

Obsolete. Please consult current Florida law.

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CHAPTER 106, FLORIDA STATUTES REPORTS; ENFORCEMENT.

To: Honorable Clerks, Circuit Courts, State of Florida

Prepared by: Division of Elections

The Division of Elections has received numerous inquiries concerning enforcement of the reporting requirements of the Campaign Financing Act of 1973, as amended. See, Section 106.07, Florida Statutes.

Section 106.07(2), F.S., requires candidates, or the treasurers designated by candidates to file such reports with the officer before whom the candidate is required by law to qualify. Except for those candidates who are required to qualify before and with the Secretary of State, all other candidates' reports would be filed with the Clerks.

Section 106.07(3), F.S., requires that the reports of political committees acting for or against a candidate for district-wide or multicounty office, or issue to be voted upon districtwide, file with the Clerk of the Circuit Court in each county in which said election is to be held, and filing is made, also, with the Circuit Court Clerk in respect of candidates or issues to be voted on less than countywide. Note the exception respecting municipal candidates or issues.

Section 106.25(1), F.S., authorizes the Division of Elections, upon sworn complaint, to investigate and to report to the Department of State respecting alleged "violations by a candidate for federal, state, or legislative office, including all judicial offices, by a political committee supporting any such candidate, by the state executive committee of any political party, or by a political committee advocating the acceptance or rejection of an issue to be voted upon in a statewide election. . . ."

Alleged violations by other officers or candidates or committees are to be forwarded by the Division of Elections "to the State Attorney for the Judicial Circuit in which the alleged violation occurred". (If the allegations are made against an incumbent State Attorney, however, the Division of Elections shall report to the Department of State.)

Section 106.25(1), F.S., further authorizes State Attorneys to pursue criminal prosecutions or civil actions.

Section 106.25(2) F.S., reinforces this bifurcation of responsibility by authorizing the Department of State to take to the Florida Elections Commission only such cases as pertain to the category of candidates or committee actions which Section 106.25(1), F.S., requires the

Division of Elections to address.

Accordingly, where candidates, treasurers or committees who or which file with Clerks of the Circuit Courts fail or refuse to comply with such filing or reporting requirements, the appropriate Clerk may direct a sworn complaint or any complaint of such violation directly to the appropriate State Attorney, and thereby save the ineffectual and uneconomic step of routing such information through the Division of Elections for referral to a State Attorney. (Where the State Attorney has failed or refused to comply with filing or reporting requirements, however, complaint of such must still be made to the Division of Elections.)

The Division is pleased to be of assistance in the enforcement of the election laws.