

DE 86-10 - July 2, 1986

**CANDIDATE; CAMPAIGN TREASURER REPORTS;
SURPLUS FUNDS REPORTS;
APPLICABILITY OF SECTION 106.07,
FLORIDA STATUTES, TO DISPOSITION OF
SURPLUS FUNDS REPORTS UNDER
SECTION 106.141, FLORIDA STATUTES**

*To: Honorable Ann Martin, City Clerk Pro Tem, City of Hialeah, 501 Palm Avenue,
Hialeah, Florida 33010*

Prepared by: Division of Elections

You ask whether the fines imposed by Section 106.07(9), Florida Statutes, apply to a candidate's disposition of surplus funds (90-day) report addressed by Section 106.141, Florida Statutes.

The answer is in the affirmative only as the question pertains to a surplus funds report of an unopposed candidate; the answer is in the negative as to surplus funds reports of other candidates.

Section 106.07, Florida Statutes, places reporting requirements on candidates and political committees (and their campaign treasurers). Subsection (1) describes the reports required by this section; paragraph (b) of this subsection requires an unopposed candidate to "file a report within 90 days after the date such candidate becomes unopposed." The statute further provides that the report "shall contain all previously unreported contributions and expenditures as required by (Section 106.07, F.S.)."

An unopposed candidate is defined by Section 106.011(15), Florida Statutes, as

A candidate for nomination or election to an office who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or is without such opposition after such date of the result of any primary election or of withdrawal by other candidates seeking the same office.

Subsection (9) contemplates that all reports required by Section 106.07, Florida Statutes, shall be timely filed under penalty of fine for "failure to file a report by the designated due date . . .". The amount of the fine is determined by this statute as "\$10 per day for each late date for any candidate who receives or expends \$200 or less during the reporting period; in all other instances the fine shall be \$50 per day for each late day."

The report of an unopposed candidate addressed in subsection (1)(b) is a report covered by Section 106.07, Florida Statutes (specifically, Section 106.07(9), Florida Statutes). Therefore, failure to file the subject report containing the information specified in subsection (1)(b) on or before the 90th day subjects the candidate to a fine, as calculated by statute.