



CITY OF ST. PETERSBURG

Local Campaign Finance Regulation Handbook

Revised 11/20/19

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REVISION HISTORY

Change No.	Description	Affected Sections	Date Released
19.1	Initial version released.	All	04/25/2019
19.2	Appendix C revised to remove reporting dates for 2017 and add reporting dates for 2020-2021. Otherwise, revisions clarify existing requirements without making any substantive changes.	1.5, 3.1, 4.1, 6.2, 7.1-7.3, 8.3(b), 9.5, App. C., App. D	11/20/2019

1. BACKGROUND

This chapter provides background information regarding the scope and purpose of local regulation of campaign finance activity by the City of St. Petersburg, Florida, (the “City”) pursuant to provisions of the St. Petersburg City Code (“City Code”) that went into effect in 2018. This includes an explanation of the relationship between statutory and local regulation (section 1.1); a glossary of key terms from the Florida Election Code and City Code (sections 1.2–1.3); a comparison of statutory concepts related to contributions and expenditures (section 1.4); and a comparison of the local concepts of outside-spending group and independent spender (section 1.5).

1.1 Relationship Between Statutory and Local Regulation

Pursuant to City Code chapter 10, articles III–V, the City has instituted local requirements concerning campaign finance that are designed to supplement statewide campaign finance regulations established by the Florida Election Code. Accordingly, throughout this handbook, the word “local” is used to indicate a regulation imposed by City Code (e.g., “local contribution limit” or “local disclosure requirement”) and the word “statutory” is used to indicate a regulation imposed by the Florida Statutes (e.g., “statutory report” or “statutory disclaimer”). In the few cases in which statutory authority is derived from the U.S. Code, rather than the Florida Statutes, the term “federal statutory” is used for clarity (e.g., “federal statutory definition”).

Because local campaign finance regulation is intended to be carried out in conjunction with the applicable statutory campaign finance regulation, a thorough understanding of statutory campaign finance regulation imposed by the Florida Election Code is a prerequisite for understanding local campaign finance regulation imposed by City Code. For example, City Code defines “covered expenditure” as “(i) an independent expenditure made with respect to a candidate or a ballot question or (ii) an expenditure for an electioneering communication made with respect to a candidate.” Because the terms “independent expenditure” and “expenditure for an electioneering communication” are established by the Florida Election Code, determining whether something is a “covered expenditure” for purposes of City Code must begin with an understanding and analysis of the underlying *statutory* concepts.

The Florida Division of Elections (the “Division”) has released a variety of publications describing the application of the statutory concepts that form the foundation of the City’s local campaign finance regulation, and it would be inappropriate for the City to publish

competing guidance on those statutory topics. Accordingly, this handbook has been prepared to *complement* the Division's publications, and questions regarding the application of state law should still be resolved by consulting the Division's publications or contacting the Division for assistance. More information on resources from the Division can be found in Appendix A.

With respect to local campaign finance regulation, this handbook is intended to be a reference guide only. Local campaign finance regulation is ultimately governed by the St. Petersburg City Charter (particularly articles III and V) and the St. Petersburg City Code (particularly chapter 10, articles III–V). Accordingly, these authorities should be reviewed in their entirety for complete information regarding local campaign finance regulation. More information on these local resources can be found in Appendix A.

1.2 Glossary of Statutory Terms

The terms included in this section 1.2 are defined in Florida Statutes chapter 106 or other state authority and are incorporated into City Code. Because interpretation of these statutory terms is a matter of state law, the definitions included in this section are taken from publications of the Division, with non-substantive changes made for consistency with the scope and style of this handbook. Accordingly, the Division publications from which these terms are excerpted should be consulted for more information.

“Contribution” means, generally, any of the following:

- 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 any combination of these groups;
- The payment, by a person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or political committee for such services; or
- The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit. The term includes any interest earned on such account or certificate.

The Florida Election Code provides exceptions to this definition, along with other important provisions concerning in-kind contributions.

[Fla. Stat. §§ 106.011(5), 106.055]

“Electioneering communication” means, generally, a communication publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that:

- 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;
- 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
- is targeted to the relevant electorate in the geographical area the candidate would represent if elected.

The Florida Election Code provides certain exceptions to this definition and also states that an expenditure made for, or in furtherance of, an electioneering communication is not considered a contribution to or on behalf of any candidate and does not constitute an independent expenditure.

[Fla. Stat. § 106.011(8)]

“Electioneering communications organization” means any group, other than a political party or political committee, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party or political committee.

[Fla. Stat. § 106.011(9)]

“Expenditure” means 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 election-eering communication.

[Fla. Stat. § 106.011(10)]

“Expressly advocates” means the use of phrases such as “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for City Council,” “vote against,” “defeat,” “oppose,” and “reject.”

[Op. Fla. Div. Elections 12-05 (2012)]

“Independent expenditure” means an expenditure made by a person for the purpose of expressly advocating the election or defeat of a candidate or issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period is *not* deemed an independent expenditure.

Additionally, an expenditure for the purpose of expressly advocating the election or defeat of a candidate is not considered an independent expenditure if the person making that expenditure does any of the following:

- communicates with the candidate, the candidate's campaign, or an agent of the candidate acting on behalf of the candidate, including any 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;
- 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;
- 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 any pollster, media consultant, advertising agency, vendor, advisor, or staff member;
- 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;

- 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 either (i) an officer, director, employee or agent of a national, state or county executive committee of a political party, or affiliated party committee, that has made or intends to make expenditures in connection with or contributions to the candidate or (ii) 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;
- 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
- arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

[Fla. Stat. § 106.011(12)]

“Person” means 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.

[Fla. Stat. § 106.011(14)]

“Political committee” means a combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year does any of the following:

- accepts contributions for the purpose of making contributions to any candidate, political committee, affiliated party committee or political party;
- accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or issue;

- makes expenditures that expressly advocate the election or defeat of a candidate or issue; or
- makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, or political party.

Excluded from the definition of political committee are the following:

- electioneering communications organizations;
- affiliated party committees;
- political party executive committees; and
- corporations regulated by Florida Statutes chapter 607 or chapter 617 or other business entities formed for purposes other than to support or oppose issues or candidates, if their political activities are limited to contributions to candidates, political parties, affiliated party committees, or political committees or expenditures in support of or opposition to an issue from corporate or business funds and if no contributions are received by such corporations or business entities.

[Fla. Stat. § 106.011(16)]

1.3 Glossary of Local Campaign Finance Terms

Unless otherwise indicated, each of the following terms is defined in City Code section 10-51. Because local campaign finance regulation is designed to supplement statutory campaign finance regulation, an understanding of the statutory terms listed in section 1.2 is a prerequisite to understanding the local terms listed in this section 1.3.

“**Ballot question**” means a referendum, initiative, recall, Charter amendment, or other ballot question put solely to the City’s electors.

“**Business entity**” means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity.

“**Candidate**” means a candidate for Mayor or City Council Member.

“**Chief executive officer**” means the highest-ranking officer or decision-making individual with authority over a business entity’s affairs.

“Covered candidate-related expenditure” means (i) an independent expenditure made with respect to a candidate or (ii) an expenditure for an electioneering communication made with respect to a candidate.

“Covered communication” means (i) a political advertisement related to a candidate or a ballot question that is paid for, in whole or in part, through an independent expenditure or (ii) an electioneering communication related to a candidate.

“Covered expenditure” means (i) an independent expenditure made with respect to a candidate or a ballot question or (ii) an expenditure for an electioneering communication made with respect to a candidate.

“Covered election” means any election (regardless of whether it is a primary, general, or special election) in which the City’s electors vote on election of a candidate or a ballot question.

“Covered transaction” means any contribution, transfer of funds, loan, expenditure, or other financial transaction that is (i) required to be included in a statutory report and (ii) related to a candidate or a ballot question.

“Entity” means any person that is not an individual, including any business entity.

“Foreign-influenced business entity” is a business entity that meets certain criteria that are explained in section 2.3.

“Independent spender” means any person who is subject to local disclosure requirements, as described in section 6.2.

“Independent spending report” means any report filed with the City Clerk by an independent spender, as described in chapters 7–9. The notice of independent spender status described in section 6.4 is not considered an independent spending report.

“Individual” means one person who is a natural person, rather than a legal entity or other combination of individuals having collective capacity.

“Outside-spending group” means any political committee or electioneering communications organization that qualifies as such, as described in section 2.2.

“**Significant contributor**” is not explicitly defined in City Code but is used in this handbook and in disclosure forms to describe a person that has made certain contributions to an independent spender over the preceding 12 months that exceed \$5,000, as described in section 3.5.

“**Statutory report**” means any report of campaign finance activity described in Florida Statutes sections 106.07, 106.0703, or 106.071.

“**Supervisor of Elections**” means the Pinellas County Supervisor of Elections.

1.4 Contributions vs. Expenditures

Although the definitions from the Florida Election Code and City Code described in the preceding two sections are addressed in more detail elsewhere in this handbook, the statutory concepts of *contribution* and *expenditure* are among the most important. So, for the limited purpose of illustrating the relationship between these fundamental concepts, consider the following *highly generalized* descriptions:

- A **contribution** is a gift of money or something of value for the purpose of influencing an election or making an electioneering communication.
- An **expenditure** is a purchase made for the purpose of influencing the results of an election or making an electioneering communication.
- An **independent expenditure** is an expenditure made for purpose of *expressly* advocating the election or defeat of a candidate or the approval or rejection of an issue without coordinating that expenditure with a candidate or political committee or an agent of a candidate or political committee.
- An **expenditure for an electioneering communication** is an expenditure made for a publicly distributed communication that *implicitly* supports or opposes a candidate (i.e., without using phrases such as “vote for” or “support”) and is made during specific time windows and targeted at a certain area.

The City has elected to subject independent expenditures and expenditures for an electioneering communication to identical treatment for purposes of local campaign finance regulation by joining them in the following two terms established by City Code:

- A **covered expenditure** is either (i) an independent expenditure made with respect to candidate or a ballot question or (ii) an expenditure for an electioneering communication made with respect to a candidate.
- A “**covered candidate-related expenditure**” is either (i) an independent expenditure made with respect to a candidate or (ii) an expenditure for an electioneering communication made with respect to a candidate.

These two terms form the basis of two other key terms discussed in the following section: outside-spending group and independent spender.

[City Code §§ 12-51(g)-(h)]

1.5 Outside-Spending Groups and Independent Spenders

Local campaign finance regulation can be broadly divided into two categories: contribution limits (described in chapters 2–5) and disclosure requirements (described in chapters 6–10). Because contribution limits and disclosure requirements operate through different mechanisms, the underlying provisions of City Code use different terminology. Accordingly, any political committee, electioneering communications organization, or other person who intends to solicit contributions, accept contributions or make expenditures related to a covered election *must* have a thorough understanding of the fundamental concepts described in this section to comply with the local campaign finance regulation.

