, Judge Bloch,

Thank you for your call this afternoon. As a brief summary, we will accept supplemental information for the Commissioners' consideration at the Automatic Fine hearing, including a statement of your circumstances and any mitigating factors. We will provide print copies as well as electronic copies for the Commission. You may send materials either to me at this email address or to our Agency Clerk, Donna Malphurs, at fec@myfloridalegal.com.

If you wish to request a continuance, we will accept either an email or a formal motion outlining the reasons for your request. I will not object to the continuance. The next hearing will likely be held during the second week of February. We will know closer to February whether the hearing will occur virtually or in Tallahassee. Attendance is not required but strongly encouraged.

Please do not hesitate to contact our office if you have any other questions or concerns leading up to the hearing.

Thank you,

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

107 West Gaines Street

The Collins Building, Suite 224

Tallahassee, Florida 32399-6596

Main: (850) 922-4539

Facsimile: (850) 921-0783

mattie.clay@myfloridalegal.com

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: Jason Edward Bloch

Case No.: FEC 23-133

TO: Jason Edward Bloch

Division of Elections
500 S. Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE (AF))

A hearing will be held in this case before the Florida Elections Commission on, **November 14, 2023 at 8:30 a.m., or as soon thereafter as the parties can be heard**, at the following location: **402 South Monroe Street, 12 HOB, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

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.

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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.

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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.

Tim Vaccaro

Executive Director
Florida Elections Commission
October 31, 2023

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.

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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 to 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.

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC 23-133

NAME: **JASON EDWARD BLOCH**

DATE APPEAL RECEIVED: 03/27/2023

DATE REPORT DUE: 06/24/2022 (2022 P1)

DATE OF ELECTRONIC RECEIPT: 11/21/2022

NUMBER OF DAYS LATE: 150

AMOUNT OF FINE: **\$3,971.68**

FINE BASED ON: () NUMBER OF DAYS () 25% OF RECEIPTS **(X) 25% OF EXPENDITURES**

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$15,886.70

DATE OF FIRST NOTIFICATION: 03/08/2023 (Fine Ltr)

SUMMARY: The Honorable Jason Edward Bloch, Esquire was a candidate for Circuit Judge, Circuit 11, Group 52 in the 2022 elections. Judge Bloch was his own treasurer.

Judge Bloch is appealing the fine but did not provide supplemental information with his appeal.

- The 2022 P1 Original Report covers the period from 06/01/22-06/17/22; it was due on 06/24/22.
- The 2022 P1 Queued Transaction Report shows that it was created and filed on 06/26/22.¹
- Judge Bloch reported receiving zero contributions while making 1 expenditure.
- FEC staff was advised, "The candidate filed a notice of no activity (waiver) on 06/26/22. A waiver is not a report. On 11/21/22, the candidate filed a report showing \$15,886.70 of activity. The fine is based on 25% of the activity."
- The Division of Elections does not have any notes that pertain to Judge Bloch's 2022 P1 Report.

PRIOR CASES: None.

¹ The filing discussed in this bullet refers to the waiver that reflected zero activity.

Br'Axeton Wims

From: Donna Malphurs <Donna.Malphurs@myfloridalegal.com> on behalf of Florida Elections Commission <fec@myfloridalegal.com>
Sent: Monday, March 27, 2023 10:24 PM
To: Br'Axeton Wims
Subject: Fw: Notice of Appeal - Candidate 80533
Attachments: Notice Of Imposition Of Fine.pdf

----- Forwarded by Donna Malphurs/OAG on 03/27/2023 10:23 PM -----

From: <jebloch@att.net>
To: <fec@myfloridalegal.com>
Cc: <elecrecords@dos.myflorida.com>, <jebloch@att.net>
Date: 03/27/2023 05:01 PM
Subject: Notice of Appeal - Candidate 80533

Good afternoon,

Please allow this to serve as my notice of appeal of the fine assessed as stated in the attached letter bearing the date of March 8, 2023, but not postmarked until March 10, and not received by me until March 14, 2023.

Per Rule 2B-1.005, the notice of appeal shall contain the following information:

(a) The name, address and telephone number of the appealing party:

Jason Bloch

(b) A copy of the notice of imposition of fine issued by the filing officer: **see attached**; and,

(c) A request for hearing if a personal appearance before the Commission is desired: **I do hereby request such a hearing.**

Please confirm that you have received my notice and advise if anything else is required.

Thank you,

Jason Bloch, Esq.
786-208-9802(See attached file: Notice Of Imposition Of Fine.pdf)



FLORIDA DEPARTMENT OF STATE

Cord Byrd
Secretary of State

DIVISION OF ELECTIONS

March 8, 2023

Jason Edward Bloch
Candidate for Circuit Judge, Circuit 11, Group 52

CAN 80533

Dear Judge Bloch:

The campaign treasurer's report that was due on June 24, 2022, was filed on November 21, 2022. By law, you are automatically assessed a late fine of \$3,971.68.

You have 20 days from the receipt of this notice to either:

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

*Florida Division of Elections
R.A. Gray Building, Room. 316
500 South Bronough Street
Tallahassee, Florida 32399-025011*

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

*Florida Elections Commission
107 West Gaines Street, Ste. 224
Tallahassee, Florida 32399-0150*

(850) 922-4539
fec@myfloridalegal.com

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Donna S. Brown

Donna S. Brown, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Cord Byrd
Secretary of State

DIVISION OF ELECTIONS

March 8, 2023

Jason Edward Bloch
Candidate for Circuit Judge, Circuit 11, Group 52

CAN 80533



Dear Judge Bloch:

The campaign treasurer's report that was due on June 24, 2022, was filed on November 21, 2022. By law, you are automatically assessed a late fine of \$3,971.68.

You have 20 days from the receipt of this notice to either:

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

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107 West Gaines Street, Ste. 224
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If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Donna S. Brown, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Cord Byrd
Secretary of State

DIVISION OF ELECTIONS

July 19, 2022

Jason Edward Bloch

CAN 80533

Dear Judge Bloch:

The notification that you had no reportable activity for the report deadline of June 24, 2022, was not filed until June 26, 2022. Although the notification is late, no automatic fine is assessed because you had no receipts or expenditures during this reporting period.

However, to avoid potential issues in the future, please note that state law (s. 106.07(7), Fla. Stat.) requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do may constitute a violation of sections 106.07(1) and 106.19(1)(c), Fla. Stat. The Division is required to notify the Florida Elections Commission of any apparent violation of chapter 106, Fla. Stat., or any failure to file a report or information required by chapter 106, Fla. Stat. If a matter is referred to the Florida Elections Commission, the Commission may assess a civil penalty of up to \$1,000 per violation.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

A handwritten signature in black ink that reads "Donna S. Brown".

Donna S. Brown, Chief
Bureau of Election Records

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) Jason Edward Bloch (2) 80533
Candidate, Committee or Party Name I.D. Number

(3) _____
Address (number and street) City State Zip Code

☐ Check box if address has changed since last report

(4) Check appropriate box(es):

☒ Candidate (office sought):

☐ Political Committee

☐ Committee of Continuous Existence

☐ Party Executive Committee

☐ Check If PC has DISBANDED

☐ Check If CCE has DISBANDED

(5) REPORT IDENTIFIERS

Cover Period: From 06/01/2022 To 06/17/2022 Report Type: P1

☐ Original

☒ Amendment

☐ Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks \$0.00

Loans \$0.00

Total Monetary \$0.00

In-Kind \$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures \$15,886.70

Transfers to Office Account \$0.00

Total Monetary \$15,886.70

(8) Other Distributions

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss.839.13, F.S.)

I certify that I have examined this report and it is true, correct and complete

Name of ☐ Treasurer ☐ Deputy Treasurer

X
Signature

I certify that I have examined this report and it is true, correct and complete

Name of ☒ Candidate ☐ Chairman (PC/PTY Only)

X
Signature

Name:
Jason Edward Bloch

Report:
2022 P1

Period:
06/01/2022
to
06/17/2022

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Contributor	Occupation	Amount Amend
		Type	In-Kind Description	

Name: Jason Edward Bloch

Report: 2022 P1

Period: 06/01/2022 to 06/17/2022

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount Amend
1 06/11/2022	RICHARD MARANON & ASSOCIATES 2103 CORAL WAY, SUITE 305 CORAL GABLES, FL 33145	MON	CAMPAIGN CONSULTING AND OUTREACH, INCLUDING ADVERTISING AND MARKETING	\$15,886.70 ADD

Name: Jason Edward Bloch

Report: 2022 P1

Period: 06/01/2022 to 06/17/2022

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Nature of Account	Amount
				Amend

Name: Jason Edward Bloch

Report: 2022 P1

Period: 06/01/2022 to 06/17/2022

** Records in Filed Report **

Seq #	Full Name	Recipient	Purpose	Amount
Date	(Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Related Expenditure	Amend

Queued Items for 2022-P1

Account: 80533

CTJ 011 Jason Edward Bloch

Rpt Seq: 3

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	80533	6/26/2022 3:57:03 PM	6/26/2022 3:57:03 PM
File Pending Report	Processing Complete	80533	6/26/2022 6:37:50 PM	6/26/2022 6:37:50 PM
Review Filed Report	Processing Complete	80533	11/21/2022 12:13:47 PM	11/21/2022 12:13:47 PM
Amend Filed Report	Processing Complete	80533	11/21/2022 12:14:08 PM	11/21/2022 12:14:08 PM
Review Pending Report	Processing Complete	80533	11/21/2022 12:21:19 PM	11/21/2022 12:21:19 PM
File Pending Report	Processing Complete	80533	11/21/2022 12:22:05 PM	11/21/2022 12:22:05 PM
Review Filed Report	Processing Complete	80533	3/23/2023 4:03:23 PM	3/23/2023 4:03:23 PM
Review Filed Report	Processing Complete	80533	3/23/2023 4:42:30 PM	3/23/2023 4:42:30 PM


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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: Jason Edward Bloch

Name: Bloch

Account: [80533](#)

Election:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
11/21/2022	TR	11/21/2022						
9/2/2022	G1	9/2/2022						
8/19/2022	P7	8/19/2022						
8/12/2022	P6	8/12/2022						
8/5/2022	P5	8/4/2022						
7/29/2022	P4	7/29/2022						
7/22/2022	P3	7/22/2022						
7/8/2022	P2	7/8/2022						
6/24/2022	P1	6/26/2022	SNT	0	\$3,971.68		\$3,971.68	\$0.00
6/24/2022	P1	6/26/2022	CLO	2	\$0.00		\$0.00	\$0.00
6/10/2022	M5	6/10/2022						
5/10/2022	M4	5/10/2022						

Acct: 80533

Type: Candidate

Search

Reset



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

April 27, 2022

Jason Edward Bloch
[REDACTED]

Dear Judge Bloch:

This will acknowledge receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository for the office of Circuit Judge, which was placed on file in our office on April 27, 2022. Your name has been placed on the 2022 active candidate list.

Campaign Treasurer's Reports

Your first campaign treasurer's report will be due on **May 10, 2022**. The report will cover the period of April 1-30, 2022 (2022 M4). All candidates who file reports with the Division of Elections are required to file by means of the Division's Electronic Filing System (EFS).

EFS Access

Below is the web address to access the EFS and your user identification number. Enclosed are your confidential, filing credentials.

EFS Website Address: <https://efs.dos.state.fl.us>
Identification Number: 80533

Timely Filing

All reports filed must be completed and filed through the EFS no later than midnight, Eastern Standard Time, of the due date. Reports not filed by midnight of the due date are late filed and subject to the penalties in Section 106.07(8), Florida Statutes. In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) • [DOS.MyFlorida.com/elections](https://dos.mylouisiana.com/elections)



Jason Edward Bloch
April 27, 2022
Page Two

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% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding each primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Electronic Receipts

The person submitting the report on the EFS will be issued an electronic receipt indicating and verifying the report was filed. Each campaign treasurer's report filed by means of the EFS is considered to be under oath by the candidate and campaign treasurer, and such persons are subject to the provisions of Section 106.07(5), Florida Statutes.

Instructions and Assistance

An online instruction guide is available to you on the EFS to assist with navigation, data entry, and submission of reports. The Division of Elections will also provide assistance to all users by contacting the EFS Help Desk at (850) 245-6280.

All of the Division's publications and reporting forms are available on the Division of Elections' website at <https://dos.myflorida.com/elections>. It is your responsibility to read, understand, and follow the requirements of Florida's election laws. Therefore, please print a copy of the following documents: Chapters 104 and 106, Florida Statutes, *Candidate and Campaign Treasurer Handbook*, *Calendar of Reporting Dates*, and Rule 1S-2.017, Florida Administrative Code.

Please let me know if you need additional information.

Sincerely,



Donna S. Brown, Chief
Bureau of Election Records

DSB/bct

Enclosures

**APPOINTMENT OF CAMPAIGN TREASURER
AND DESIGNATION OF CAMPAIGN
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

RECEIVED
DEPARTMENT OF STATE

2022 APR 27 AM 10:58

DIVISION OF ELECTIONS
TALLAHASSEE, FL

NOTE: This form must be on file with the qualifying
officer before opening the campaign account.

OFFICE USE ONLY

1. CHECK APPROPRIATE BOX(ES):

☒ Initial Filing of Form Re-filing to Change: ☐ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party

2. Name of Candidate (in this order: First, Middle, Last)

Jason, Edward, Bloch

3. Address (include post office box or street, city, state, zip code)

[REDACTED]

4. Telephone

[REDACTED]

5. E-mail address

jebloch@att.net

6. Office sought (include district, circuit, group number)

11th Judicial Circuit, Court Judge, Group 52

7. If a candidate for a nonpartisan office, check if applicable:

☐ My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

☐ Write-In ☐ No Party Affiliation ☐ _____ Party candidate.

9. I have appointed the following person to act as my ☒ Campaign Treasurer ☐ Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

Jason Edward Bloch

11. Mailing Address

[REDACTED]

12. Telephone

[REDACTED]

13. City

[REDACTED]

14. County

[REDACTED]

15. State

[REDACTED]

16. Zip Code

[REDACTED]

17. E-mail address

jebloch@att.net

18. I have designated the following bank as my ☒ Primary Depository ☐ Secondary Depository

19. Name of Bank

TD Bank

20. Address

2401 Ponce De Leon Blvd.

21. City

Coral Gables

22. County

Miami-Dade

23. State

FL

24. Zip Code

33134

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

25. Date

4/26/22

26. Signature of Candidate

X [Signature]

27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)

I, Jason Edward Bloch, do hereby accept the appointment

(Please Print or Type Name)

designated above as:

☒ Campaign Treasurer ☐ Deputy Treasurer.

4/26/22

Date

X

[Signature]
Signature of Campaign Treasurer or Deputy Treasurer

**CANDIDATE OATH
JUDICIAL OFFICE**

Check box **only** if you are seeking to qualify as a write-in candidate:

☐ Write-in candidate

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2022 APR 27 AM 10:58

DIVISION OF ELECTIONS
TALLAHASSEE FL

OFFICE USE ONLY

Candidate Oath

(Section 105.031, Florida Statutes)

I, Jason Edward Bloch,

(Print name above as you wish it to appear on the ballot. If your last name consists of two or more names but has no hyphen, check box ☐ (see page 2 - Compound Last Names). No change can be made after the end of qualifying. Although a write-in candidate's name is not printed on the ballot, the name must be printed above for oath purposes.)

am a candidate for the judicial office of Circuit Court Judge, 11,
(Office) (District #) (Circuit #)

52; my legal residence is Miami-Dade County, Florida; I am a qualified elector
(Group #)

of the state and of the territorial jurisdiction of the court to which I seek election; I am qualified under the Constitution and the Laws of Florida to hold the judicial office to which I desire to be elected or in which I desire to be retained; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Section 876.05, Florida Statutes, oath (only applicable if elected and when term of office begins): I, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the court system and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

Candidate's Florida Voter Registration Number (located on your voter information card): _____

Phonetic spelling for audio ballot: Print name phonetically on the line below as you wish it to be pronounced on the audio ballot as may be used by persons with disabilities (see instructions on page 2 of this form): *[Not applicable to write-in candidates.]*

JAI-SuhN ED-WAHRD BLAHK

X

Signature of Candidate

Telephone Number

jebloch@att.net

Email Address

Address

City

State

ZIP Code

STATE OF FLORIDA

COUNTY OF Miami Dade

Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public below:

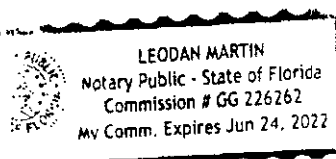
Sworn to (or affirmed) and subscribed before me by means of

online notarization ☐ OR physical presence ☒

this 26 day of April, 2022

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced: FIDL



**STATEMENT OF
CANDIDATE
FOR JUDICIAL OFFICE**

(Section 105.031(5), F.S.)

(Please Type)

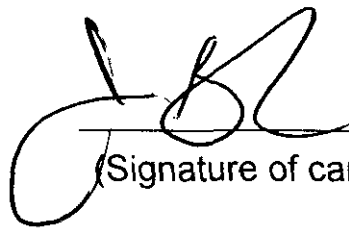
OFFICE USE ONLY
DEPARTMENT OF STATE

2022 APR 27 AM 10:58

**DIVISION OF ELECTIONS
TALLAHASSEE FL**

I, Jason Edward Bloch

a judicial candidate, have received, read, and understand the requirements
of the Florida Code of Judicial Conduct.



(Signature of candidate)

4-26-22

(Date)

Each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the Appointment of Campaign Treasurer and Designation of Campaign Depository.

**IN THE DISTRICT COURT OF APPEAL,
FIRST DISTRICT OF FLORIDA**

Floridians For Economic
Advancement,

Appellant,

v.

Florida Elections Commission,

Appellee,

_____/

CASE NO.: 1D22-3111

L.T. No.: FEC 22-001,
FOFEC 22-119A

APPELLANT'S INITIAL BRIEF

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STATEMENT OF THE CASE AND FACTS

This appeal arises from a Final Order granted in favor of the Appellee, Florida Elections Commission, (“FEC”) against Appellant, Floridians For Economic Advancement, (“FFEA”). (R at 7-9). On or about February 8, 2021, a campaign financing report for FFEA was filed as a waiver for the time covering January 1, 2021 to January 31, 2021. (R at 27-28). The report was due February 10, 2021. (R at 23). On or about October 14, 2021, FFEA filed an amended report showing an expenditure of Eighty-Five Thousand Dollars (\$85,000.00). (R at 23). On or about December 13, 2021, A Final Fine Notice was sent from the Florida Division of Elections (“DOE”), noticing FFEA that it had Twenty (20) days to pay an assessed fine of Twenty-One Thousand Two Hundred Fifty Dollars (\$21,250.00) or appeal to the FEC. (R at 25). The Final Fine Notice was the date of First Notification to FFEA from DOE. (R at 24). On or about December 29, 2021, FFEA appealed the automatic fine to the FEC. (R at 24).

On August 16, 2022 a hearing was held by the FEC on FFEA’s appeal of the automatic fine. (R at 7). FFEA argued that it immediately filed an amendment in accordance with DOE procedures upon discovering an expenditure through an internal audit. (R at 7). On or about September 2, 2022, FEC filed its Final Order. (R at 7). FEC held that FFEA’s waiver is not a report, and subsequent amendment

necessitates the automatic fine. (R at 8). On or about September 30, 2022, Appellants file their Notice of appeal.

SUMMARY OF THE ARGUMENT

FEC erred in upholding DOE's automatic fine, FFEA acted in accordance with the law by filing a waiver for no activity and then utilizing the DOE's amendment process immediately upon discovery of a transaction. Furthermore, DOE's "rule" that waivers are not reports, and FEC's application thereof, is unlawful in that it is an invalid exercise of its delegated legislative authority being arbitrary and capricious. The determination that a fine is necessary in a case where an original accounting that shows no transactions is subsequently amended and is not necessary where the original accounting discloses a transaction and is subsequently amended is not supported by logic and irrational. Finally, should the filing be determined to be late, FEC and DOE erred in their determination of the automatic fine at twenty-five percent (25%) of the amended expenditure.

ARGUMENT

Standard of Review

The standard of review when reviewing FEC's legal determinations is *de novo*. *Beardslee v. Florida Elections Com'n*, 962 So.2d 390 (Fla. 5th DCA 2007);

See also Wise v. Dept. of Mgmt. Servs., Div. Of Ret., 930 So.2d 867 (Fla. 2nd DCA 2006).

- I. FEC ERRED IN UPHOLDING DOE'S AUTOMATIC FINE AS FFEA ACTED IN ACCORDANCE WITH THE LAW BY FILING A NOTIFICATION IN WRITING THAT THE POLITICAL COMMITTEE DID NOT RECEIVE FUNDS, MAKE ANY CONTRIBUTIONS, OR EXPEND ANY REPORTABLE FUNDS, AND THEN AMMENDED THE SAME IMMEDIATELY UPON DISCOVERY OF AN EXPENDITURE.

FFEA is excused from any liability as it acted in accordance with the Florida Statutes and DOE's policies and procedures. Florida Statutes § 106.07(7) states:

Notwithstanding any other provisions of this chapter, in any reporting period during which a candidate or political committee has not received funds, made any contributions, or expended any reportable funds, the filing of the required report for that period is waived. However, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed, and any candidate or political committee not reporting by virtue of this subsection on dates prescribed elsewhere in this chapter shall notify the filing officer in writing on the prescribed reporting date that no report is being filed on that date.

The 2021 M1 Queued Transaction Report was created and filed on February 8, 2021, two days prior to its original due date. (R at 23). This was the notification required by Florida Statutes § 106.07(7). FFEA subsequently conducted an internal audit where it was discovered that an expenditure had actually taken place during the timeframe waived following the notification filed on February 8, 2021. (R at 7). DOE allows for Amendments to reports previously filed through its Electronic

Filing System (“EFS”). Florida Division of Elections, *Campaign Reports – Political Committees*, <https://dos.myflorida.com/elections/candidates-committees/campaign-finance/filing-campaign-reports/campaign-reports-political-committees/>. Immediately, upon discovery of the expenditure, FFEA filed its amended report on October 14, 2021. (R at 7,23).

FFEA also filed its M2 report for February of 2021 on March 8, 2021 in accordance with Florida Statutes § 106.07(1, 7). (R at 35). As a matter of law, FFEA is entitled to relief from the Automatic Fine as it acted in accordance with the plain meaning of Florida Statutes § 106.07(7) when notifying the DOE in February 2021, filing its subsequent report in March of 2021, and amending upon discovery in October 2021. It is error to conclude that FFEA was late in filing the report required in Florida Statutes § 106.07(1).

II. FEC ERRED IN UPHOLDING DOE’S AUTOMTIC FINE AS DOE’S RULE THAT WAIVERS ARE NOT REPORTS IS AN INVALID EXCERSISE OF DELEGATED LEGISLATIVE AUTHORITY BECAUSE IT IS ARBITRARY AND CAPRICIOUS.

Florida’s Administrative Procedure Act Florida Statutes § 120 applies to FEC and DOE. Florida Statues § 120.52(1). An Agency, or here the DOE, invalidly exercises its delegated legislative authority if it declares a rule that is arbitrary or capricious. Florida Statutes § 120.52(8)(e). A capricious action is one taken without thought or reason, and an arbitrary one is not supported by facts, logic, or

is despotic. See *Agrico Chemical Co. v. State Dept. of Environmental Regulation*, 365 So.2d 759, 763(Fla. 1st DCA 1978).

FEC stated that “[a] waiver filed pursuant to Section 106.07(7), Florida Statutes is not a report.” (R at 8). DOE stated that “[a] waiver is not a report.” (R at 23).

DOE has also stated in its Candidate & Campaign Treasurer Handbook:

Q27. If I make a mistake on my report can I go back in and correct it on the EFS? Once the report is submitted to the Division, the EFS will not permit you to go back and make changes. In order to correct mistakes or add and delete information, you must submit an "amendment." If you add activity to a waiver after the report due date, a fine will be imposed based upon the new filing date in accordance with Section 106.07(8)(b), Florida Statutes.

Florida Division of Elections, *Candidate & Campaign Treasurer Handbook*, <https://files.floridados.gov/media/704777/candidate-campaign-treasurer-handbook-2022-04-27-2022-nl.pdf>.

This unadopted rule is both arbitrary and capricious. The rule takes the position that if one candidate or political committee reports that it has no transactions that it forecloses its right to amend in the future without penalty. Whereas, another candidate or political committee, even with *de minimis* transactions, retain their right to amend its campaign finance report without penalty. The rule is lacking logic and reason when it separates one filer from another based on whether FS § 106.07(7) grants a waiver or not. One may think that the DOE in declaring this

unadopted rule is concerned with fraud, but that end does not justify the means. If fraud were the concern, no amendments would be allowed and all mistakes, regardless of size, would be punishable by the automatic fine unless rectified prior to the original due date of the campaign finance report. It defies understanding that a mere penny would necessitate such harsh results.

III. EVEN IF THE M1 REPORT IS DEEMED LATE FILED, THE FEC
ERRED IN ITS DETERMINATION OF THE JUDGMENT AMOUNT.

Florida Statutes § 106.07(7) states that “... the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed ...” FFEA filed its M2 report for February of 2021 on March 8, 2021, Twenty-Six (26) days after the M1 due date in accordance with FS § 106.07(1, 7). (R at 35). Florida Statutes 106.07(8)(b) lays out the automatic fine structure:

Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine is \$50 per day for the first 3 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.

Even if the FEC and DOE did not err in applying an arbitrary and capricious rule in determining that a waiver cannot be amended, it did err in determining the fine as calculated by the DOE. Twenty-Six (days) as calculated by the fine formula

in Florida Statutes 106.07(8)(b) would be Eleven Thousand Six Hundred Fifty Dollars (\$11,650.00), not the Twenty-One Thousand Two Hundred Fifty Dollars (\$21,250.00) calculated by the DOE.

CONCLUSION

In conclusion, the FEC erred in upholding the DOE's automatic fine against the FFEA because FFEA abided by the plain statutory meaning of Florida Statutes 106.07 and DOE'S own policy in allowing amendments. FEC further erred in applying DOE's arbitrary and capricious rule and interpreting Florida Statutes 106.07(7) to automatically fine only that group of amenders that obtained a waiver on their initial due date. Finally, if the Court determines that the M1 report was filed late, FEC and DOE erred in their determination of the amount for which FFEA is liable.

RESPECTFULLY SUBMITTED this 13th day of January, 2023.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished electronically to Stephanie Cunningham, stephanie.cunningham@myfloridalegal.com, and Donna Malphurs, donna.malphurs@myflorida legal.com this 13th day of January, 2023.

/s/Nicholas D. Fugate
NICHOLAS D. FUGATE

CERTIFICATE OF COMPLIANCE WITH RULE
FLA. R. APP. P. 9.210(a)(2)

I HEREBY CERTIFY this brief is submitted in Times New Roman 14-point font and complies with the font requirements of Rule 9.210(a)(2), Fla. R. App. P.

/s/Nicholas D. Fugate
NICHOLAS D. FUGATE

**IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT OF FLORIDA**

Case No. 1D22-3111

Lower Tribunal Case No.: FEC 22-001

Final Order No.: FOFEC 22-119A

FLORIDIANS FOR ECONOMIC ADVANCEMENT,
Appellant,

v.

FLORIDA ELECTIONS COMMISSION,
Appellee.

On Appeal from a Final Order of the Florida Elections Commission

APPELLEE'S ANSWER BRIEF

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INTRODUCTION

This is an appeal from the Final Order of the Florida Elections Commission (“Commission” or “Appellee”) upholding the Florida Department of State Division of Elections’ (“Division” or “Filing Officer”) fine against Floridians for Economic Advancement (“Economic Advancement” or “Appellant”) for the late filing of a campaign treasurer’s report. (R. 7) Economic Advancement was the Respondent before the Commission. (R. 45) Economic Advancement filed its appeal in the First District Court of Appeal of Florida seeking review under the Administrative Procedure Act § 120.68, Fla. Stat. (2022).

On August 16, 2022, the Commission upheld the Division’s fine and denied Economic Advancement’s *ore tenus* Motion for Reconsideration. The administrative order is final, and jurisdiction is proper in this Court pursuant to Rule 9.030(b)(1)(C), Fla. R. App. P.

STATEMENT OF THE CASE AND FACTS

Economic Advancement is a political committee registered with the Division. (R. 40-41) Economic Advancement has been an active committee since July 2018. (R. 35-38) The committee’s 2021 M1 Campaign Treasurer’s Report (“2021 M1 Report”) was due to the

Division on February 10, 2021. (R. 23) The reporting period covered from January 1, 2021, to January 31, 2021. (R. 23) During this period, Economic Advancement made one (1) expenditure totaling eighty-five thousand dollars (\$85,000.00) to another political committee. (R. 31) The transaction was made two (2) days before the end of the reporting period, i.e., January 31, 2021. (R. 31) Economic Advancement did not report this activity but instead notified the Division via their Electronic Filing System (“EFS”) that the 2021 M1 Report was waived as no activity occurred. (R. 27) Economic Advancement submitted the notice on February 8, 2021, two (2) days before the designated due date, i.e., February 10, 2021. (R. 27)

On October 14, 2021, two-hundred forty-six (246) days after the due date, Economic Advancement filed the 2021 M1 Report disclosing one (1) expenditure. (R. 27) The Division sent Economic Advancement two (2) letters dated November 22, 2021, and December 13, 2021, which notified the committee that a fine of twenty-one thousand two-hundred fifty dollars (\$21,250.00) was assessed against Economic Advancement for the violation. (R. 25-26) The fine was based on twenty-five (25) percent of Economic Advancement’s total expenditures. (R. 23) The Division informed

Economic Advancement that the committee had a right to appeal the decision to the Commission. (R. 25-26)

The Commission notified Economic Advancement of the date and time the case would be heard. (R. 21-22) The Commission informed Economic Advancement that the fine would be upheld unless credible evidence was presented showing that the report was timely filed or that unusual circumstances caused the report to be late. (R. 45-47)

Economic Advancement filed a Notice of Appeal before the Commission but did not allege unusual circumstances or the timely filing of a report in its appeal or materials. (R. 24) Economic Advancement was not present at the hearing to offer evidence for the Commission's consideration. (R. 7) The Commission found no unusual circumstances and upheld the fine. (R. 8)

Economic Advancement appeared after the Commission concluded the matter and made an *ore tenus* Motion to Reconsider. (R. 7) Economic Advancement stated that the unreported expenditure was overlooked until the committee conducted an internal audit. (R. 7) Economic Advancement asserted that the committee immediately reported the expenditure upon discovery. (R. 7) No supplemental

materials or evidence was provided. (R. 7) The Commission found that Economic Advancement's claim did not justify its failure to timely file the 2021 M1 Report, denied the Motion to Reconsider, and maintained its decision. (R. 8) Economic Advancement appealed the Final Order issued on September 2, 2022.

STANDARD OF REVIEW

Review of final administrative action is conducted through section 120.68, Fla. Stat. (2022). The Court is required to set aside agency action if it finds that the agency erroneously interpreted a provision of law such that correction is compulsory; depended on a finding of fact not supported by competent, substantial evidence; acted inconsistently with an agency practice; or acted outside of the scope of its delegated discretion. § 120.68(7), Fla. Stat. (2022); *see Shin v. Fla. Elections Comm'n*, 924 So. 2d 72, 73 (Fla. 4th DCA 2006). If an agency's decision is based on a question of fact, then the matter is reviewed for competent, substantial evidence; however, if the decision is based on a question of law, then the matter is subject to de novo review. *Beardslee v. Fla. Elections Comm'n*, 962 So. 2d 390, 391 (Fla. 5th DCA 2007); *see A.W. v. Agency for Pers. with Disabilities*, 288 So. 3d 91, 93 (Fla. 1st DCA 2019).

SUMMARY OF THE ARGUMENT

The Commission did not err when it found that Economic Advancement's notice of no activity did not qualify as a timely report and that no evidence was presented showing unusual circumstances. The Commission also did not err when it denied Economic Advancement's Motion for Reconsideration when it found that the committee's claim for the delay in disclosing its financial activity was not credible and did not support unusual circumstances. The Commission's determinations abided by the plain language of Chapter 106 of the Florida Statutes and Chapter 2B-1 of the Florida Administrative Code and were aligned with the legislative purpose of the statute.

Economic Advancement failed to raise any other arguments during its Motion for Reconsideration, namely, that the Commission's decision was based on an unadopted rule by the Division and that the fine was calculated incorrectly. Even if the issues were raised, Economic Advancement failed to file suit against the appropriate party, the Division, and in the correct venue, the Division of Administrative Hearings, concerning the administrative rule challenge, which is governed by section 120.56, Fla. Stat. (2022).

The Commission appropriately relied upon the Florida Statutes to guide its interpretation of the Florida Administrative Code in assessing whether a report had been filed, whether unusual circumstances had been demonstrated with competent, substantial evidence, and whether the fine was appropriate.

ARGUMENT

I. THE COMMISSION DID NOT REVERSIBLY ERR BY UPHOLDING THE DIVISION'S FINE AS MANDATED BY THE FLORIDA LEGISLATURE FOR FILING A LATE CAMPAIGN TREASURER'S REPORT AND DENYING ECONOMIC ADVANCEMENT'S MOTION FOR RECONSIDERATION.

The Division assessed, and the Commission upheld, a fine mandated by the legislature for the filing of a late campaign treasurer's report. There was no reversible error. The primary question before the Court is whether the Commission incorrectly relied upon and erroneously interpreted section 106.07, Fla. Stat. (2022), and Rules 2B-1.005 and 2B-1.0055, Fla. Admin. Code, in finding that Economic Advancement failed to timely file a report and failed to show unusual circumstances justifying a delay in disclosing its financial activity.