(a) Fundamental Concepts

The two most fundamental concepts to understand can be generally described as follows:

- An “**outside-spending group**” is a political committee or an electioneering communications organization that is subject to local *contribution limits* because it makes certain types of candidate-related expenditures or solicits or accepts candidate-related contributions, as more particularly described in section 2.2.
- An “**independent spender**” is a political committee, electioneering communications organization, or other entity or individual that is subject to local *disclosure requirements*

after making certain types of expenditures of \$5,000 or more with respect to a candidate or a ballot question, as more particularly described in section 6.2.

[City Code §§ 10-61(a), 10-71(a)]

(b) Key Distinctions

Although the specific requirements for qualifying as an outside-spending group or an independent spender status discussed in more detail elsewhere in this handbook, the following key distinctions between the two terms are worth noting as part of this background information:

- As shown in the examples immediately below, in subsection 1.5(c), it is possible for a political committee or electioneering communications organization to be considered an outside-spending group and an independent spender *at the same time*—or to be considered one *but not the other*. So, to ensure that contributions may be used for their intended purpose and disclosed properly, a separate determination must be made as to both outside-spending group status *and* independent spender status.
- Outside-spending group status can be triggered by solicitation of contributions, acceptance of contributions, or making expenditures. In contrast, independent spender status is based solely on making expenditures.
- A political committee or electioneering communications organization is not subject to local contribution limits until it qualifies as an outside-spending group. But once applicable, those local contribution limits apply to *all* contributions received—even those received by the outside-spending group *prior to the time it qualified as an outside spending group*.
- In contrast to the local contribution limits described in the preceding bullet, local *disclosure* requirements for an independent spender begin only when the political committee, electioneering communications organization, or other person qualifies as an independent spender, and they are not retroactive. Accordingly, contributions and expenditures disclosed *prior* to qualification as an independent spender are not required to be addressed through local disclosure reports.
- Neither local contribution limits nor disclosure requirements apply to candidates, candidate campaigns, affiliated party committees, or political parties.

(c) Examples

The following examples are provided to illustrate the relationship between outside-spending group status and independent spender status. These examples are not exhaustive and should not be taken as a summary of all possible scenarios.

- If a political committee spends \$1,000 on a political advertisement supporting a candidate for City Council, that \$1,000 is a covered candidate-related expenditure that qualifies the political committee an outside-spending group. But if that political committee keeps its *total* covered expenditures for that covered election at or below \$5,000, the political committee will not cross the threshold for independent spender status and will not be subject to local disclosure requirements.
- If a political committee solicits contributions for the purpose of making covered candidate-related expenditures, it qualifies as an outside-spending group subject to local contribution limits. But if that political committee never exceeds the \$5,000 threshold for covered expenditures for the applicable covered election, it will not be considered an independent spender subject to local disclosure requirements.
- If a political committee spends \$100,000 on political advertisements opposing a City ballot question, those covered expenditures will qualify the political committee as an independent spender subject to local disclosure requirements. But those expenditures would *not* qualify the political committee as an outside-spending group subject to local contribution limits because those expenditures are not related to a *candidate*.

2. SCOPE OF CONTRIBUTION LIMITS

City Code imposes contribution limits on two types of groups: (i) outside-spending groups and (ii) foreign-influenced business entities. The scope of those terms is discussed in this chapter, with the application of the contribution limits discussed in chapters 3–5.

2.1 Contributions, Generally

The definition of “contribution” is established by the Florida Election Code and is explained in chapter 7 of the Division’s Political Committee Handbook and chapter 5 of the Division’s Electioneering Communications Organization Handbook, as applicable.

2.2 Outside-Spending Groups

For purposes of local contribution limits, a political committee or an electioneering communications organization is considered an “outside-spending group” when that political committee or electioneering communications organization takes any of the following actions:

- makes a covered candidate-related expenditure;
- mentions the city of St. Petersburg, either explicitly or by means susceptible of no reasonable interpretation other than the city, in a solicitation for a contribution or in a description of a planned covered candidate-related expenditure, that is distributed or otherwise made available to contributors or to the general public;
- solicits contributions for, among other purposes, the purpose of covered candidate-related expenditures;
- otherwise conveys, in solicitations for contributions or in materials otherwise made available to prospective or actual contributors, either explicitly or by means susceptible to no other reasonable interpretation, that contributions may be used for covered candidate-related expenditures; or
- accepts a contribution that has been specifically designated for partial or exclusive use in a covered candidate-related expenditure.

[City Code § 10-61(a)]

Because the definition of outside-spending group is limited in scope to political committees and electioneering communications organizations, it does *not* include candidates, candidate campaigns, affiliated party committees, or political parties.

2.3 Foreign-Influenced Business Entities

For purposes of local campaign finance regulation, a “**foreign-influenced business entity**” is a business entity for which at least one of the following conditions is met:

- a single foreign national holds, owns, controls, or otherwise has direct or indirect beneficial ownership of 5% or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the business entity;
- two or more foreign nationals, in aggregate, hold, own, control, or otherwise have direct or indirect beneficial ownership of 20% or more of the total equity, outstanding voting shares, membership units, or other applicable ownership interests of the business entity; or
- a foreign national participates directly or indirectly in the entity’s decision-making process with respect to the entity’s political activities in the United States, including the business entity’s political activities with respect to a covered election for a candidate.

[City Code § 10-51(m)]

The key term in the provision above is “**foreign national**,” which City Code defines through the incorporation of federal statutes regarding elections, citizenship, immigration, and foreign propagandists. A full analysis of these federal statutes is outside the scope of this handbook. But it can be generally stated that each of the following is *excluded* from the definition of foreign national: (i) an individual citizen of the United States or (ii) an individual who is lawfully admitted for permanent residence. It can also be generally stated that each of the following is *included* in the definition of foreign national:

- a government of a foreign country;
- a foreign political party;
- an individual outside United States, unless that individual is established to be a citizen of the United States and domiciled within the United States;

- an entity outside United States, unless that entity is organized under the laws of the United States or another place subject to the jurisdiction of United States and has its principal place of business within the United States;
- an entity organized under the laws of a foreign country or having its principal place of business in a foreign country; and
- an individual who is not a citizen and who is not lawfully admitted for permanent residence in the United States.

Additionally, the City Code definition of “foreign national” also provides that, if any person who falls within the federal statutory definition of “foreign national” described above holds, owns, controls, or otherwise has direct or indirect beneficial ownership of 50% or more of the equity, outstanding voting shares, membership units, or other applicable ownership interests of an entity, that entity is also considered a foreign national for purposes of local campaign finance regulation.

[8 U.S.C. § 1101(a)(22); 22 U.S.C. § 611(b);
52 U.S.C. § 30121(b); City Code § 10-51(l)]

3. MAKING CONTRIBUTIONS

This chapter describes the following aspects of local campaign finance regulation that arise when *making* a contribution related to a covered election: business entity certification regarding foreign influence (section 3.1); aggregate annual contribution limits for candidate-related contributions to an outside-spending group (section 3.2); supplemental information about entities that contribute to an independent spender (section 3.4); and supplemental information about “significant contributors” to an independent spender (section 3.5).

3.1 Business Entity Certification Regarding Foreign Influence

(a) **Mandatory Statement of Certification When Contributing to an Outside-Spending Group**

Any business entity that makes a contribution to an outside-spending group must file a statement of certification with the City Clerk’s Office avowing that the business entity was not a foreign-influenced business entity on the date the contribution was made. This statement of certification must be (i) filed by the business entity with the City Clerk’s Office, using City form SP-CO-400 (Statement of Certification Regarding Foreign Influence), no more than 30 days after the contribution was made and (ii) signed, after due inquiry and under penalty of perjury, by the highest-ranking officer or decision-making individual with authority over that business entity’s affairs.

[City Code § 10-62]

(b) **Optional Statement of Certification When Contributing to Potential Outside-Spending Group**

As discussed in section 4.1(b), local contribution limits apply to *all* contributions received by a political committee or electioneering communications organization that qualifies as an outside-spending group—even those contributions received *prior to qualification as an outside spending group*.

[City Code § 10-61(c)(2)]

Accordingly, if a business entity contributes to a political committee or electioneering communications organization that does not qualify as an outside-spending group *at the time the contribution is made* but may qualify as an outside-spending group *after* the 30-day window

for filing the statement of certification has closed, the business entity making that contribution may take steps to ensure that its contribution can be used for its intended purpose if local contribution limits subsequently apply.

Specifically, in the 30-day period following the contribution, that business entity can file a statement of certification regarding foreign influence with the City Clerk's Office, even though such filing *is not required at that time*, and provide a copy of that statement to the political committee or electioneering communications organization, as described in subsections 3.1(c)-(d). Such filing would allow the contribution to be used as a covered candidate-related expenditure (subject to the \$5,000 limit described in section 3.2) if the political committee or electioneering communications organization qualified as an outside-spending group after the 30-day window following the contribution had closed.

Please note that filing a statement of statement of certification regarding foreign influence as described in this subsection 3.1(b) is *optional*. Although a political committee or electioneering communications organization may request that a business entity file an optional statement as described in this subsection, neither the business entity nor the political committee or electioneering communications organization accepting the contribution would violate City Code if an optional statement of certification regarding foreign influence was not filed in as described in this subsection.

(c) Original Filed With City Clerk

An original statement of certification regarding foreign influence must be filed with the Clerk's Office by the business entity, using the procedure described on the City Clerk's election website. Please note that City Code does not authorize a political committee, electioneering communications organization, or any other person to file the certification on behalf of the business entity.

[City Code § 10-62]

After a statement of certification regarding foreign influence is submitted to the City Clerk by a contributor, the City Clerk will perform a facial review of the statement. Such facial review by the City Clerk does not evaluate the accuracy of any information contained on the statement and is performed for the sole purpose of determining whether the report is complete and may be accepted for filing.

If a statement is incomplete, the City Clerk will reject the statement and inform the business entity of why the statement is incomplete. Although the business entity may submit a

corrected statement, such submission must occur within the 30-day window following the contribution to meet the requirements described in subsection 3.1(a).

(d) Copy to Outside-Spending Group

In addition to filing the *original* statement of certification regarding foreign influence with the Clerk’s Office, the business entity must also provide a *copy* of that statement of certification to the outside-spending group within 30 days of the contribution in order for the contribution to be eligible for funding a covered candidate-related expenditure by that outside-spending group. If the business entity making the contribution fails to provide the outside-spending group with a copy of the statement of certification within this 30-day window, the contribution will be ineligible for use for a covered candidate-related expenditure by that outside-spending group.

[City Code § 10-61(c)(2)]

3.2 Aggregate Annual Contribution Limits to Outside-Spending Groups

An outside-spending group is limited in how much money it can use for the funding of covered candidate-related expenditures, which are defined to include (i) any independent expenditure made with respect to a candidate or (ii) any expenditure for an electioneering communication made with respect to a candidate.