Chapter 106 of the Florida Statutes and Chapter 2B-1 of the Florida Administrative Code provide clear, unambiguous guidance regarding the definition of a report, the requirements for filing, and the consequences of failing to disclose financial activity. “Legislative intent-as always-is the polestar that guides a court’s inquiry into the provisions of the Florida Election Code.” *Palm Beach County Canvassing Bd. v. Harris*, 772 So. 2d 1273, 1282 (Fla. 2000). “Where the language of the Code is clear and amenable to a reasonable and logical interpretation, courts are without power to diverge from the intent of the Legislature as expressed in the plain language of the Code.” *Id.*; see *Fed. Election Comm’n v. Reform Party of U.S.*, 479 F.3d 1302, 1308 (11th Cir. 2007) (finding that courts must first determine whether a provision has a plain, unambiguous meaning). Courts shall consider a specific provision of law in conjunction with the “design of the statute as a whole.” *Ga. Ass’n of Latino Elected Officials, Inc. v. Gwinnett County Bd. of Registration & Elections*, 36 F.4th 1100, 1120 (11th Cir. 2022) (citing *K Mart Corp. v. Cartier, Inc.*, 486 U.S. 281, 291 (1988)). Statutes may not be interpreted in such a manner that would “extend, modify, or limit” their reasonable effects. *Coastal*

Creek Condo. Ass'n, Inc. v. Fla. Tr. Servs. LLC, 275 So. 3d 836, 839 (Fla. 1st DCA 2019).

Chapter 106 is referred to as the “who gave it, who got it” law, and the purpose of the Florida Election Code is to protect the public’s interest in accessing and reviewing the financial sources of those whom the people are supporting or opposing. *Let’s Help Florida v. Smathers*, 453 F. Supp. 1003, 1012 (N.D. Fla. 1978). Consequently, candidates and political committees, through their designated treasurer, are required to file regular reports disclosing all financial activity within a given reporting period. § 106.07(1), Fla. Stat. (2022). Political committees registered with the Division are required to use the Division’s EFS to communicate these disclosures regarding financial activity. § 106.0705(2)(b), Fla. Stat. (2022).

Monthly reports must itemize all contributions and expenditures that occur within the reporting period unless the activity was previously disclosed. § 106.07(1), Fla. Stat. (2022). Reports are deemed to be made under oath and are subject to the provisions and violations outlined in section 106.07(5). § 106.0705(4), Fla. Stat. (2022). If a report is certified as true, correct, and complete when it was not, a committee is subject to a violation

of section 106.07(5). Fla. Stat. (2022). Additionally, if a committee deliberately fails to include information in a report, the committee is subject to a violation of section 106.19(1)(c), a first-degree misdemeanor for the responsible officers. Fla. Stat. (2022). Violations regarding incomplete or incorrect reports are subject to the civil penalties outlined in section 106.265. Fla. Stat. (2022).

If no financial activity occurs within a given reporting period, then the mandate to file a report is waived. § 106.07(7), Fla. Stat. (2022). The committee is then responsible for submitting written notification to the Filing Officer that no report is being filed. *Id.* The written notice shall be submitted by the designated due date. *Id.*

The filing officer is responsible for assessing a fine if a report disclosing financial activity is not filed by the due date. § 106.07(8)(a), Fla. Stat. (2022). The filing officer retains the matter and handles the violation with an automatic fine, which is not referred to the Commission under violations of 106.07(5), 106.19(1)(c), or other sections pertaining to incorrect or incomplete reports. § 106.07(8), Fla. Stat. (2022).

The Commission is required to uphold the filing officer's fine unless evidence is presented showing that the report disclosing

financial activity was timely filed or that unusual circumstances or similar circumstances caused the report to be late. Fla. Admin. Code R. 2B-1.005(3); *see* § 106.07(8)(c), Fla. Stat. (2022). Unusual circumstances are those that are rare, sudden, or beyond the committee's control and that directly prevent the party from timely filing. Fla. Admin. Code R. 2B-1.0055. Some examples of unusual circumstances include natural disasters and emergencies; death, illness, disability, or necessary surgery of the candidate, treasurer, or immediate family thereof; and unanticipated technological failure. *Id.*

In this case, Economic Advancement falsely notified the Division that it had no financial activity. Utilizing the plain meaning of the statute, a report, which necessarily includes activity, is not filed when there is no financial activity. The method of notifying the Division of no activity is not the same as filing a report although both are required to be transmitted through the EFS. Economic Advancement disclosed eighty-five thousand dollars (\$85,000.00) in activity for the first time over eight (8) months after the submission of their notice of no activity. The disclosure of financial activity constituted the initial report. As for unusual circumstances justifying

the delay of this disclosure, Economic Advancement asserted that this transaction, which was the only one during the month, was overlooked but discovered during an internal audit. The Commission made a finding of fact that this assertion was not justifiable. The expenditure was the only transaction that occurred, it occurred near the time the report was due, it was of such a substantial amount that it was unlikely to be overlooked, and it was of interest to the public because it was made to another committee. Therefore, Economic Advancement did not satisfy the evidentiary threshold of section 106.07(8)(c), Fla. Stat., and Rule 2B-1.0055, Fla. Admin. Code.

Economic Advancement's only argument before the lower tribunal was that the notification of no activity was a report because the submission could be amended. The ability to amend a submission is not the standard for determining whether a submission qualifies as a report. The statutory standard is whether a submission discloses contributions, expenditures, and other financial activity. Economic Advancement's interpretation contradicts the express language of section 106.07, Fla. Stat., materially alters the nature and effect of the statute, and undermines the legislative purpose of Chapter 106. If the written notice of no

activity qualified as a report, it would render section 106.07(8), Fla. Stat., moot because an automatic fine would attach to the notice of no activity and equate to a zero-dollar penalty. There would be no recourse for holding candidates and committees accountable to the public if they handle their audits negligently or hide their activity until pertinent elections and dates pass.

Therefore, the Commission appropriately relied on the plain language of Chapter 106, Fla. Stat., and Chapter 2B-1, Fla. Admin. Code, in upholding the Division's fine by determining that Economic Advancement neither filed a timely report nor showed unusual circumstances.

Economic Advancement presents several arguments for the first time on appeal. For administrative hearings, "a party cannot argue on appeal matters which were not properly excepted to or challenged in the administrative tribunal." *Pullen v. State*, 818 So. 2d 601, 602 (Fla. 1st DCA 2002). An issue must be presented to the tribunal, and the specific legal argument or ground must be part of the party's presentation or materials in order to preserve the matter for appeal. *Dep't of Health v. Khan*, 350 So. 3d 87, 90-91 (Fla. 1st DCA 2022)

(citing *Hickmon v. Rachel Bushey Reese, P.A.*, 275 So. 3d 841, 842 (Fla. 1st DCA 2019)).

Economic Advancement argues that the Division's Queued Transaction Report, which is an internal record of the Division used to show the date and timestamp of all submissions through EFS, was itself the report; that the 2021 M2 Report was in accordance with statute; and that the Division's user guide permits amendments. These arguments were not raised before the lower tribunal. Subsequently, this information should not be considered on appeal.

II. ECONOMIC ADVANCEMENT FAILED TO RAISE ITS REMAINING ARGUMENTS DURING THE ADMINISTRATIVE HEARING AND DID NOT PRESERVE THE ISSUES ON APPEAL.

The remaining arguments raised by Economic Advancement were not presented to the Commission, namely, its rule challenge regarding the Division's practices on notices of no activity and the alleged error regarding the Division's fine. The Court must consider whether these arguments may be raised on appeal.

As previously stated, a party cannot present new arguments or evidence on appeal if the issues were not raised in the party's

materials or arguments, challenged, and decided in the lower tribunal. *Pullen*, 818 So. 2d at 602; *Dep't of Health*, 350 So. 3d at 91.

In this matter, Economic Advancement was not present for the Commission's initial determination of the case, and it did not file any documentation regarding its arguments or evidence for the Commission's consideration in the party's absence. When Economic Advancement did appear, argument focused solely on whether Economic Advancement's notice was a report because it could be amended and whether unusual circumstances were demonstrated.

Economic Advancement's first argument hinges on the Division's practice regarding notices of no activity. Economic Advancement failed to file suit against the correct party, the Division, and in the correct venue, the Division of Administrative Hearings, pursuant to section 120.56, Fla. Stat. (2022). Therefore, the Commission is not the appropriate entity or medium for challenging another agency's practices.

If the first argument survives for analysis, the relevant question becomes whether the Commission exceeded its delegated authority by relying on section 106.07, Florida Statutes, to guide its determination. The arbitrary and capricious standard is used to

evaluate an agency's rulemaking proceedings. *Adam Smith Enters., Inc. v. State Dep't of Env'tl. Regulation*, 553 So. 2d 1260, 1272-1273 (Fla. 1st DCA 1989). An agency is granted broad discretion to exercise its lawful authority; therefore, challenges to an agency's rule will not prevail if the rule is "reasonably related to the purpose of the enabling legislation." *Dep't of Corr. v. Hargrove*, 615 So. 2d 199, 201 (Fla. 1st DCA 1993) (citing *Gen. Tel. Co. of Fla. v. Fla. Public Serv. Comm'n*, 446 So. 2d 1063 (Fla. 1984)). The burden is on the petitioner to show that a rule is arbitrary and capricious. *Id.*

The Commission relied on section 106.07(7), Fla. Stat., and section 106.07, Fla. Stat., as a whole in deciding what constituted a report. Economic Advancement did not object to the Commission's findings of fact related to unusual circumstances, which would have come closest to review under this standard. Therefore, the arbitrary and capricious standard is inapplicable to the Commission on this point.

If the fine argument survives for consideration, the issue is whether the filing officer failed to follow section 106.07(8)(b), Fla. Stat. (2022). Excluding reports immediately preceding an election, the fine is calculated as fifty dollars (\$50.00) per day for the first three

(3) days and then five hundred dollars (\$500.00) per day until the report is filed; however, the fine cannot exceed twenty-five (25) percent of the committee's receipts or expenditures, whichever is greater. *Id.*

Based on a plain reading of the statute, a fine based on the number of days late, which is two-hundred forty-six (246) days, would have equated to one-hundred twenty-one thousand six-hundred fifty dollars (\$121,650.00). However, the Division appropriately capped the fine at twenty-five (25) percent of the committee's unreported expenditures, which is twenty-one thousand two-hundred fifty dollars (\$21,250.00) for the unreported eighty-five thousand dollars (\$85,000.00).

Economic Advancement blends sections 106.07(7) and 106.07(8), Fla. Stat., to create a new formula anchored on subsequent reports. Economic Advancement's interpretation has a concerning effect on section 106.07(8), Fla. Stat., as this interpretation shifts the analysis away from the report at issue and anchors it on a subsequent report, if one is filed. The plain reading of section 106.07(8)(b) is the most appropriate guide for determining penalties for late reports.

CONCLUSION

The Florida Statutes provide clear guidance showing that reports are submissions that outline financial activity; however, if no financial activity occurs during a specified reporting period, then no report is filed. A submission disclosing financial activity is considered the initial report if a false notice of no activity was previously filed. Any other interpretation would modify the reasonable effects of the statute and undermine its legislative purpose. All other arguments raised by the Appellant were not preserved on appeal or brought forth in the correct venue against the correct party. Based upon the foregoing reasons and authorities, the decision of the Florida Elections Commission should be affirmed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing APPELLEE'S ANSWER BRIEF was furnished by e-mail to Nicholas D. Fugate, Esquire, ndfugate@nicholasdfugatepa.com, on this 1st day of March 2023.

/s/ Mattie T. Clay
Mattie T. Clay, Esquire
Assistant General Counsel
Florida Elections Commission
Fla. Bar No. 111931
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Collins Building, Suite 224
Tallahassee, Florida 32399-6596
mattie.clay@myfloridalegal.com

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this computer-generated brief is prepared in Bookman Old Style 14-point font, contains 3,120 words, and is in compliance with the font and word count requirements of Rules 9.045 and 9.210 of the Florida Rules of Appellate Procedure.

/s/ Mattie T. Clay

Mattie T. Clay

Assistant General Counsel

Florida Elections Commission

FIRST DISTRICT COURT OF APPEAL
STATE OF FLORIDA

No. 1D2022-3111

FLORIDIANS FOR ECONOMIC
ADVANCEMENT,

Appellant,

v.

FLORIDA ELECTIONS
COMMISSION,

Appellee.

On appeal from Florida Elections Commission.
Nicholas Primrose, Chairman.

November 28, 2023

PER CURIAM.

AFFIRMED.

RAY, BILBREY, and LONG, JJ., concur.

*Not final until disposition of any timely and
authorized motion under Fla. R. App. P. 9.330 or
9.331.*

Nicholas D. Fugate, Tallahassee, for Appellant.

Stephanie Cunningham, General Counsel, and Mattie Theresa Clay, Assistant General Counsel, Tallahassee, for Appellee.

M A N D A T E

from

FIRST DISTRICT COURT OF APPEAL

STATE OF FLORIDA

This case having been brought to the Court, and after due consideration the Court having issued its opinion;

YOU ARE HEREBY COMMANDED that further proceedings, if required, be had in accordance with the opinion of this Court, and with the rules of procedure, and laws of the State of Florida.

WITNESS the Honorable Chief Judge Timothy D. Osterhaus, Chief Judge, of the District Court of Appeal of Florida, First District, and the seal of said Court at Tallahassee, Florida, on this day.

December 15, 2023

Floridians For Economic Advancement,
Appellant(s)

v.

Florida Elections Commission,
Appellee(s).

DCA Case 1D2022-3111

L.T. No.: FOFEC 22-119A, FEC 22-001

TH

Mandate and opinion to follow to: FEC Agency Clerk

cc: (without opinion):

FEC Agency Clerk

Mattie Theresa Clay

Stephanie Cunningham

Nicholas D. Fugate

Case 1D2022-3111

Page < 2 >

Kristina Samuels
1D2022-3111 December 15, 2023
Kristina Samuels, Clerk
1D2022-3111 December 15, 2023



**Department of State
Division of Elections**

Candidate EFS User's Guide



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

EFS HELP LINE: [850-245-6280](tel:850-245-6280)

[January 2011](#)

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Introduction

The Electronic Filing System (EFS) is located on the internet at <https://efs.dos.state.fl.us>. Each candidate or organization required to file reports with the Division of Elections (DOE) is provided an identification number. Access to the system is gained by inputting the DOE assigned **Identification (ID) Number** and **Password**. The candidate is provided an initial password to gain entry to the EFS. Upon logging into the system for the first time, the user will be prompted to change it.

Campaign reports are created by directly entering data into the DOE EFS or by uploading data from external systems that meet DOE electronic file specifications.

A report goes through a **three** step process before it is **filed** with the DOE:

FIRST, data is created or uploaded to the system. At this point it is a **pending** report.

SECOND, the user submits the pending report for review by the system for correctness and completeness. Errors can be corrected in pending reports via the EFS or by uploading additional data.

THIRD, the report is **filed**. Reports are filed using personal identification numbers (**PINs**), which are considered the same as a person's **signature** on the report.

Any changes to be made to a **filed** report must be done by filing an amendment. Amendments can be done directly through the EFS or by file upload.

The Division of Elections anticipates that this guide will assist you with timely filing all reports required by Chapter 106, Florida Statutes. However, if you have any questions or comments please contact the Division of Elections at:

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

EFS HELP LINE: 850-245-6280

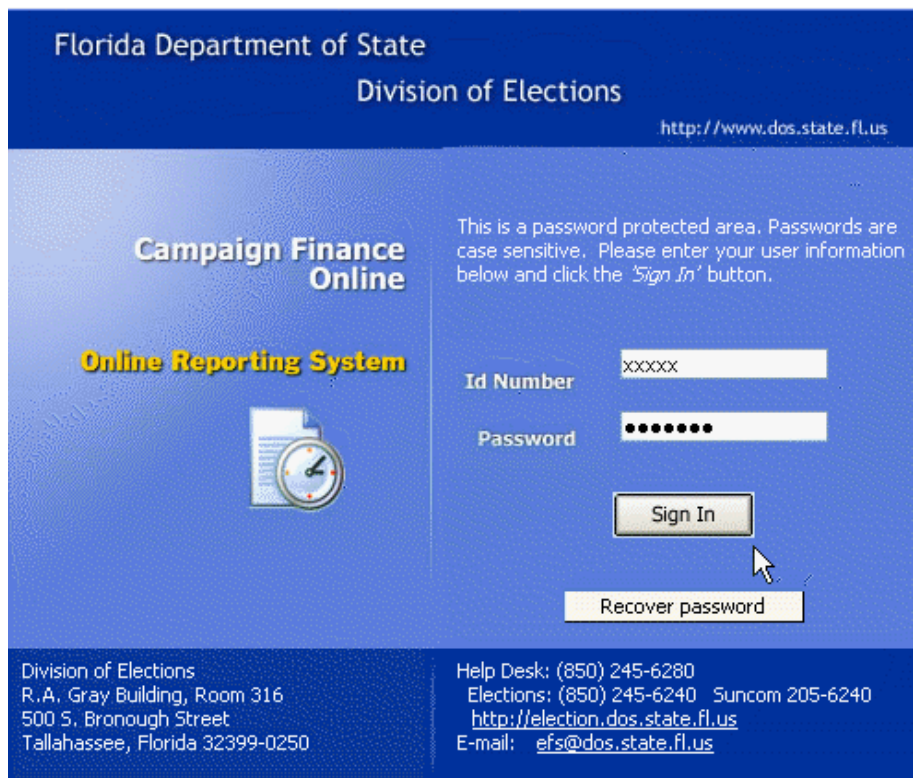
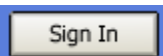
Access the EFS

From Internet Explorer access the EFS at <https://efs.dos.state.fl.us/Default.aspx>.

Enter the Candidate **ID Number** (*this is a 5 digit number; not the 4 digit PIN number*).

Enter your confidential **Password**. (**IMPORTANT: Your password is case sensitive.**)

Click



The screenshot shows the login page for the Florida Department of State Division of Elections Campaign Finance Online Reporting System. The page has a blue header with the text "Florida Department of State" and "Division of Elections", and a URL "http://www.dos.state.fl.us". The main content area is divided into two sections. The left section, titled "Campaign Finance Online" and "Online Reporting System", features a clock icon. The right section contains a login form with the text "This is a password protected area. Passwords are case sensitive. Please enter your user information below and click the 'Sign In' button." The form includes fields for "Id Number" (containing "xxxxxx") and "Password" (containing "*****"), a "Sign In" button, and a "Recover password" button. The footer contains contact information for the Division of Elections, including the address "R.A. Gray Building, Room 316, 500 S. Bronough Street, Tallahassee, Florida 32399-0250", phone numbers "Help Desk: (850) 245-6280" and "Elections: (850) 245-6240 Suncom 205-6240", the website "http://election.dos.state.fl.us", and the email "efs@dos.state.fl.us".

Passwords and PINs

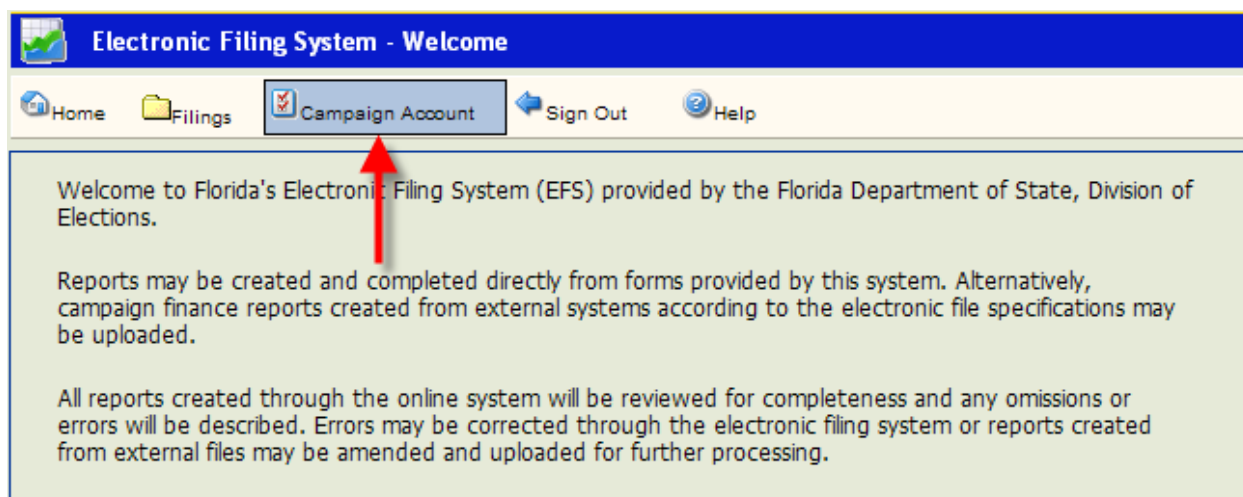
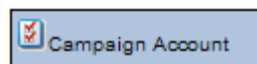
Access to the system is gained by using the DOE assigned **Identification (ID) Number** and **Password**. The candidate is provided an **initial** password to gain entry to the EFS. Upon logging into the system for the first time, the user will be prompted to change the password. Passwords must contain at least one uppercase letter; contain at least one lowercase letter; contain at least one numeric digit; and be 6-12 characters long.

Reports are filed using personal identification numbers (**PINs**), which are considered the same as a person's **signature** on the report.

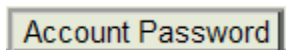
Set a Password Recovery Question

Each candidate should create a **recovery question** in case the password is lost or forgotten.

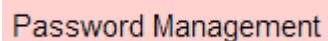
From the Welcome screen, click



Click



Click



Contact	Account Password	Treasurer
Password Management		
Change Password		
Set Recovery Question		
New Password:	<input type="text"/>	
Confirm Password:	<input type="text"/>	
PIN:	<input type="text"/>	

Click **Set Recovery Question**

Type in the password.

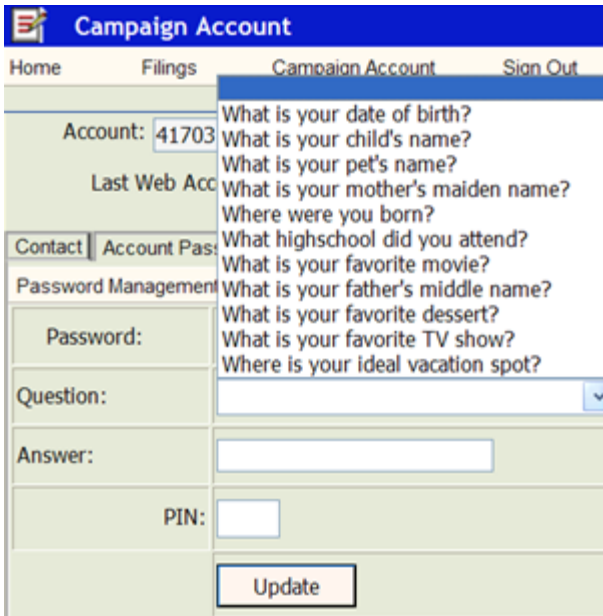
Click on the  arrow.

Select a recovery question.

Type in the answer.

Type in the candidate's PIN.

Click **Update**.



The screenshot shows the 'Campaign Account' page with a dropdown menu open for 'Set Recovery Question'. The dropdown lists various questions such as 'What is your date of birth?', 'What is your child's name?', 'What is your pet's name?', 'What is your mother's maiden name?', 'Where were you born?', 'What highschool did you attend?', 'What is your favorite movie?', 'What is your father's middle name?', 'What is your favorite dessert?', 'What is your favorite TV show?', and 'Where is your ideal vacation spot?'. The form includes fields for 'Account:' (41703), 'Last Web Acc', 'Contact', 'Account Pas', 'Password Management', 'Password:', 'Question:', 'Answer:', 'PIN:', and an 'Update' button.

If the procedure was successful, **Answer Saved** will appear on the screen.

Recover Password

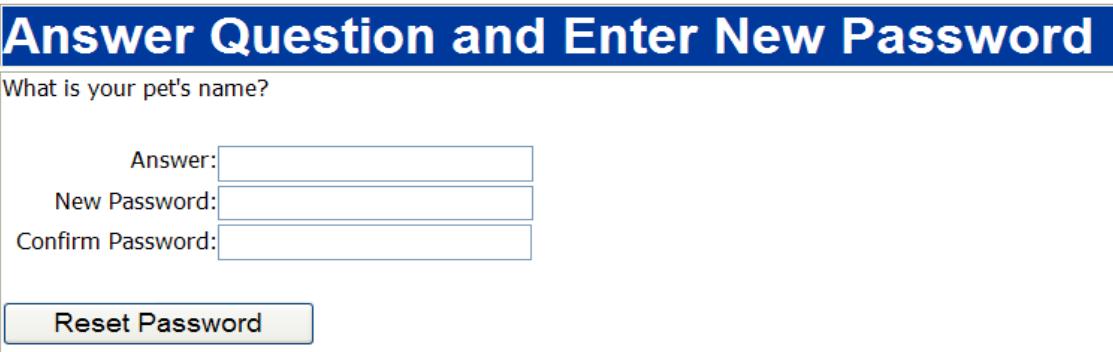
From the Log-in screen,

Enter your ID Number and

Click **Recover password**.



The screenshot shows the login screen for the 'Campaign Finance Online Reporting System'. It includes a warning message: 'This is a password protected area. Passwords are case sensitive. Please enter your user information below and click the "Sign In" button.' There are input fields for 'Id Number' (41703) and 'Password'. Below these fields are buttons for 'Sign In' and 'Recover password', with a red arrow pointing to the 'Recover password' button. The page also features a 'EFS USER PAGE' link with five stars.



The screenshot shows the 'Answer Question and Enter New Password' form. It includes a question: 'What is your pet's name?'. Below the question are input fields for 'Answer:', 'New Password:', and 'Confirm Password:'. At the bottom of the form is a 'Reset Password' button.


Enter answer to recovery question. Enter a new password. Confirm the new password.

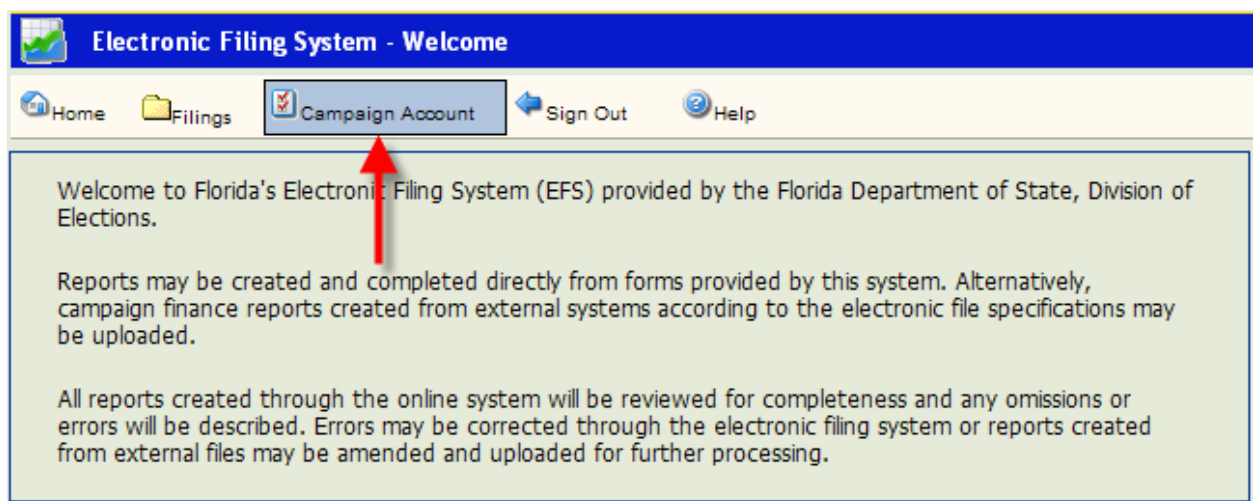
Click [Reset Password](#). Click on [Password Reset! Click here to return to login page.](#) 

Return to the Log-in page and use the new password.

Change a Password

The password can be changed **only by using the candidate's PIN.**

From the Welcome screen, click .



Click [Account Password](#), then [Password Management](#). Select [Change Password](#).

Type in current password.

Type in new password.

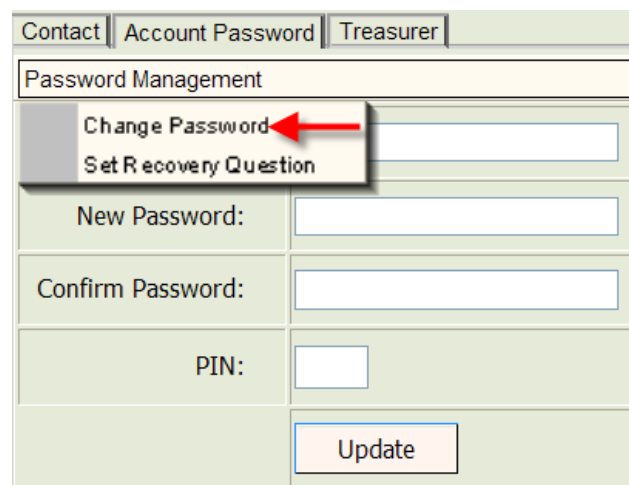
Confirm the new password.

Type in **candidate's PIN** and

click [Update](#).

If the password change was successful,

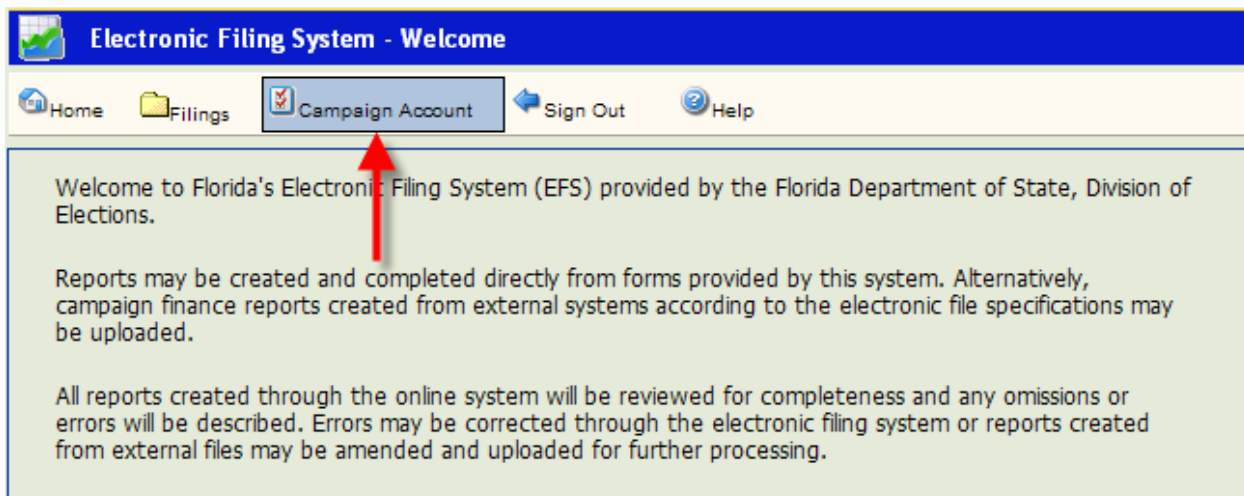
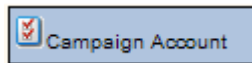
Password Updated will appear on the screen.

The screenshot shows the 'Password Management' form. At the top, there are tabs for 'Contact', 'Account Password' (which is selected), and 'Treasurer'. Below the tabs, the form has a section for 'Password Management' with two options: 'Change Password' (highlighted with a red arrow) and 'Set Recovery Question'. Below these options, there are three input fields: 'New Password:', 'Confirm Password:', and 'PIN:'. At the bottom right of the form, there is an 'Update' button.

Set a PIN Recovery Question

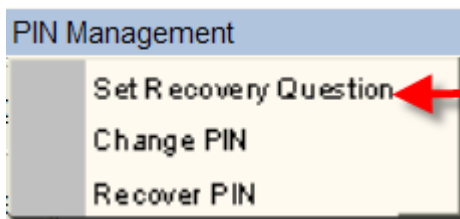
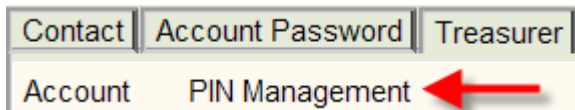
Each candidate, treasurer and deputy treasurer should create a “recovery question” in case

a PIN is lost or forgotten. From the Welcome screen, click



To set a recovery question for the **candidate**, click

PIN Management



Select “Set Recovery Question.”

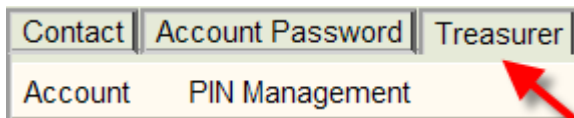
Pin Number:	<input type="text"/>
Question:	<input type="text"/>
Answer:	<input type="text"/>
	<input type="button" value="Update"/>

Type in candidate pin number, select question and then provide answer.

If the procedure was successful, **Answer Saved** will appear on the screen.

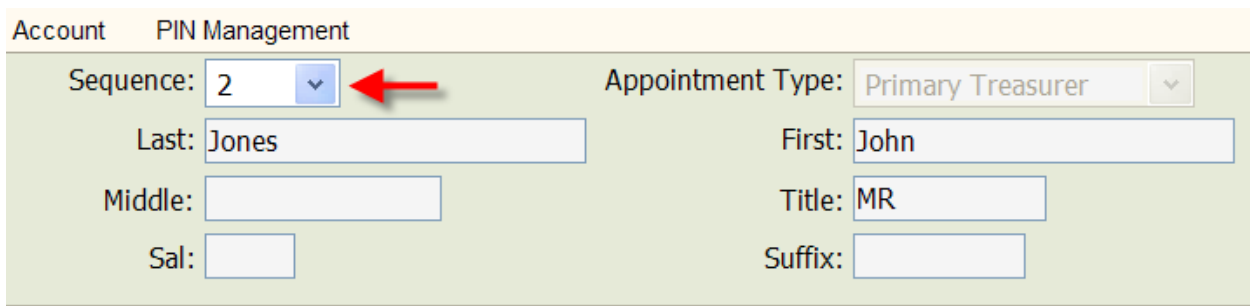
To set a recovery question for a treasurer or deputy treasurer, click

Treasurer



Account Password Treasurer
Account PIN Management

Select the appropriate treasurer from the drop-down.