Specifically, any portion of a contribution to an outside-spending group that exceeds the aggregate of \$5,000 per person per calendar year is *ineligible* for funding a covered candidate-related expenditure and must be used by the outside-spending group for some other purpose allowed under applicable law (e.g., expenditure related to a ballot question or transfer to a political party).

[City Code § 10-61]

3.3 Advice From Outside-Spending Group

If you have questions about how the local contribution limits described in the preceding two sections—i.e., foreign influence certification by a business entity (section 3.1) or aggregate annual contribution limits (section 3.2)—may affect your contribution to an outside-spending group, contact the treasurer of an outside-spending group, who is required to advise contributors and potential contributors about these limits.

[City Code § 10-61(f)]

3.4 Supplemental Information for Entities

If an entity makes a contribution of any amount to a person that is subject to supplemental disclosure requirements as an independent spender (the criteria for which are described in chapter 6), certain information about the contributing entity must be disclosed by the independent spender, including:

- The name of an individual serving as president, managing member, or CEO of the entity or who otherwise exercises control over the entity.
- The name of that individual's position or a description of that individual's role in controlling the entity.

To facilitate compliance with this disclosure requirement, an entity making a contribution to an independent spender should disclose this information to the independent spender at the time the contribution is made. An independent spender must return any contribution for which required disclosure information is not obtained in order to avoid violating local disclosure obligations.

[City Code § 10-74(c)(1)]

3.5 Supplemental Disclosure for Significant Contributors

If a person's aggregate contributions to an independent spender over the preceding 12 months exceeds \$5,000, that person is considered a "significant contributor" for local disclosure purposes, and the independent spender must disclose additional information about that significant contributor to supplement the information available through standard statutory reports.

Regardless of whether the significant contributor is an entity or an individual, the independent spender must disclose the following supplemental information about the significant contributor:

- Whether the significant contributor has any current contract with the City for the provision of goods or services valued in excess of \$5,000.
- Whether the significant contributor expects to bid, within the following 12 months, on any contract for the provision of goods or services to the City valued in excess of \$5,000.

- Whether the significant contributor or an entity owned by, controlled by, or affiliated with that significant contributor is a lobbyist or a lobbying firm under Florida Statutes sections 11.045 or 112.3215.

If the significant contributor is an entity, the independent spender must also disclose the following supplemental information about the significant contributor entity:

- The URL for the entity's website, if any.
- The type of entity (e.g., corporation, LLC, etc.) and the state of formation, if any.
- The tax-exempt status of the entity.
- Whether the entity is a foreign-influenced business entity.
- The name of any principal owner of the entity.
- The name of each officer, board member, or equivalent for the entity.
- The name, mailing address, street address, telephone number, and e-mail address of at least one individual in charge of making decisions regarding covered transactions for the entity.
- The name, mailing address, street address, telephone number, and e-mail address of the agent for service of process in Florida for the entity.
- The name, mailing address, street address, telephone number, and e-mail address of the individual filing the notice on behalf of the entity.

To facilitate compliance with this disclosure requirement, a contributor to an independent spender should disclose the applicable information to the independent spender at the time that the contributor's aggregate contributions over the preceding 12 months first exceed the \$5,000 threshold. An independent spender must return any contribution for which required disclosure information is not obtained in order to avoid violating local disclosure obligations.

[City Code § 10-74(c)(2)-(3)]

4. ACCEPTING CONTRIBUTIONS

This chapter describes the following aspects of local campaign finance regulation that arise when *accepting* a contribution related to a covered election: (i) eligibility requirements for funding candidate-related expenditures by an outside-spending group; (ii) accounting requirements for outside-spending groups; and (iii) collecting information needed to fulfill independent spender disclosure requirements.

4.1 Eligibility for Covered Candidate-Related Expenditures

(a) Eligibility Requirements

In addition to any eligibility requirement for funding covered candidate-related expenditures imposed by federal or state law, the contribution limits imposed by City Code provide that the following contributions to an outside-spending group are *not* eligible for funding covered candidate-related expenditures:

- Any portion of a contribution that exceeds the aggregate of \$5,000 per person per calendar year with respect to the contributor.
- Any contribution from a business entity for which the business entity fails to provide, within 30 days of making the contribution, a copy of the statement of certification filed with the City Clerk's Office avowing that the business entity was not a foreign-influenced business entity on the date the contribution was made.

The treasurer of an outside-spending group is responsible for advising contributors and prospective contributors of these limitations.

[City Code §§ 10-61(c)-(f)]

(b) Eligibility of Contributions Received Prior to Qualifying as an Outside-Spending Group

Once a political committee or electioneering communications organization qualifies as an outside-spending group, the local contribution limits described in subsection 4.1(a) apply to *all* contributions received by that political committee or electioneering communications

organization—even those received *prior to qualification as an outside spending group*. Consider the following examples:

- On January 1, Jane Smith, a natural person, contributes \$15,000 to ABC PAC, a political committee that does not qualify as an outside-spending group at that time. Then, on February 1, ABC PAC qualifies as an outside-spending group and becomes subject to local contribution limits. At that point, only \$5,000 of Jane’s \$15,000 contribution is eligible to fund a covered candidate-related expenditure by ABC PAC under local contribution limits—even though ABC PAC was not subject to those limits at the time the contribution was made.
- On February 2, Jane Smith makes a second contribution to ABC PAC, in the amount of \$5,000. Local contribution limits do not prohibit ABC PAC from accepting the second contribution, but the entire amount is ineligible to fund a covered candidate-related expenditure because the \$5,000 local limit for contributions during a calendar year has already been met for Jane.
- On March 1, Acme Widget Co., a corporation, contributes \$1,000 to XYZ PAC, a political committee that does not qualify as an outside-spending group at that time. Acme Widget does not file a statement of certification regarding foreign influence with the City Clerk in the 30 days following the contribution (and is not required to do so because XYZ PAC is not an outside-spending group at the time the contribution is made). Then, on April 1, XYZ PAC qualifies as an outside-spending group and becomes subject to local contribution limits. At that point, the entire contribution from Acme Widget Co. is ineligible to fund a covered candidate-related expenditure by XYZ PAC because no statement of certification regarding foreign influence was filed in the 30 days following the contribution—even though filing such a statement was not required at that time.
- On April 2, Acme Widget Co. makes another contribution to XYZ PAC, in the amount of \$20,000. Because XYZ PAC has now qualified as an outside-spending group, Acme Widget is required to file statement of certification regarding foreign influence with the City Clerk within 30 days after making the contribution. Accordingly, Acme Widget files an original statement of certification regarding foreign influence with the City Clerk and provides a copy to XYZ PAC. Although the entire \$20,000 contribution may be accepted by XYZ PAC, only \$5,000 of the \$20,000 contribution may be used by XYZ PAC for that purpose because local contribution limits impose a limit of \$5,000 per person per calendar year for covered candidate-related expenditures.

[City Code §§ 10-61(c); 10-62]

(c) Ineligible Contributions

(i) Generally

Contributions received by an outside-spending group that are ineligible to fund a covered candidate-related expenditure may be used for any purpose authorized under federal or state law *other than* funding a covered candidate-related expenditure.

(ii) No Statement of Certification Regarding Foreign Influence

If a contribution from a business entity is ineligible to fund a covered candidate-related expenditure because the business entity did not, in the 30-day period following the contribution, file a certification regarding foreign influence with the City Clerk and provide a copy to the outside-spending group, the outside-spending group may, to the extent authorized under federal or state law, refund the ineligible contribution to the original contributor and request that it make a *new* contribution that is accompanied by a timely certification regarding foreign influence. Any such refund and new contribution would need to be reported in accordance with all disclosure requirements applicable under federal, state, or local law.

4.2 Accounting for Funds Eligible for Covered Candidate-Related Expenditures

The treasurer of an outside-spending group must separately designate, record, and account for funds that are eligible for covered candidate-related expenditures, including (i) any independent expenditure made with respect to a candidate or (ii) any expenditure for an electioneering communication made with respect to a candidate. Such designation, recording, and accounting must be consistent with the requirements of state law, including the requirement that a political committee use a primary campaign depository for the deposit and disbursement of funds. A diagram generally illustrating application of this accounting requirement is included in this handbook as Appendix B.

[Fla. Stat. § 106.021(b); City Code § 10-61(b)]

4.3 Collecting Information from Contributors for Supplemental Disclosure

An independent spender is required to disclose information about certain contributors to that independent spender, as described in sections 3.4–3.5. This contributor information is intended to provide the City’s electors with access to meaningful information about the sources of funding behind independent expenditures and expenditures for electioneering communications.

Accordingly, if an independent spender cannot obtain the information about a contributor required for disclosure in an independent spending report (as further described in chapters 7-9), the independent spender must return that contribution.

[City Code §§ 10-71(c)-(d); 10-74(c)]

5. MAKING EXPENDITURES

This chapter describes the statutory definition of expenditures (section 5.1); the scope of local regulation of expenditures (section 5.2); specific requirements for expenditure by an outside-spending group (section 5.3); and specific requirements for expenditure by a business entity (section 5.4).

5.1 Statutory Definition of Expenditures

Although there is a general discussion of the underlying statutory definitions related to “expenditure” in section 1.4, these definitions are ultimately established by the Florida Election Code and are explained in chapter 8 of the Division’s Political Committee Handbook and chapter 6 of the Division’s Electioneering Communications Organization Handbook, as applicable.

5.2 Scope of Local Regulation of Expenditures

Local regulation of expenditures is limited in scope to *covered candidate-related expenditures*, which are defined by City Code as either (i) an independent expenditure made with respect to a candidate or (ii) an expenditure for an electioneering communication made with respect to a candidate. Expenditures that do not fall within this definition (including expenditures related to ballot questions) are not subject to any of the local regulation described in this chapter.

[City Code § 10-51(g)]

5.3 Outside-Spending Groups

The treasurer of an outside-spending group is responsible for ensuring that disbursements for covered candidate-related expenditures are made only from funds designated as eligible for such use. For more information on those eligibility requirements, consult sections 4.1–4.2.

[City Code § 10-61]

5.4 Business Entities

Any business entity that makes a covered candidate-related expenditure of \$5,000 or more must file a statement of certification with the City Clerk’s Office avowing that the business entity making the expenditure was not a foreign-influenced business entity on the date the

expenditure was made. This statement of certification must be (i) filed the City Clerk's Office, using City form SP-CO-400, no more than 30 days after the expenditure was made and (ii) signed, under penalty of perjury, by the highest-ranking officer or decision-making individual with authority over that business entity's affairs.

[City Code § 10-62]

Please note that this requirement applies to *any* business entity that makes a covered candidate-related expenditure of \$5,000 or more, regardless of whether or not it qualifies as an outside-spending group. For more information on how to file a statement of certification regarding foreign influence with the City Clerk, consult section 3.1(c).