Account PIN Management

Sequence: 2 Appointment Type: Primary Treasurer

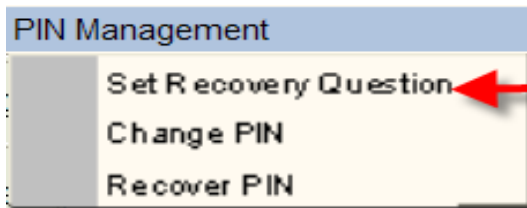
Last: Jones First: John

Middle: Title: MR

Sal: Suffix:

Click

PIN Management



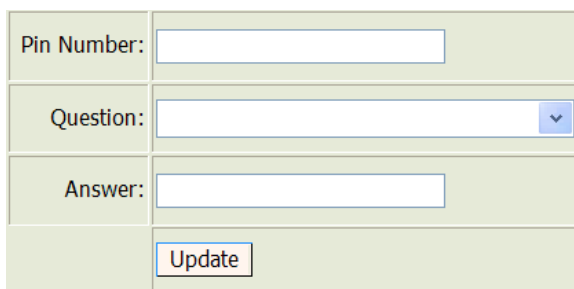
PIN Management

Set Recovery Question

Change PIN

Recover PIN

Select "Set Recovery Question."



Pin Number:

Question:

Answer:

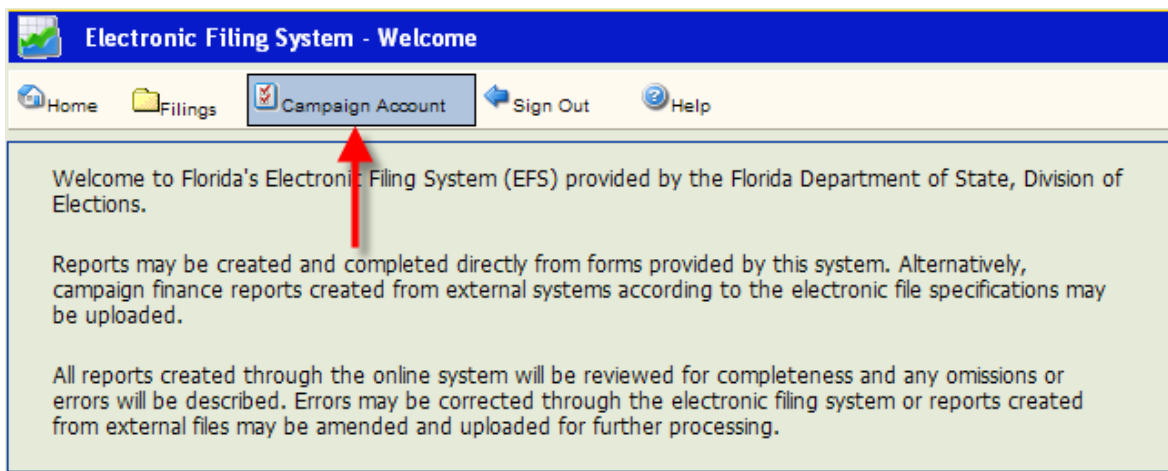
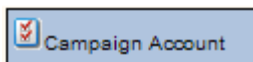
Update

Type in treasurer pin number, select question and then provide answer.

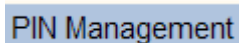
If the procedure was successful, **Answer Saved** will appear on the screen.

Recover a PIN

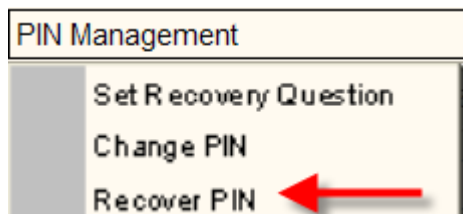
From the Welcome screen, click



To recover the **candidate** PIN, click

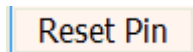


and then "Recover Pin."



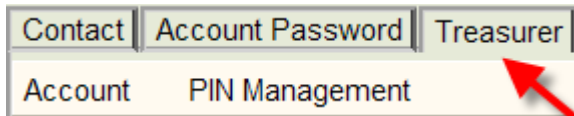
Question:	What is your child's name?
Answer:	<input type="text"/>
New PIN:	<input type="text"/>
Confirm PIN:	<input type="text"/>
<input type="button" value="Reset Pin"/>	

Type in the recovery question answer, a new PIN, confirm the PIN. Click on

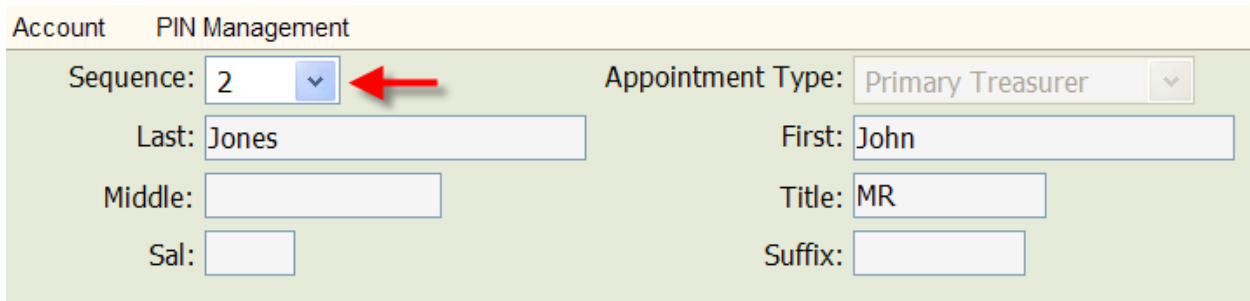


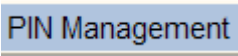
If the process was successful, **PIN Reset!** will appear on the screen.

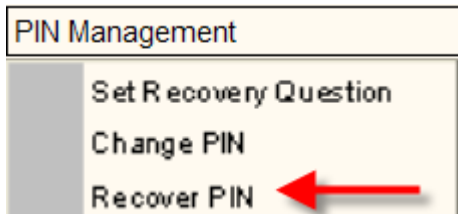
To recover a PIN for a treasurer or deputy treasurer, click .



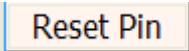
Select the appropriate treasurer from the drop-down.



Click  and the “Recover Pin.”



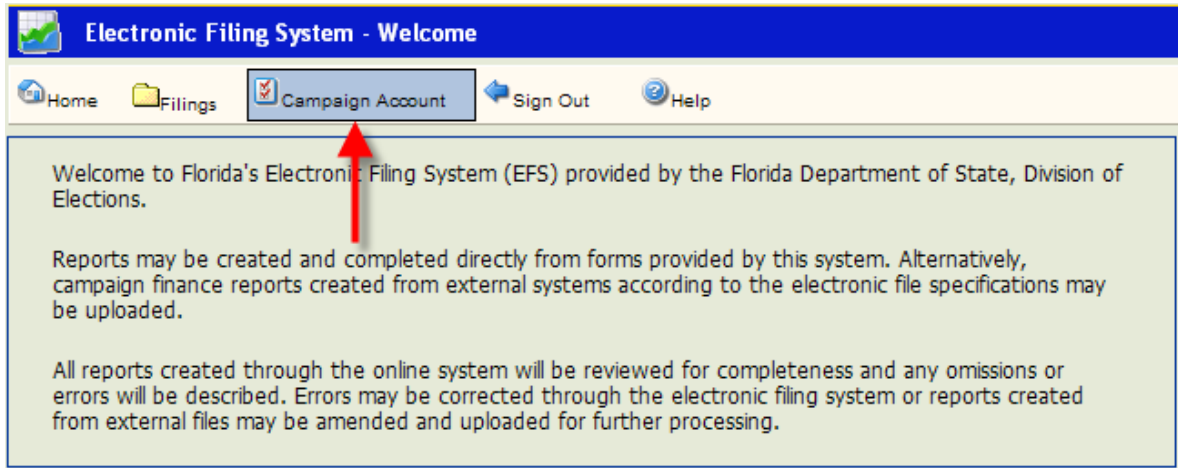
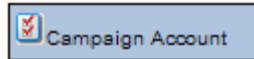
Question:	What is your child's name?
Answer:	<input type="text"/>
New PIN:	<input type="text"/>
Confirm PIN:	<input type="text"/>
<input type="button" value="Reset Pin"/>	

Type in the recovery question answer, a new PIN, confirm the PIN. Click on .

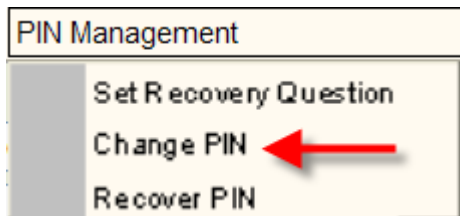
If the process was successful, **PIN Reset!** will appear on the screen.

Change a PIN

From the Welcome screen, click



To change the **candidate's** PIN, click **PIN Management** and then "Change Pin."



Account	PIN Management
Current PIN:	<input type="text"/>
New PIN:	<input type="text"/>
Confirm PIN:	<input type="text"/>
	<input type="button" value="Update"/>

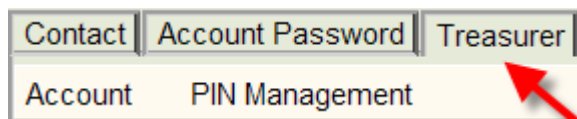
Type in current PIN. Type in the new PIN.

Confirm the new PIN. Click

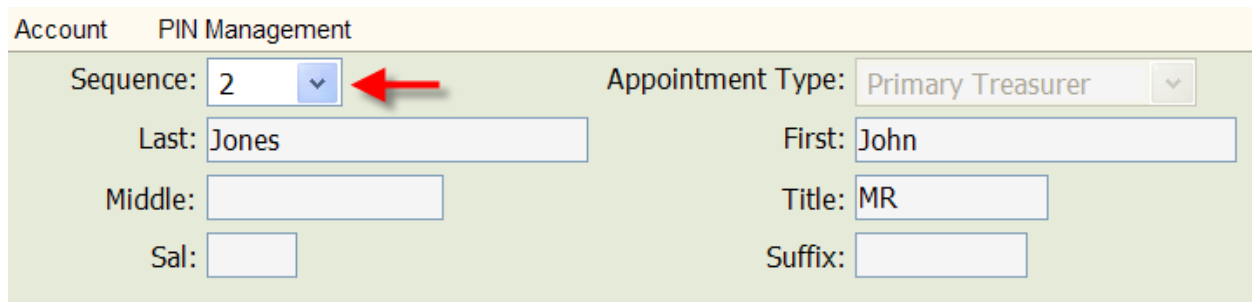
Update

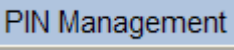
If the PIN change was successful, **PIN Updated!** will appear on the screen

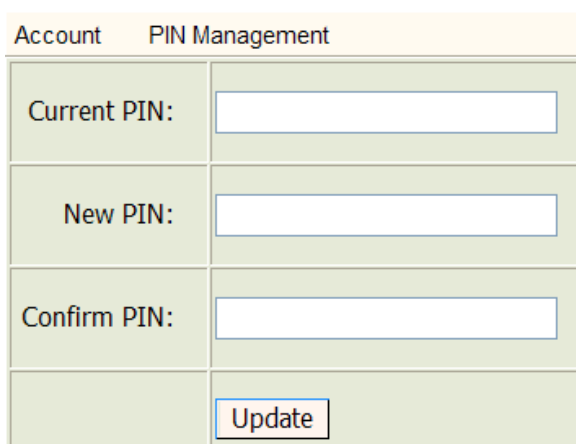
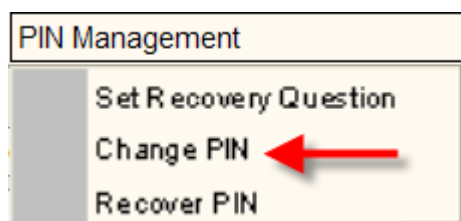
To change a PIN for a **treasurer** or **deputy treasurer**, click .



Select the appropriate treasurer from the drop-down.



Click  and the “Change Pin.”



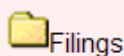
Type in current PIN. Type in new PIN.

Confirm the new PIN. Click .

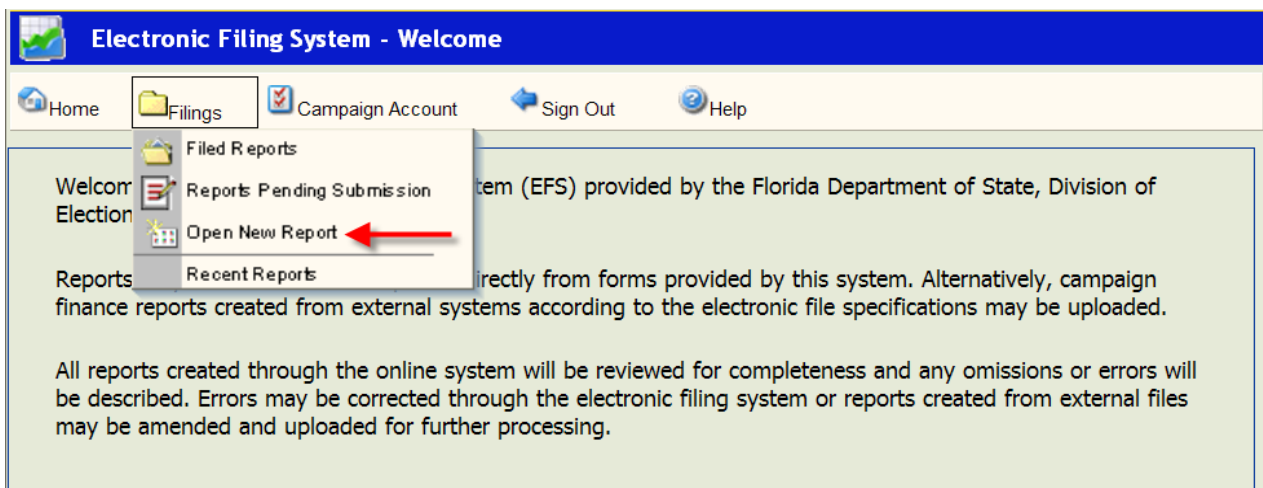
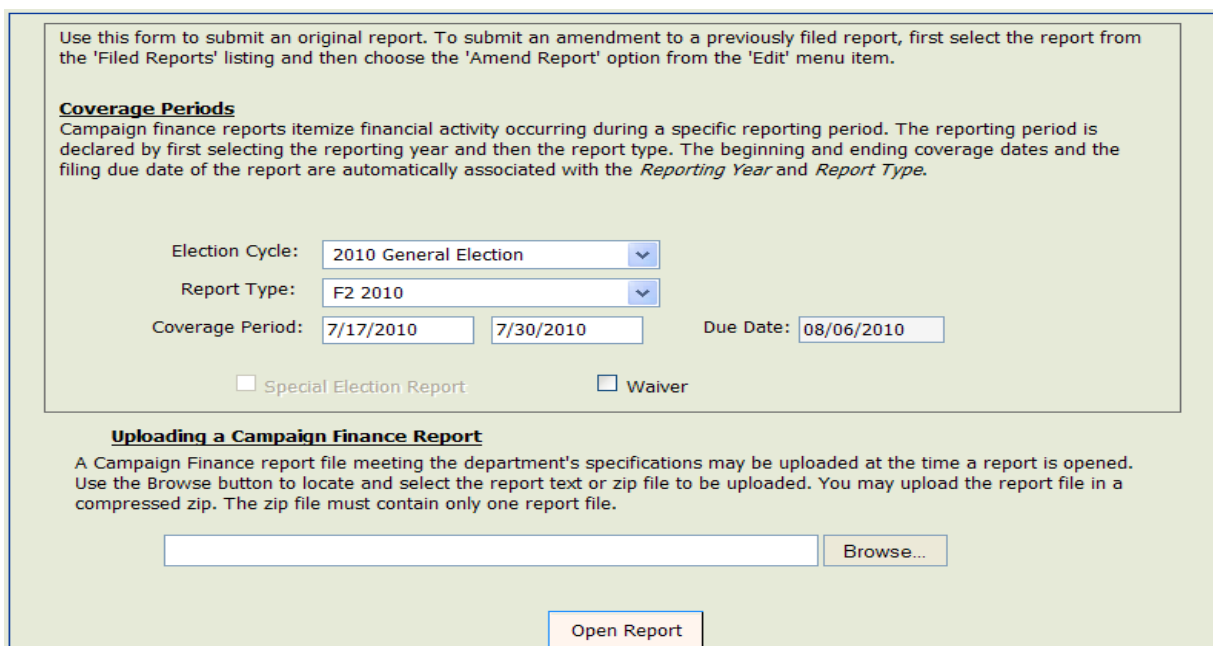
If the PIN change was successful, **PIN Updated!** will appear on the screen


Create a New Report by Data Entry


From the Welcome Screen, click



and then

The screenshot shows the "Electronic Filing System - Welcome" page. At the top is a blue header bar with the title. Below it is a navigation bar with links: Home, Filings, Campaign Account, Sign Out, and Help. The "Filings" link is highlighted, and a dropdown menu is open showing options: Filed Reports, Reports Pending Submission, Open New Report (indicated by a red arrow), and Recent Reports. The main content area contains a welcome message and instructions about the system, followed by a paragraph about report review.The screenshot shows a form for submitting a new report. It includes instructions at the top, a section titled "Coverage Periods" with explanatory text, and a form area with the following fields: "Election Cycle" (dropdown menu showing "2010 General Election"), "Report Type" (dropdown menu showing "F2 2010"), "Coverage Period" (two date input fields showing "7/17/2010" and "7/30/2010"), and "Due Date" (input field showing "08/06/2010"). There are also checkboxes for "Special Election Report" and "Waiver". Below this is a section titled "Uploading a Campaign Finance Report" with instructions and a "Browse..." button next to a text input field. At the bottom is an "Open Report" button.

Click  arrow next to **Election Cycle**. Scroll to the cycle associated with the report you are entering.

Click  arrow next to **Report Type** and select the report type that corresponds to the appropriate cover period and due date.

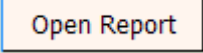
The **Cover Period** dates will automatically fill in based on the **Calendar of Election and Reporting Dates**. The end date can be changed for candidate termination reports.

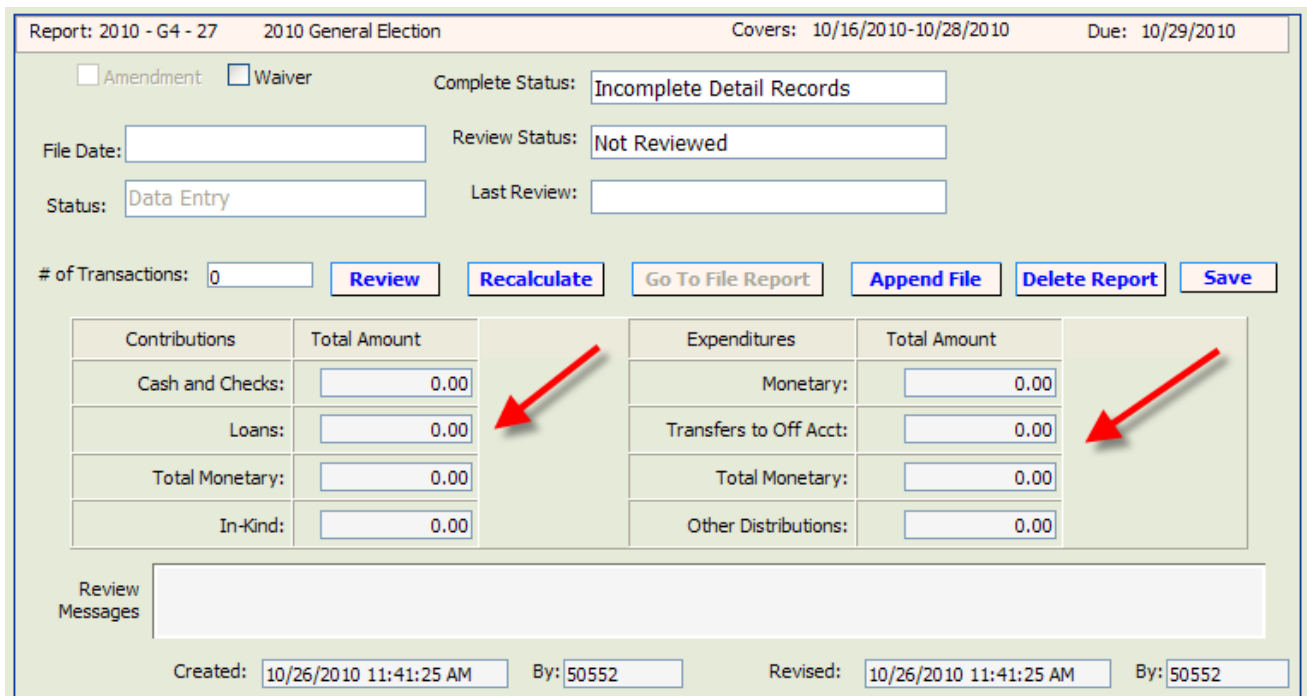
The **Due Date** will automatically fill in based on the **Calendar of Election and Reporting Dates**.

******NOTE******

If this report is a waiver of report (no activity), click the  box next to Waiver.



Click  at the bottom of the screen. A **Report Detail** screen (view only) will appear. This screen will not indicate any activity until individual detail data is entered, saved and a review is performed.

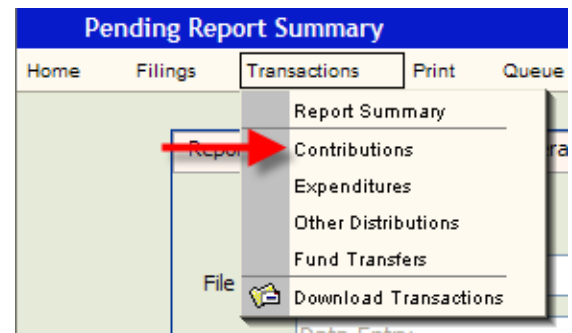


Contributions		Total Amount
Cash and Checks:		0.00
Loans:		0.00
Total Monetary:		0.00
In-Kind:		0.00

Expenditures		Total Amount
Monetary:		0.00
Transfers to Off Acct:		0.00
Total Monetary:		0.00
Other Distributions:		0.00

Enter Contributions

Click **Transactions** and then **Contributions**.



Click **New Record**.

The screenshot shows the 'Pending Report Summary' interface. At the top, it displays 'Report: 2007 - Q1 - 29', 'Covers: 1/1/2007-3/31/2007', 'Due: 4/10/2007', and 'Status: Not Reviewed'. Below this, there are navigation controls including 'Page Size: 15', 'Page 1 Of 0 (Trx's 1 - 0 Of 0)', and buttons for 'Go To Page' and 'Go To Record'. A 'New Record' button is highlighted with a red box and a mouse cursor.

The **Contribution Detail** screen will be blank. Populate the fields as explained in the instructions below.

The screenshot shows the 'Contribution Detail' form. At the top, it displays 'Report: 2010 - G3 - 32', 'Covers: 10/2/2010-10/8/2010', 'Due: 10/15/2010', and 'Status: Updated - Needs Review'. The form contains the following fields:

- Contribution #: 1
- Date: Null
- Amendment: Not Amended
- View Source: 0
- Last Name, Suffix: [Empty]
- First, Middle Name: [Empty]
- Address: [Empty]
- City: [Empty]
- State: [Empty]
- Zip: [Empty]
- Contributor Type: [Empty]
- Contribution Type: [Empty]
- Occupation/Business: [Empty]
- In-kind Description: [Empty]
- Amount: \$0.00
- Match Amt: \$0.00
- Revised: 12/13/2010 11:06:57 AM
- 50552

At the bottom, there are buttons for 'New', 'Copy', 'Update', 'Delete', 'Undo', 'Save Changes', and 'Go to Record'.

Contribution #: this field will be automatically populated by the system in sequential numbers.


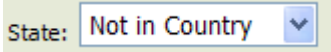
Date: enter date the contribution was received.

Last Name, Suffix: enter contributor's last name and suffix (if given). Do not use titles such as Dr., Colonel, Reverend, etc. **NOTE: if this is a business, the name must be placed in the "Last Name" field. If you put it in the "First, Middle Name" field, you will get an error message.**


First, Middle Name: enter contributor's first name and middle name or initial (if given).

Address: enter contributor's complete street address or post office box number.


City: enter contributor's city.

State: click  arrow and choose contributor's state. If the contributor resides outside the United states, choose  at the bottom of the drop down list.

Zip: enter contributor's zip code.

Contributor Type: click  arrow and choose one of the listed contributor types.

Important – you must report contributions from the candidate using the contributor type “**Candidate to Themselves**” to avoid getting an error message for excessive contributions.

Contribution Type: click  arrow and choose one of the listed contribution types.

Cash – used to report the receipt of cash and cashiers’ check.

Check – includes traditional paper checks, wire transfers, Paypal, contributions by credit card, and other types of electronic funds transfers.

In-kind – item of value other than money or volunteer services.

Interest – money earned on campaign or interest bearing accounts.

Loan – money that is loaned to the campaign rather than given outright.

Money Order - used to report the receipt of contribution by money order.

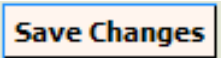
Refund – used to report bad checks or contributions returned (in whole or in part) to the contributor. **Refunds must always be entered as a negative amount.**

Occupation: enter contributor's specific occupation. **(This field is required if the contribution is over \$100.)** Do not use generic occupations such as “businessman” or “sales.” Use specifics such as pharmaceutical sales or insurance.

In-kind Description: if **Contribution Type** is **In-kind**, enter a specific description of the in-kind contribution. Example: Food and beverage

Amendment: defaults to **Not Amended**.

Amount: enter exact amount of contribution (dollars and cents).

Click  .

Report: 2010 - F2 - 57		Covers: 7/17/2010-7/30/2010		Due: 8/6/2010		Status: Updated - Needs Review	
Contribution #:	1	Date:	7/19/2010	Amendment:	Not Amended	View Source: 0	
Last Name, Suffix:	JOHNSON						
First, Middle Name:	JOHN						
Address:	123 OAK STREET						
City:	DALLAS	State:	Texas	Zip:	79070-		
Contributor Type:	Individual						
Contribution Type:	Check						
Occupation/Business:	ATTORNEY						
In-kind Description:							
Amount:	\$500.00						
				Revised:	8/18/2010 3:24:13 PM		41703
Transaction has been updated. Audit of report is required							
New	Copy	Update	Delete	Undo	Save Changes	Go to Record	

NOTE: Notice the statement in the **Review Messages** box in **red**. This statement will appear until the report has been reviewed by the system. (See page 38.) After the report has been reviewed, this box will be blank or have a specific error message if information is incomplete or not in compliance with Chapter 106, Florida Statutes.

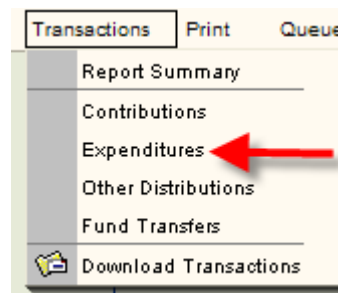
To enter the next contribution, click **New**.

Continue adding contributions as necessary. Upon completion of each entry, **you must save the data by clicking** **Save Changes**.

Enter Expenditures

Click **Transactions** and then **Expenditures**.

Click **New Record**.



A screenshot of a software interface showing a table with the following headers: Seq, Date, Source, Amount, Purpose, Exp Type, Amend Type, and Errors. Above the table, there is a status bar with the text: Report: 2010 - F2 - 57, Covers: 7/17/2010-7/30/2010, Due: 8/6/2010, Status: Updated - Needs Review. Below the status bar, there is a page size selector set to 15, a 'Go To Page' button, a 'Go To Record' button, and a 'New Record' button. A red arrow points to the 'New Record' button.

The **Expenditure Detail** screen will be blank. Populate the fields as explained in the instructions below.

A screenshot of a software interface showing the 'Expenditure Detail' screen. The screen contains the following fields: Expenditure #: 3, Date: Null, Amendment: Not Amended, View Source: 0, Last Name, Suffix: (empty), First, Middle Name: (empty), Address: (empty), City: (empty), State: (empty), Zip: (empty), Expenditure Type: (empty), Purpose: (empty), Amount: \$0.00, Revised: 12/13/2010 11:14:01 AM 50552. At the bottom, there are buttons for New, Copy, Update, Delete, Undo, Save Changes, and a 'Go to Record' button.

Expenditure #: this field will be automatically populated by the system in sequential numbers.


Date: enter date the expenditure was made.

Last Name, Suffix: enter the last name and suffix (if given). **NOTE:** if this is a business, the name must be placed in the **"Last Name"** field. If you put it in the **"First, Middle Name"** field, you will get an error message.


First, Middle Name: enter person's first name and middle name or initial (if given).

Address: enter complete address.

City: enter city.

State: click  arrow and choose a state. **NOTE:** If the address is outside the United states, choose  at the bottom of the drop down list.

Zip: enter zip code.

Expenditure Type: click  arrow and choose one of the listed expenditure types.

Credit Card Payment – this option will only appear for statewide candidates. Each purchase made with the credit card will be itemized under “Other Distribution Records” and linked to the Expenditure that represents payment of the credit card bill on which the purchase appears. See page 25 for further explanation on reporting credit card activity.

Disposition of Funds – used **only in the termination report** to report pro-rata refunds to contributors, donation of funds to charitable organizations, contributions to political parties, donation of funds to the State general revenue fund, or the return of funds to the state by matching funds candidates.

Monetary – general expenditure type used when other specific expenditure types do not apply.

Petty Cash Spent – used to report the total amount of petty cash spent during a reporting time period. **Expenditures made from petty cash are not required to be reported individually.**

Petty Cash Withdrawn – used to report the amount of petty cash that has been withdrawn during a reporting time period.

Prepaid Distribution – lump sum payments made up front that will be disbursed to different entities at a later date. (Example – payment to a media consultant who will then make disbursements to various media such as a newspaper, radio or television station.) Related entries in “Other Distributions” will be reported and linked to the expenditure as they occur. See page 29 for further explanation on pre-paid distributions.

Refund – used to report a refund of money from a vendor, etc. **These must always be entered as a negative amount.**

Reimbursement – reimbursement for authorized expenses made in connection with the campaign. (Example: Candidate Smith paid for the cost of printing campaign signs with his own money. A check to reimburse him for

the cost would be coded as a “Reimbursement.” See page 32 for further explanation on reimbursement activity.

Transfer to Office Account – candidates that are elected may transfer money to an office account.

Purpose: enter a description of the expenditure. Example: Food and Beverage

Amendment: defaults to **Not Amended**.

Amount: enter exact amount of expenditure (dollars and cents).

Complete **all** fields and then click **Save Changes**. To enter the next expenditure, click **New**.

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009 Due: 1/11/2010 Status: Updated - Needs Review

Expenditure #: 2 Date: Null Amendment: Not Amended View Source: 0

Last Name, Suffix: TARGET PRINTING

First, Middle Name:

Address: 514 MAIN STREET

City: TALLAHASSEE State: Florida Zip: 32303-

Expenditure Type: Monetary

Purpose: CAMPAIGN FLYERS

Amount: \$1,000.00

Revised: 8/18/2010 3:43:27 PM 50552

Transaction has been updated. Audit of report is required

New Copy Update Delete Undo Save Changes Go to Record

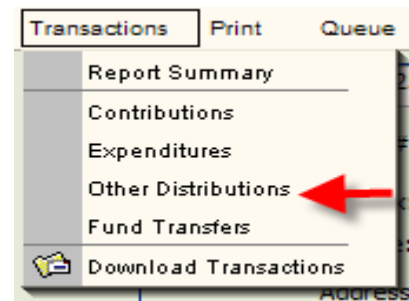
Note: Notice the statement in the **Review Messages** box in **red**. This statement will appear until the report has been reviewed by the system. (See page 38.) After the report has been reviewed, this box will be blank or will have a specific error message if information is incomplete or not in compliance with Chapter 106, Florida Statutes.

Continue adding expenditures as necessary. Upon completion of each entry, **you must save the data by clicking** **Save Changes**.

Enter Other Distributions

Click **Transactions** and then **Other Distributions**.

Click **New Record**.



Report: 2010 - F2 - 57 Covers: 7/17/2010-7/30/2010 Due: 8/6/2010 Status: Updated - Needs Review

Page Size: 15 Page 1 Of 0 (Trx's 1 - 0 Of 0) Go To Page New Record

Go To Record

Seq	Date	Source	Amount	Purpose	Exp Type	Amend Type	Errors
-----	------	--------	--------	---------	----------	------------	--------

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009 Due: 1/11/2010 Status: Updated - Needs Review

Distribution Seq #: 2 Date: Null Amendment: Not Amended View Source: 0

Last Name, Suffix:

First, Middle Name:

Address:

City: State: Zip:

Distribution Type:

Purpose:

Related Expenditure: Election: Year: Type: Seq: 0 Rpt: 0

Amount: \$0.00 Contribution Limits ☐ Revised: 8/18/2010 3:52:18 PM 50552

New Copy Update Delete Undo Save Changes Go to Record

The **Other Distribution Detail** screen will be blank. Populate the fields as explained below.

Distribution #: the distribution detail data is sequentially numbered and is automatically populated by the system.


Date: enter date the distribution was made.

Last Name, suffix: enter last name and suffix (if given). If a business or committee, enter the entire name in the **Last Name** field.

First, Middle Name: enter first and middle name or initial (if given).

Address: enter complete address.

City: enter city.