6. INDEPENDENT SPENDER STATUS

This chapter marks a transition from local contribution limits to local disclosure requirements. In particular, this chapter concerns the purpose and scope of local disclosure requirements (section 6.1); requirements for qualifying as an “independent spender” subject to local disclosure requirements (section 6.2); the timeline for filing notice of that status with the City Clerk (section 6.3); the process for filing a full notice of independent spender status (section 6.4); and the process for affirming a previously filed notice (section 6.5).

6.1 Purpose and Scope of Local Disclosure Requirements

The City has instituted local disclosure requirements that are designed to supplement the campaign finance disclosure requirements imposed by the Florida Election Code and provide the City’s electors with access to meaningful information about the sources of funding behind independent expenditures and expenditures for electioneering communications that influence City elections. These local disclosure requirements apply to any person or entity that qualifies as an “independent spender” for a covered election and are designed to be carried out in conjunction with (and not instead of) the disclosure obligations imposed by the Florida Election Code for the remainder of the covered election.

[City Code §10-71]

6.2 Qualifying as an Independent Spender

(a) Criteria

The Florida Election Code establishes certain statutory disclosure requirements for (i) political committees, (ii) electioneering communications organizations, and (iii) any person who does not qualify as a political committee or an electioneering communications organization but makes an independent expenditure or electioneering communication in the aggregate of \$5,000 or more.

[Fla. Stat. §§ 106.07, 106.0703, 106.071]

Because the City’s local disclosure requirements are designed to *supplement* the three statutory disclosure requirements described above, the criteria for qualifying as an “independent spender” for local disclosure purposes are designed to parallel the criteria established by the Florida Election Code for statutory disclosure. These local criteria are

triggered when a person exceeds a certain threshold for “covered expenditures,” which include both (i) independent expenditures made with respect to a candidate or a ballot question and (ii) expenditures for an electioneering communication made with respect to a candidate.

Specifically, a person (regardless of whether that person is an individual or an entity) qualifies as an independent spender for local disclosure purposes once that person has made one or more covered expenditures with respect to any candidate or ballot question that aggregate to \$5,000 or more for a particular covered election. Independent spender status is not perpetual, but once a person has qualified as an independent spender for a particular covered election, that person becomes subject to all subsequent local notice and reporting requirements for that covered election.

[City Code §10-71]

(b) Must Concern Candidate or Ballot Question

As noted in subsection (a), a “covered expenditure” must be either an independent expenditure or an expenditure for an electioneering communication. The specifics of these terms, which are defined by the Florida Statutes, are described in more detail in section 1.2. But it is worth pointing out that the statutory definition of “independent spender” requires that it concern a candidate or ballot question. Similarly, the statutory definition of “electioneering communication” requires that it concern a candidate.

Therefore, if a political committee, electioneering communications organization, or other person makes an expenditure that does not concern—explicitly or implicitly—a candidate or a ballot question, that expenditure will not, by definition, be a covered expenditure that counts toward the \$5,000 threshold for independent spender status.

[Fla. Stat. §§ 106.011(8), (12); City Code §10-71]

(c) Candidates, Campaigns, Committees, and Parties

Although independent spender status is *not* intended to include candidates, candidate campaigns, affiliated party committees, or political parties, each of those individuals and entities remains subject to statutory disclosure requirements under the Florida Election Code.

[Cf. City Code §10-71]

(d) Contributors

Because independent spender status is triggered by making covered *expenditures* above a certain threshold, merely *contributing* to a political committee or an electioneering communications organization does not qualify the *contributor* as an independent spender requires to file independent spending reports as describe in chapters 7–9.

With that said, if a contributor to an independent spender fails to provide the independent spender with the information needed for local disclosure purposes (as discussed in sections 3.4–3.5), the independent spender is obligated to return the contribution to the contributor to avoid violation of the local disclosure requirements.

[City Code § 10-74]

6.3 Timeline for Filing Notice of Independent Spender Status

Once an entity or individual has qualified as independent spender for a covered election, that person or entity must provide notice of its independent spender status by either (i) filing a *new* notice of independent spender status with the City Clerk or (ii) affirming that a *previously filed* notice of independent spender status remains a complete and accurate disclosure of the required information.

Regardless of whether an independent spender files a new notice or an affirmation of a previously filed notice, the filing must be completed no later than the date on which the first independent spending report for a covered election is filed. For more information on the filing schedule for independent spending reports, consult chapter 7.

[City Code § 10-72(a)]

6.4 Notice of Independent Spender Status

An independent spender filing a notice of independent spender status must use City form SP-CO-501 for that purpose.

The foundation of a notice of independent spender status is one of the following documents: (i) a statement of organization for a political committee on state form DS-DE 5; (ii) a statement of organization for an electioneering communications organization on state form DS-DE 103; or (iii) information in lieu of a statement of organization on City form SP-CO-501. The appropriate option for fulfilling this requirement depends on the nature of

the independent spender and, if applicable, the filing officer for the statutory notice of organization. Specifically:

- If the independent spender is a political committee or an electioneering communications organization required by the Florida Election Code to file a statement of organization with the City Clerk, that statement of organization filed with the City Clerk Code will be automatically incorporated into the notice, and a duplicate copy does *not* need to be included as part of the notice.
- If the independent spender is a political committee or an electioneering communications organization required by the Florida Election Code to file a statement of organization with a filing officer *other than the City Clerk* (e.g., the Florida Division of Elections or the Supervisor of Elections), the notice must include either (i) a copy of the statement of organization filed with that other filing officer or (ii) the name of the filing officer with whom that statement of organization is filed so that a copy can be requested by the City Clerk.
- If the independent spender is not a political committee or an electioneering communications organization required by the Florida Election Code to file a statement of organization with a filing officer in the state, the notice must contain information in lieu of a statement of organization on City form SP-CO-501.

In addition to the foundational information described above, the notice must also include certain information about the independent spender's relationship with the City, which can be generally described as follows:

- Contractual relationships with City.
- Lobbyist or lobbying firm disclosure.

If the independent spender is an entity, the notice of independent spender status must also contain certain information about the entity, including:

- State of formation and type.
- Website URL.
- Tax-exempt status.
- Foreign-influenced business entity status.

- Principal owners.
- Officers, board members, or equivalents for the entity.
- Individual(s) in charge of making decisions regarding covered spending for the entity.
- Agent for service of process in Florida for the entity.

In all cases, the person filing the notice of independent spender status must certify as to the correctness of that information and bears responsibility for the accuracy and veracity of that information.

[Fla. Stat. § 104.011; City Code § 10-72]

Specific instructions regarding the scope of the disclosures described in this section 6.4 can be found in the instructions accompanying the applicable form. For information on the schedule and process for filing the notice with the City Clerk, consult chapters 7 and 9, respectively.

6.5 Affirmation of Previously Filed Notice of Independent Spender Status

If an independent spender has filed a notice of independent spender status for a previous covered election and the information in that previously filed notice remains a complete and accurate disclosure of the information required to be submitted for a *subsequent* covered election, that independent spender may satisfy the notice requirement for that subsequent election by filing an affirmation of the previously filed notice with the City Clerk using City form SP-CO-502.

[City Code § 10-72(a)]

7. SCHEDULE FOR INDEPENDENT SPENDING REPORTS

This chapter describes the different filing schedules that may apply to an independent spender (section 7.1) along with specifics applicable to a political committee (section 7.2), electioneering communications organization (section 7.3), and a person who is obligated to report independent expenditures without qualifying as a political committee or an electioneering communications organization (section 7.4).

7.1 Determining the Appropriate Filing Schedule

As discussed in section 6.1, local disclosure obligations are designed to supplement statutory disclosure obligations. Accordingly, an independent spender must file each independent spending report according to the same schedule it uses for statutory reports. As a result, once a political committee, electioneering communications organization, or other person qualifies as an independent spender, it will continue to file on the *same reporting schedule called for under state law*. In other words, the independent spending report obligations calls for additional *reporting*—but not an additional *schedule*.

With that said, statutory reporting schedules vary based several factors, including the nature of the person filing the report (i.e., political committee, electioneering communications organization, or other) and the identity of the filing officer with whom that reporting is filed (i.e., the Division, Supervisor of Elections, or the City Clerk or another filing officer). As a result, *there is no single reporting schedule applicable to all independent spenders*, and two independent spenders may be reporting at different times with respect to activity related to the same election.

These variations are discussed in this chapter. Please also refer to section 9.1, which describes key aspects of the City’s electronic portal for campaign finance filing, including the default midnight deadline for report acceptance.

Additionally, as you review chapters 7–9, keep in mind that, because statutory reports and independent spending reports are intended to be filed simultaneously (even if filed with different filing officers), each reference to a “report” in these chapters refers equally to both the statutory report and the corresponding independent spending report unless otherwise indicated.

7.2 Political Committees

If an independent spender is a political committee, the filing schedule is determined by the identity of the filing officer with whom the political committee is required to file its statutory reports and the schedule for elections overseen by that filing officer.

(a) Statutory Reports Filed with Division

As a general matter, a political committee that files statutory reports with the Division must file monthly reports on the 10th day following the end of each calendar month. If the 10th day occurs on a Saturday, Sunday, or legal holiday, the report must be filed on the next business day that is not a Saturday, Sunday, or legal holiday.

But in advance of a statewide primary or general election, this schedule increases in frequency as follows:

- Reports are due 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.
- Subsequently, reports are due 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.

[Fla. Stat. § 106.07(1); City Code § 10-73(a)]

It is important to note that this schedule is based on *statewide* primary or general elections—not covered elections in the City. As a result, in a year in which the City is holding a covered election that does *not* coincide with a statewide election, an independent spender who files with the Division will remain on a monthly filing schedule throughout the covered election cycle.

(b) Statutory Reports Filed with Supervisor of Elections or City Clerk

As a general matter, a political committee that files statutory reports with the Supervisor of Elections or City Clerk must file monthly reports on the 10th day following the end of

each calendar month. If the 10th day occurs on a Saturday, Sunday, or legal holiday, the report must be filed on the next business day that is not a Saturday, Sunday, or legal holiday.

But in advance of a County or municipal primary or general election, this schedule increases in frequency. Specifically, reports are due 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.

Although many municipal and County elections coincide with one another, that is not always the case. Accordingly:

- A political committee that is required to file statutory reporting with the Supervisor of Elections should consult the Supervisor of Elections website for specific details about the filing schedule.
- A political committee that is required to file statutory reporting with the City Clerk should consult the schedule for such filing attached to this handbook as Appendix C.

[Fla. Stat. § 106.07(1)(a)–(b);
City Code § 10-73(a)]

(c) Lack of Reportable Activity

If an independent spender that is a political committee has no reportable activity *of any kind* for a particular reporting period, state law waives the reporting requirement for that period, with such waiver documented as follows:

- If the independent spender files statutory reporting with the City Clerk, no further action is required beyond filing state form DS-DE 87 (Waiver of Report) with the City Clerk.
- If the independent spender files state form DS-DE 87 with a filing officer other than the City Clerk, the independent spender must provide a copy of that form to the City Clerk.

In either case, the next report filed must specify that the report covers the entire period between the last submitted report and the report being filed.

[Fla. Stat. § 106.07(7); City Code § 10-73(a)]

If an independent spender files statutory reporting with the Division or with the Supervisor of Elections, it may be possible for that political committee to have reportable activity for a particular period even though *none of that reportable activity is related to the City*. In that case, the independent spender must file an independent spending report with the City showing zero City-related transactions for that period. Consult section 8.3(b)(iii) for more information.

(d) Special Election Reports

If a special election is called for the purpose of addressing a ballot question and no candidates are scheduled to appear on the ballot, an independent spender that is a political committee making contributions or expenditures in support of or opposition to that ballot question must file reports on the 18th and 4th days before that special election.

Although the Florida Election Code does not explicitly provide a campaign finance reporting schedule to be used for a special election to fill a vacancy in a *municipal* office, it does provide the Florida Department of State with some authority to regulate the conduct of elections in unforeseeable circumstances. Accordingly, in the event of a special election held to fill a vacancy in a municipal office, the reporting schedule will be set by the Department of State or will default to the reporting schedule in effect at that time, as described in the preceding subsections.

[Fla. Stat. §§ 100.111(5), 106.07(1)(d),
166.031(6); City Code § 10-73(a)]

7.3 Electioneering Communications Organizations

If an independent spender is an electioneering communications organization, the filing schedule is determined by the identity of the filing officer with whom the electioneering communications organization is required to file its statutory reports and the schedule for elections overseen by that filing officer.

(a) Statutory Reports Filed with Division

An independent spender that is an electioneering communications organization must file monthly reports on the 10th day following the end of each calendar month. 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.

[Fla. Stat. § 106.0703(1)(a); City Code § 10-73(b)]

But in advance of a statewide primary or general election, this schedule increases in frequency as follows:

- Reports are due 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.
- Subsequently, reports are due 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.

[Fla. Stat. § 106.0703(1)(b)–(c);
City Code § 10-73(b)]

It is important to note that this schedule is based on *statewide* primary or general elections—not covered elections in the City. As a result, in a year in which the City is holding a covered election that does *not* coincide with a statewide election, an independent spender who files with the Division will remain on a monthly filing schedule throughout the covered election cycle.

(b) Statutory Reports Filed with Supervisor of Elections or City Clerk

As a general matter, an independent spender that is an electioneering communications organization must file monthly reports on the 10th day following the end of each calendar month. 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.

[Fla. Stat. § 106.0703(1)(a); City Code § 10-73(b)]

But in advance of a County or municipal primary or general election, this schedule increases in frequency. Specifically, reports are due 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.

Although many municipal and County elections coincide with one another, that is not always the case. Accordingly:

- An electioneering communications organization that is required to file statutory reporting with the Supervisor of Elections should consult the Supervisor of Elections website for specific details about the filing schedule.
- An electioneering communications organization that is required to file statutory reporting with the City Clerk should consult the schedule for such filing is attached to this handbook as Appendix C.

[Fla. Stat. § 106.0703(1)(b)–(c);
City Code § 10-73(b)]

(c) Negative Reports

Although a political committee may avail itself of a report waiver, as described in section 7.2(c), an electioneering communications organization must still file a report when no reportable contributions or expenditures occurred during the reporting period. Accordingly, the standard reporting requirements and deadlines must be followed for this “negative report,” with the report indicating that no reportable contributions or expenditures occurred during the reporting period.

[Fla. Stat. § 106.0703(6); City Code § 10-73(b)]

(d) Special Election Reports

Although the Florida Election Code does not explicitly provide a campaign finance reporting schedule to be used for a special election to fill a vacancy in a *municipal* office, it does provide the Florida Department of State with some authority to regulate the conduct of elections in unforeseeable circumstances. Accordingly, in the event of a special election held to fill a vacancy in a municipal office, the reporting schedule will be set by the Department of State or will default to the reporting schedule in effect at that time, as described in the preceding subsections.

[Fla. Stat. §§ 100.111(5), 106.0703(1)(d),
166.031(6); City Code § 10-73(b)]

7.4 Other Independent Spenders

If a person qualifies as an independent spender but is not a political committee or an electioneering communications organization, the Florida Election Code requires that person to

follow reporting provisions for a political committee with respect to statutory reports, and pursuant to City Code, that political committee reporting schedule also governs submission of independent spending reports as described in section 7.2.

[Fla. Stat. §§ 106.03(3), 106.071(1);
City Code § 10-73(c)-(d)]

8. CONTENTS OF INDEPENDENT SPENDING REPORTS

This chapter describes the various forms that make up an independent spending report (section 8.1) along with the particular types of information incorporated into an independent spending report, including statutory reporting (section 8.2); supplemental information for all itemized contributions (section 8.4); supplemental information for entity contributors (section 8.5); supplemental information for significant contributors (section 8.6); bifurcated transactions that are only partially applicable to a covered election; (section 8.7) and summary and certification requirements (section 8.2).

8.1 Reports and Forms

As discussed in section 6.1, local disclosure obligations are modeled after and designed to supplement statutory disclosure obligations. Accordingly, just as each statutory report is comprised of one or more forms promulgated by the state (e.g., a DS-DE 12, DS-DE 13, and DS-DE 14), an independent spending report is comprised of one or more forms promulgated by the City (e.g., SP-CO-512, SP-CO-513A, and SP-CO-514).

Accordingly, an independent spending report will be comprised of some or all of the following component forms, in the order shown below:

- SP-CO-512 – Independent Spending Report Summary
- Forms comprising the statutory report (e.g., DS-DE 12, DS-DE 13, and DS-DE 14)
- SP-CO-513A – Supplemental Information for All Itemized Contributions (reflecting each contribution in the statutory report)
- SP-CO-513E – Supplemental Information for Entity Contributors (reflecting each entity contributor on the statutory report)
- SP-CO-513G – Supplemental Information for a Significant Contributor (one for each contributor on the statutory report that qualifies as a significant contributor)
- SP-CO-514 – Bifurcated Itemized Expenditures (reflecting any expenditure on the statutory report that is only partially applicable to a covered election)

8.2 Summarizing and certifying supplemental information

Information in the independent spending report is summarized and certified on City form SP-CO-512, which provides the following information:

- Report identifiers (including cover period and report type) that tie the independent spending report to the corresponding statutory report.
- Information on the statutory report (as discussed in section 8.3).
- Summarized information about contributions and expenditures disclosed in the independent spending report (including counts of all contributors, entity contributors, significant contributors, and bifurcated expenditures that tie to the disclosures, as described in sections 8.4–8.7).
- Summarized contributions and expenditures included on independent spending reports to date.

The summary information is accompanied by certification of the report, which must be accomplished in the same manner as the corresponding statutory report. Accordingly, the signatory or signatories are determined as follows:

- If the independent spender is a political committee, the independent spending report must be certified by the political committee chair *and* the campaign treasurer of the committee.
- If the independent spender is an electioneering communications organization, the independent spending report must be certified by the treasurer of the electioneering communications organization.
- If the independent spender is a person that does not qualify as a political committee or an electioneering communications organization, the independent spending report must be certified by that person.

Accordingly, there will be two signatories for a report from a political committee and one signature for a report from any other form of independent spender. But in every case, each person signing the independent spending report must certify as to the correctness of the

information in the independent spending report and bears responsibility for the accuracy and veracity of that information.

[Fla. Stat. §§ 104.011, 106.07(5), 106.0703(4),
106.071(1); City Code § 10-74(d)]

8.3 Statutory reporting

The foundation of each independent spending report is the corresponding statutory report of campaign finance activity prepared by the independent spender pursuant to the Florida Election Code. As described in the following two subsections, the means of fulfilling this requirement depends on the identity of the filing officer with whom the independent spender is required to file its statutory reporting.

(a) Statutory reports filed with City Clerk

If the Florida Election Code requires the independent spender to file a statutory report with the City Clerk, the statutory reporting requirement is satisfied by filing the applicable state-promulgated forms (DS-DE 12, DS-DE 13, DS-DE 14, etc.) with the City Clerk exactly as specified by state law. That statutory report filed with the City Clerk Code will be automatically incorporated into the independent spending report. Accordingly, a duplicate copy of the statutory report does *not* need to be included as part of the independent spending report, and the standard state-promulgated forms should be used for statutory reporting purposes (as opposed to the annotated versions described in the following subsection).

(b) Statutory reports filed with Another Filing Officer

(i) Alternative Version Requirement

If the Florida Election Code requires the independent spender to file statutory reports with an filing officer *other than the City Clerk* (e.g., the Division or the Pinellas County Supervisor of Elections), the independent spender must (i) continue to comply with the statutory obligation to file a statutory report with the applicable filing officer and (ii) file with the City Clerk, as part of the independent spending report, an alternative version of the statutory report that reflects only those transactions related to a City candidate or ballot question. Submitting an alternative version of the statutory report that reflects only the City-related transactions allows the City's electors to determine how much of the independent spender's state- or county-wide activities are related to City candidates or ballot questions.

For example, if a statewide political committee files a report with the Division that contains 100 total transactions and only 5 of those transactions are related to a City candidate or ballot question, the version of the statutory report filed with the City as part of the independent spending report should reflect only the 5 City-related transactions and omit the other 95 transactions.

[City Code § 10-74(a)]

(ii) Annotated Versions of Statutory Forms

In order to prevent confusion between a statutory report filed with a filing officer other than the City Clerk (reflecting *all* transactions) and the alternative version of that report submitted with the independent spending report (limited to *covered* transactions—i.e., those related to the City), the City Clerk has provided a version of each applicable state form with annotations indicating that the contents of the form are limited to City-related transactions.

These annotated forms use a numbering scheme that parallels the state report (e.g., if state form DS-DE 12 is filed with the Florida Division of Elections, City form SP-CO-12 would be included with the independent spending report filed with the Clerk). Accordingly, independent spenders are encouraged to use these annotated state forms for inclusion in the independent spending report. With that said, these annotated versions of state forms are intended solely for use as part of an independent spending report and should not be used for statutory reporting purposes.

[City Code § 10-71(d)]

(iii) Reportable Activity Exists But is Not City-Related

As noted in section 7.2(c), if an independent spender is a political committee that has no reportable activity of any kind for a particular reporting period, a Waiver of Report form can be filed to document eligibility for the waiver provided for under state law.

Alternatively, if such a political committee has reportable activity but *none of that reportable activity is related to a City election or ballot question*, the independent spender must still file an independent spending report with the City. This report would contain form SP-CO-512 (Independent Spending Report Summary) and form SP-CO-12 (Campaign Treasurer's Report Summary annotated for local use) showing zeroes for the number of transactions and

dollar amounts. This is equivalent to the “negative report” approach used by electioneering communications organizations for reporting during a period in which no activity occurred.