State: click  arrow and choose a state. **NOTE**: If the address is outside the United states, choose **Not in Country** at the bottom of the drop down list.

Zip: enter zip code.

Distribution Type:

Credit Card Payment – this option will **only** appear for statewide candidates. Each purchase made with the credit card will be itemized under “Other Distribution Records” and linked to the Expenditure that represents payment of the credit card bill on which the purchase appears. **See page 25 for further explanation on reporting credit card activity.**

NOTE: Credit card bills must be paid in full upon receipt.

Prepaid Distribution – used to itemize previously made lump sum payments. Example – payment to a media consultant who will then make disbursements to various media such as a newspaper, radio or television station. The “Other Distribution” entries will document how the media consultant is spending the lump sum payment. Items will be reported and linked to the pre-paid expenditure as they occur. **See page 29 for additional information.**

Reimbursement – itemizes reimbursement for authorized expenses made in connection with the campaign. Example: Candidate Smith paid for the cost of printing campaign signs with his own money. The signs were purchased at ABC Printing. This entry would provide the name and address of ABC Printing and how much was spent. It will be related to an expenditure showing reimbursement to the candidate. **See page 32 for additional information.**

Purpose: enter the purpose of the distribution. Example: newspaper ad.

Amount: enter exact amount of distribution (dollars and cents).

Enter all information and then click .

Report: 2009 - Q4 - 25		Covers: 10/1/2009-12/31/2009		Due: 1/11/2010		Status: Updated - Needs Review	
Distribution Seq #:	2	Date:	10/13/2009	Amendment:	Not Amended	View Source: 0	
Last Name, Suffix:	ABC PRINTING						
First, Middle Name:							
Address:	123 MAIN STREET						
City:	GAINESVILLE	State:	Florida	Zip:	32640-		
Distribution Type:							
Purpose:	CAMPAIGN SIGNS						
Related Expenditure:	Election:		Year:		Type:		Seq: 0 Rpt: 0
Amount:	\$1,500.00						
Contribution Limits	<input type="checkbox"/>						
				Revised:	8/18/2010 3:57:09 PM 50552		
Transaction has been updated. Audit of report is required							
New	Copy	Update	Delete	Undo	Save Changes	Go to Record	

NOTE: Notice the statement in the **Review Messages** box in **red**. This statement will appear until the report has been reviewed by the system. (See page 38.) After the report has been reviewed, this message will be blank or have a specific error message if information is incomplete or not in compliance with Chapter 106, Florida Statutes.

To enter the next other distribution, click

New

Continue adding Other Distributions as necessary. Upon completion of each entry, **you must save the data by clicking**

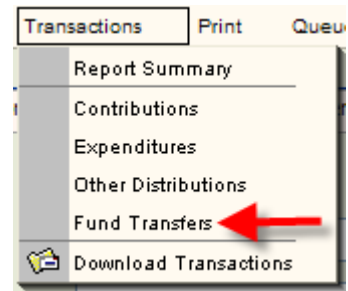
Save Changes

Enter Fund Transfers

This section is used to report the transfer of funds between the primary depository and separate interest-bearing accounts.

Click **Transactions** and then **Fund Transfers**.

Click **New Record**.

A screenshot of the 'Fund Transfer Detail' screen. The header shows: Report: 2010 - F2 - 57, Covers: 7/17/2010-7/30/2010, Due: 8/6/2010, Status: Updated - Needs Review. Below the header are navigation buttons: Page Size: 15, Go To Page, Go To Record, and a 'New Record' button with a red arrow pointing to it. A table with columns: Seq, Date, Source, Amount, Purpose, Exp Type, Amend Type, Errors is visible below the buttons.

The **Fund Transfer Detail** screen will be blank. Populate the fields as explained in the instructions below.

A screenshot of the 'Fund Transfer Detail' screen with fields populated. The header shows: Report: 2010 - Q1 - 1, Covers: 1/1/2010-3/31/2010, Due: 4/12/2010, Status: Updated - Needs Review. The form contains the following fields: Transfer #: 1, Date: Null, Amendment: Not Amended, View Source: 0, Entity Name: (empty), Address: (empty), City: (empty), State: (empty), Zip: (empty), Transfer Type: From (radio), To (radio), Missing (radio, selected), Nature Of Account: (empty), Amount: \$0.00, Revised: 12/13/2010 2:51:39 PM, 109. At the bottom are buttons: New, Copy, Update, Delete, Undo, Save Changes, and Go to Record.


Transfer #: this field will be automatically populated by the system in sequential numbers.

Date: enter date the fund transfer was made.

Entity Name: enter entity's full name.

Address: enter entity's complete address.

City: enter entity's city.

State: click  arrow and choose entity's state.

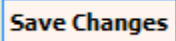
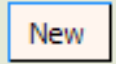
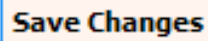
Zip: enter entity's zip code.

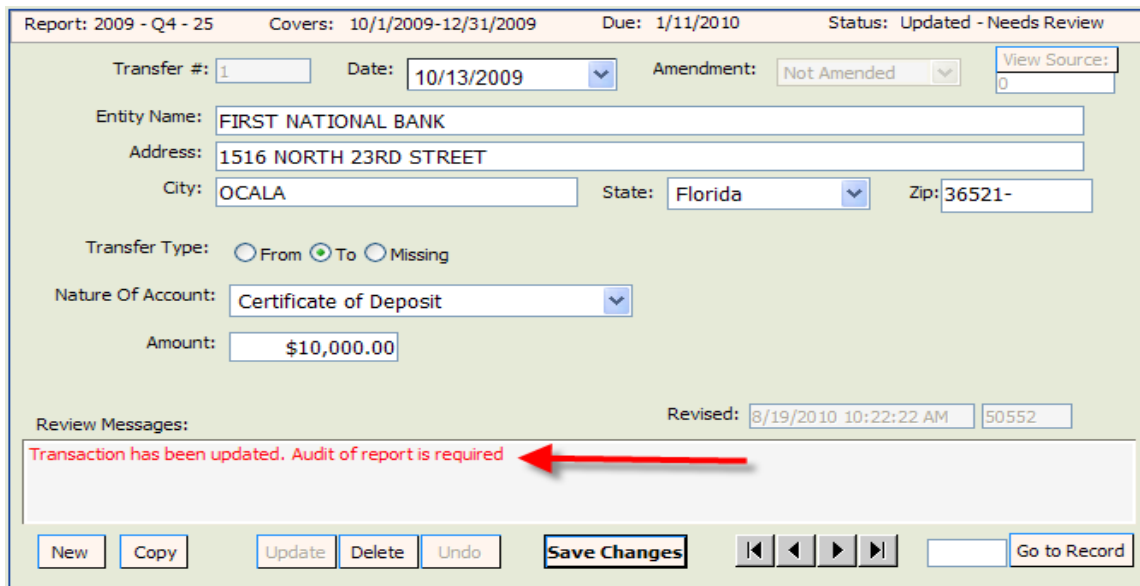
Transfer Type: click  arrow and choose **From** or **To**.

Nature of Account: click  arrow and choose nature of account.

Amendment: defaults to **Not Amended**.

Amount: enter exact amount of fund transfer (dollars and cents).

Enter all information and then click . To enter the next Funds Transfer, click . Continue adding Funds Transfers as necessary. Upon completion of each entry, **you must save the data by clicking** .



Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009 Due: 1/11/2010 Status: Updated - Needs Review

Transfer #: 1 Date: 10/13/2009 Amendment: Not Amended View Source: 0

Entity Name: FIRST NATIONAL BANK

Address: 1516 NORTH 23RD STREET

City: OCALA State: Florida Zip: 36521-

Transfer Type: ☐ From ☒ To ☐ Missing

Nature Of Account: Certificate of Deposit

Amount: \$10,000.00

Review Messages: Revised: 8/19/2010 10:22:22 AM 50552

Transaction has been updated. Audit of report is required

New Copy Update Delete Undo Save Changes Go to Record

Note: Notice the statement in the Review Messages box in red. This statement will appear until the report has been reviewed by the system. After the report has been reviewed, this box will be blank or will have a specific error message if information is incomplete or not in compliance with Chapter 106, Florida Statutes.

Report Credit Card Activity

Pursuant to section 106.125, Florida Statutes, only statewide candidates (Governor and Cabinet) may obtain campaign credit cards. The credit cards may be used **only** for **travel related expenses**.

Each time a credit card is used, there will be an entry in Other Distributions documenting the activity. Credit card activity is reported during the reporting period that it occurs. This may be, but is not always, the same reporting period that the expenditure for the credit card payment occurs. Once the expenditure (credit card payment) is made, the Other Distributions (credit card activity) must be “linked” to the Expenditure.

Enter Credit Card Activity in Other Distributions:

Each time the credit card is used, create an “Other Distributions” record (See instructions beginning on page 20.) The date for the record will be the date of the credit card purchase. For “Distribution Type,” choose **Credit Card Purchase**.

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009 Due: 1/11/2010 Status: Updated - Needs Review

Distribution Seq #: 3 Date: 10/23/2009 Amendment: Not Amended View Source: 0

Last Name, Suffix: Hilton Resort

First, Middle Name:

Address: 1700 Parkway Boulevard

City: Pensacola State: Florida Zip: 33612-

Distribution Type: Credit Card Purchase Purpose: Lodging

Related Expenditure: Election: Year: Type: Seq: 0 Rpt: 0

Amount: \$150.00

Contribution Limits: Revised: 8/19/2010 10:40:21 AM 50552

New Copy Update Delete Undo Save Changes Go to Record

Enter all information and then click **Save Changes**. Repeat the process for each credit card purchase.

Enter Credit Card Payment in Expenditures:

To document payment of the credit card bill, create an “Expenditures” record for the payment. (See page 17 for instructions on creating an expenditures record.) For Expenditure Type, select **Credit Card Payment**.

The purpose would be the month of the credit card statement. Example: November Statement.

Enter the amount of the Expenditure in the **Amount** field.

Enter all information and then click **Save Changes**.

The screenshot shows a web-based form for entering expenditures. At the top, a status bar displays: Report: 2009 - Q4 - 25, Covers: 10/1/2009-12/31/2009, Due: 1/11/2010, Status: Updated - Needs Review. The form fields are as follows:

- Expenditure #: 1
- Date: 11/18/2009 (dropdown menu)
- Amendment: Not Amended (dropdown menu)
- View Source: (button)
- Last Name, Suffix: AMERICAN EXPRESS
- First, Middle Name: (empty field)
- Address: 5689 POST OAK BOULEVARD
- City: HOUSTON
- State: Texas (dropdown menu)
- Zip: 77063-
- Expenditure Type: Credit Card Payment (dropdown menu)
- Distribution Links: (button)
- Purpose: NOVEMBER STATEMENT
- Amount: \$1,000.00
- Distr: 80.00
- Credit Card - Monthly Activity Amount: \$0.00
- Revised: 8/19/2010 10:46:20 AM 50552

A red message box at the bottom states: "Transaction has been updated. Audit of report is required". At the bottom of the form, there are buttons: New, Copy, Update, Delete, Undo, Save Changes, and a "Go to Record" button with navigation arrows.

The screen will refresh. For “**Credit Card – Monthly Activity Amount**,” enter the total amount of credit card purchases for that particular statement period. The “Amount” field and “Credit Card -Monthly Activity Amount” field should always be the same.

Click **Save Changes**.

Link the Credit Card Payment to the Credit Card Transactions:

On the Expenditure sequence that documents the credit card payment, click on

[Distribution Links](#)

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009 Due: 1/11/2010 Status: Updated - Needs Review

Expenditure #: Date: Amendment: [View Source:](#)

Last Name, Suffix:

First, Middle Name:

Address:

City: State: Zip:

Expenditure Type: [Distribution Links](#)

Purpose:

Amount: Distr:

Credit Card - Monthly Activity Amount: Revised:

Transaction has been updated. Audit of report is required

Click on the radio button "Not Linked" This will take you to a listing of all credit card **purchases** that have not been yet been linked to a credit card **payment**.

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009

Date: Name:

Amount: Purpose:

Credit Amt: ExpType:

 ☐ Pending ☒ Not Linked ☐ Invalid Uploads ☐ Linked Seq:

		Rpt	Report Year	Report Type	Seq	File Status	Dist. Date	Type	Amount	Name	Purpose
	Create Link	21	2009	Q1	8	Pending	03/07/2009	CCP	\$29.97	1 & 1 INTERNET, INC.	EMAIL SERVICE
	Create Link	21	2009	Q1	11	Pending	03/07/2009	CCP	\$65.47	AMAZON.COM	EDUCATION
	Create Link	21	2009	Q1	55	Pending	03/07/2009	CCP	\$65.47	AMAZON.COM	EDUCATION
	Create Link	15	2008	F3	1	Filed	08/04/2008	CCP	\$305.00	AMERICAN AIRLINES	TAMPA TRIP
	Create Link	17	2008	G2	7	Filed	09/22/2008	CCP	\$66.00	COMCAST	PHONE AND INTERNET

Click [Create Link](#) by each of the credit card purchases that you wish to link to the credit card payment. Click on [Calc Distr.](#) to determine the total amount of credit card activity that is currently linked to a payment. After all credit card activity has been linked, the totals in the “Amount,” “Credit Amt,” and “Cal Distr.” fields should be equal.

To verify the activity that has been linked to an Expenditure, go to the Expenditure and click on [Distribution Links](#).

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009 Due: 1/11/2010 Status: Updated - Needs Review

Expenditure #: Date: Amendment: [View Source:](#)

Last Name, Suffix:

First, Middle Name:

Address:

City: State: Zip:

Expenditure Type: [Distribution Links](#)

Purpose:

Amount: Distr:

Credit Card - Monthly Activity Amount: Revised:

Transaction has been updated. Audit of report is required

[New](#) [Copy](#) [Update](#) [Delete](#) [Undo](#) [Save Changes](#) [Go to Record](#)

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009

Date: Name:

Amount: Purpose:

Credit Amt: ExpType:

[Calc Distr.](#) ☒ Pending ☐ Not Linked ☐ Invalid Uploads ☐ Linked Seq: [Go to Expenditure](#)

	Link Type	Rpt	Report Year	Report Type	Seq	File Status	Dist. Date	Type	Amount	Name	Purpose
Remove Link		25	2009	Q4	2	Pending	10/13/2009	CCP	\$1,500.00	ABC PRINTING	CAMPAIGN SIGNS
Delete Tranx	ADD	15	2008	F3	1	Filed	08/04/2008	CCP	\$305.00	AMERICAN AIRLINES	TAMPA TRIP
Delete Tranx	ADD	17	2008	G2	7	Filed	09/22/2008	CCP	\$66.00	COMCAST	PHONE AND INTERNET
Delete Tranx	ADD	18	2008	G3	6	Pending	10/25/2008	CCP	\$80.00	ENTERPRISE CAR RENTAL	CAR RENTAL

Everything that is currently linked to this Expenditure will be listed. If you have linked a purchase in error, click on [Remove Link](#) (for pending links) or [Delete Tranx](#) (for filed links) to remove the link.

Report Prepaid Distributions

Prepaid Distributions are lump sum payments to one entity or person who then distributes the funds to other entities or individuals.

Example: Payment to a media consultant who will then make disbursements to various media such as a newspaper, radio or television station. The Expenditure entry documents the lump sum payment. The “Other Distribution” entries will indicate how the media consultant is spending the lump sum payment. Items will be reported and linked to the prepaid expenditure as they occur.

Enter Prepaid Amount in Expenditures:

Create an Expenditure record for the lump sum payment (See page 17 for instructions on creating an expenditure record.) For Expenditure Type, choose **Prepaid Distribution**.

Enter all information and then click **Save Changes**. The screen will refresh as shown below:

The screenshot displays a web-based form for entering an expenditure. At the top, a header bar shows 'Report: 2009 - Q4 - 25', 'Covers: 10/1/2009-12/31/2009', 'Due: 1/11/2010', and 'Status: Updated - Needs Review'. The form fields are as follows:

- Expenditure #:** 2
- Date:** 10/21/2009 (dropdown menu)
- Amendment:** Not Amended (dropdown menu)
- View Source:** 0
- Last Name, Suffix:** JOHNSON'S CONSULTING, INC.
- First, Middle Name:** (empty field)
- Address:** 514 MAIN STREET
- City:** TALLAHASSEE
- State:** Florida (dropdown menu)
- Zip:** 32303-
- Expenditure Type:** Prepaid Distribution (dropdown menu, highlighted with a red arrow)
- Purpose:** MEDIA CONSULTING
- Amount:** \$10,000.00
- Distr:** 0.00
- Revised:** 3/19/2010 11:29:59 AM 50552

A red message box at the bottom states: 'Transaction has been updated. Audit of report is required'. At the bottom of the form, there are buttons for 'New', 'Copy', 'Update', 'Delete', 'Undo', 'Save Changes', and 'Go to Record'.

Enter Disbursements of the Payment in Other Distributions and Link to Expenditure:

As the funds are disbursed, Other Distribution records (see page 20 for instructions on creating an Other Distributions record) are created and linked to the original expenditure.

For Distribution type, select Prepaid Distribution.

Report: 2009 - Q3 - 2 Covers: 7/1/2009-9/30/2009 Due: 10/13/2009 Status: Updated - Needs Review

Distribution Seq #: 4 Date: Null Amendment: Add Detail R View Source: 0

Last Name, Suffix: Target Copy

First, Middle Name:

Address: 667 Jones Street

City: Tallahassee State: Florida Zip: 32309-

Distribution Type: Prepaid Distribution

Purpose: Flyer copies

Related Expenditure: Election: Year: Type: Seq: 0 Rpt: 0

Amount: \$400.00 * Record has been amended * Revised: 11/20/2009 12:29:43 PM 50618

Contribution Limits ☐

New Copy Update Delete Undo Save Changes Go to Record

Enter all information and then click **Save Changes**. The screen will refresh and **Link Exp** will appear.

Related Expenditure: Election: Year: Type: Seq: 0 Rpt: 0 Link Exp

Click on **Link Exp**.








Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009

Date: 10/13/2009 Name: ABC PRINTING

Amount: 1,500.00 Purpose: CAMPAIGN SIGNS

Seq: 2 Dis Type: Prepaid Distribution

[Go to Distribution](#)

		Rpt	ElecID	Report Year	Report Type	Seq	File Status	Dist. Date	Type	Amount	Name	Purpose	tdPurp
	Remove Link	25	20101102-GEN	2009	Q4	2	Pending	10/21/2009	PPD	\$10,000.00		JOHNSON'S CONSULTING, INC.	MEDIA CON
	Link to Exp	21	20101102-GEN	2009	Q1	21	Pending	03/08/2009	PPD	\$66.00		BASCOM JUDITH	TELEPHONE
	Link to Exp	20	20101102-GEN	2008	Q4	9	Filed	12/27/2008	PPD	\$569.08		JL & ASSOC. CONSULTING	EXPENSES
	Link to Exp	13	20101102-GEN	2008	F1	2	Filed	04/04/2008	PPD	\$381.47		STOLTZ GAIL	CONSULTAN
	Link to Exp	13	20101102-GEN	2008	F1	19	Filed	06/11/2008	PPD	\$66.00		BASCOM JUDITH	INTERNET A
	Link to Exp	13	20101102-GEN	2008	F1	23	Filed	07/03/2008	PPD	\$326.37		LOPES JULIA	EXPENSES
	Link to Exp	13	20101102-GEN	2008	F1	26	Filed	07/06/2008	PPD	\$125.01		BASCOM JUDITH	EXPENSES

Determine which entry to link the distribution to the expenditure and click on [Link to Exp](#).

To remove the link, click on [Remove Link](#).

For each disbursement of the prepaid expenditure, create an Other Distributions record. Link each distribution record to the original pre-paid expenditure.

Report Reimbursements

Reimbursements are used to report authorized expenses incurred in connection with the campaign that are not otherwise reported as direct expenditures. Each time a candidate or other person authorized to make an expenditure on behalf of the campaign makes an expenditure that will be reimbursed, there must be an entry reported for the purchase in “Other Distributions.” The “Other Distribution” (the purchase) may be, but is not always, reported during the same reporting period as the “Expenditure” (the check written for reimbursement). Once the “Expenditure” is reported, it must be linked to the “Other Distribution.”

Enter Reimbursement Activity in Other Distributions:

For **each** purchase that will be reimbursed, create an “Other Distributions” record. (See page 20 for instructions on creating an Other Distributions record.) For Distribution Type, choose **Reimbursement**.

Report: 2009 - Q4 - 25		Covers: 10/1/2009-12/31/2009		Due: 1/11/2010		Status: Updated - Needs Review	
Distribution Seq #:	1	Date:	10/20/2010	Amendment:	Not Amended	View Source: 0	
Last Name, Suffix:	Shell Oil						
First, Middle Name:							
Address:	5678 Thomasville Road						
City:	Tallahassee	State:	Florida	Zip:	32312-		
Distribution Type:	Reimbursement						
Purpose:	Gas						
Related Expenditure:	Election:		Year:		Type:		Seq: 0 Rpt: 0
Amount:	\$48.57						
Contribution Limits				Revised:	8/18/2010 3:52:15 PM 50552		
<div>New Copy Update Delete Undo Save Changes < < > > Go to Record</div>							

Enter all information and click [Save Changes](#).

Enter Reimbursement Payment in Expenditures:

To document the payment to reimburse authorized expenditures, create an Expenditure record. (See page 17 for instructions on creating an expenditure record.) For Expenditure Type, select **Reimbursement**.

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009 Due: 1/11/2010 Status: Updated - Needs Review

Expenditure #: 5 Date: Null Amendment: Add Detail Re View Source: 0

Last Name, Suffix: Doe

First, Middle Name: JOHN

Address: Rt 3 Box 32B

City: Small Town State: Florida Zip: 32541-

Expenditure Type: Reimbursement Purpose: reimbursement for travel expenses

Amount: \$300.00 * Record has been amended *

Revised: 12/28/2010 4:32:05 PM 50552

New Copy Update Delete Undo Save Changes Go to Record

Enter all information and click **Save Changes**.

Link the Purchases to the Expenditure for Reimbursement

On the Expenditure sequence that documents the reimbursement payment, click on

Distribution Links

Click on the radio button "Not Linked."

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009

Date: 11/18/2009 Name: JOHN DOE

Amount: 300.00 Purpose: REIMBURSEMENT FOR TRAVEL EXPENSES

Credit Amt: 0.00 ExpType: Reimbursement

Calc Distr: 0.00 Pending Not Linked Invalid Uploads Linked Seq: 3 Go to Expenditure

Link Type	Rpt	Report Year	Report Type	Seq	File Status	Dist. Date	Type	Amount	Name	Purpose
-----------	-----	-------------	-------------	-----	-------------	------------	------	--------	------	---------

This will take you to a listing of all reimbursement expenses that have not yet been linked to a reimbursement payment.

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009

Date: 11/18/2009 Name: JOHN DOE
 Amount: 300.00 Purpose: REIMBURSEMENT FOR TRAVEL EXPENSES
 Credit Amt: 0.00 ExpType: Reimbursement
 Calc Distr.: 0.00 ☐ Pending ☒ Not Linked ☐ Invalid Uploads ☐ Linked Seq: 3 [Go to Expenditure](#)

		Rpt	Report Year	Report Type	Seq	File Status	Dist. Date	Type	Amount	Name	Purpose
Create Link	19	2008	G4	3	Filed	11/15/2008	RMB	\$29.97	1 & 1 INTERNET HOSTING	BASIC SERVICE-3MO.	
Create Link	19	2008	G4	6	Filed	11/15/2008	RMB	\$279.50	AMERICAN AIRLINES	TRIP TO TLH	
Create Link	16	2008	G1	11	Filed	09/01/2008	RMB	\$209.50	AMERICAN AIRLINES	DCA-MIA	
Create Link	12	2008	Q1	23	Filed	07/06/2008	RMB	\$428.80	AMERICAN AIRLINES	WASHINGTON TRIP	
Create Link	21	2009	Q1	20	Pending	03/10/2009	RMB	\$339.20	AMERICAN AIRLINES	AIRFARE	
Create Link	21	2009	Q1	21	Pending	03/10/2009	RMB	\$39.00	ANDREW'S DOWNTOWN	MEETING EXPENSE	
Create Link	15	2008	F3	3	Filed	08/04/2008	RMB	\$69.71	AVIS	TAMPA TRIP	
Create Link	21	2009	Q1	49	Pending	03/10/2009	RMB	\$8.99	BAD ASS COFFEE CO.	MEALS	
Create Link	21	2009	Q1	19	Pending	03/10/2009	RMB	\$18.24	BAGEL EMPORIUM & GRILLE	MEETING EXPENSE	
Create Link	19	2008	G4	8	Filed	11/15/2008	RMB	\$25.00	CITY TAXI	TLH TO GOV. INN	
Create Link	19	2008	G4	9	Filed	11/15/2008	RMB	\$25.00	CITY TAXI	GOV. INN TO TLH	

Click on [Create Link](#) by each purchase that will be linked to the reimbursement payment.

To verify the activity that is linked to a reimbursement payment, click on [Go to Expenditure](#).

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009

Date: 11/18/2009 Name: JOHN DOE
 Amount: 300.00 Purpose: REIMBURSEMENT FOR TRAVEL EXPENSES
 Credit Amt: 0.00 ExpType: Reimbursement
 Calc Distr.: 119.71 ☒ Pending ☐ Not Linked ☐ Invalid Uploads ☐ Linked Seq: 3 [Go to Expenditure](#)

	Link Type	Rpt	Report Year	Report Type	Seq	File Status	Dist. Date	Type	Amount	Name	Purpose
Delete Tranx	ADD	15	2008	F3	3	Filed	08/04/2008	RMB	\$69.71	AVIS	TAMPA TRIP
Delete Tranx	ADD	19	2008	G4	8	Filed	11/15/2008	RMB	\$25.00	CITY TAXI	TLH TO GOV. INN
Delete Tranx	ADD	19	2008	G4	9	Filed	11/15/2008	RMB	\$25.00	CITY TAXI	GOV. INN TO TLH

Click on [Distribution Links](#).

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009 Due: 1/11/2010 Status: Updated - Needs Review

Expenditure #: 3 Date: 11/18/2009 Amendment: Not Amended View Source: 0

Last Name, Suffix: JOHN DOE

First, Middle Name:

Address: RT # BOX 32 B

City: SMALL TOWN State: Florida Zip: 31125-

Expenditure Type: Reimbursement [Distribution Links](#)

Purpose: REIMBURSEMENT FOR TRAVEL EXPENSES

Amount: \$300.00 Distr: 119.71

Revised: 8/19/2010 12:55:07 PM 50552

Transaction has been updated. Audit of report is required

[New](#) [Copy](#) [Update](#) [Delete](#) [Undo](#) [Save Changes](#) [Go to Record](#)

Everything that is currently linked to this Reimbursement Expenditure will be listed.

Report: 2009 - Q4 - 25 Covers: 10/1/2009-12/31/2009

Date: 11/18/2009 Name: JOHN DOE

Amount: 300.00 Purpose: REIMBURSEMENT FOR TRAVEL EXPENSES

Credit Amt: 0.00 ExpType: Reimbursement

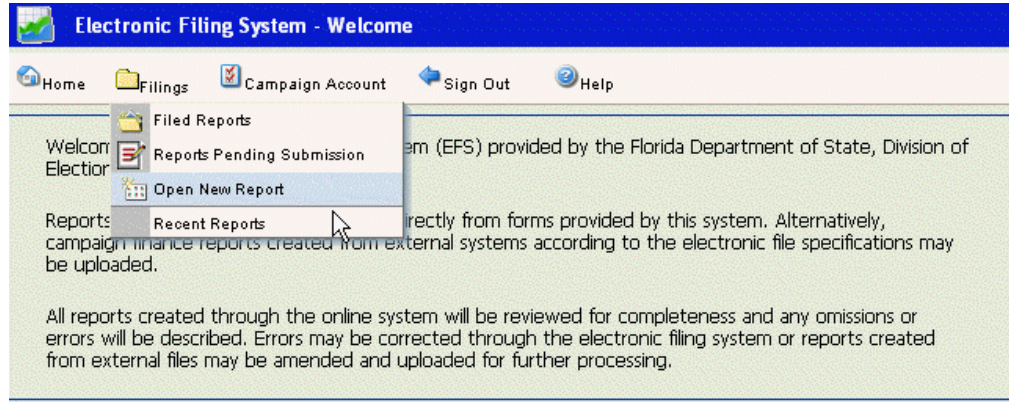
[Calc Distr.](#) 135.40 ☒ Pending ☐ Not Linked ☐ Invalid Uploads ☐ Linked Seq: 3 [Go to Expenditure](#)


	Link Type	Rpt	Report Year	Report Type	Seq	File Status	Dist. Date	Type	Amount	Name	Purpose
Remove Link		25	2009	Q4	1	Pending	10/09/2009	RMB	\$15.69	DENNY'S RESTAURANT	MEAL
Delete Tranx	ADD	15	2008	F3	3	Filed	08/04/2008	RMB	\$69.71	AVIS	TAMPA TRIP
Delete Tranx	ADD	19	2008	G4	8	Filed	11/15/2008	RMB	\$25.00	CITY TAXI	TLH TO GOV. INN
Delete Tranx	ADD	19	2008	G4	9	Filed	11/15/2008	RMB	\$25.00	CITY TAXI	GOV. INN TO TLH


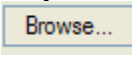
If you have linked a purchase in error, click on [Remove Link](#) (for pending links) or [Delete Tranx](#) (for filed links) to remove the link.

Create a New Report by File Upload

Click  and then . 





Click  arrow next to **Election Cycle**. Scroll to cycle associated with the report you are entering.

Click  arrow next to **Report Type**. Scroll to report type code associated with the report you are entering. Click .

Use this form to submit an original report. To submit an amendment to a previously filed report, first select the report from the 'Filed Reports' listing and then choose the 'Amend Report' option from the 'Edit' menu item.

Coverage Periods
Campaign finance reports itemize financial activity occurring during a specific reporting period. The reporting period is declared by first selecting the reporting year and then the report type. The beginning and ending coverage dates and the filing due date of the report are automatically associated with the *Reporting Year* and *Report Type*.

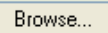
Election Cycle: 

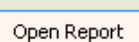
Report Type: 

Coverage Period: Due Date:

☐ Special Election Report ☐ Waiver

Uploading a Campaign Finance Report
A Campaign Finance report file meeting the department's specifications may be uploaded at the time a report is opened. Use the Browse button to locate and select the report text or zip file to be uploaded. You may upload the report file in a compressed zip. The zip file must contain only one report file.


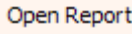




Navigate to the file you wish to upload to the EFS and double click on the name.

Note: The file name must be in the following format: IDNumber.ReportType

Example: 19932.G4

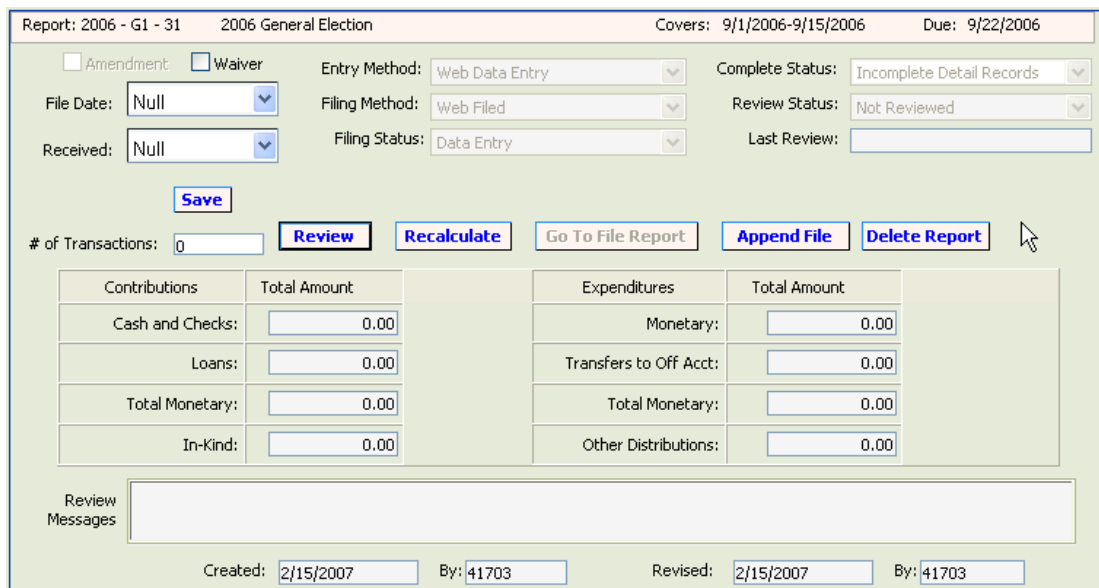
The file name will appear in the box next to . Click on . Click on View Report.



Report: 2007 - Q1 - 28 Coverage Period: 1/1/2007-3/31/2007 Due: 4/10/2007
 Election: 2008 General Election ☒ Original ☐ Amendment ☐ Special Election Report ☐ Waiver







The above referenced Report has been transmitted and queued for batch processing. Campaign finance activity contained in the Report will be available for editing when processing of the Report is completed.





Report: 2006 - G1 - 31 2006 General Election Covers: 9/1/2006-9/15/2006 Due: 9/22/2006

☐ Amendment ☐ Waiver Entry Method: Web Data Entry Complete Status: Incomplete Detail Records
 File Date: Null Filing Method: Web Filed Review Status: Not Reviewed
 Received: Null Filing Status: Data Entry Last Review:

of Transactions: 0

Contributions	Total Amount	Expenditures	Total Amount
Cash and Checks:	0.00	Monetary:	0.00
Loans:	0.00	Transfers to Off Acct:	0.00
Total Monetary:	0.00	Total Monetary:	0.00
In-Kind:	0.00	Other Distributions:	0.00

Review Messages

Created: 2/15/2007 By: 41703 Revised: 2/15/2007 By: 41703

A screen will appear showing the report summary. The **Complete Status** box will indicate when the processing of the upload is complete (if a delay occurs keep refreshing the screen until complete).