8.4 Supplemental information for all itemized contributions

An independent spending report must include certain supplemental information about each contribution included in the statutory report upon which the independent spending report is based. This supplemental information must be disclosed on City form SP-CO-513A and includes, generally, of the following information about each contribution:

- Whether the contributor is an individual or entity (additional disclosure for entities is discussed in section 8.5).
- Whether the contributor is a “significant contributor” that has made aggregate contributions to the independent spender over the preceding 12 months that exceed \$5,000 (additional disclosure for significant contributors is discussed in section 8.6)
- If the contribution is bifurcated between a covered election and some other election, the amount that is applicable to the City candidate or ballot question (see section 8.7 for more information).

[City Code § 10-74(b)-(c)]

8.5 Supplemental information for entity contributors

If any contribution listed on an individual spending report is contributed by an entity (including any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity), the independent spending report must also include the name of an individual serving as president, managing member, or CEO or who otherwise exercises control over the entity, along with the name of that individual’s position or a description of that individual’s role in controlling the entity. That supplemental information must be disclosed on City form SP-CO-513E.

[City Code § 10-74(c)(1)]

8.6 Supplemental information for significant contributors

If a contributor listed on an independent spending report qualifies as a “significant contributor” because that contributor has made aggregate contributions to the independent

spender over the preceding 12 months that exceed \$5,000, the information generally described in section 3.5 must be disclosed about that significant contributor on City form SP-CO-513G.

[City Code §§ 10-74(c)(2)-(3)]

8.7 Bifurcated transactions

To the extent that the independent spending report contains a covered transaction that is only *partially* applicable to a City candidate or ballot question, the independent spender must disclose the portion of that covered transaction that is applicable to a City candidate or ballot question. This applies to contributions *and* expenditures, as discussed below.

[City Code § 10-74(b)]

(a) Contributions

A contribution listed on an independent spending report is considered “applicable” to a City candidate or ballot question if the independent spender knows or has reason to know that the contributor intends the contribution to be used for the support or opposition of a City candidate or ballot question—regardless of whether the donor explicitly states such a restriction. For example, if a contributor to a statewide political committee responds to a solicitation concerning a St. Petersburg ballot issue, that contribution would be applicable to a City ballot question *even if the donor did not explicitly designate the contribution for that purpose*.

If the amount of the contribution applicable to the City cannot be determined conclusively (e.g., the contributor did not explicitly designate a proportion or amount applicable to a City candidate or ballot issue), this field should reflect a good faith estimate of the applicable amount (e.g., if a \$50,000 contribution was received in response to a solicitation concerning one statewide candidate and one City candidate, it would be reasonable to estimate that half of the contribution was applicable to the City candidate and enter \$25,000 for this field).

Information about bifurcated contributions is disclosed on City form SP-CO-512A.

(b) Expenditures

A covered expenditure is considered “applicable” to a City candidate or ballot question if the independent spender knows or has reason to know that the expenditure will influence

a covered election for a City candidate or ballot question—regardless of whether the resulting independent expenditure or electioneering communication explicitly mentions that City candidate or ballot question.

The amounts disclosed should reflect a good faith estimate of the portion of the expenditure that was applicable to the City candidate or ballot issue (e.g., if \$50,000 was spent on a mailing that promoted one countywide candidate and one City candidate, it would be reasonable to estimate that only half of the expenditure was applicable to the City candidate and enter \$25,000 for this field).

If the statutory report contains any bifurcated expenditures, the applicable information is disclosed on City form SP-CO-514. But if no such bifurcated expenditures exist, the independent spending report will not include City form SP-CO-514.

9. REPORT FILING AND RECORD RETENTION

This chapter covers filing and record-retention obligations related to local disclosure obligations described in chapters 6–8, including the City’s portal for campaign finance reports (section 9.1); statutory reports of campaign finance activity (sections 9.2–9.3); filing of independent spending reports (section 9.4); incomplete reports (section 9.5); and record-retention requirements (section 9.6).

9.1 City Portal for Campaign Finance Reports

(a) General Information

The City’s Easy Campaign Finance Portal (the “**City Portal**”) is available online at <http://www.stpete.org/elections> and must be used for the filing of (i) filing of statutory reports with the City Clerk that is required by the Florida Election Code, as described in section 9.3, and (ii) filing of all independent spending reports, as described in section 9.4.

[City Council res. 2016-541]

(b) Credentials for Access and Use

The City Clerk is responsible for approving and administering the credentials through which each user securely accesses the City Portal. To request such credentials, follow the procedures posted on the City Clerk’s election website.

(c) Usage Requirements

The following usage requirements apply to the City Portal:

- Credentials for accessing the City Portal are approved on an individual basis and may not be shared—even with members of the same political committee or electioneering communications organization.
- Each political committee or electioneering communications organization who has users with credentials for the City Portal must notify the City Clerk if any such user becomes ineligible to hold the credentials issued to that user.
- Each user who is approved for credentials is individually responsible for protecting those credentials from disclosure or compromise. Once credentials have been approved for a user, that user is deemed responsible for every report filed using those credentials

until such time as the City Clerk is notified of disclosure or compromise of those credentials.

(d) Electronic Receipts and Amendments

A report is deemed filed with the City Clerk only when the City Portal issues a receipt confirming the date and time at which the report was filed. The City Portal will issue a separate notice for the subsequent acceptance or rejection of the report by the City Clerk. Once a report has been filed with the City Clerk, it may be changed only by filing an amendment to that report.

(e) Filing Deadlines and Alternative Filing Procedures

As a general matter, any report that must be filed with the City Clerk through the City Portal must be filed before midnight at the end of the due date. But the City Clerk may promulgate alternative filing procedures to be used (i) in the event that the System is temporarily unavailable and (ii) to the extent required by the Americans with Disabilities Act of 1990 or other applicable law.

Please note that the City is not responsible for providing the internet access necessary to access the City Portal, and problems with an independent spender's internet access at a residence, office, coffee shop, etc. do not excuse late filing by that independent spender. The City Clerk will provide an alternate filing procedure to address unavailability only in the event that the City Portal is *generally* unavailable and all independent spenders are similarly affected.

Please also note that late-filed statutory reports are subject to fines pursuant to the Florida Elections Code, and late filed independent spending reports are subject to fines subject to the City Code. For more information on enforcement, refer to chapter 11.

[Fla. Stat. §§ 106.07(8), 106.29(3);
City Code § 10-52]

9.2 Statutory Reports, Generally

Because different types of entities and individuals can qualify as an independent spender subject to local disclosure requirements (e.g., political committees, electioneering communications organizations, or other independent spenders), *there is no one-size-fits-all process*

for filing statutory reports required under the Florida Election Code. But as a general matter:

- If the Florida Election Code requires a statutory report to be filed with the Division, it must be filed using the Electronic Filing System maintained by the Division for that purpose.
- If the Florida Election Code requires a statutory report to be filed with the City Clerk, as described in section 9.3, it must be filed using the City Portal.
- If the Florida Election Code requires a statutory report to be filed with some other filing officer in the state, it must be filed in accordance with filing requirements promulgated by that filing officer.

[Fla. Stat. §§ 106.03, 106.07,
106.0703, 106.0705, 106.071;
City Code §§ 10-71(d), 10-74(a);
City Council res. 2016-541]

9.3 Statutory Reports Filed with City Clerk

If a statutory report must be filed with the City Clerk pursuant to Florida Statutes section 106.07, 106.0703, or 106.071, that statutory report must be filed with the City Clerk using the City Portal. The City Portal allows information about applicable contributions, expenditures, transfers, etc. to be entered directly into the City Portal or imported into the City Portal from certain other systems. This information is then used by the City Portal to generate the appropriate disclosure forms, submit them to the City Clerk, and make them available to the public.

[City Council res. 2016-541]

9.4 Independent Spending Report Filing

The City Portal does not currently support the entry or import of information required for independent spending reports or generate independent spending reports based on that information. Instead, the process for preparing and submitting an independent spending report is currently as follows:

1. Download the appropriate fillable PDF forms from the City Clerk's election website.

2. Complete those forms using Adobe Acrobat Reader or another program capable of entering information in a fillable PDF.
3. Provide any required certification using an ink signature or electronic signature.
4. Consolidate the completed forms into a single PDF for submission purposes.
5. Upload that single PDF to the City Portal for submission to the City Clerk.

Each independent spending report must be filed using the City Portal as described in section 9.1. Accordingly, the City Clerk will accept not submission of an independent spending report via email or in hardcopy unless an alternative filing procedure has been promulgated to allow such submission as described in section 9.1(e).

[City Council res. 2016-541]

9.5 Incomplete Reports

After a report is submitted to the City Clerk, the City Clerk will perform a facial review of the report. Facial review by the City Clerk does not evaluate the accuracy of any information contained on the report and is performed for the sole purpose of determining whether the report is complete and may be accepted for filing.

If a report is incomplete, it will be accepted only on a *conditional* basis, and the City Clerk will notify the independent spender why the report is incomplete. *No more than seven days after that notification*, the independent spender must file an amended version of the report to remedy each issue identified by the City Clerk.

[Fla. Stat. §§ 106.07(2)(b), 106.0703(2)(b);
City Code § 10-73]

9.6 Record Retention for Independent Spenders

For a period of three years following the applicable covered election or for any longer period imposed by applicable law, an independent spender must (i) keep any record needed to verify any disclosure information filed with the City Clerk pursuant to City Code chapter 10, article V (i.e., the notices and reports described in chapters 6–9 of this handbook)

and (ii) make any such record available, upon request, to the City Clerk and to any person designated by the City for the enforcement of local campaign finance regulation.

[City Code § 10-76]

10. SUPPLEMENTAL DISCLAIMERS FOR INDEPENDENT SPENDERS

In addition to filing independent spending reports, as discussed in chapter 8, an independent spender is also subject to local disclaimer requirements described in this chapter, which covers the relationship between statutory and local disclaimer requirements (section 10.1); the scope of local disclaimer requirements (section 10.2); the formatting and duration of local disclaimers (section 10.3); and supplemental disclaimers regarding control of the entity (section 10.4) and top donors (section 10.5).

10.1 Relationship Between Statutory and Local Disclaimer Requirements

The Florida Election Code establishes a variety of disclaimer requirements for political advertisements and electioneering communications. And because local disclaimer requirements are intended to supplement these statutory disclaimer requirements, this handbook describes the statutory disclaimer requirements that trigger the need for local disclaimers. But this handbook is *not* intended to be a complete guide to statutory disclaimer requirements, and an independent spender should consult the handbook issued by the Division for political committees or electioneering communications organizations, as appropriate, for guidance on compliance with statutory disclaimer requirements.

[Fla. Stat. §§ 106.071(2), 106.143, 106.1439]

10.2 Scope of Local Disclaimer Requirement

There are two statutory disclaimer requirements that trigger local disclaimer requirements for an independent spender for a covered communication:

- Pursuant to the Florida Election Code, if a political advertisement was purchased with an independent expenditure, that political advertisement must prominently state the following:

Paid political advertisement paid for by (name and address of person or committee paying for the advertisement) independently of any (candidate or committee).

- Pursuant to the Florida Election Code, any electioneering communication, other than a telephone call, must prominently state the following:

Paid electioneering communication paid for by (name and address of person paying for the communication).

If either of those two *statutory* disclaimer requirements applies to a covered communication made by an independent spender, the local disclaimer requirements described in this handbook chapter are triggered, and the statutory disclaimer described above may need to be accompanied by a supplemental local disclaimer as further described in the remainder of this handbook chapter.

[Fla. Stat. §§ 106.071(2), 106.1439(2);
City Code § 10-75(a)]

10.3 Formatting and Duration of Local Disclaimers

Because local disclaimers are intended to supplement statutory disclaimers, the local disclaimer must be provided in addition to (and not instead of) the statutory disclaimer, and the local disclaimer must be presented in the same manner as the statutory disclaimer with respect to size, duration, placement, and other applicable characteristics.

[City Code § 10-75(a)(3)]

10.4 Supplemental Disclaimer Regarding Control of Entity

If the statutory disclaimer includes the name of a person who paid for the covered communication and that person is an entity, the statutory disclaimer must be supplemented by a local disclaimer that provides the name of an individual (i.e., a natural person, rather than a legal entity or other combination of individuals having collective capacity) who is an officer or who is otherwise officially responsible for the operation and control of the entity.

[City Code § 10-75(b)]

10.5 Supplemental Disclaimer Regarding Top Donors

An independent spender's "top donors" are, for local disclaimer purposes, the largest aggregate contributors who, during the preceding 12 months, have each contributed an aggregate amount of \$5,000 or more to the independent spender for use in making covered expenditures, listed in descending order by aggregate amount.

If no person qualifies as a top donor at the time a covered communication is distributed, there is no requirement to provide a supplemental disclaimer concerning top donors. Otherwise, the statutory disclaimer must be accompanied by a supplemental disclaimer concerning top donors as follows:

- The disclaimer must include the three top donors, if that many exist. Otherwise, the one or two existing top donors must be included.
- If the third largest donor has donated the same amount as the fourth largest donor, the independent spender may choose which three top donors to include, so long as no donor is included that has donated less than any other donor that is not included.
- The disclaimer must identify the top donors by name and identify them as “top donors.”
- If any top donor is an entity, the disclaimer must also include the name of an individual serving as president, managing member, or CEO of that entity or who otherwise exercises control over that entity.

[City Code § 10-75(c)-(d)]

10.6 Examples

The examples provided in this handbook section are intended to illustrate how statutory disclaimers are supplemented by local disclaimers. This section does not represent an exhaustive set of possibilities, and as noted in section 10.1, an independent spender should consult the applicable handbook from the Division for more information about compliance with statutory disclaimer obligations.

1. Candidate-related political advertisement paid for by an independent expenditure from a political committee with no top donors:

**ABC Foundation Supports
John Doe for St. Petersburg City Council
District 1**

Paid political advertisement paid for by the ABC Foundation, 4444 Robin Lane, Jacksonville, FL 33433 independently of any candidate. This advertisement was not approved by any candidate.

Jane Doe is President of ABC Foundation and responsible for its operation.

2. Electioneering communication by an electioneering communications organization with one top donor who is an individual:

**John Doe is the *only* choice
for St. Petersburg City Council District 1**

Paid electioneering communication paid for by
the ABC Foundation, 4444 Robin Lane,
Jacksonville, FL 33433 independently of any
candidate.

Jane Doe is President of ABC Foundation and
responsible for its operation. The top donor to
ABC Foundation is John Smith.

3. Issue-related political advertisement paid for by an independent expenditure from a political committee with three top donors, one of which is an entity:

**Say "Yes" to a Better St. Pete
Vote "Yes" on Charter Amendment 1**

Paid political advertisement paid for by the
ABC Foundation, 4444 Robin Lane,
Jacksonville, FL 33433.

Jane Doe is President of ABC Foundation and
responsible for its operation. The three top
donors to ABC Foundation are John Smith,
Acme Widget Co. (CEO Jane Smith),
and Richard Jones

11. COMPLAINTS AND ENFORCEMENT

This chapter covers enforcement of the local contribution limits and disclosure requirements described in the preceding chapters, including a comparison of state enforcement and local enforcement (section 11.1); standards for complaints (section 11.2); the process for filing a complaint (section 11.3); processing and investigation of complaints (section 11.4); and handling of multiple complaints (section 11.5).

11.1 State Enforcement vs. Local Enforcement

The City's enactment of supplemental *local* campaign finance regulation does not supersede or replace enforcement of *statutory* campaign finance regulation by the Florida Election Commission. Accordingly, any person who wishes to file a complaint concerning a violation of the Florida Statutes chapters 104 or 106 should file a complaint with the Florida Election Commission, which has authority to investigate such complaints and levy penalties provided by the Florida Election Code.

[Fla. Stat. § 106.25]

Because the Florida Election Commission does not have jurisdiction to enforce local campaign finance regulation established by City Code, any complaint concerning local campaign finance regulation should be filed with the City Clerk, as described in the remainder of this chapter. A violation of a local campaign finance regulation constitutes a municipal ordinance violation punishable by a fine of up to \$500.

[Fla. Stat. § 162.22; City Code § 10-52]

Additionally, while complaints to and investigations by the Florida Election Commission are generally confidential and exempt from disclosure under Florida law regarding public records, complaints and investigations regarding an alleged municipal ordinance violation are not confidential or exempt, and they are subject to disclosure pursuant to Florida law regarding public records.

[Fla. Stat. §§ 106.25(7), 119.07, 286.011]

11.2 Standards for Complaints

Complaints must be filed using City form SP-CO-600, and the complaint must meet the following criteria in order to be considered complete:

- The appropriate complaint form has been used, and all information requested by the form has been provided on the form;
- A single respondent has been named in the complaint. A complaint cannot be filed against more than one person;
- The complaint has not been submitted anonymously;
- All exhibits or attachments referenced in the complaint have been included with the complaint;
- The complaint was signed by the complainant;
- The complaint alleges a specific violation of City Code chapter 10;
- The complaint contains specific facts upon which the complainant bases the allegation of a violation of the municipal ordinance;
- The complaint alleges a violation that occurred within one year of the date the complaint is filed with the City Clerk's Office; and
- The complaint is based on personal information or information other than hearsay.

11.3 Filing a Complaint

A complaint may be filed with the City Clerk either (i) electronically, by email to City.Clerk@stpete.org, or (ii) physically, by mail or hand delivery to the following address:

The City Clerk
175 5th St. N.
St. Petersburg, FL 33701

11.4 Processing and Investigation of Complaints

Within five business days of receiving a complaint alleging a violation of local campaign finance regulation, the City Clerk's Office will perform an initial review of that complaint. If the complaint is obviously incomplete (e.g., the complaint is missing information or is unsigned), the complaint and all supporting materials will be returned to the complainant and can be re-submitted once all required information is included. Otherwise, the complaint will be forwarded by the Clerk's Office to the City staff member officially designated to serve as the campaign finance enforcement officer (the "CFEO") for further review.

Upon receipt of a complaint from the Clerk's Office, the CFEO will review that complaint to determine whether the requirements set forth in section 11.2 are fully met and whether further investigation is warranted. During this process, the CFEO may request that the complainant provide additional information for the record.

If the CFEO determines there is probable cause to believe that a violation exists, the CFEO will mail a legal action warning letter to the person accused of that violation (the "Respondent"). Following receipt of that legal action warning letter, the Respondent has 14 days to respond to the CFEO.

After providing the Respondent with 14 days to respond and, if appropriate, requesting additional information from the Respondent, the CFEO will determine whether the record demonstrates beyond a reasonable doubt that a violation of local campaign finance regulation exists. If so, the CFEO may proceed with filing a municipal ordinance violation in county court. Otherwise, the case will be closed.

As noted in section 11.1, complaints and investigations regarding alleged municipal ordinance violations are not confidential or exempt under Florida law regarding public records, and all materials described in this section are subject to public disclosure.

11.5 Multiple Complaints

If a person files multiple complaints against the same Respondent, the CFEO will not investigate any subsequent complaint that is based upon facts or allegations that were raised in a previous complaint.

APPENDIX A: SELECTED AUTHORITIES, PUBLICATIONS, AND FORMS

1. City Charter and City Code

The following provisions of the St. Petersburg City Charter and St. Petersburg City Code govern local elections and campaign finance regulation and are available online (https://library.municode.com/fl/st._petersburg/codes/code_of_ordinances):

- City Charter [article III](#) - Elected and Appointed City Positions
- City Charter [article V](#) - Nominations and Elections
- City Code [chapter 10](#) - Elections

2. Online Resources for City Elections

The following online resources provide information on City elections and local campaign finance regulation, including the most up-to-date version of this handbook.

- City elections home page: <http://www.stpete.org/elections/>
- City campaign finance portal: <https://cityofstpetersburgfl.easyvotecampaign-finance.com/>

3. City Campaign Finance Forms

Local disclosure forms cited in this handbook are available from the City's elections website at http://www.stpete.org/elections/campaign_finance_forms.php and are listed below, categorized by intended use.

(a) Foreign Influence

- SP-CO-400 – Statement of Certification Regarding Foreign Influence

(b) Notice of Independent Spender Status

- SP-CO-500 – Notice of Independent Spender Status
- SP-CO-501 – Information in Lieu of Statement of Organization

- SP-CO-502 – Affirmation of Previously Filed Notice of Independent Spender Status

(c) Independent Spending Report

- SP-CO-512 – Independent Spending Report Summary
- SP-CO-513A – Supplemental Information for All Itemized Contributions
- SP-CO-513E – Supplemental Information for Entity Contributors
- SP-CO-513G - Supplemental Information for a Significant Contributor
- SP-CO-514 – Bifurcated Itemized Expenditures

(d) Annotated Statutory Reports

- SP-CO-12 (DS-DE 12) - Campaign Treasurer's Report Summary
- SP-CO-12 (DS-DE 13) - Campaign Treasurer's Report - Itemized Contributions
- SP-CO-13A (DS-DE 13A) - Campaign Treasurer's Report - Fund Transfers
- SP-CO-14 (DS-DE 14) - Campaign Treasurer's Report - Itemized Expenditures
- SP-CO-14A (DS-DE 14A) - Campaign Treasurer's Report - Itemized Distributions
- SP-CO-14B (DS-DE 14B) - Campaign Treasurer's Report - Expenditures and Distributions

(e) Enforcement

- SP-CO-600 – Complaint Form

4. Florida Statutes

Because local campaign finance regulation is designed to supplement statutory campaign finance regulation, this handbook contains numerous references to provisions of the Florida Statutes (available at <http://www.leg.state.fl.us/statutes/>) that serve as the basis of local regulation of campaign finance. The majority of the Florida Statutes sections are drawn from chapter 106 (Campaign Financing):

- [106.011](#) Definitions.