If the file type is **not valid**:

Open Windows Explorer. Click Tools. Click Folder Options. Click View.

Uncheck Hide Extensions for Known File Types.

Click Apply. Click OK.

Save file under new name.

Review Data for Errors

When all contributions, expenditures, fund transfers, and other distributions have been entered and saved or uploaded, the data should be reviewed by the EFS to determine completeness and correctness.

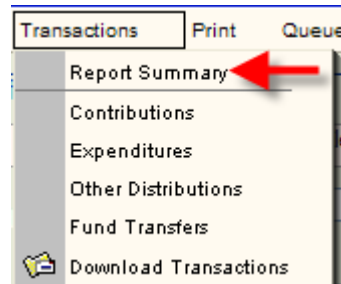
Go to the Pending Report Summary

page by clicking on

Transactions

and then

Report Summary



Report: 2010 - Q1 - 1 2010 General Election Covers: 1/1/2010-3/31/2010 Due: 4/12/2010

☐ Amendment ☐ Waiver Complete Status: Incomplete Detail Records

File Date: Review Status: Updated - Needs Review

Status: Data Entry Last Review:

of Transactions: 5 **Review** Recalculate Go To File Report Append File Delete Report Save

Contributions		Total Amount	Expenditures		Total Amount
Cash and Checks:	<input type="text"/>	0.00	Monetary:	<input type="text"/>	0.00
Loans:	<input type="text"/>	0.00	Transfers to Off Acct:	<input type="text"/>	0.00
Total Monetary:	<input type="text"/>	0.00	Total Monetary:	<input type="text"/>	0.00
In-Kind:	<input type="text"/>	0.00	Other Distributions:	<input type="text"/>	0.00

Review Messages:

Created: 12/9/2010 11:24:00 AM By: 109 Revised: 12/13/2010 2:39:55 PM By: 109

From the **Pending Report Summary** page, click on

Review

To return to the Report Summary page, click on

Report Summary

Report: 2010 - F3 - 26 Covers: 8/7/2010-8/19/2010 Due: 8/20/2010


The table below lists requests queued for batch processing. Press 'Refresh' to check for 'Processing Complete'.

Id	Filing Status	Process Action	Status	Create Date	Last Update
1277	Temporary	Review Pending Report	Processing...	08/19/2010 14	08/19/2010 14
1276	Temporary	Create Pending Report	Processing Complete	08/19/2010 14	08/19/2010 14

Refresh Report Summary

If the **Complete Status** box indicates “Incomplete Detail Records,” correct the errors prior to filing the report with the Division of Elections.

Report: 2010 - F3 - 26 2010 General Election Covers: 8/7/2010-8/19/2010 Due: 8/20/2010

☐ Amendment ☐ Waiver Complete Status: **Incomplete Detail Records** 

File Date: Review Status:

Status: Last Review:

of Transactions:

Contributions		Total Amount	Expenditures		Total Amount
Cash and Checks:	<input type="text" value="0.00"/>		Monetary:	<input type="text" value="0.00"/>	
Loans:	<input type="text" value="0.00"/>		Transfers to Off Acct:	<input type="text" value="0.00"/>	
Total Monetary:	<input type="text" value="0.00"/>		Total Monetary:	<input type="text" value="0.00"/>	
In-Kind:	<input type="text" value="0.00"/>		Other Distributions:	<input type="text" value="0.00"/>	

Review Messages


Created: By: Revised: By:

To find errors in **Contributions**, click

Transactions

and then **Contributions**.


Transactions Print Queue

- Report Summary
- Contributions** 
- Expenditures
- Other Distributions
- Fund Transfers
- Download Transactions

At the right under the “Errors” column, any number above 0 indicates that the entry has an error.

Report: 2009 - Q2 - 24 Covers: 5/19/2009-6/30/2009 Due: 7/10/2009 Status: Reviewed

Page Size: Page 1 Of 1 (Trx's 1 - 1 Of 1)

Seq	Date	Contributor	Amount	Contributor Type	Contribution Type	Amend Type	Errors
<u>1</u>		JONES, JOHN	\$1,000.00	I	X		7 

Open the entry by clicking on the sequence number to view the error messages.

Report: 2009 - Q2 - 24 Covers: 5/19/2009-6/30/2009 Due: 7/10/2009 Status: Reviewed

Contribution #: 1 Date: Null Amendment: Not Amended View Source: 0

Last Name, Suffix: JONES

First, Middle Name: JOHN

Address:

City: State: Zip:

Contributor Type: Individual

Contribution Type: Missing or Invalid Code

Occupation/Business:

In-kind Description:

Amount: \$1,000.00

Match Amt: \$0.00

Revised: 8/19/2010 3:25:09 PM 50552

The Transaction Date Is Either Before Or After The Report Coverage Period
The Value Supplied For Contribution Type Is Invalid
Contribution Amounts Are Limited To \$500 For This Contributor Type
Occupation Required When Contribution Is Greater Than \$100

New Copy Update Delete Undo Save Changes < < > > Go to Record

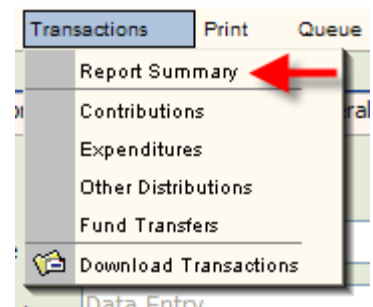
Correct the errors and then click on **Save Changes**.

After correcting all errors, the report must be

reviewed by the system again. Click **Transactions**

then and then . **Report Summary**

Return to the Report Summary page and click on **Review**



If all errors are corrected, the **Complete Status** box will change to Complete Detail Records.

Report: 2010 - F3 - 26 2010 General Election Covers: 8/7/2010-8/19/2010 Due: 8/20/2010

☐ Amendment ☐ Waiver Complete Status: Complete Detail Records

File Date: Review Status: Reviewed

Status: Data Entry Last Review: 8/19/2010 3:56:42 PM

of Transactions: 1 **Review** **Recalculate** **Go To File Report** **Append File** **Delete Report** **Save**

Contributions	Total Amount	Expenditures	Total Amount
Cash and Checks:	<u>0.00</u>	Monetary:	<u>51.00</u>
Loans:	<u>0.00</u>	Transfers to Off Acct:	<u>0.00</u>
Total Monetary:	<u>0.00</u>	Total Monetary:	<u>51.00</u>
In-Kind:	<u>0.00</u>	Other Distributions:	<u>0.00</u>

Review Messages:

Created: 8/19/2010 2:01:35 PM By: 50552 Revised: 8/19/2010 3:56:42 PM By: 50552

After the report is reviewed, you may choose to file the report or leave the report in pending status until a later date (see page 49 for instructions on accessing pending reports).

Errors in Expenditures, Other Distributions and Fund Transfer entries are corrected in the same manner.

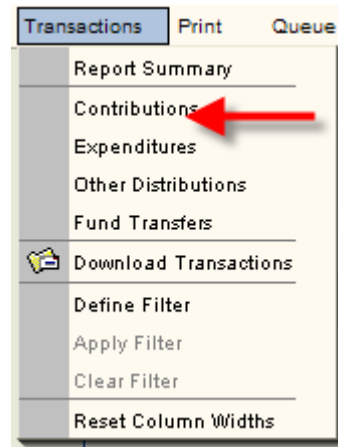
Note: If report is voluminous, see page 42 for instructions on creating an error filter.

Create an Error Filter

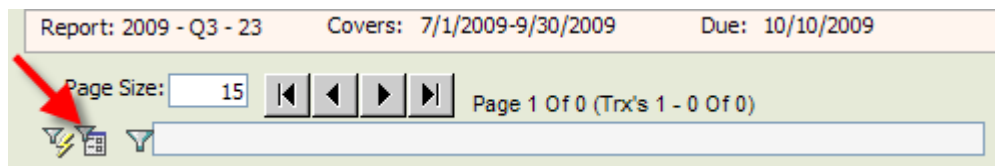
If a report is voluminous, locating errors must be done by creating an error filter.

To create an error report for contributions,

click **Transactions** and then **Contributions**.



Click on the  icon.



Click on the  under **Select Column to Search** and choose **Audit Count**.

Click on the  under **Select Type of Comparison** and choose **Is Greater Than**.

Under **Enter value to compare**, type 0 (zero).

Click **Add to Filter** and then **Apply Filter**.

A screenshot of a dialog box titled 'Filter Expenditures'. It contains three input fields: 'Select Column to Search' with a dropdown menu showing 'Audit Count', 'Select Type of Comparison' with a dropdown menu showing 'Is Greater Than', and 'Enter value to compare' with a text box containing '0'. Below these fields are three buttons: 'Add to Filter', 'Clear', and 'Apply Filter'. At the bottom, there is a section labeled 'Filter Criteria' with a text box containing 'Audit Count Is Greater Than 0'.

When the filter is applied, only those entries with errors will show. Click on the Sequence number for each entry and correct the errors.

The errors will be referenced in the **Review Messages** box and will be printed in red.

Report: 2006 - Q4 - 28 Covers: 11/3/2006-12/31/2006 Due: 1/10/2007 Status: Reviewed

Contribution #: Date: Amendment:

Last Name, Suffix:

First, Middle Name:

Address:

City: State: Zip:

Contributor Type:

Contribution Type:

Occupation/Business:

In-kind Description:

Amount:

Revised:

By:

View Source Record:

Review Messages:

Occupation/Business Required When Contribution Is Greater Than \$100

New Copy Amend Delete Undo Save Changes << < > >> Go to Record

In order to see all entries, clear the error filter. Click on



Report: 2008 - G3 - 18 Covers: 9/27/2008-10/10/2008 Due: 10/17/2008

Page Size: << < > >> Page 1 Of 1 (Trx's 1 - 10 Of 10)

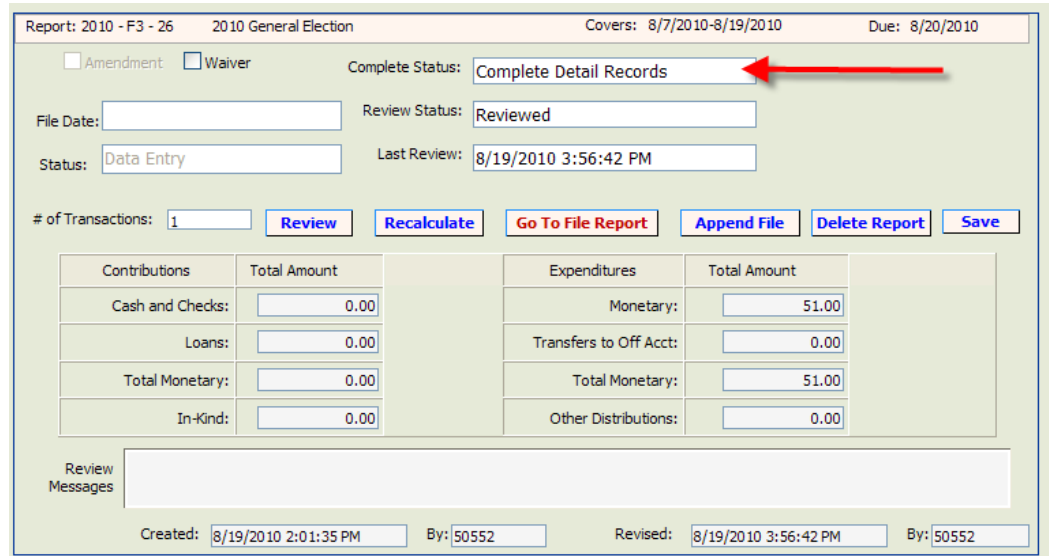
Under Amend column * indicates record has been changed in this amendment

NOTE: Repeat the filter process for Expenditures, Funds Transfers and Other Distributions, if necessary.

File the Report

If the **Review Status** is Updated Detail – Needs Review the report has not been reviewed since the last update. (See page 38 for instructions on how to submit the report to the system for review.)

If the status of the report is Complete Detail Records, you are ready to file the report.



Report: 2010 - F3 - 26 2010 General Election Covers: 8/7/2010-8/19/2010 Due: 8/20/2010

☐ Amendment ☐ Waiver Complete Status: Complete Detail Records Review Status: Reviewed

File Date: Last Review: 8/19/2010 3:56:42 PM

Status: Data Entry

of Transactions: 1 [Review](#) [Recalculate](#) [Go To File Report](#) [Append File](#) [Delete Report](#) [Save](#)

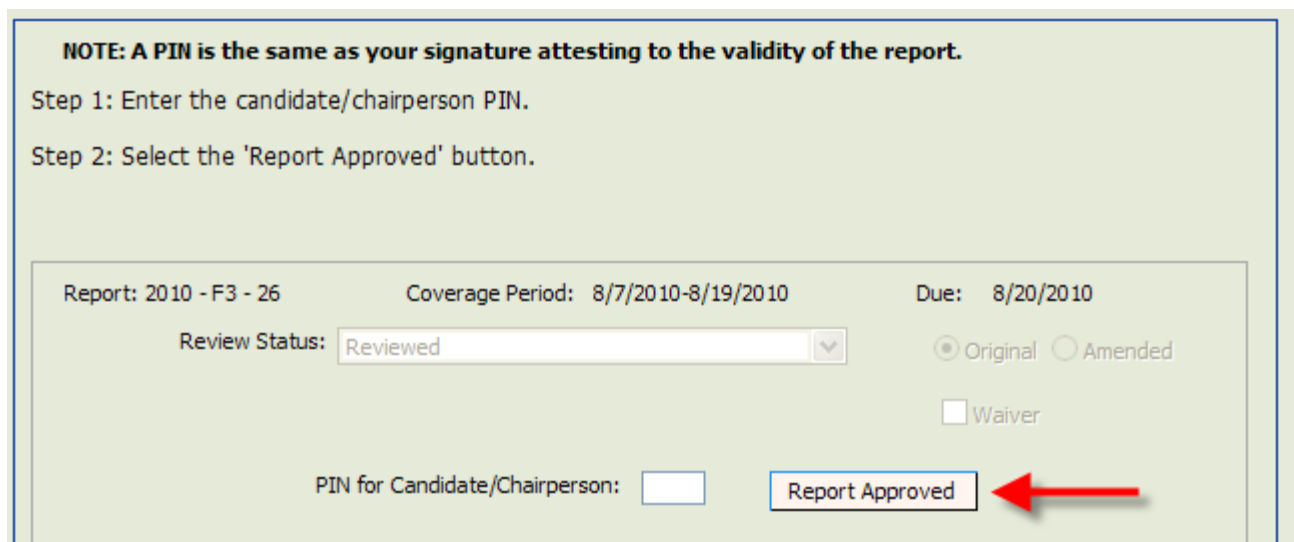
Contributions	Total Amount	Expenditures	Total Amount
Cash and Checks:	<input type="text"/> 0.00	Monetary:	<input type="text"/> 51.00
Loans:	<input type="text"/> 0.00	Transfers to Off Acct:	<input type="text"/> 0.00
Total Monetary:	<input type="text"/> 0.00	Total Monetary:	<input type="text"/> 51.00
In-Kind:	<input type="text"/> 0.00	Other Distributions:	<input type="text"/> 0.00

Review Messages:

Created: 8/19/2010 2:01:35 PM By: 50552 Revised: 8/19/2010 3:56:42 PM By: 50552

Click on [Go To File Report](#).

The **candidate** enters his or her **PIN**, and then selects [Report Approved](#)



NOTE: A PIN is the same as your signature attesting to the validity of the report.

Step 1: Enter the candidate/chairperson PIN.

Step 2: Select the 'Report Approved' button.

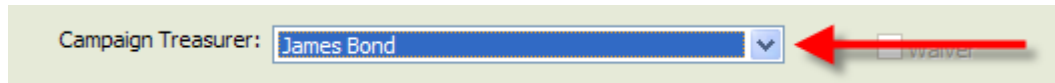
Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Review Status: Reviewed ☒ Original ☐ Amended

☐ Waiver

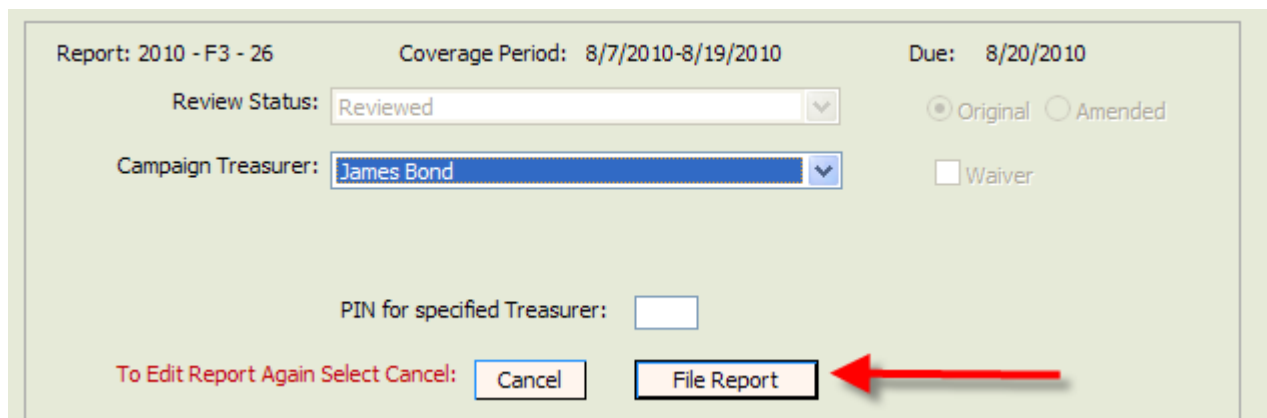
PIN for Candidate/Chairperson: [Report Approved](#)

If there is more than one treasurer, click on the drop down and select the treasurer that is filing the report.



A screenshot of a web form showing a dropdown menu for 'Campaign Treasurer' with 'James Bond' selected. A red arrow points to the dropdown arrow icon on the right side of the menu.

The treasurer enters his or her **PIN** and then clicks **File Report**.



A screenshot of a report filing interface. At the top, it shows 'Report: 2010 - F3 - 26', 'Coverage Period: 8/7/2010-8/19/2010', and 'Due: 8/20/2010'. Below this, 'Review Status' is set to 'Reviewed'. 'Campaign Treasurer' is set to 'James Bond'. There are radio buttons for 'Original' (selected) and 'Amended', and a checkbox for 'Waiver'. A 'PIN for specified Treasurer:' field is empty. At the bottom, it says 'To Edit Report Again Select Cancel:' followed by 'Cancel' and 'File Report' buttons. A red arrow points to the 'File Report' button.

IMPORTANT NOTE: If changes need to be made after a candidate enters his PIN, the treasurer must undo the candidate's PIN validation before the system will allow changes. See page 48 for instructions.

Print a File Receipt


After a report is filed, click


Print Filing Receipt

Report: 2009 - Q4 - 25 Coverage Period: 10/1/2009-12/31/2009
Election: 2010 General Election Due: 1/11/2010

Select the Division of Elections forms to be generated. Each requested form will be generated as Adobe Acrobat PDF files. The Adobe Acrobat Reader is required to view and print selected forms and may be downloaded from [Adobe](#).

Select	Report Form	View
	Summary Sheet (DS-DE 12)	
	Contributions (DS-DE 13)	
	Expenditures (DS-DE 14)	
	Fund Transfers (DS-DE 94)	
	Other Distributions	



Print Filing Receipt 

View Filed Reports

Refresh screen until a 'View' link appears for each report selected.
Click on the 'View' link to open report in Adobe.

To print this screen, right click your mouse and select "Print."
Save this screen as your **filing receipt**.

Treasurer Report Status

ID: [REDACTED] Name: [REDACTED]

Report: 2009 - Q4 - 25 Print Date: **8/19/2010 4:46:32 PM**
Election: 2010 General Election
Covers: 10/1/2009-12/31/2009 ☐ Amended ☐ Waiver
Due: 1/11/2010

Filed: **8/19/2010 4:41:08 PM** File Status: **Filed Report**
Reviewed: **8/19/2010** Review Status: **Reviewed**
Detail Complete: **Incomplete Detail Records**

File Method: Web Filed **Number of Detail Records**
Entry Method: Web Data Entry Contributions: 0
Expenditures: 3
Fund Transfers: 1
Distributions: 4

Pending Queued Items: **0**

To Print Report: Right Click Mouse and Select 'Print'

IMPORTANT NOTE: the “Filed” field will be populated if the report has been correctly filed. If this field is blank, you have not filed the report with the Division of Elections.

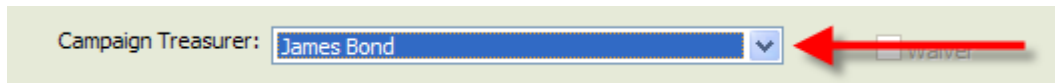
Report: 2009 - Q2 - 24	Print Date: 8/19/2010 4:53:02 PM
Election: 2010 General Election	
Covers: 5/19/2009-6/30/2009	<input type="checkbox"/> Amended <input type="checkbox"/> Waiver
Due: 7/10/2009	
Filed:	File Status: Data Entry
Reviewed: 8/19/2010	Review Status: Reviewed
	Detail Complete: Incomplete Detail Records
File Method: Web Filed	<u>Number of Detail Records</u>
Entry Method: Web Data Entry	Contributions: 1
	Expenditures: 0
Pending Queued Items: 0	Fund Transfers: 0
	Distributions: 1
To Print Report: Right Click Mouse and Select 'Print'	

NOTE: If you are unable to print the receipt, make sure that your pop-up blocker is turned off.

Make Changes to the Report after Candidate Enters PIN

If changes need to be made **after** a candidate approves a report by entering his PIN, the treasurer must “cancel the filing” before the system will allow changes.

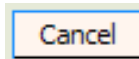
If there is more than one treasurer, click on the drop down and select the appropriate treasurer.



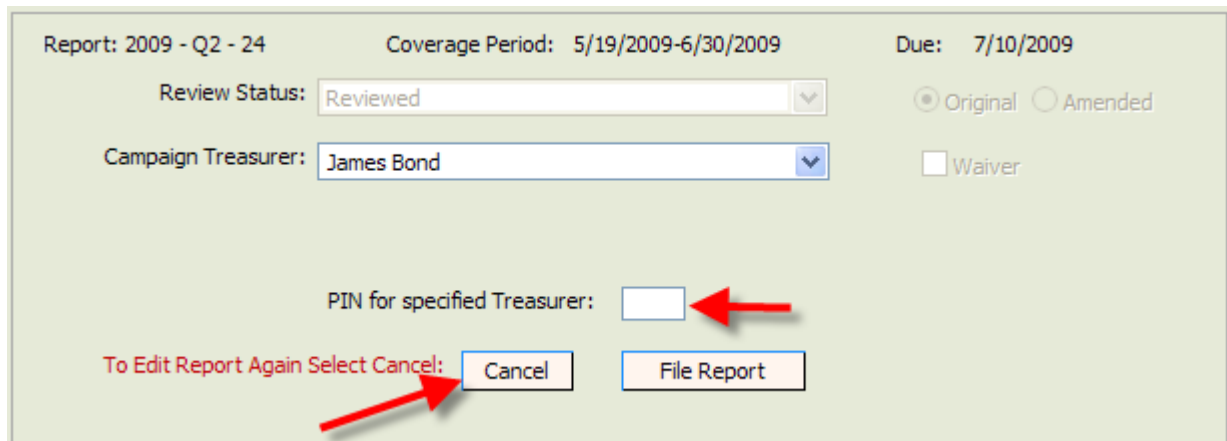
Campaign Treasurer: James Bond

A red arrow points to the dropdown arrow on the right side of the 'James Bond' selection.

After selecting the treasurer's name, enter the PIN and click



Cancel



Report: 2009 - Q2 - 24 Coverage Period: 5/19/2009-6/30/2009 Due: 7/10/2009

Review Status: Reviewed

Campaign Treasurer: James Bond

PIN for specified Treasurer:

To Edit Report Again Select Cancel: Cancel File Report

Original Amended

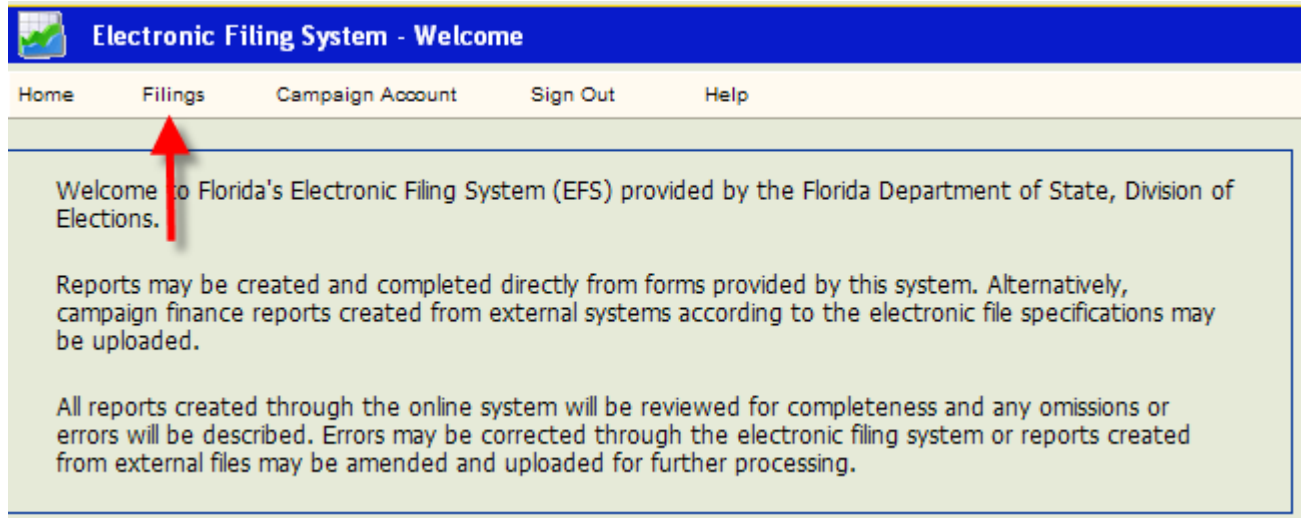
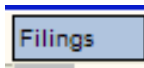
Waiver

Red arrows point to the PIN input field and the 'Cancel' button.

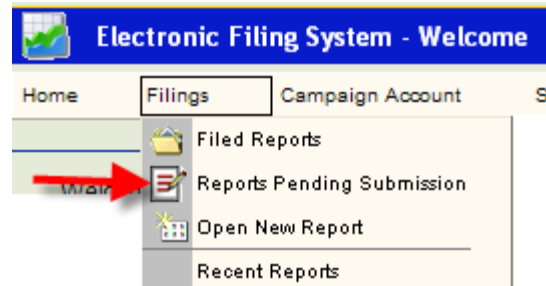
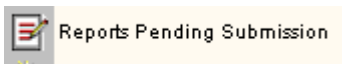
This will re-open the report to allow changes.

Access a Pending Report

From the Welcome page, click



Select



Click on the Sequence number of the report you wish to access.

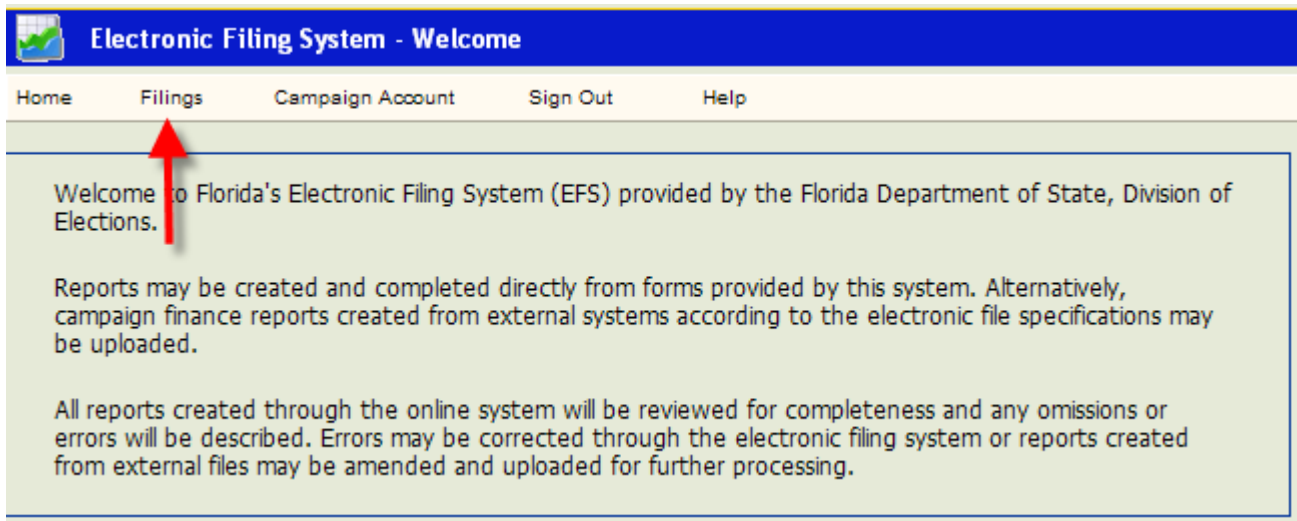
	Seq	Report Year	Election ID	Report Type	Last Revised	Review Status	Completion Status	Amended
	24	2009	20101102-GEN	Q2	08/19/2010	Reviewed	Incomplete Detail Re	N
	23	2009	20101102-GEN	Q3	01/07/2010	Reviewed	Incomplete Detail Re	N
	21	2009	20101102-GEN	Q1	11/20/2009	Reviewed	Incomplete Detail Re	Y
	18	2008	20081104-GEN	G3	11/20/2009	Updated - Needs Re	Incomplete Detail Re	Y

Amend a Report

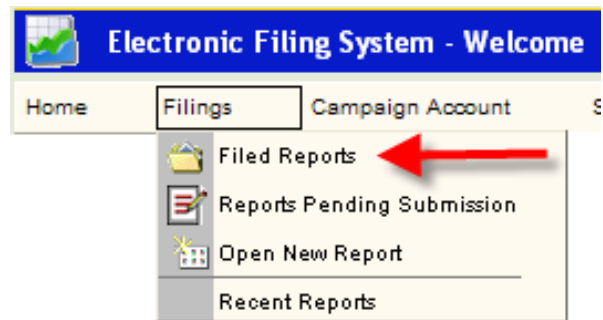
Once a report is filed with the Division of Elections it cannot be edited. Any changes to a filed report must be done by filing an amendment. Amendments can be done by direct entry through the EFS or by file upload.

From the Welcome page, click

Filings





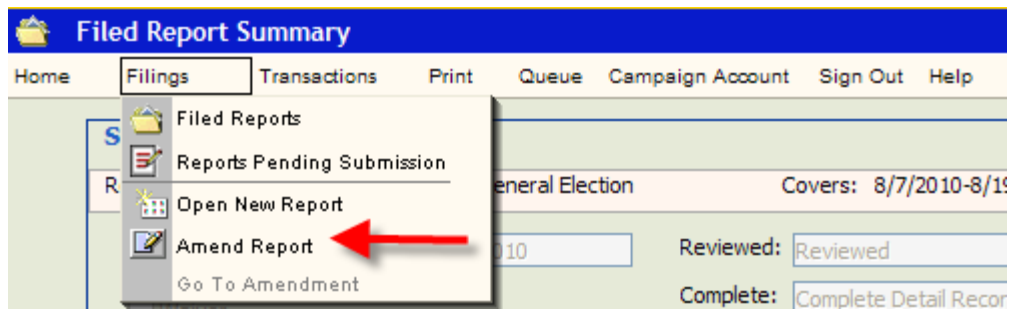
Select



Click on the Sequence number of the report to be amended.

	Seq	Report Year	Election ID	Report Type	Date Filed	Complete Status	Amended	Items In Queue
	26	2010	20101102-GEN	F3	08/19/2010	Complete Detail Records	N	0
	25	2009	20101102-GEN	Q4	08/19/2010	Incomplete Detail Records	N	0
	21	2009	20101102-GEN	Q1	04/03/2009	Complete Detail Records	Y	0

Click  and then  .




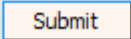
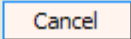
Click on  .

Report to Amend


Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010 Due: 8/20/2010

Election: 20101102-GEN ☐ Special Election Report ☐ Waiver

The above referenced report has been selected for amendment. The amendment procedure will transfer all activity for this report into a temporary work area that will enable you to add, update or delete individual transactions. When you have completed amending the report, you must 'File' the working copy using the online filing system. Select the 'Submit' button to create the amendment.

Click on the Sequence number of the report to be amended.

	Seq	Report Year	Election ID	Report Type	Date Filed	Complete Status	Amended	Items In Queue
	26	2010	20101102-GEN	F3	08/19/2010	Complete Detail Records	N	0
	25	2009	20101102-GEN	Q4	08/19/2010	Incomplete Detail Records	N	0
	21	2009	20101102-GEN	Q1	04/03/2009	Complete Detail Records	Y	0

The status of the report will be "Amending."

Amend a Report by Direct Entry

To update an entry, click on the Sequence number of the detail data (Contribution, Expenditure, Other Distribution or Funds Transfer) to be updated.

	Seq	Date	Contributor	Amount	Contributor Type	Contribution Type	Amend Type	Errors
	1	09/29/2008	SEARCY DENNY SCAROLA BARN	\$5,000.00	B	CHE		1
	2	10/01/2008	LUPPINO, ANTHONY	\$25.00	I	CHE		0
	3	10/01/2008	BRADY, MARION	\$0.00	I	CHE	*UPD	1

Report: 2008 - G3 - 18 Covers: 9/27/2008-10/10/2008 Due: 10/17/2008 Status: Reviewed

Contribution #: 1 Date: 9/29/2008 Amendment: Not Amended View Source: 0

Last Name, Suffix: SEARCY DENNY SCAROLA BARNHART & SHIPLEY

First, Middle Name:

Address: 2139 PALM BEACH LAKES BLVD

City: WEST PALM BEACH State: Florida Zip: 33409-0000

Contributor Type: Business

Contribution Type: Check

Occupation/Business: ATTORNEY

In-kind Description:

Amount: \$5,000.00

Match Amt: \$0.00

Revised: 10/14/2008 6:52:24 AM 43605

Contribution Amounts Are Limited To \$500 For This Contributor Type

New Copy Update Delete Undo Save Changes Go to Record

Click **Update** . Make necessary changes and click **Save Changes** .

To add a new record, Click **New Record** .

Report: 2008 - G3 - 18 Covers: 9/27/2008-10/10/2008 Due: 10/17/2008 Status: Updated - Needs Review

Page Size: 15 Page 1 Of 1 (Trx's 1 - 10 Of 10)

Go To Page Go To Record New Record

Under Amend column * indicates record has been changed in this amendment

Populate the fields and

then click

Save Changes

To delete an entry, click on the Sequence number of the detail data to be deleted.

	Seq	Date	Contributor	Amount	Contributor Type	Contribution Type	Amend Type	Errors
	1	09/29/2008	SEARCY DENNY SCAROLA BARN	\$5,000.00	B	CHE		1
	2	10/01/2008	LUPPINO, ANTHONY	\$25.00	I	CHE		0
	3	10/01/2008	BRADY, MARION	\$0.00	I	CHE	*UPD	1


Click

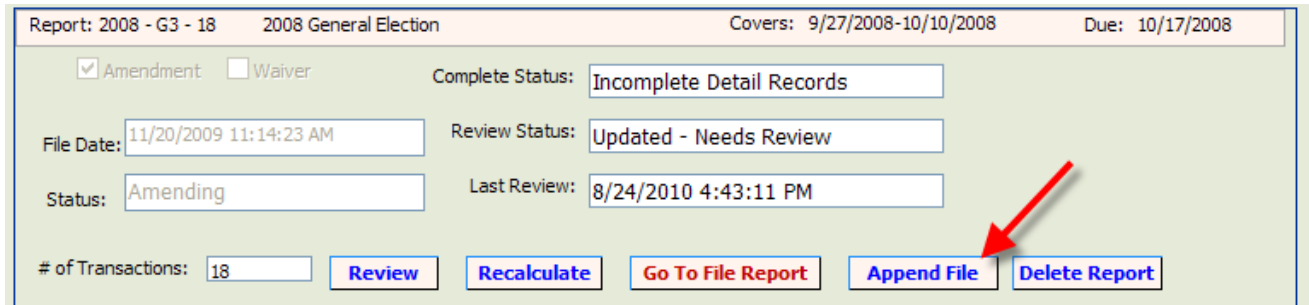
Delete

If the **Complete Status** box indicates Incomplete Detail Records, correct errors prior to filing the amended report. See page 38 for instructions on locating and correcting errors.

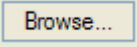
NOTE: The error message will not go away until you review the report.

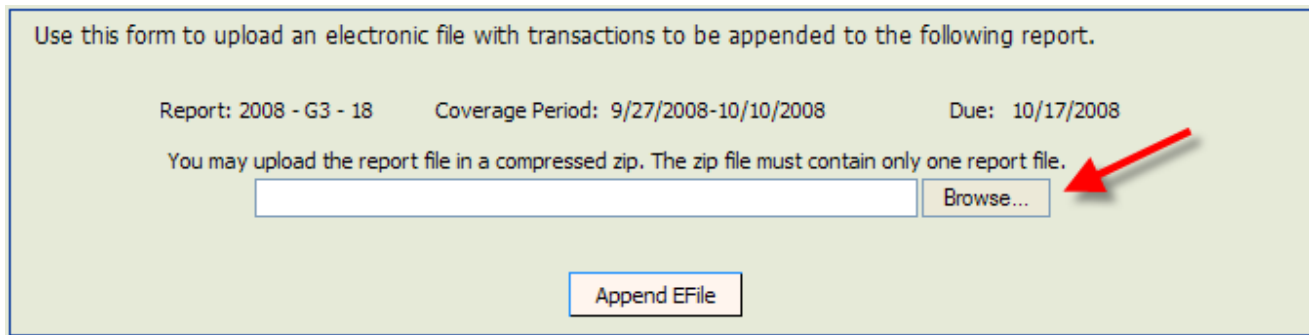
Amend a Report by File Upload:

On the Pending Report Summary Page, click on .

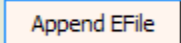


This screenshot shows the 'Pending Report Summary Page' for a report titled '2008 - G3 - 18' under the '2008 General Election'. The page includes a header with the report title, coverage period '9/27/2008-10/10/2008', and due date '10/17/2008'. Below the header, there are checkboxes for 'Amendment' (checked) and 'Waiver' (unchecked). The 'Complete Status' is 'Incomplete Detail Records', 'File Date' is '11/20/2009 11:14:23 AM', 'Review Status' is 'Updated - Needs Review', 'Status' is 'Amending', and 'Last Review' is '8/24/2010 4:43:11 PM'. At the bottom, there is a row of buttons: 'Review', 'Recalculate', 'Go To File Report', 'Append File', and 'Delete Report'. A red arrow points to the 'Append File' button.

Click on .



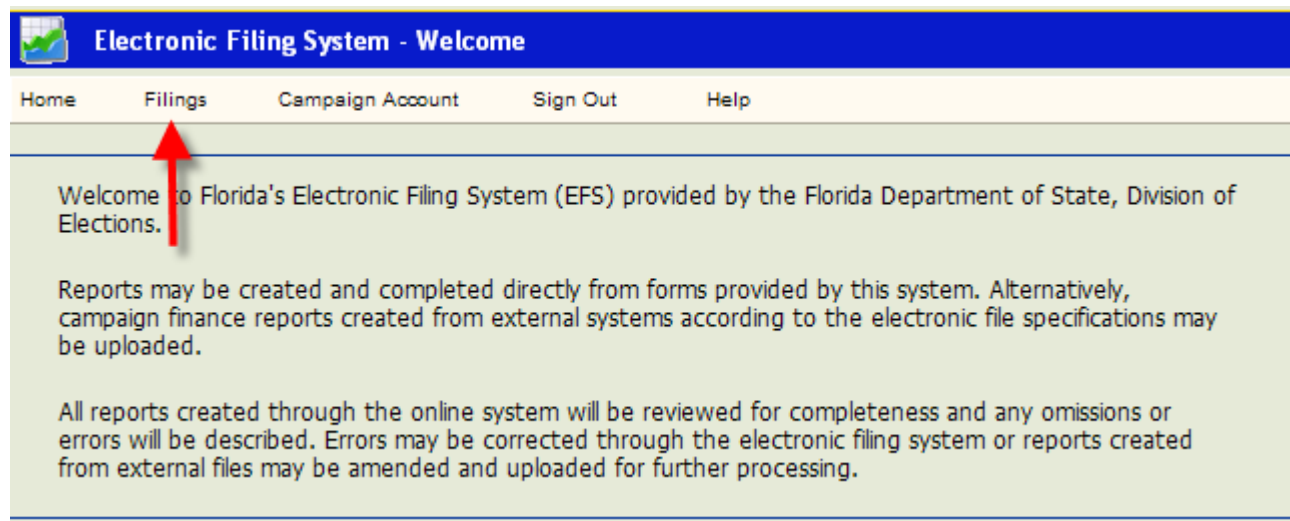
This screenshot shows a form for uploading an electronic file. The text at the top says 'Use this form to upload an electronic file with transactions to be appended to the following report.' Below this, the report details are repeated: 'Report: 2008 - G3 - 18', 'Coverage Period: 9/27/2008-10/10/2008', and 'Due: 10/17/2008'. A note states 'You may upload the report file in a compressed zip. The zip file must contain only one report file.' There is a text input field for the file name and a 'Browse...' button. A red arrow points to the 'Browse...' button. At the bottom, there is an 'Append EFile' button.



Select file to be uploaded and click on .

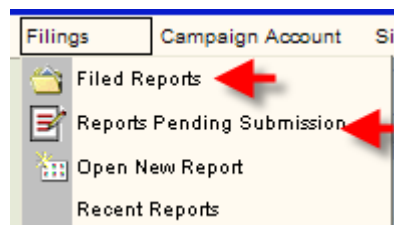
Print a Report

From the Welcome page, click

Filings



Select  Filed Reports to print reports that have already been filed or  Reports Pending Submission for reports that are still in a pending status.




Select the report you wish to print by clicking on the report sequence number.

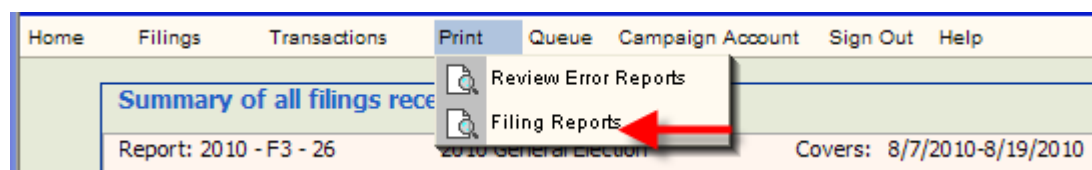
	Seq	Report Year	Election ID	Report Type	Date Filed	Complete Status	Amended	Items In Queue
	<u>26</u>	2010	20101102-GEN	F3	08/19/2010	Complete Detail Records	N	0
	<u>25</u>	2009	20101102-GEN	Q4	08/19/2010	Incomplete Detail Records	N	0
	<u>21</u>	2009	20101102-GEN	Q1	04/03/2009	Complete Detail Records	Y	0

Click

Print

and then

 Filing Reports



Select the items you wish to print by clicking in the appropriate ☐ box.

Click

Run Report(s)

Report: 2010 - F3 - 26 Coverage Period: 8/7/2010-8/19/2010
Election: 2010 General Election Due: 8/20/2010

Select the Division of Elections forms to be generated. Each requested form will be generated as Adobe Acrobat PDF files. The Adobe Acrobat Reader is required to view and print selected forms and may be downloaded from [Adobe](#).

Select	Report Form	View
<input checked="" type="checkbox"/>	Summary Sheet (DS-DE 12)	
<input checked="" type="checkbox"/>	Contributions (DS-DE 13)	
<input checked="" type="checkbox"/>	Expenditures (DS-DE 14)	
<input checked="" type="checkbox"/>	Fund Transfers (DS-DE 94)	
<input checked="" type="checkbox"/>	Other Distributions	



View Report Status

View Filed Reports

View Report Summary

Run Report(s)

Refresh

Refresh screen until a 'View' link appears for each report selected.
Click on the 'View' link to open report in Adobe.

In the **View** column, you will see **PRC**.

Click on

Refresh

Select	Report Form	View
<input type="checkbox"/>	Summary Sheet (DS-DE 12)	PRC
<input type="checkbox"/>	Contributions (DS-DE 13)	PRC
<input type="checkbox"/>	Expenditures (DS-DE 14)	PRC
<input type="checkbox"/>	Fund Transfers (DS-DE 94)	PRC
<input type="checkbox"/>	Other Distributions	PRC

Run Report(s) Refresh


Select	Report Form	View
<input type="checkbox"/>	Summary Sheet (DS-DE 12)	View
<input type="checkbox"/>	Contributions (DS-DE 13)	View
<input type="checkbox"/>	Expenditures (DS-DE 14)	View
<input type="checkbox"/>	Fund Transfers (DS-DE 94)	View
<input type="checkbox"/>	Other Distributions	View

PRC will change to [View](#).

Click on [View](#).

Print each segment of the report by clicking on [View](#) next to the segment you wish to print.

The segment will open in a PDF format.

Click on the  **PRINT** icon on the *Internet Explorer* toolbar to print.

Repeat the process for each segment.

FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS CAMPAIGN TREASURER'S REPORT SUMMARY			
(1) KRB Committee Candidate, Committee or Party Name		(2) 41703 I.D. Number	
(3) PO Box 187 Address (number and street) <input type="checkbox"/> Check box if address has changed since last report		Tallahassee City	FL 32303 State Zip Code
(4) Check appropriate box(es): <input type="checkbox"/> Candidate (office sought): <input type="checkbox"/> Political Committee <input checked="" type="checkbox"/> Committee of Continuous Existence <input type="checkbox"/> Party Executive Committee <input type="checkbox"/> Check if PC has DISBANDED <input type="checkbox"/> Check if CCE has DISBANDED			
(5) REPORT IDENTIFIERS Cover Period: From 04/01/2008 To 07/18/2008 Report Type: F1 <input type="checkbox"/> Original <input checked="" type="checkbox"/> Amendment <input type="checkbox"/> Special Election Report			
(6) CONTRIBUTIONS THIS REPORT		(7) EXPENDITURES THIS REPORT	
Cash & Checks	\$0.00	Monetary Expenditures	\$500.00
Loans	\$0.00	Transfers to Office Account	\$0.00
Total Monetary	\$0.00	Total Monetary	\$500.00
In-Kind	\$0.00	(8) Other Distributions	
Certification It is a first degree misdemeanor for any person to falsify a public record (ss.839.13, F.S.)			
I certify that I have examined this report and it is true, correct and complete Name of <input type="checkbox"/> Treasurer <input type="checkbox"/> Deputy Treasurer X Signature		I certify that I have examined this report and it is true, correct and complete Name of <input type="checkbox"/> Candidate <input type="checkbox"/> Chairman (PC/PTY Only) X Signature	

Candidate & Campaign Treasurer Handbook



Florida Department of State
Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6280

(Rev. 4/27/2022)

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Chapter 1: Background

This handbook serves only as a quick reference guide for candidates and campaign treasurers.

This handbook is not a substitute for the [Florida Election Code](#) or applicable constitutional and rule provisions, the text of which controls. Chapters 97-106, Florida Statutes, the [Constitution of the State of Florida](#), Division of Elections' [opinions](#) and [rules](#), Attorney General opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding campaign financing and qualifying.

In addition, the following online publications produced by the Division of Elections (Division) should be reviewed for further information:

- State Qualifying Handbook
- Candidate Petition Handbook
- Candidate Electronic Filing System User's Guide
- Calendar of Reporting Dates

All applicable forms and publications are publicly available on the Division's website at dos.myflorida.com/elections/forms-publications.

Please direct any questions to either your county [supervisor of elections](#) or the Division at **850.245.6280**. (See also [Appendix B: Frequently Asked Questions](#).)

Other Resources and Websites

Florida Supervisors of Elections:

dos.myflorida.com/elections/contacts/supervisor-of-elections

Florida Association of City Clerks:

www.floridaclerks.org

Florida Elections Commission:

www.fec.state.fl.us

Federal Election Commission:

www.fec.gov

Florida Elected Officials:

dos.myflorida.com/elections/contacts/elected-officials

Florida Attorney General:

myfloridalegal.com

Florida State Courts:

www.flcourts.org

Judicial Candidates and the Judicial Ethics Advisory Committee (JEAC):

www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/subjectopinions/Elections/elections.html

Judicial Ethics Advisory Committee:

www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/jeac.html

Chapter 2: Campaign Financing

[Chapter 106](#), Florida Statutes, regulates campaign financing for all candidates, including judicial candidates, political committees, electioneering communications organizations, affiliated party committees, and political parties. ***It does not regulate campaign financing for candidates for federal office.***

Note: Individuals seeking a publicly elected position on a political party executive committee who receive contributions or make expenditures must comply with Section [106.0702](#), Florida Statutes, regarding reporting requirements. (See [Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee.](#))

The Division:

- Oversees the interpretation of and provides guidance on the election laws.
(Section [97.012\(1\)](#), Fla. Stat.)
- 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.
(Section [106.23\(2\)](#), Fla. Stat.)
- Conducts audits with respect to reports and statements filed under [Chapter 106](#), Florida Statutes.
(Section [106.22\(6\)](#), Fla. Stat.)
- Reports to the Florida Elections Commission any apparent violations of [Chapter 106](#), Florida Statutes.
(Section [106.22\(7\)](#), Fla. Stat.)
- Prescribes rules and regulations to carry out the provisions of [Chapter 106](#), Florida Statutes.
(Sections [106.22](#) and [106.23](#), Fla. Stat.)

Chapter 3: Glossary of Terms

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

(Section [106.011\(1\)](#), Fla. Stat.)

Campaign Treasurer: An individual appointed by a candidate or political committee as provided in [Chapter 106](#), Florida Statutes.

(Section [106.011\(2\)](#), Fla. Stat.)

Candidate: (See [Chapter 4: Becoming a Candidate](#); Sections [97.021\(6\)](#) and [106.011\(3\)](#), Florida Statutes.)

Contribution: (See Section [106.011\(5\)](#), Florida Statutes; and [Chapter 9: 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\(7\)](#), Fla. Stat.)

Electioneering Communication: (See Sections [106.011\(8\)\(a\)](#) and [106.011\(8\)\(b\)](#), Florida Statutes, for what term does not include; and [Chapter 11: Electioneering Communications](#).)

Expenditure: (See Section [106.011\(10\)](#), Florida Statutes; and [Chapter 10: Expenditures](#).)

Filing Officer: The person before whom a candidate qualifies or the agency or officer with whom a political committee or an electioneering communications organization registers.

(Section [106.011\(11\)](#), Fla. Stat.)

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\(16\)](#), Fla. Stat.)

Independent Expenditure: (See Section [106.011\(12\)](#), Florida Statutes; and [Chapter 10: Expenditures](#).)

In-Kind Contribution: (See In-Kind Contributions under [Chapter 9: Contributions](#); and Division of Elections Advisory 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](#), Fla. Stat.)

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.

(Sections [97.021\(19\)](#) and [103.095](#), Fla. Stat.)

Nominal Value: Having a retail value of \$10 or less.

(Section [97.021\(21\)](#), Fla. Stat.)

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\(22\)](#), Fla. Stat.)

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

(Section [106.141](#), Fla. Stat.)

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 collective capacity. The term includes a political party, affiliated party committee, or political committee.

(Section [106.011\(14\)](#), Fla. Stat.)

Petty Cash: Cash accumulated pursuant to statutory limits and spent in amounts of less than \$100 to be used only for office supplies, transportation expenses, and other necessities by the candidate.

(Sections [106.07](#) and [106.12](#), Fla. Stat.)

Political Advertisement: (See Section [106.011\(15\)](#), Florida Statutes; and [Chapter 12: Political Advertising](#).)

Primary Election: An election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office.

(Section [97.021\(29\)](#), Fla. Stat.)

Public Office: A state, county, municipal, or school or other district office or position that is filled by vote of the electors.

(Section [106.011\(17\)](#), Fla. Stat.)

Special Election: Called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office.

(Section [97.021\(34\)](#), Fla. Stat.)

Special Primary Election: A special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election.

(Section [97.021\(35\)](#), Fla. Stat.)

Statewide Office: Governor, Cabinet, and Supreme Court Justice.

Unopposed Candidate: A candidate for nomination or election to an office who, after the last day on which a person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of a primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under Section [100.111\(3\)](#), Florida Statutes, if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge.

(Section [106.011\(18\)](#), Fla. Stat.)

Chapter 4: Becoming a Candidate

A candidate is a person who:

- Seeks to qualify for nomination or election by means of the petition process;
- Seeks to qualify for election as a write-in candidate;
- Receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about their nomination or election to, or retention in, public office;
- Appoints a treasurer and designates a primary depository; or
- Files qualification papers and subscribes to a candidate's oath as required by law.

This definition does **not** include an individual seeking a publicly elected position for a political party executive committee.

(Sections [97.021\(6\)](#) and [106.011\(3\)](#), Fla. Stat.)

When and 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 they are 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.** (See [Chapter 7: Campaign Treasurers](#).)

[Form DS-DE 9](#) must be filed with the filing officer:

- **Prior** to opening the campaign account.
- **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.
- **Prior** to obtaining signatures on a [DS-DE 104](#), Candidate Petition.

Note: The form is considered "filed" only when the filing officer receives the form (not upon mailing) **and** determines that the form is complete.

[Form DS-DE 84, Statement of Candidate](#), must be filed with the filing officer within **ten 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](#), Florida Statutes. The execution and filing of the statement of candidate does not in and of itself create a presumption that any violation of [Chapter 106](#), Florida Statutes, or [Chapter 104](#), Florida Statutes, 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 **ten 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](#), Fla. Stat.)

Filing Officer

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

- **Division:** State, multi-county district, and judicial offices (except county court judge)
- **Supervisor of Elections:** County court judge, countywide, and district offices (except multi-county offices)
- **Municipal Clerk:** Municipal offices

(Section [106.011\(11\)](#), Fla. Stat.)

Resign-to-Run

No officer may qualify as a candidate for another state, district, county, municipal public office or federal office if the terms or any part thereof run concurrently with each other, without resigning from the office they presently hold. 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\(3\)](#) and [\(4\)](#), Fla. Stat.)

A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to [Chapter 99](#), Florida Statutes, 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 re-election to that office.

(Section [99.012\(5\)](#), Fla. Stat.)

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.

(Sections [99.012\(6\)](#) and [\(7\)](#), Fla. Stat.)

Federal Hatch Act for Federal, State and Local Employees

Although a person may not have to resign, under Florida's Resign-to-Run Law, the person may be precluded by the federal Hatch Act (5 U.S.C. §§ 1501 – 1508) from holding their current job and becoming a candidate in a partisan election.

The Hatch Act restricts the political activity of individuals employed by the state, county, or municipality if the employee's salary is paid for completely by federal funds. Please note, however, that pursuant to 5 U.S.C. § 1502(c), governors, lieutenant governors, mayors, elected heads of executive departments, and individuals holding elective office are exempt from the prohibition against being a candidate for public office. The Hatch Act prohibits state, county and municipal employees seeking public office in a partisan election, not an elected officer seeking re-election or election to another office.

The Hatch Act also limits certain political activities of federal employees under certain circumstances.

The Division has no authority to advise individuals on the applicability of the Hatch Act. For information and questions about the Hatch Act, contact:

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
Tel: (800) 85-HATCH or (800) 854-2824 or (202) 804-7002
Website: osc.gov/Pages/HatchAct.aspx

Email requests for advisory opinions about the Hatch Act to: hatchact@osc.gov.

For information about the how the Hatch Act may apply to a person as a candidate, please refer to osc.gov/Pages/HatchAct-affectsme.aspx.

Changing Parties for Partisan Offices

Candidate with Party Affiliation

Any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing: 1. The party of which the person is a member. 2. That the person has been a registered member of the political party for which they are seeking nomination as a candidate for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify. (Note: This provision also applies to individuals seeking election to a political party executive committee office.)

(Section [99.021\(1\)\(b\) and \(2\)](#), Fla. Stat.)

Candidate with No Party Affiliation

Any person seeking to qualify for office as a candidate with no party affiliation shall, at the time of subscribing to the oath or affirmation, state in writing that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

(Section [99.021\(1\)\(c\)](#), Fla. Stat.)

Changing the Designation of Office

A candidate may change the designation of office by filing a new [Form DS-DE 9](#) and a signed, written statement indicating the change with the filing officer. However, the candidate must notify each contributor in writing and offer to return their contribution using the following procedure:

- Within 15 days after filing the change with the filing officer the candidate, must send a written notice to all contributors.
- The candidate must offer (in the notice) to return to the contributor on a pro rata basis all contributions given in support of the original office.
- The candidate must include (with the notice) a copy of [Form DS-DE 86, Request for Return of Contribution](#).
- If the contributor returns [Form DS-DE 86](#) within 30 days of receiving the notice, the candidate must return a pro rata share of all contributions given in support of the original office.

- If the contributor does not return [Form DS-DE 86](#) within 30 days of receiving the notice, the candidate may use the contribution for the newly designated office up to the maximum of the contribution limits allowed by law. The full amount of the contribution for the original office shall count toward the contribution limits for the new office. Any amount that exceeds the contribution limits for the new office must be properly disposed of pursuant to law.

(Section [106.021\(1\)\(a\)](#), Fla. Stat.)

Pro Rata Refund

The following formula is used to determine the pro rata share:

The amount of contributions contributed to the campaign that remain in the campaign account on the date the candidate filed the change of designation,

MINUS the amount already obligated for goods or services,

DIVIDED BY the total amount of contributions contributed to the campaign,

MULTIPLIED BY the amount of the contribution contributed by the individual contributor.

Pro Rata Refund Example

The candidate received a total of \$5,000 from all contributors. Of this amount, the candidate has \$2,500 remaining in the campaign account with an outstanding amount of \$500 owed for goods and services. This leaves \$2,000 in the account to be used for pro rata refunds. One contributor gave a \$500 original contribution and wishes to have it returned.

$$\$2,500 - \$500 = \$2,000 \div \$5,000 = 40\% \times \$500 = \$200 \text{ pro rata refund to the contributor}$$

(Section [106.021\(1\)](#), Fla. Stat.)

Chapter 5: Statement of Solicitation

Who Must File a Statement of Solicitation

The Governor, Lieutenant Governor, members of the Cabinet, state legislators, or candidates for such offices who directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of an organization that is exempt from taxation under s. 527 or s. 501(c)(4) of the Internal Revenue Code, which such individuals, in whole or in part, establish, maintain, or control, must file [Form DS-DE 102](#), **Statement of Solicitation**.

(Section [106.0701](#), Fla. Stat.)

When to File

Each office holder or candidate must file [Form DS-DE 102](#) within **five days** after they directly or indirectly solicit, cause to be solicited, or accept any contribution on behalf of a 527 or 501(c)(4) organization. An office holder or candidate is required to file this form only once for each organization.

The form must be filed with the Division and, at a minimum, must contain the following information:

- The name of the person acting on behalf of the organization.
- The name and type of the organization.
- A description of the relationship between the person and the organization.

Penalty for Late Filing

Failure to timely file [Form DS-DE 102](#) shall subject the person to a civil penalty of \$50 per day for each late day, payable from the personal funds of the violator.

Public Website and Mission Statement

Upon filing [Form DS-DE 102](#) with the Division, the officeholder or candidate must create a public website that contains the mission statement and the names of persons associated with the organization. The address of the website shall be reported to the Division within five business days after the website is created.

Additional Reporting

All contributions received shall be disclosed on the website within five business days after deposit, together with the name, address, and occupation of the donor. All expenditures by the organization shall be individually disclosed on the website within five business days after being made.

Note: An individual acting on behalf of their own campaign, a political party, or an affiliated party committee of which the individual is a member is not required to file [Form DS-DE 102](#).

(Section [106.0701](#), Fla. Stat.)

Chapter 6: Prohibited Acts

Speaking at Political Meetings

No person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of their candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege.

(Section [106.15\(1\)](#), Fla. Stat.)

Using State-Owned Aircraft or Motor Vehicle

No candidate, in the furtherance of their candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle, as provided in [Chapter 287](#), Florida Statutes, solely for the purpose of furthering their candidacy. However, in the event a candidate uses any state-owned aircraft or motor vehicle to conduct official state business and while on such trip performs any function in the furtherance of their candidacy for nomination or election to public office in any election, the candidate shall prorate the expenses incurred and reimburse the appropriate agency for any trip not exclusively for state business and shall pay either a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft or one-half of the total fixed and variable expenses related to the ownership, operation, and use of such aircraft, whichever is greater. The reimbursement shall be made from the campaign account of the candidate.

(Section [106.15\(2\)](#), Fla. Stat.)

Using Services of State, County, Municipal, or District Officers or Employees

A candidate may not, in the furtherance of their candidacy for nomination or election to public office in any election, use the services of any state, county, municipal, or district officer or employee of the state during working hours.

(Section [106.15\(3\)](#), Fla. Stat.)

Making Contributions in the Name of Another

A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

(Section [106.08\(5\)](#), Fla. Stat.)

Solicitation from Religious, Charitable and Civic Organizations

Candidates may **not**:

- Solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.
- Make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organization established primarily for the public good.

It is **not** a violation:

- To make gifts of money in lieu of flowers in memory of a deceased person.
- For a candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than six months.
- For a candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.

(Section [106.08\(5\)](#), Fla. Stat., and Division of Elections Advisory Opinion [04-03](#))

Accepting Contributions in a Government-Owned Building

No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. “Accept” means to receive a contribution by personal hand delivery from a contributor or the contributor’s agent. This prohibition does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

(Section [106.15\(4\)](#), Fla. Stat.)

Making Malicious Statements

A candidate may not, with actual malice, make any false statement about an opposing candidate.

(Section [104.271](#), Fla. Stat.)

Making False Representation of Military Service

A candidate may not falsely represent that they served or is currently serving in the military, whether active duty, Reserve or National Guard.

(Section [104.2715](#), Fla. Stat.)

Certifying a False Report

Any candidate, campaign manager, campaign treasurer, or deputy treasurer 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.

(Sections [106.07\(5\)](#) and [106.19](#), Fla. Stat.)

Limitations on Political Activity for Judicial Candidates

A candidate for judicial office shall **not**:

- Participate in any partisan political party activities, except that such candidate may register to vote as a member of any political party and may vote in any party primary for candidates for nomination of the party in which they are registered to vote.
- Campaign as a member of any political party.
- Publicly represent or advertise themselves as a member of any political party.
- Endorse any candidate.
- Make political speeches other than in the candidate's own behalf.
- Make contributions to political party funds.
- Solicit contributions for any political party.
- Accept contributions from any political party.
- Accept or retain a place on any political party committee.
- Make any contribution to any person, group, or organization for its endorsement to judicial office.
- Agree to pay all or any part of an advertisement sponsored by any person, group, or organization wherein the candidate may be endorsed for judicial office by any such person, group, or organization.

A candidate for judicial office or retention therein who violates the provisions of this section is liable for a civil fine of up to \$1,000 to be determined by the Florida Elections Commission.

(Section [105.071](#), Fla. Stat.)

Judicial Candidates and the Judicial Ethics Advisory Committee (JEAC)

The Florida Supreme Court recognizes the JEAC as the body that may render written advisory opinions concerning the conduct of judges and judicial candidates for opinions relating to elections and campaign-related topics, see:

www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/subjectopinions/Elections/elections.html.

Chapter 7: Campaign Treasurers

Appointing Campaign Treasurers and Deputy Treasurers

Each candidate 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* 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.

- A candidate must appoint a campaign treasurer.
- A candidate may appoint themselves 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 3 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](#) shall be filed with the filing officer:

- **Prior** to opening the campaign account.
- **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.
- **Prior** to obtaining signatures on a [DS-DE 104](#), Candidate Petition.

Note: The form is considered “filed” only when the filing officer receives the form (not upon mailing) **and** determines that the form is complete.

Duties and Responsibilities

No contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly 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\(4\)](#), Florida Statutes. 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\(4\)](#), Florida Statutes, 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](#), Florida Statutes; or
- Expenditures made directly by affiliated party committee or political party regulated by [Chapter 103](#), Florida Statutes, 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 [\[103\]](#).

The campaign treasurer *must*:

- 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.
- Deposit all funds received by the end of the **fifth 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.
- 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.

- **Preserve all accounts for a number of years equal to the term of office to which the candidate seeks election.**
- File regular reports of all contributions received and expenditures made by or on behalf of such candidate.

The campaign treasurer 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.

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

(Sections [106.021](#), [106.06](#), [106.07](#), [106.19](#), and [106.265](#), Fla. Stat.)

Resignation or Removal

When a campaign treasurer resigns or is removed by the candidate, a copy of the signed letter of resignation or removal must be filed with the filing officer.

A campaign or deputy campaign treasurer may resign or be removed by the candidate, respectively as follows:

- Written notice of *resignation* to the candidate by the campaign treasurer.
- Written notice of *removal* to the campaign treasurer by the candidate.

Note: The written notice is not effective until a *signed* copy is filed with the filing officer.

In the case of death, resignation, or removal of a campaign treasurer or deputy treasurer, the candidate shall appoint a successor by certifying the name and address to the filing officer on a new [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, completed in its entirety with *original* signatures.

(Section [106.021\(2\)](#), Fla. Stat.)

Chapter 8: 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.

Note: 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 10: 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 their 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](#), Florida Statutes, in an account that contains the name of the candidate.

Note: 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](#), Fla. Stat.;
Division of Elections Advisory 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 their 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 prior to the end of the first business day following the deposit.

(Sections [106.021\(1\)](#) and [106.05](#), Fla. Stat.)

Separate Interest-Bearing Accounts and Certificates of Deposit

In the event funds are available in the primary campaign depository that are not currently needed for the disbursement of expenditures, the campaign treasurer or deputy campaign treasurer may deposit such funds into a separate interest-bearing account designated as "(Name of Candidate) Separate Interest-Bearing Campaign Account" or may purchase a certificate of deposit with the available funds.

Any bank, savings and loan association, or credit union authorized to transact business in Florida may be used for this purpose. The separate interest-bearing account or certificate of deposit shall be separate from any personal or other separate interest-bearing account or certificate of deposit.

Any withdrawal from a separate interest-bearing account or certificate of deposit of the principal or earned interest or any part thereof shall be made only for the purpose of transferring funds to the primary campaign account.

(Section [106.021\(1\)](#), Fla. Stat.)

Changing Depository

If changing the primary depository, a candidate must submit a new, original [Form DS-DE 9](#) to the filing officer.

Campaign Checks

Note: When issuing checks from the campaign account, the campaign treasurer or deputy treasurer shall be responsible for the completeness and accuracy of the information on such check and for ensuring that such expenditure is an authorized expenditure.

Campaign checks must contain the following information:

- The name of the campaign account of the candidate.
- Account number and name of bank.
- The exact amount of the expenditure.
- The signature of the campaign treasurer or deputy treasurer.
- The exact purpose of the expenditure.
- The name of the payee.

This information may be typed or handwritten on starter checks provided by the bank until printed checks arrive.

(Section [106.11\(1\)](#), Fla. Stat.)

Example of Campaign Check:

John Doe Campaign Account State Senate District 3		Date	7/2/10	00001
PAY TO THE ORDER OF		XYZ Lumber Company	\$	200.00
Two Hundred and 00/100		DOLLARS		
BANK OF FLORIDA TALLAHASSEE, FL 32323				
FOR	Sign materials	Signature of Campaign Treasurer		
003382558:0326 0075894				

Credit Cards

Candidates for **statewide office (Governor, Cabinet, and Supreme Court Justice)** may obtain and use credit cards for travel-related campaign expenditures. (See [Chapter 10: Expenditures](#) for how credit cards may be used.) The credit card must:

- Be obtained from the bank which has been designated as the primary campaign depository.
- Be in the name of the candidate and reflect that the account is a campaign account.
- Expire no later than midnight of the last day of the month of the general election.

(Section [106.125](#), Fla. Stat.)

Debit Cards

A candidate may use a debit card to make campaign expenditures and is considered a bank check if:

- Obtained from the same bank that has been designated as the primary campaign depository.
- Issued in the name of the treasurer, deputy treasurer, or authorized user.
- Contains the name of the campaign account of the candidate.

No more than **three** debit cards shall be issued. (See [Chapter 10: Expenditures](#) for how debit cards may be used.)

*(Section [106.11\(2\)](#), Fla. Stat.;
Division of Elections Advisory Opinion [00-03](#))*

Chapter 9: 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.
- 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.

Note: 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\(5\)](#), Fla. Stat.)

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\(3\)](#), Fla. Stat.)

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, the candidate must donate the amount to an appropriate entity under Section [106.141](#), Florida Statutes.

(Division of Elections Advisory 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\(12\)](#), Florida Statutes; or
- Endorsements of three or more candidates by affiliated party committees or political parties.

*(Section [106.011](#), Fla. Stat.;
Division of Elections Advisory Opinion [04-06](#))*

Note: 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.

*(Sections [106.011](#) and [106.055](#), Fla. Stat.;
Division of Elections Advisory Opinion [09-08](#) (Aircraft Travel))*

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 their own campaign are not subject to contribution limitations. A candidate who makes a loan to their campaign and reports the loan as required by Section [106.07](#), Florida Statutes, may be repaid 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 their election to office, must be reported on **Forms [DS-DE 73](#) and [DS-DE 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\(1\)](#), Florida Statutes.

(Sections [106.011](#), [106.07](#), [106.075](#), and [106.08](#) Fla. Stat.)

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.

Note: 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](#), Fla. Stat.;
Division of Elections Advisory Opinion [90-15](#))*

Money Order, Debit and Credit Card Contributions

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

(Division of Elections Advisory Opinions [94-02](#) and [00-03](#))

Contribution Limits for Candidates

Except for political parties or affiliated party committees, no person or political committee may, in any election, make contributions in excess of the following amounts:

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 multi-county office; a candidate for countywide 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 of Terms](#) for the definition of “person.”)

(Section [106.08\(1\)\(a\)](#), Fla. Stat.)

Note: 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](#), Florida Statutes, or to amounts contributed by a candidate to their 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, whose 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 they withdraw their candidacy, is defeated, becomes unopposed, or is elected.

(Sections [106.08](#) and [106.19](#), Fla. Stat.)

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 www.fec.gov.

Deadlines for Accepting Contributions

Any contribution received by a candidate with opposition in an election or by the campaign treasurer or a deputy campaign treasurer of such a candidate on the day of that election or less than five days before the day of that election must be returned by them to the person or committee contributing it and may *not* be used or expended by or on behalf of the candidate. (See [Appendix C](#).)

(Section [106.08\(3\)\(a\)](#), Fla. Stat.)

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 participates in any of the following, is guilty of a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or Section [775.083](#), Florida Statutes.

- Accepts a contribution in excess of the limits prescribed by Section [106.08](#), Florida Statutes;
- Fails to report any contribution required to be reported by [Chapter 106](#), Florida Statutes;
- Falsely reports or deliberately fails to include any information required by [Chapter 106](#), Florida Statutes; or
- Makes or authorizes any expenditure in violation of Section [106.11\(4\)](#), Florida Statutes, or any other expenditure prohibited by [Chapter 106](#), Florida Statutes.

(Section [106.19](#), Fla. Stat.)

Chapter 10: 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.

(Section [106.011\(10\)](#), Fla. Stat.)

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.

Note: 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.

(Section [106.11\(4\)](#), Fla. Stat.)

Checks

Note: 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\(4\)](#), Florida Statutes. 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\(4\)](#), Florida Statutes, together with the purpose of such payment.

Living Expenses

A candidate or the spouse of a candidate may not use campaign funds to defray normal living expenses for the candidate or the candidate's immediate family, other than expenses actually incurred during the campaign for transportation, meals, and lodging.

(Sections [106.011\(10\)](#), [106.021\(3\)](#), [106.14](#), and [106.1405](#), Fla. Stat.)

Petty Cash Funds

A campaign treasurer may provide a petty cash fund for the candidate. To establish a petty cash fund, the campaign treasurer must write a check drawn on the primary campaign account. Petty cash may only be used for office supplies, transportation expenses, and other necessities.

A candidate **must**:

- Spend petty cash in amounts of less than \$100;
- Report the total amount withdrawn and the total amount spent for petty cash in each reporting period;
- Keep complete records of petty cash although each expenditure does not have to be reported individually;
- Not mix cash contributions with petty cash; and
- Not use petty cash for the purchase of time, space, or services from any communications media.

Limits on Petty Cash Fund Amounts

From the day a candidate appoints their campaign treasurer until the last day a candidate can qualify for office, the campaign treasurer may withdraw from the campaign account for the purpose of providing a petty cash fund for the candidate:

- \$500 per calendar quarter.

After qualifying is over and until the election in which the candidate is eliminated or elected to office or the time in which the candidate becomes unopposed, the treasurer may withdraw:

- \$500 per week for all statewide (Governor, Cabinet, and Supreme Court Justice) candidates.
- \$100 per week for all other candidates.

(Sections [106.07](#) and [106.12](#), Fla. Stat.;
Division of Elections Advisory Opinion [06-10](#))

Independent Expenditures

An independent expenditure means an expenditure made by a person for the purpose of **expressly advocating** the election or defeat of a candidate, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate or agent of such candidate. An expenditure for such purpose by a person having a contract with the candidate or agent of such candidate in a given election period is not an independent expenditure.

Expressly advocates means any communication which uses phrases including, but not limited to: “vote for”, “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “oppose,” and “reject.”

(See Division of Elections Advisory Opinion [16-12](#))

If the independent expenditure is, in the aggregate, in the amount of \$5000 or more, the person must file reports with the candidate’s filing officer in the same manner and time as a political committee.

Political advertisements paid for by an independent expenditure must contain the following statement: *“Paid political advertisement paid for by (name and address of person paying for the advertisement) independently of any (candidate or committee).”*

However, an expenditure for the purpose of **expressly advocating** the election or defeat of a candidate which is made by the 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, an affiliated party committee, or by any political committee, or any other person, **is not considered an independent expenditure if the committee or person:**

1. Communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including a pollster, media consultant,

advertising agency, vendor, advisor, or staff member concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue;

2. Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any general or particular understanding with the candidate, the candidate's campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue;
3. Makes a payment for the dissemination, distribution, or republication, in whole or in part, of a broadcast or a written, graphic, or other form of campaign material prepared by the candidate, the candidate's campaign, or an agent of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member;
4. Makes a payment based on information about the candidate's plans, projects, or needs communicated to a member of the committee or person by the candidate or any agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue;
5. After the last day of the qualifying period prescribed for the candidate, there is a consultation about the candidate's plans, projects, or needs in connection with the candidate's pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign with:
 - An officer, director, employee, or agent of a national, state, or county executive committee of a political party or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; or
 - A person whose professional services have been retained by a national, state, or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate;
6. After the last day of the qualifying period prescribed for the candidate, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or
7. Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

(Sections [106.011\(12\)](#) and [106.071](#), Fla. Stat.)

(See [Chapter 12: Political Advertising](#) for information about applicable political disclaimers and exceptions.)

(Section [106.071\(3\)](#), Fla. Stat.)

Credit Cards

Candidates for **statewide office (Governor, Cabinet, and Supreme Court Justice)** may use a credit card, obtained pursuant to the process outlined in [Chapter 8: Campaign Depositories](#), under the following conditions:

- The card may only be used in making travel-related campaign expenditures to include transportation, lodging, meals, and other travel expenses incurred.
- A copy of the agreement or contract between the candidate and bank, along with a list of all persons authorized to use the card, must be filed with the Division **prior** to being used.
- Each statement received from the issuer of the credit card must be paid upon receipt.

(Section [106.125](#), Fla. Stat.)

Debit Cards

Debit cards obtained pursuant to the process outlined in [Chapter 8: Campaign Depositories](#) may be used in lieu of campaign checks and **are considered bank checks** if the person using the card does not receive cash as part of, or independent of, any transaction for goods or services.

*All debit card receipts **must** contain:*

- Last four digits of the debit card number.
- Exact amount of expenditure.
- Name of payee.
- Signature of campaign treasurer, deputy treasurer, or authorized user.
- Exact purpose of expenditure.

Any of the above listed information, if not included on the receipt, may be handwritten on, or attached to, the receipt by the authorized user before submitting to the campaign treasurer. The debit card user shall be responsible for the completeness and accuracy of the information and for ensuring that such expenditure is authorized.

(Section [106.11](#), Fla. Stat.)

Expenditures for Electioneering Communications

An expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate and shall not constitute an independent expenditure, nor be subject to the limitations applicable to independent expenditures.

An expenditure for an electioneering communication is made when the earliest of the following occurs:

- A person executes a contract for applicable goods or services;
- A person makes payment, in whole or in part, for the production or public dissemination of applicable goods or services; or
- The electioneering communication is publicly disseminated.

(Sections [106.011\(10\)](#) and [\(8\)](#), Fla. Stat.)

Chapter 11: Electioneering Communications

Definition

Electioneering communication means a 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.

The **exceptions** are:

1. A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization, in existence before the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter distributed only to members of that organization;
2. A communication in a news story, commentary or editorial distributed through the facilities of any radio station, television station, cable television system, or satellite system unless the facilities are owned or controlled by a political party, political committee, or candidate. A news story distributed through the facilities owned or controlled by a political party, political committee, or candidate may nevertheless be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area;

3. A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such a debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that the staging organization:
 - a. Is either a charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or a newspaper, radio station, television station, or other recognized news medium; and
 - b. Does not structure the debate to promote or advance one candidate or issue position over another.

An expenditure made for, or in furtherance of, an electioneering communication is not considered a contribution to or on behalf of any candidate and shall not constitute an independent expenditure, nor be subject to the limitations applicable to independent expenditures.

(Section [106.011\(8\)](#), Fla. Stat.)

Electioneering Communication Disclaimers

Any electioneering communication, other than a telephone call, shall prominently state: *“Paid electioneering communication paid for by (Name and address of person paying for the communication).”*

(Section [106.1439](#), Fla. Stat.)

Electioneering Communication Telephone Call Disclaimer

Any electioneering communication telephone call shall identify the persons or organizations sponsoring the call by stating either: *“Paid for by (name of persons or organizations sponsoring the call)”* or *“Paid for on behalf of (name of persons or organizations authorizing call).”* This telephone disclaimer does not apply to any telephone call in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(Section [106.1439](#), Fla. Stat.)

Penalty for Electioneering Communication Disclaimer Violation

Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or [775.083](#), Florida Statutes.

(Section [106.1439](#), Fla. Stat.)

Chapter 12: Political Advertising

A political advertisement is a paid expression in a communications medium prescribed in Section [106.011\(4\)](#), Florida Statutes, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

(Section [106.011\(15\)](#), Fla. Stat.)

Candidate Disclaimers

Except as noted below, any political advertisement that is paid for by a **candidate (except a write-in candidate)** and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

“Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)” or “Paid by (name of candidate), (party affiliation), for (office sought).”

Any political advertisement that is paid for by a **write-in candidate** and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)” or “Paid by (name of candidate), write-in candidate, for (office sought).”

(Section [106.143\(1\)](#), Fla. Stat.)

Also, the disclaimer language alternatives provided above must be verbatim as quoted in Section [106.143](#), Florida Statutes. Variations are prohibited by law.

Any political advertisement of a candidate running for **partisan office** shall express the name of the political party of which the candidate is seeking nomination or is the nominee.

If the **candidate for partisan office is running as a candidate with no party affiliation**, any advertisement of the candidate must state that the candidate has no party affiliation.

Candidates running for **non-partisan** office may not state the candidate’s political party affiliation in the disclaimer, or in the body of the advertisement. *Exception:* The candidate is not prohibited from stating the candidate’s partisan-related experience.

(Sections [106.143\(3\)](#) and [\(5\)](#), Fla. Stat.)

Note: A candidate running for an office that has a district, group, or seat number does not have to indicate the district, group, or seat number in the political advertisement or disclaimer.

Exceptions to Disclaimer Requirements

The disclaimer requirements in Section [106.143](#), Florida Statutes, do not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

- Designed to be worn by a person.
- Placed as a paid link on an Internet website provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with the disclaimer requirements in Section [106.143\(1\)](#), Florida Statutes.
- Placed as a graphic or picture link where compliance with the requirements of Section [106.143](#), Florida Statutes, is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with Section [106.143\(1\)](#), Florida Statutes.
- Placed at no cost on an Internet website for which there is no cost to post content for public users.
- Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.
- Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.
- Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with Section [106.143\(1\)](#), Florida Statutes.
- Sent by a third-party user from or through a campaign or committee's website, provided the website complies with Section [106.143\(1\)](#), Florida Statutes.

- Contained in or distributed through any other technology-related item, service, or device for which compliance with Section [106.143\(1\)](#), Florida Statutes, is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with Section [106.143\(1\)](#), Florida Statutes, impracticable.

(Section [106.143\(10\)](#), Fla. Stat.)

Disclaimer requirements do not apply to individuals seeking a publicly elected position on a political party executive committee.

Examples of Advertisements with Disclaimers

Note: The word “*elect*” or “*re-elect*” is not required to be used in political advertisements. The word “*re-elect*” may not be used if the candidate is not the incumbent for the office sought.

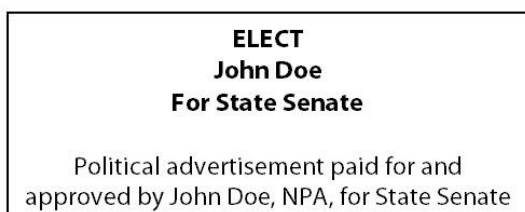
1. Non-incumbent, partisan candidate running for partisan office:

ELECT JANE DOE For State Representative District 9 Paid by Jane Doe, Rep., for State Representative	OR	ELECT JANE DOE For State Representative District 9 Political advertisement paid for and approved by Jane Doe, Republican, for State Representative
--	----	--

2. Incumbent, partisan candidate running for partisan office:

RE-ELECT JOHN DOE Sheriff Political advertisement paid for and approved by John Doe, Democrat, for Sheriff	OR	RE-ELECT John Doe Sheriff Paid by John Doe, Democrat, for Sheriff
--	----	--

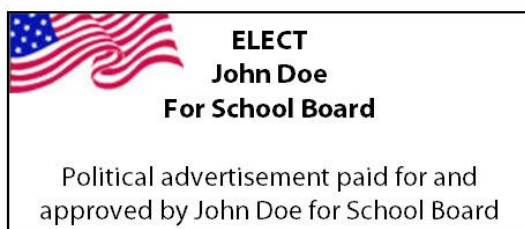
3. Non-incumbent, no party affiliation candidate running for partisan office:



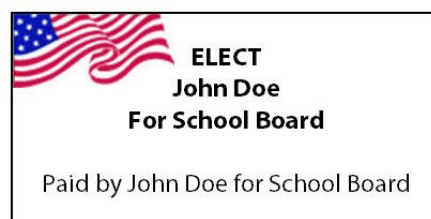
OR



4. Non-incumbent candidate running for nonpartisan office:



OR



5. Incumbent candidate running for nonpartisan office:



OR



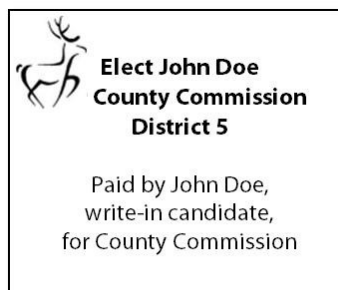
Disclaimer for Write-in Candidates

Any political advertisement that is paid for by a write-in candidate and that is published, or circulated before, or on the day of, any election **must prominently state:** *“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)”* **OR** *“Paid by (name of candidate), write-in candidate, for (office sought).”*

Example:



OR

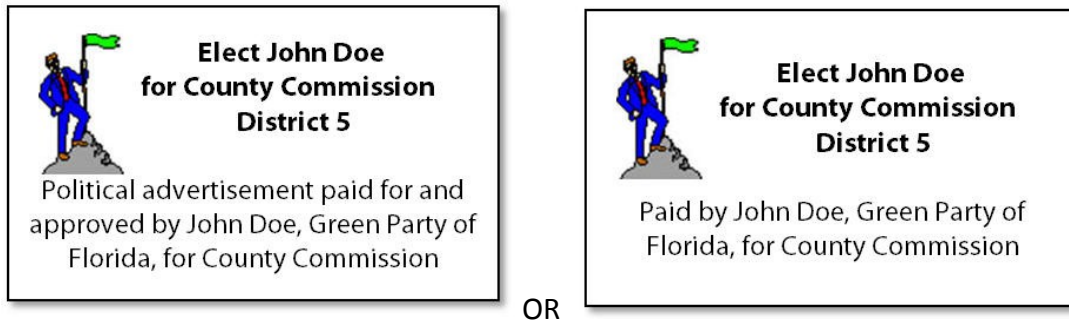


Non-incumbent Advertisements

Required:

The word **“for”** must be used in the body of such advertisement between the name of the candidate and the office sought. This does not apply to bumper stickers, or if the advertisement satisfies one of the exceptions in Section [106.143\(10\)](#), Florida Statutes.

Example:



Advertisement Provided In-kind

Required:

Political advertisements made as in-kind contributions from a political party **must prominently state**: *“Paid political advertisement paid for by in-kind by (name of political party). Approved by (name of person, party affiliation, and office sought in the political advertisement).”*

(Section [106.143\(2\)](#), Fla. Stat.)

Example:



Chapter 13: Other Disclaimers

Any political advertisement not paid for by a candidate that is published, displayed, or circulated prior to, or on the day of, any election **must prominently**:

- Be marked “*paid political advertisement*” or “*pd. pol. adv.*”
- State the name and address of the persons paying for the advertisement.
- State whether the advertisement and cost of production is paid for or provided in-kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement.

(Section [106.143\(1\)\(c\)](#), Fla. Stat.)

Endorsements in Political Advertisements

It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this paragraph does not apply to editorial endorsement by any newspaper, radio or television station, or other recognized news medium; and publication by a party committee advocating the candidacy of its nominees.

(Section [106.143\(4\)](#), Fla. Stat.)

Example:

Political advertisement for a candidate representing that an organization supports them, paid for in-kind by the organization, with specific approval from the organization in writing:

ELECT John Doe	ABC Foundation
For County Commission, District 1 Democrat <u>Supported by ABC Foundation</u>	Dear Sir or Madam:
Pd. Pol. Adv. sponsored and paid for in-kind by ABC Foundation, Zero Street, Jupiter, FL 32323 Approved by John Doe, Democrat, For County Commission	Please let this letter serve as our approval of the political advertisement supporting John Doe for County Commission, District 1.
	The content of this advertisement was reviewed and approved in advance.
	Sincerely, Mr. Smith

Independent Expenditure Disclaimers

Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement. This paragraph does not apply to campaign messages used by a candidate and their supporters if those messages are designed to be worn by a person.

(Sections [106.143\(5\)\(b\)](#) and [\(10\)](#), Fla. Stat.)

Example:

Independent expenditure political advertisement supporting a partisan candidate running for a partisan office:

ABC Foundation Supports

Jane Doe

For Public Defender, Fourth Circuit
Democrat

Paid Political Advertisement paid for by the ABC
Foundation, 444 Robin Lane, Jacksonville, FL 33433
independently of any candidate.
This advertisement was not approved by any
candidate.

ABC Foundation

Dear Sir or Madam:

The enclosed advertisement is
an independent expenditure by
the ABC Foundation in support
of Jane Doe for Public Defender,
Fourth Circuit.

This advertisement was not
approved by any candidate.

Sincerely,
Mr. Smith

Disclaimers for Other than Independent Expenditures

Any political advertisement, not paid for by a candidate, including those paid for by a political party or affiliated party committee, other than an independent expenditure, offered on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. This paragraph does not apply to messages used by a candidate and their supporters if those messages are designed to be worn by a person.

(Sections [106.143\(5\)\(a\)](#) and [\(10\)](#), Fla. Stat.)

Example:

Political advertisement, not an independent expenditure, offered on behalf of a nonpartisan candidate:

**ABC Foundation Supports the Re-Election of
Jane Doe Nassau for County Judge**

Pd. Pol. Adv. by ABC Foundation
111 Jewel Street, Tallahassee, FL 32333
Content approved in advance by Jane Doe,
For Nassau County Judge

Dear Sir or Madam:

Please let this letter serve as
my approval of the political
advertisement by the ABC
Foundation supporting my
candidacy for Nassau County
Judge.

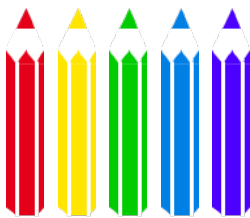
Sincerely,
Jane Doe

Disclaimers on Novelty Items

None of the requirements of Section [106.143](#), Florida Statutes, apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

(Section [106.143\(8\)](#), Fla. Stat.)

Examples:



Pens/Pencils



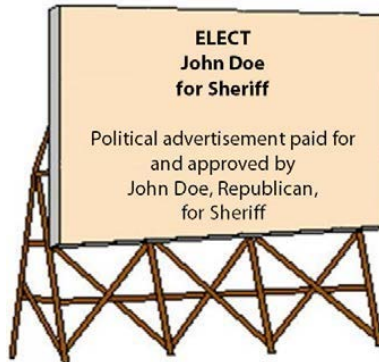
Golf Balls



Balloons

Other Political Disclaimer Examples

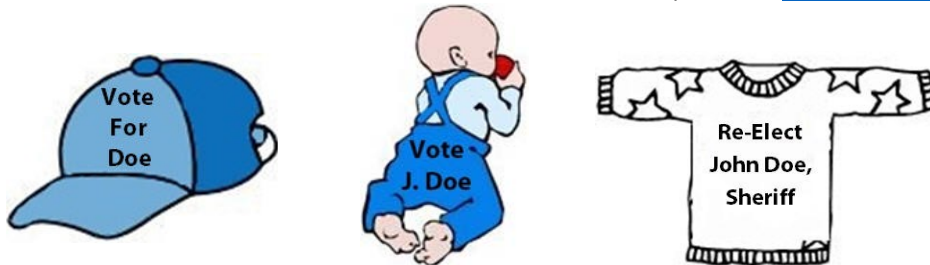
Billboards:



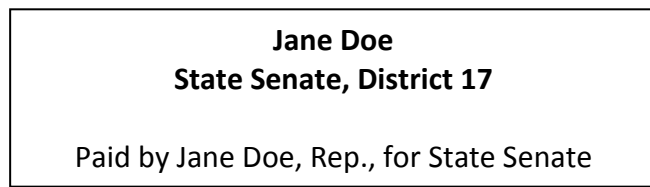
Clothing:

None of the requirements of Section [106.143](#), Florida Statutes, to include political disclaimers, apply to campaign messages or political advertisements used by a candidate and the candidate's supporters or by a political committee if the message advertised is designed to be worn by a person.

(Section [106.143\(10\)](#), Fla. Stat.)



Bumper stickers:



Note: On bumper stickers, there is no requirement to use the word “for” between the candidate’s name and the office being sought in the body of the bumper sticker.

(Section [106.143\(6\)](#), Fla. Stat.)

Miscellaneous Advertisements

Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section shall not apply to an editorial endorsement.

(Section [106.1437](#), Fla. Stat.)

Example of an advertisement to influence the vote of a public official:



An expenditure made for, or in furtherance of, a miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.

Electioneering Communications Disclaimers

Any electioneering communication, other than a telephone call, shall prominently state: *"Paid electioneering communication paid for by (Name and address of person paying for the communication)."* For disclaimers on telephone calls, see [Chapter 15: Telephone Solicitation](#). Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or [775.083](#), Florida Statutes.

(Section [106.1439](#), Fla. Stat.)

Language Other Than English

Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by Section [106.143](#), Florida Statutes, in the language used in the advertisement.

(Section [106.143\(9\)](#), Fla. Stat.)

Use of Closed Captioning and Descriptive Narrative in all Television Broadcasts

Each candidate, political party, and political committee must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, affiliated party committee, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the qualifying officer constitutes a violation of the [Florida Election Code](#) and is under the jurisdiction of the Florida Elections Commission.

(Section [106.165](#), Fla. Stat.)

Chapter 14: Fund Raisers

A campaign fund raiser is any affair held **to raise funds to be used in a campaign for public office**. Campaign fund raisers may not be held until the candidate has filed [Form DS-DE 9](#).

(Sections [106.011\(1\)](#) and [106.025](#), Fla. Stat.)

Contributions from Fund Raisers

All monies and contributions received with respect to a campaign fund raiser are campaign contributions. All contributions are subject to the contribution limits contained in Section [106.08](#), Florida Statutes, and are to be accounted for and reported as any other contribution.

(Section [106.025](#), Fla. Stat.)

Expenditures for Fund Raisers

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

(Section [106.025](#), Fla. Stat.)

Tickets

Any tickets or advertising for a campaign fund raiser must comply with the requirements of Section [106.143](#), Florida Statutes.

(Section [106.025](#), Fla. Stat.)

Chapter 15: Telephone Solicitation

Disclosure Requirements

- **Any telephone call, including an electioneering communication telephone call**, shall identify the persons or organizations sponsoring the call by stating either: *“Paid for by (name of persons or organizations sponsoring the call)”* or *“Paid for on behalf of (name of persons or organizations authorizing call).”* This telephone disclaimer does not apply to any telephone call in which the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.

(Sections [106.1439\(2\)](#) and [106.147\(1\)\(a\)](#), Fla. Stat.)

- **Any telephone call conducted for the purpose of polling respondents** concerning a candidate that is a part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than two minutes in duration is presumed to be a political poll and not subject to the provisions of the above paragraph.

(Section [106.147\(1\)\(b\)](#), Fla. Stat.)

Prohibitions

- No telephone call shall state or imply that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.

(Section [106.147\(1\)\(c\)](#), Fla. Stat.)

- No telephone call shall state or imply that the caller represents a nonexistent person or organization.

(Section [106.147\(1\)\(d\)](#), Fla. Stat.)

Written Authorization Requirements

Any telephone call, not conducted by independent expenditure, which expressly advocates for or against a candidate, requires prior written authorization by the candidate. A copy of such written authorization must be placed on file with the qualifying officer by the candidate prior to the time the calls commence.

(Section [106.147\(2\)](#), Fla. Stat.)

Penalties

Any person who willfully violates any provision of Section [106.147](#), Florida Statutes, commits a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or [775.083](#), Florida Statutes.

The term “person” includes any candidate; any officer of any political committee, affiliated party committee, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.

(Section [106.147\(3\)](#), Fla. Stat.)

Registered Agent

Disclosure requirements:

- Any person or organization that conducts any business in this state which consists of making paid telephone calls supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the Division a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this section does not apply to any person or organization already lawfully registered to conduct business in this state.
- Conducting business in this state as specified in the preceding paragraph includes both placing telephone calls from a location in this state and placing telephone calls from a location outside this state to individuals located in this state.
- **Form [DS-DE 100](#), Telephone Solicitation, Registered Agent Notice**, shall be filed with the Division and, at a minimum, must elicit all of the following information:
 1. The name, address, and telephone number of the registered agent.
 2. The name, address, and telephone number of the person or organization conducting business in this state as specified.

The Division must be notified *immediately* of any changes in the information required in item 1 listed above.

Violations: Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in Section [775.082](#) or [775.083](#), Florida Statutes.

(Section [106.1475](#), Fla. Stat.)

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 their 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](#), Fla. Stat.)

Where to File

A campaign treasurer is required to file campaign treasurer's reports with the filing officer before whom the candidate registers (i.e., candidate files [DS-DE 9](#)).

Candidates filing reports with the Division are required to file by means of the [Electronic Filing System](#) (see [Chapter 19: Electronic Filing of Campaign Reports](#)). 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 efs.dos.state.fl.us.

(Section [106.07\(2\)](#), Fla. Stat.)

When to File

Reports must be filed on the 10th day following the end of each calendar month from the time the candidate registers (i.e., files [DS-DE 9](#)), 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 [Campaign Finance Reporting Dates](#).

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 United States Postal Service no later than midnight of the day designated is deemed timely filed. A report received by the filing officer within five 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](#), Fla. Stat.;
[Chapter 19: Electronic Filing of Campaign Reports](#))

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.

(Sections [106.07\(2\)](#) and [\(8\)](#), Fla. Stat.)

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](#), Fla. Stat.)

Special Election Reports

When a special election is called to fill a vacancy in office, campaign treasurer reports shall be filed with the filing officer on the dates set by the Florida Department of State pursuant to Section [100.111](#), Florida Statutes. The reports are only to include contributions and expenditures related to the special election.

The candidate must notify the filing officer in writing on or before the prescribed reporting date if no funds were received or no expenditures made during the special election reporting period.

Incomplete Reports

Although the Division's [Electronic Filing System](#) will allow a candidate to file an incomplete report, an incomplete report is not in compliance with the Florida Statutes.

If a candidate or campaign treasurer files a report that is deemed incomplete, they will be notified by the filing officer by certified mail, or by another method using a common carrier that provides a proof of delivery as to why the report is incomplete. The candidate or 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. Failure to file a complete report after notice constitutes a violation of [Chapter 106](#), Florida Statutes.

(Section [106.07\(2\)](#), Fla. Stat.)

Reporting Total Sums

Each campaign treasurer's report required by [Chapter 106](#), Florida Statutes, 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 are designed to elicit separate totals for in-kind contributions, loans, and other receipts.

(Section [106.07](#), Fla. Stat.)

Reporting Contributions

Each report *must* contain:

1. Full name, address, specific occupation, amount, and date for 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 occupation or principal type of business is not required if the contribution is \$100 or less, or from a relative provided the relationship is reported.**
2. Name, address, amount, and date for each political committee making any transfer of funds.
3. Full name, address, specific occupation, principal place of business of the lender and endorser, amount, and date for each loan.
4. Statement of each contribution, rebate, refund, or other receipts not listed in items 1 through 3 above.

(Sections [106.07\(4\)](#) and [112.312\(21\)](#), Fla. Stat.)

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 they are elected, defeated, becomes unopposed, or withdraws their 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 2](#), Contributions Returned**.

If the contribution has been deposited into the campaign account:

1. Report the contribution; and
2. 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 signed, written explanation to the filing officer.

(Section [106.08](#), Fla. Stat.)

Reporting Expenditures

Each report *must* contain:

1. 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.
2. 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.
3. 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.
4. 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 Advisory Opinion* [05-07](#).)
5. Amount and nature of debts and obligations owed by or to the candidate, which relate to the conduct of any political campaign.
6. 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.
7. 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.
8. Total sum of expenditures during the reporting period.

(Section [106.07](#), Fla. Stat.)

Reporting Other Distributions

Every distribution should be reported during the coverage period when the distribution actually occurred, as is the case with the expenditures and contributions. The related distribution(s) and expenditure can and often do occur in different reporting periods.

Types of distributions:

- Prepaid
- Credit card purchases/payments
- Reimbursements
- In-kind

Reports *must* contain:

1. Full name and address of each person to whom payment for reimbursement was made by check drawn upon the campaign account together with the purpose of such payment.
2. 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.
3. Distribution of goods and services to a candidate, committee or party.

(Section [106.07](#), Fla. Stat.)

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 they do not anticipate receiving contributions or making expenditures in connection with their 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 their 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](#), Florida Statutes.

(Sections [105.08\(2\)](#) and [106.141](#), Fla. Stat.)

Chapter 17: Termination Reports

Once a candidate withdraws, becomes unopposed, is eliminated, or elected to office, the candidate must dispose of the funds on deposit in their campaign account and file a campaign treasurer's report (termination report) reflecting the disposition of funds. The person may **only** expend funds from the campaign account to:

- Purchase "thank you" advertising for up to 75 days after they withdraw, become unopposed, is eliminated, or elected to office.
- Pay for items which were obligated before they withdrew, became unopposed, were eliminated, or elected to office.
- Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
- Dispose of surplus funds as provided in Section [106.141](#), Florida Statutes.

(Section [106.11\(5\)](#), Fla. Stat.)

Because individuals who seek election to a political party executive committee are not "candidates," they do not file termination reports.

Prior to Disposing of Surplus Funds

A candidate may be reimbursed by the campaign for any previously reported contributions by the candidate to the campaign, in full or in part.

A candidate who filed an oath stating that they were unable to pay the fee for verification of petition signatures without imposing an undue burden on their personal resources or on resources otherwise available to them, must reimburse the state or local government entity, whichever is applicable, for such waived fee prior to disposing of any funds under the surplus provisions contained in Section [106.141\(4\)](#), Florida Statutes.

(Section [106.141](#), Fla. Stat.)

Disposing of Surplus Funds

A candidate required to dispose of surplus funds must, at the option of the candidate, dispose of such funds within 90 days by any of the following means, or a combination thereof:

1. Return pro rata to each contributor the funds that have not been spent or obligated.
2. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of Section 501(c)(3) of the Internal Revenue Code.
3. Give not more than \$25,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member.
4. Give the funds that have not been spent or obligated:
 - a. In the case of a candidate for state office, to the state to be deposited in the General Revenue Fund; or
 - b. In the case of a candidate for office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.
5. Transfer funds to an office account. (See [Chapter 20: Office Accounts](#).)
6. In the case of a candidate elected to state office, retain up to \$20,000 in the campaign account for re-election to the same office. (See [Chapter 21: Carryover Campaign Funds](#).)

Content of Report

The termination report *must* include:

1. The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
2. The name and address of each person to whom an expenditure was made together with the amount and purpose; and
3. The amount of such funds transferred to an office account together with the name and address of the bank in which the office account is located.

If a refund check is received after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of pursuant to Section [106.141](#), Florida Statutes. An amended termination report must be filed with the filing officer.

All reports must be signed by the candidate and the campaign treasurer and certified as true and correct.

(Section [106.141](#), Fla. Stat.)

Money from Separate Interest-Bearing Account or Certificate of Deposit

A campaign treasurer of any candidate who withdraws, becomes unopposed, or is eliminated, or elected to office, and who has funds on deposit in any interest-bearing account or certificate of deposit must, within seven days, transfer such funds and accumulated interest earned thereon to the primary campaign account for disposal. However, when funds are in an account in which penalties will apply for withdrawal within the seven-day period, the campaign treasurer must transfer such funds and accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws their candidacy, or is elected, or eliminated, whichever comes first.

(Section [106.141](#), Fla. Stat.)

Campaign Loans Report

A person elected to office must report all loans, exceeding \$500 in value, made to them and used for campaign purposes, and made in the twelve months preceding their election to office, to the filing officer. The report must be made on **Forms [DS-DE 73](#) and [DS-DE 73A](#), Campaign Loans Report**, within ten days after being elected to office.

Any person who makes a contribution to an individual to pay all or part of a loan incurred in the twelve months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in Section [106.08\(1\)](#), Florida Statutes.

(Section [106.075](#), Fla. Stat.)

Chapter 18: Reporting for Individuals Seeking a Publicly Elected Position on a Party Executive Committee

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure shall file a report of all contributions received and all expenditures made.

(Section [106.0702\(1\)](#), Fla. Stat.)

Where to File

The report shall be filed with the [Supervisor of Elections](#) of the appropriate county.

When to File

The report shall be filed on the fourth day immediately preceding the primary election.

Reports shall be filed no later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service by the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within five days after the designated due date shall be deemed timely filed unless it has a postmark that indicates that 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.

The report filed must contain information of all contributions received and expenditures made as of the day preceding the designated due date. All such reports must be open to public inspection.

(Section [106.0702\(2\)](#), Fla. Stat.)

A reporting individual may submit the report required under this section through an electronic filing system, if used by the supervisor for other candidates, in order to satisfy the filing requirement. Such reports shall be completed and filed through the electronic filing system not later than midnight on the fourth day immediately preceding the primary election.

(Section [106.0702\(1\)](#), Fla. Stat.)

Termination Reports Not Required

Because individuals seeking a publicly elected position on a political party executive committee are not “candidates,” such individuals are not required to file termination reports.

Penalty for Late Filing

Any reporting individual who fails 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.

(Section [106.0702\(7\)](#), Fla. Stat.)

Incomplete Reports

Although the Division’s [Electronic Filing System](#) will allow a candidate to file an incomplete report, an incomplete report is not in compliance with the Florida Statutes.

If a candidate or campaign treasurer files a report that is deemed incomplete, they will be notified by the filing officer by certified mail, or by another method using a common carrier that provides a proof of delivery as to why the report is incomplete. The candidate or 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. Failure to file a complete report after notice constitutes a violation of [Chapter 106](#), Florida Statutes.

(Section [106.07\(2\)](#), Fla. Stat.)

Reporting Requirements

Each report *must* contain:

- Full name, address, specific occupation, amount, and date for 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 occupation or principal type of business is not required if the contribution is \$100 or less, or from a relative provided the relationship is reported.**
- Full name, address, specific occupation, principal place of business of the lender and endorser, amount, and date for each loan.

- Statement of each contribution, rebate, refund, or other receipts not listed in above.
- 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 the reporting individual on whose behalf such expenditure was made.
- Transaction information for each credit card purchase.
- Amount and nature of debts and obligations owed by or to the reporting individual 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.

(Sections [106.0702\(4\)](#) and [112.312\(21\)](#), Fla. Stat.)

Chapter 19: Electronic Filing of Campaign Reports

The [Electronic Filing System \(EFS\)](#) is an Internet system for recording and reporting campaign finance activity by reporting period. Each candidate required to file reports with the Division pursuant to Section [106.07](#), Florida Statutes, must do so using the Division's [EFS](#).

Reports filed:

- Must be completed and filed through the [EFS](#) not later than 12:00 midnight, Eastern Time, of the due date. Reports not filed by this time are late filed and are subject to the penalties under Section [106.07\(8\)](#) or [106.29\(3\)](#), Florida Statutes, as applicable.
- Are considered to be under oath by the candidate and treasurer, and such persons are subject to provisions of Section [106.07\(5\)](#) or [106.29\(2\)](#), Florida Statutes, as applicable.

(Sections [106.0705](#) and [106.0706](#), Fla. Stat.)

Accessing the EFS

The EFS can be accessed at efs.dos.state.fl.us. The Division provides each candidate an identification number and initial password to gain entry. After logging in using the initial password, the system will prompt the user to change it to a confidential one.

A person given a secure sign-on to the [EFS](#) is responsible for protecting the credentials from disclosure and for all filings using such credentials, unless they have notified the Division that their credentials have been compromised. Contact the Division immediately if your password has been compromised.

Creating Reports

Campaign reports must be entered, saved, reviewed, and filed via the [EFS](#) either by directly entering data into the web application or by uploading data using an approved vendor's software. The Division maintains a list of [software vendors](#) whose programs meet the file specifications for filing campaign reports.

For instructions on uploading reports, see the [Candidates User Guide - PDF \(DS-DE 110A\)](#) located on the Division's website.

Submitting Reports

Reports will be held in pending status until the report is ready to be filed. Each person eligible to file a report will receive a **PIN** (personal identification number) that allows the person to file reports via the [EFS](#). **A person's PIN is considered the same as that person's signature on a filed report.**

Electronic Receipts

The person filing a report via the [EFS](#) may print an electronic receipt verifying the report was filed with the Division. Each report filed via the [EFS](#) is considered to be under oath and such persons filing the report are subject to the provisions of [Chapter 106](#), Florida Statutes.

Help Line and User Guide

EFS HELP LINE

(850) 245-6280

EFS HELP GUIDE

Candidates User Guide – PDF (DSDE 110A)
(Listed under Electronic Filing System Resources.)

dos.myflorida.com/elections/candidates-committees/campaign-finance/filing-campaign-reports

Note: For further information on the [EFS](#), see [Rule 1S-2.017](#), Florida Administrative Code, *Reporting Requirements for Campaign Treasurer's Reports*.

Chapter 20: Office Accounts

A candidate elected to office or a candidate who will be elected to office by virtue of them being unopposed may, in addition to disposing of all the funds in the campaign account in accordance with Section [106.141\(4\)](#), Florida Statutes, transfer funds from the campaign account to an office account.

Transfer Limits

- \$50,000 for a candidate for statewide office.
- \$10,000 for a candidate for multi-county office.
- \$10,000 multiplied by the number of years in the term of office for which elected, for a candidate for legislative office.
- \$5,000 multiplied by the number of years in office for which elected, for a candidate for county office or for a candidate for any election on less than a countywide basis.
- \$6,000 for a candidate for retention as a justice of the Supreme Court.
- \$3,000 for a candidate for retention as a judge of a district court of appeal.
- \$3,000 for a candidate for county court judge or circuit judge.

(Section [106.141\(5\)](#), Fla. Stat.)

Using the Office Account

The office account must be separate and apart from any other account, including any other type of “office account” such as a legislative account. Any funds so retained by a candidate must be used only for legitimate expenses in connection with the candidate’s public office, which may include:

1. Travel expenses incurred by the officer or staff member;
2. Personal taxes payable on office account funds by the candidate or elected public official;
3. Professional services provided by a certified public accountant or attorney for preparation of the election public official’s financial disclosure filing pursuant to Section [112.3144](#) or [112.3145](#), Florida Statutes;

4. Costs to prepare, print, produce, and mail holiday cards or newsletters about the elected public official's public business to constituents if such correspondence does not constitute a political advertisement, independent expenditure, or electioneering communication as provided in Section [106.011](#), Florida Statutes;
5. Fees or dues to religious, civic, or charitable organizations of which the elected public official is a member;
6. Items of modest value such as flowers, greeting cards, or personal notes given as a substitute for, or in association with, an elected public official's personal attendance at a constituent's special event or family occasion, such as the birth of a child, graduation, wedding, or funeral;
7. Personal expenses incurred by the elected public official in connection with attending a constituent meeting or event where public policy is discussed, if such meetings or events are limited to no more than once a week; or
8. Expenses incurred in the operation of the elected public official's office, including the employment of additional staff.

As the duties and responsibilities of each office are different, what are considered "legitimate expenses in connection with the candidate's public office" will vary. For additional information, please contact the legal or accounting department for your office.

If a candidate is re-elected to office or elected to another office and has funds remaining in the office account, the candidate may transfer surplus campaign funds to the office account. However, at no time may the total funds in the office account exceed the limitation imposed by Section [106.141\(5\)](#), Florida Statutes.

(Section [106.141\(5\)](#), Fla. Stat.)

Reporting Office Account Funds

A candidate is required to file a report on the tenth day following the end of each calendar quarter following the 90-day termination report until the office account is closed.

The officers required to file office account reports with the Division must file reports electronically using the [office account electronic filing system](#).

Unless the county or city has a different process, those candidates required to file with county or city filing officers must file reports using the following forms:

- [Form DS-DE 48](#), Office Account Report.
- [Form DS-DE 48A](#), Office Account Disbursement or Deposit Information.

Upon leaving office, any person who has funds in an office account shall give such funds to:

- A charitable organization or organizations that meet the requirements of Section 501(c)(3) of the Internal Revenue Code;
- In the case of a state officer, to the state to be deposited in the General Revenue Fund;
or
- In the case of an officer of a political subdivision, to the political subdivision to be deposited in the general fund thereof.

Such reports shall be signed by the candidate, certified as true and correct, and filed with the officer before whom campaign reports were filed.

*(Sections [106.141\(5\)](#) and [\(9\)](#), Fla. Stat.;
Division of Elections Advisory Opinion [06-04](#))*

Chapter 21: Carryover Campaign Funds

A candidate elected to **state office** or a candidate who will be elected to state office by virtue of them being unopposed after candidate qualifying ends, may retain up to \$20,000 in their campaign account, or in an interest-bearing account or certificate of deposit, for use in their next campaign for the same office, in addition to the disposition methods provided in subsections [106.141 \(4\) and \(5\)](#), Florida Statutes. All requirements applicable to candidate campaign accounts under [Chapter 106](#), Florida Statutes, including disclosure requirements applicable to candidate campaign accounts, limitations on expenditures, and limitations on contributions, apply to any retained funds.

The term “**state office**” means Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, State Senator, State Representative, Justice of the Supreme Court, District Court of Appeal Judge, Circuit Court Judge, State Attorney, and Public Defender.

The term “**same office**” with respect to *legislative office* means an office in the same legislative body, irrespective of district number or designation or geographic boundary.

If a candidate who has retained funds under this subsection does not qualify as a candidate for re-election to the same office, all retained funds shall be disposed of as otherwise required by Section [106.141](#) or [106.11\(5\)](#), Florida Statutes, within 90 days after the last day of candidate qualifying for that office. Requirements in this section applicable to the disposal of surplus funds, including reporting requirements, are applicable to the disposal of retained funds.

(Section [106.141\(6\)](#), Fla. Stat.)

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](#), Fla. Stat.)
- 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](#), Fla. Stat.)
- 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](#), Fla. Stat.)
- 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](#), Fla. Stat.)
- 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](#), Fla. Stat.)
- 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](#), Fla. Stat.)

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](#), Fla. Stat.)
- **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](#), Fla. Stat.)

- 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](#), Fla. Stat.)

- 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](#), Fla. Stat.)

- 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](#), Fla. Stat.)

- The campaign treasurer shall retain the records pursuant to Section [106.06](#), Florida Statutes.

(Section [106.07](#), Fla. Stat.)

Preservation of Accounts

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

(Section [106.06](#), Fla. Stat.)

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\(2\)](#), Fla. Stat.)

- 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\(6\)](#), Fla. Stat.)

- 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](#), Florida Statutes, and with respect to alleged failures to file any report or statement required under the provisions of [Chapter 106](#), Florida Statutes.

(Section [106.22\(6\)](#), Fla. Stat.)

- It is the duty of the Division to conduct random audits with respect to reports and statements filed under [Chapter 106](#), Florida Statutes, and with respect to alleged failure to file any reports and statements required under [Chapter 106](#), Florida Statutes.

(Section [106.22\(10\)](#), Fla. Stat.)

Chapter 23: Recordkeeping Tips

The Division offers the following best practices to help campaign treasurers in setting up a system to record and maintain campaign information.

- Keep a schedule of due dates for campaign treasurer's reports. The Division's website provides each candidate with a calendar of [election](#) and [reporting dates](#).
- Know what period of time each report covers and only report activity occurring during that reporting period.
- If filing with the Division, keep a copy of the electronic receipt for each report filed for your own records. If filing with the local officers, keep the certificate of mailing.
- Record all contributions when received. Make sure to include the name, address, specific occupation, or principal type of business if over \$100, amount, and date of each contribution. Keep contributions itemized by monetary, in-kind, and loans.
- Record all expenditures when they occur. List the name and address of each person to whom the expenditure was made along with the amount, date, and specific purpose.
- Keep a petty cash ledger of all expenditures. These individual listings do not have to be listed on campaign treasurer's reports. However, you must list the total amount withdrawn and total amount spent per reporting period.
- Monitor the cash flow to know how much money is available at all times in the account to avoid any possibility of authorizing an expenditure when money is not available to pay for such expenditure.
- Maintain a listing of all funds currently in the separate interest-bearing account, certificate of deposit or money market account.
- Make sure an authorization for advertising has been obtained from the candidate.

Chapter 24: Florida Elections Commission

The [Florida Elections Commission \(FEC\)](#) is a separate and independent entity from the Division. The FEC consists of nine members appointed by the Governor from lists of names submitted by legislative leaders.

Automatic Fine Appeal Process

Any candidate may appeal or dispute a fine for a late filed campaign treasurer's report. The appeal must be based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date. The candidate may request and is entitled to a hearing before the FEC, which has the authority to waive the fine in whole or in part.

The appeal must be made within 20 days of the receipt of the notice of payment due. The candidate must, within the 20-day period, notify the filing officer in writing of their intention to bring the matter before the FEC.

(Section [106.07\(8\)\(c\)](#), Fla. Stat.)

Complaint Process

Any person who has information of a violation of Chapter [104](#) or [106](#), Florida Statutes, shall file a sworn complaint with the FEC by completing a complaint form and addressing it to:

**The Florida Elections Commission
107 West Gaines Street
Suite 224, Collins Building
Tallahassee, FL 32399-1050**

A complaint form ([FEC Form 1](#)) may be obtained from the FEC or downloaded from the FEC's website at www.fec.state.fl.us. For additional information, contact the FEC at **850.922.4539**.

(Sections [106.25](#) and [106.28](#), Fla. Stat.)

Appendices

Appendix A: Legal References and Rules Cited

Constitution

[Constitution of the State of Florida](#)

Florida Election Code

- [Chapter 99](#) Candidates
- [Chapter 103](#) Presidential Electors; Political Parties; Executive Committees and Members
- [Chapter 104](#) Violation; Penalties
- [Chapter 105](#) Nonpartisan Elections
- [Chapter 106](#) Campaign Financing
- [Chapter 287](#) Procurement of Personal Property and Services

Florida Statutes

- [97.012](#) Secretary of State as chief election officer.
- [97.021](#) Definitions.
- [98.015](#) Supervisor of elections; election, tenure of office, compensation, custody of registration-related documents, office hours, successor, seal; appointment of deputy supervisors; duties.
- [99.012](#) Restrictions on individuals qualifying for public office.
- [99.021](#) Form of candidate oath.
- [99.0955](#) Candidates with no party affiliation; name on general election ballot.
- [100.111](#) Filling vacancy.
- [103.091](#) Political parties.
- [103.095](#) Minor political parties.
- [104.271](#) False or malicious charges against, or false statements about, opposing candidates; penalty.
- [104.2715](#) False representations of military service; penalty.
- [105.011](#) Definitions.
- [105.031](#) Qualification; filing fee; candidate's oath; items required to be filed.
- [105.071](#) Candidates for judicial office; limitations on political activity.
- [105.08](#) Campaign contribution and expense; reporting.
- [106.011](#) Definitions.
- [106.021](#) Campaign treasurers; deputies; primary and secondary depositories.
- [106.023](#) Statement of candidate.
- [106.025](#) Campaign fund raisers.
- [106.05](#) Deposit of contributions; statement of campaign treasurer.
- [106.055](#) Valuation of in-kind contributions.
- [106.06](#) Treasurer to keep records; inspections.
- [106.07](#) Reports; certification and filing.
- [106.0701](#) Solicitation of contributions on behalf of s. 527 or s. 501(c)(4) organizations; reporting requirements; civil penalty; exemption.
- [106.0702](#) Reporting; political party executive committee candidates.
- [106.0705](#) Electronic filing of campaign treasurer's reports.
- [106.0706](#) Electronic filing of campaign finance reports; public records exemption.
- [106.071](#) Independent expenditures; electioneering communications; reports; disclaimers.
- [106.075](#) Elected officials; report of loans made in year preceding election; limitation on contributions to pay loans.
- [106.08](#) Contributions; limitations on.

- [106.09](#) Cash contributions and contribution by cashier's checks.
- [106.11](#) Expenses of and expenditures by candidates and political committees.
- [106.12](#) Petty cash funds allowed.
- [106.125](#) Credit cards; conditions on use.
- [106.14](#) Utilities; deposits; prior authorization.
- [106.1405](#) Use of campaign funds.
- [106.141](#) Disposition of surplus funds by candidates.
- [106.143](#) Political advertisements circulated prior to election; requirements.
- [106.1437](#) Miscellaneous advertisements.
- [106.1439](#) Electioneering communications; disclaimers.
- [106.147](#) Telephone solicitation; disclosure requirements; prohibitions; exemptions; penalties.
- [106.1475](#) Telephone solicitation; registered agent requirements; penalty.
- [106.15](#) Certain acts prohibited.
- [106.165](#) Use of closed captioning and descriptive narrative in all television broadcasts.
- [106.19](#) Violations by candidates, persons connected with campaigns, and political committees.
- [106.22](#) Duties of the Division of Elections.
- [106.23](#) Powers of the Division of Elections.
- [106.25](#) Reports of alleged violations to Florida Elections Commission; disposition of findings.
- [106.265](#) Civil penalties.
- [106.28](#) Limitation of actions.
- [106.29](#) Reports by political parties and affiliated party committees; restrictions on contributions and expenditures; penalties.
- [112.312](#) Definitions.
- [112.3144](#) Full and public disclosure of financial interests.
- [112.3145](#) Disclosure of financial interests and clients represented before agencies.
- [775.082](#) Penalties; applicability of sentencing structures; mandatory minimum sentences for certain reoffenders previously released from prison.
- [775.083](#) Fines.
- [849.09](#) Lottery prohibited; exceptions.

Florida Administrative Code

Rule [15-2.017](#) Reporting Requirements for Campaign Treasurer's Reports

Forms

- [DS-DE 2](#) Contributions Returned
- [DS-DE 9](#) Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates
- [DS-DE 48](#) Office Account Forms
- [DS-DE 48A](#) Office Account Disbursement of Deposit Information
- [DS-DE 73](#) Campaign Loans Report
- [DS-DE 73A](#) Campaign Loans Report Itemized
- [DS-DE 83](#) Statement of Candidate for Judicial Office
- [DS-DE 84](#) Statement of Candidate
- [DS-DE 86](#) Request for Return of Contribution
- [DS-DE 96](#) Affidavit of Intention (Supreme Court & DCA only)
- [DS-DE 97](#) Affidavit of Compliance (Supreme Court & DCA only)
- [DS-DE 100](#) Telephone Solicitation Registered Agent Form
- [DS-DE 102](#) Statement of Solicitation
- [DS-DE 104](#) Candidate Petition Form

Division of Elections Advisory Opinions

- [DE 78-34](#) Judicial Candidates; Attendance at Political Party Functions
- [DE 89-02](#) Anonymous Contributions
- [DE 90-15](#) Cash Contributions and Contributions by Cashier's Checks
- [DE 94-02](#) Use of Money Orders as Campaign Contribution
- [DE 00-03](#) Use of Debit and Credit Cards for Campaign Contributions and Expenditures
- [DE 04-03](#) Candidates; Membership in Political or Civic Groups
- [DE 04-06](#) Section 99.012, Florida Statutes, "Resign to Run;" and section 106.011(3), Florida Statutes, In-kind Contributions
- [DE 05-07](#) Political Party State Executive Committee Reporting Requirements
- [DE 06-04](#) Disposition of Surplus Funds by a Non-Partisan Municipal Candidate; § 106.141(4)(a)3, Florida Statutes.
- [DE 06-10](#) Petty Cash: Definition of the Term "Other Necessities"; and Reimbursement for Campaign Expenses; §§ 106.12(3) and 106.021(3), Florida Statutes
- [DE 09-03](#) Campaign Financing - Soliciting and Receiving Contributions via Pay Pal §§ 106.05 and 106.08(5), Florida Statutes
- [DE 09-08](#) Campaign Financing - In-Kind Contributions and Valuation of Private Aircraft Travel §§ 106.055 and 106.08(2), Florida Statutes
- [DE 16-12](#) Advertising - Political Disclaimers; Meaning of "Expressly Advocates"; Electioneering Communications; §§ 106.011, 106.143, 106.1439, Florida Statutes

Campaign Finance Reporting Guides and System

- [Electronic Filing System](#)
- [EFS User Guide](#) (see specifically *Candidates User Guide - PDF (DS-DE 110A)*)
- [Calendar of Reporting Dates](#) (see *Candidates, Political Committees, Electioneering Communications Organizations - PDF* under Campaign Finance Reporting Dates)
- [Office Accounts](#)

Code of Judicial Conduct

www.floridasupremecourt.org/Opinions/Judicial-Ethics-Advisory-Committee/Code-of-Judicial-Conduct2

Appendix B: Frequently Asked Questions

Candidates

Q1. If I want to be a no party affiliation candidate, can I still be registered to vote as a Republican or Democrat?

No. Any person seeking to qualify for office as a candidate with no party affiliation shall, at the time of subscribing to the oath or affirmation, state in writing that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

(Section [99.021\(1\)\(c\)](#), Fla. Stat.)

Q2. Do I have to designate a campaign treasurer and depository before I make public my intention to run for office?

No. A person must appoint a campaign treasurer and designate a depository prior to qualifying for office, obtaining signatures on petitions, accepting contributions or making expenditures. Nothing in the election laws prohibits a person from announcing their intention to become a candidate prior to designating a treasurer or depository as long as no contributions are received and no expenditures are made in connection with that announcement.

(Section [106.021](#), Fla. Stat.)

Q3. How do I change my campaign treasurer or other officers?

File a reappointment of campaign treasurer ([Form DS-DE 9](#)) with the filing officer along with a copy of the signed letter of resignation or removal.

Q4. How are judges elected in Florida and what are their terms?

Merit Retention

Not all judges in Florida are elected to office. Supreme Court Justices and Judges of the District Court of Appeal are always appointed by the Governor from a list of three to six candidates presented by the Judicial Nominating Commission for that court. The appointed term lasts through the next general election occurring at least one year after the date of appointment and, thereafter, must face a "yes" or "no" vote every six years as to whether they will remain in office. If a judge is not retained, the appointment process starts again. More information can be found from the Florida State Courts website (www.flcourts.org).

Elected Judges

Elected circuit judges and county court judges have six-year terms that begin on the first

Tuesday after the first Monday in January following the general election. They are on the primary and general election ballots the year before the term ends in January. If a judicial candidate receives a majority of the votes at the primary election, the candidate's name will not appear on the general election ballot unless a write-in candidate has qualified for the same office. If no candidate receives a majority of the votes at the primary election, the names of the two candidates receiving the highest number of votes will appear on the general election ballot. The candidate receiving the highest number of votes at the general election is elected to office.

Q5. Can a judicial candidate speak at a political party function?

A judicial candidate may attend and speak in their own behalf at political party functions. However, care must be exercised to ensure compliance with the election laws and the Code of Judicial Conduct. (See [Chapter 105, Florida Statutes](#), and [Division of Elections Advisory Opinion 78-34](#).) See also opinions of the [Judicial Ethics Advisory Committee](#).

Q6. I am a county court judge candidate. Where do I file and qualify?

You must file your qualifying papers with the [Supervisor of Elections](#) office in the county where you reside.

(Section [105.031](#), Fla. Stat.)

Q7. When can I start collecting signatures to qualify as a petition candidate?

Before collecting any signatures, all candidates (except federal and special district candidates) must file the Appointment of Campaign Treasurer and Designation of Campaign Depository ([Form DS-DE 9](#)) with the filing officer. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the [Supervisor of Elections](#) of the county in which such petition was circulated.

Campaign Finance

Q8. Do persons running for a political party executive committee office (e.g. precinct committeeperson) for precinct committeeperson have to file campaign reports?

Only if the person has received a contribution or made an expenditure; if applicable, the person files a single report on the 4th day before the primary election. Although, persons seeking election to political party executive committees are specifically exempt from the definition of "candidate," the political party executive office falls within the definition of "election."

(Sections [103.091](#), [106.011\(3\)](#) and [\(7\)](#), and [106.0702](#) Fla. Stat.)

Q9. May a candidate appoint themselves as campaign treasurer?

Yes.

(Section [106.021\(1\)\(c\)](#), Fla. Stat.)

Q10. Must a campaign treasurer be a registered voter in Florida?

No.

(Section [106.021\(1\)\(c\)](#), Fla. Stat.)

Q11. How many deputy treasurers may a candidate have?

Candidates for statewide office may appoint up to 15 deputy treasurers. Other candidates may appoint up to 3 deputy treasurers.

(Section [106.021\(1\)\(a\)](#), Fla. Stat.)

Q12. Can a deputy treasurer file and submit campaign reports?

Yes. A deputy treasurer may perform all of the duties of a campaign treasurer when specifically authorized to do so by the campaign treasurer.

(Section [106.021\(4\)](#), Fla. Stat.)

Q13. Who is responsible for keeping tabs on aggregate totals of campaign contributions?

The campaign treasurer is responsible for receiving and reporting all contributions.

(Section [106.06](#), Fla. Stat.)

Q14. May a candidate accept a contribution from a trust fund?

Yes. [Chapter 106](#), Florida Statutes, defines a "person" as an individual, corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term also includes a political party, affiliated party committee, or political committee.

(Section [106.011\(14\)](#), Fla. Stat.)

Q15. Do I have to itemize small contributions of \$5, \$10, \$50, etc.?

Yes. The law provides no exceptions for the reporting of contribution information, regardless of the size of the contribution. The full name and address of the contributor are also required.

(Section [106.07\(4\)\(a\)](#), Fla. Stat.)

Q16. Are in-kind contributions subject to the same limitations as monetary contributions?

Yes. In [Chapter 106](#), Florida Statutes, the definition of a "contribution" includes contributions in-kind having an attributable monetary value in any form. Therefore, in-kind contributions are subject to the same limitations set for monetary contributions.

(Sections [106.011\(5\)](#) and [106.08](#), Fla. Stat.)

Q17. How is the value of an in-kind contribution determined?

The contributor must inform the person receiving the contribution of the fair market value at the time it is given.

(Section [106.055](#), Fla. Stat.)

Q18. Can a corporation give to a candidate, political committee or political party?

Yes. A corporation is under the definition of a "person" in [Chapter 106](#), Florida Statutes.

(Section [106.011\(14\)](#), Fla. Stat.)

Q19. I am opposed in the general election, but I have no opposition in the primary election, therefore, my name will not be on the primary election ballot. Must I abide by the prohibition on accepting contributions less than five days prior to the primary election?

No. Only candidates opposed in the primary election are required to comply. However, since you are opposed and your name will appear on the general election ballot, you are required to abide by the prohibition on accepting contributions less than five days prior to the general election.

(Section [106.08\(3\)](#), Fla. Stat.)

Q20. Can I conduct a raffle to raise money for my campaign?

No. Pursuant to Section [849.09](#), Florida Statutes, it is unlawful for any person in this state to set up, promote, or conduct any lottery for money or anything of value.

Q21. I was given cash at a rally and have no information on who it is from. What do I do?

Report this contribution on your campaign report but do not spend these funds on the campaign. After the campaign is over, dispose of the funds pursuant to Section [106.141](#), Florida Statutes.

(Division of Elections Advisory Opinion [89-02](#))

Q22. What are considered "legitimate office expenses" for purposes of office accounts?

As the duties and responsibilities of each office are different, what are considered legitimate office expenses will vary. For expenses not specifically listed in Section [106.141\(5\)](#), Florida Statutes, please contact your office's legal or accounting department.

Q23. Can I use my leftover campaign funds to help fund my future re-election?

No, unless you have been elected to a state office or will be elected to state office after being unopposed after the end of the qualifying period and you seek re-election to the same office. If the exception applies to you, you may retain up to \$20,000 in your campaign account.

(Section [106.141\(6\)](#), Fla. Stat.)

Q24. I am an elected official and still have funds in my office account. I am now beginning my re-election campaign. May I place the surplus funds in the office account into my campaign account for re-election?

No. Funds retained by elected officials in their office accounts may only be used for legitimate expenses in connection with their public office.

(Section [106.141\(5\)](#), Fla. Stat.)

Q25. Do I have to file campaign reports on the [Electronic Filing System \(EFS\)](#)?

If the Division is your filing officer, you are required to file all campaign reports via the [EFS](#). If your filing officer is other than the Division, contact that office to find out its requirements.

(Section [106.0705](#), Fla. Stat.)

Q26. If my treasurer is out of town, can I have an extension to file my report?

No. The election laws do not provide for an extension under these circumstances.

(Sections [106.07\(2\)\(b\)](#) and [\(3\)](#), Fla. Stat.)

Q27. If I make a mistake on my report can I go back in and correct it on the EFS?

Once the report is submitted to the Division, the [EFS](#) will not permit you to go back and make changes. In order to correct mistakes or add and delete information, you must submit an "amendment." If you add activity to a waiver after the report due date, a fine will be imposed based upon the new filing date in accordance with Section [106.07\(8\)\(b\)](#), Florida Statutes.

Q28. If I am late submitting my report, how is my fine calculated?

\$50 per day for the first three days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. However, for reports immediately preceding the primary and general election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

Q29. If I am late submitting my notification of no activity, is an automatic fine assessed?

No, because you had no receipts or expenditures during the reporting period. However, to avoid potential issues in the future, please note that state law (s. [106.07\(7\)](#), Fla. Stat.)

requires you to file by the dates set out also in law, either a campaign finance report or if applicable, a notification that no reportable activity occurred for the reporting period. Failure to do so may constitute a violation of Sections [106.07\(1\)](#) and [106.19\(1\)\(c\)](#), Florida Statutes. The Division is required to notify the [Florida Elections Commission](#) of any apparent violation of [Chapter 106](#), Florida Statutes, or any failure to file a report or information required by [Chapter 106](#), Florida Statutes. If a matter is referred to the [Florida Elections Commission](#), the Commission may assess a civil penalty of up to \$1,000 per violation.

Q30. How long are campaign records kept at the Division of Elections or the supervisor of elections?

Ten years from the date of receipt.

(Sections [98.015\(5\)](#) and [106.22\(4\)](#), Fla. Stat.)

Q31. Does the prohibition against accepting contributions five days prior to an election for “candidates” apply to individuals running for political party executive committee positions?

No, because the prohibition in Section [106.08\(3\)\(a\)](#), Florida Statutes, applies only to a “contribution received by a candidate” and persons running for political party executive committee positions are not “candidates.”

Q32. How can I tell if a provision in [Chapter 106](#), Florida Statutes, applies to individuals running for political party executive committee positions?

Aside from the provisions of Section [106.0702](#), Florida Statutes, expressly applying to these individuals, use the following as a general rule:

If the provision in [Chapter 106](#), Florida Statutes, applies only to a “candidate” or “candidates,” and individuals running for political party executive committee positions are not “candidates,” the provision *will not apply*. However, if the provision applies to an “election” without reference to “candidates,” and because selecting a member of a political party executive committee is included in the definition of “election,” the provision *will apply*.

Appendix C: Deadlines for Accepting Contributions

	Other Offices (except Supreme Court)	Justice of the Supreme Court	Judge of a District Court of Appeal	Circuit Judge or County Court Judge
If opposed in the primary election the candidate may accept:	\$1,000 no later than midnight on August 18, 2022			\$1,000 no later than midnight on August 18, 2022
If opposed in the primary and general elections the candidate may accept:	<ul style="list-style-type: none"> • \$1,000 no later than midnight on August 18, 2022; • \$1,000 between August 24 and midnight on November 3, 2022 			<ul style="list-style-type: none"> • \$1,000 no later than midnight on August 18, 2022; • \$1,000 between August 24 and midnight on November 3, 2022
If opposed only in the general election, the candidate may accept:	<ul style="list-style-type: none"> • \$1,000 no later than midnight on August 23, 2022; • \$1,000 between August 24 and midnight on November 3, 2022 			
Considered an opposed candidate but only has one election, the general election, may accept:		\$3,000 no later than midnight on November 3, 2022 ***	\$1,000 no later than midnight on November 3, 2022 ***	

***Contributions may be accepted during the primary election, but must be applied toward the general election limitation.