- [106.021](#) Campaign treasurers; deputies; primary and secondary depositories.
- [106.03](#) Registration of political committees and electioneering communications organizations.
- [106.055](#) Valuation of in-kind contributions.
- [106.07](#) Reports; certification and filing.
- [106.0703](#) Electioneering communications organizations; reporting requirements; certification and filing; penalties.
- [106.0705](#) Electronic filing of campaign treasurer's reports.
- [106.071](#) Independent expenditures; electioneering communications; reports; disclaimers.
- [106.143](#) Political advertisements circulated prior to election; requirements.
- [106.1439](#) Electioneering communications; disclaimers.
- [106.22](#) Duties of the Division of Elections.
- [106.25](#) Reports of alleged violations to Florida Elections Commission; disposition of findings.
- [106.29](#) Reports by political parties and affiliated party committees; restrictions on contributions and expenditures; penalties.

In addition to the references to chapter 106 noted above, several other related sections of the Florida Statutes are also cited in the handbook:

- [100.111](#) Filling vacancy.
- [104.011](#) False swearing; submission of false voter registration information.
- [166.031](#) Charter amendments.

5. Florida Division of Elections and Florida Election Commission

More information on statutory campaign finance regulation is available from the Division of Elections (which publishes guidance on statutory campaign finance regulation) and the

Florida Elections Commission (which handles complaints concerning alleged violations of statutory campaign finance regulation).

- Division of Elections home page: <https://dos.myflorida.com/elections/>
- Florida Elections Commission home page: <http://www.fec.state.fl.us/>

6. Opinions and Orders Concerning Statutory Regulation

Advisory opinions and orders concerning statutory regulation are available from the following sources:

- Attorney General Opinions: <http://myfloridalegal.com/ago.nsf/Web+Search+Simple>
- Division of Elections Opinions: <http://opinions.dos.state.fl.us/>
- Florida Election Commission Final Orders (1993 through June 30, 2015): <http://www.fec.state.fl.us/FECWebFi.nsf/pages/SearchOrders>
- Florida Election Commission Orders (July 1, 2015 onward): <https://www.doah.state.fl.us/FLAIO/>

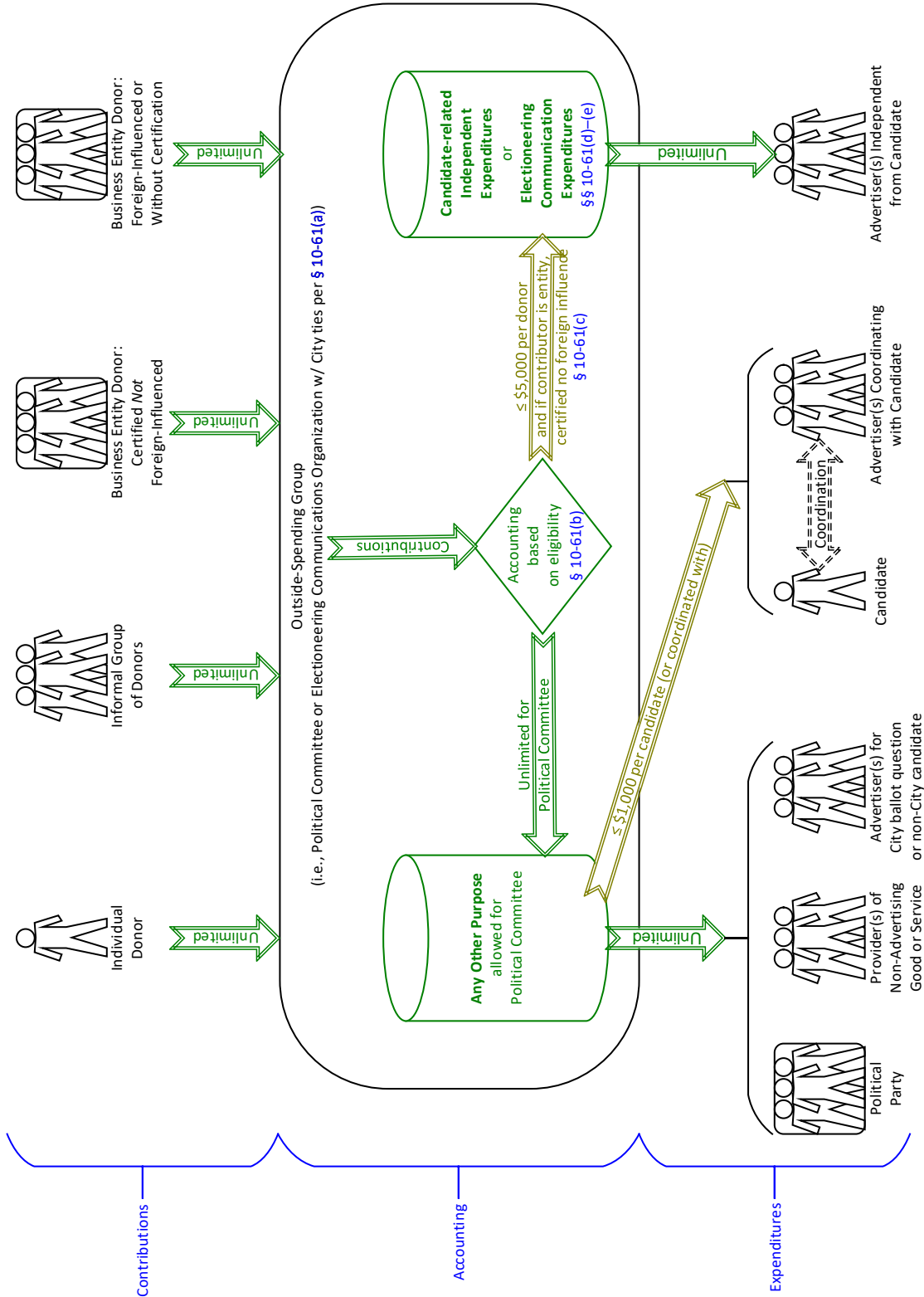
7. Florida Division of Elections Publications

In addition to the advisory opinions from the Division noted above, publications from the Division should be consulted as a primary source of guidance for statutory terms incorporated into local campaign finance regulation. Please visit the Division's website to ensure you are using the current version of any publication or form identified below.

- Political Committee Handbook (rev. 03/20/18): <https://dos.myflorida.com/media/699280/political-committee-handbook-2018.pdf>
- Electioneering Communications Organization Handbook (rev. 03/20/18): <https://dos.myflorida.com/media/699326/electioneering-communications-organization-handbook-2018.pdf>
- Frequently Asked Questions for Campaign Finance: <https://dos.myflorida.com/elections/contacts/frequently-asked-questions/faq-campaign-finance/>
- Listing of forms: <https://dos.myflorida.com/elections/forms-publications/forms/>

APPENDIX B: OPERATION OF LOCAL CONTRIBUTION LIMITS

Operation of City Code Section 10-61 Concerning Contribution Limits for Outside-Spending Groups



Note: This diagram was created for the limited purpose of providing a general illustration of the operation of certain contribution limits imposed by City Code. It does not supersede the Florida Statutes, City Code, or any other source of authority, and it does not provide a comprehensive of statutory or local regulation of campaign finance related to City elections.

**APPENDIX C:
SCHEDULE FOR STATUTORY REPORTS FILED WITH CITY CLERK**

Report	Code	Covered Period	Due Date
Monthly	M1-19	January 1 – January 31, 2019	February 11, 2019
Monthly	M2-19	February 1 – February 28, 2019	March 11, 2019
Monthly	M3-19	March 1 – March 31, 2019	April 10, 2019
Monthly	M4-19	April 1 – April 30, 2019	May 10, 2019
Monthly	M5-19	May 1 – May 31, 2019	June 10, 2019
60th Day	P1-19	June 1 – June 21, 2019	June 28, 2019
46th Day	P2-19	June 22 – July 5, 2019	July 12, 2019
32nd Day	P3-19	July 6 – July 19, 2019	July 26, 2019
25th Day	P4-19	July 20 – July 26, 2019	August 2, 2019
18th Day	P5-19	July 27 – August 2, 2019	August 9, 2019
11th Day	P6-19	August 3 – August 9, 2019	August 16, 2019
4th Day	P7-19	August 10 – August 22, 2019	August 23, 2019
60th Day	G1-19	August 23 – August 30, 2019	September 6, 2019
46th Day	G2-19	August 31 – September 13, 2019	September 20, 2019
32nd Day	G3-19	September 14 – September 27, 2019	October 4, 2019
25th Day	G4-19	September 28 – October 4, 2019	October 11, 2019
18th Day	G5-19	October 5 – October 11, 2019	October 18, 2019
11th Day	G6-19	October 12 – October 18, 2019	October 25, 2019
4th Day	G7-19	October 19 – October 31, 2019	November 1, 2019
TR- May	TRM-19	May 1 – August 1, 2019	August 1, 2019
TR- June	TRJ-19	June 1 – September 19, 2019	September 19, 2019
TR- Primary	TRP-19	August 23 – November 25, 2019	November 25, 2019

Report	Code	Covered Period	Due Date
TR- General	TRG-19	November 1, 2019 – February 3, 2020	February 3, 2020
Monthly	M12-19	December 1 – December 31, 2019	January 10, 2020
Monthly	M1-20	January 1 – January 31, 2020	February 10, 2020
Monthly	M2-20	February 1- February 29, 2020	March 10, 2020
Monthly	M3-20	March 1 – March 31, 2020	April 10, 2020
Monthly	M4-20	April 1 – April 30, 2020	May 11, 2020
Monthly	M5-20	May 1 – May 31, 2020	June 10, 2020
Monthly	M6-20	June 1 – June 30, 2020	July 10, 2020
Monthly	M7-20	July 1 – July 31, 2020	August 10, 2020
Monthly	M8-20	August 1 – August 31, 2020	September 10, 2020
Monthly	M9-20	September 1- September 30, 2020	October 13, 2020
Monthly	M10-20	October 1 – October 31, 2020	November 10, 2020
Monthly	M11-20	November 1- November 30, 2020	December 10, 2020
Monthly	M12-20	December 1 - December 31, 2020	January 11, 2021
Monthly	M1-21	January 1 – January 31, 2021	February 10, 2021
Monthly	M2-21	February 1 – February 28, 2021	March 10, 2021
Monthly	M3-21	March 1 – March 31, 2021	April 12, 2021
Monthly	M4-21	April 1 – April 30, 2021	May 10, 2021
Monthly	M5-21	May 1 – May 31, 2021	June 10, 2021
60th Day	P1-21	June 1 – June 18, 2021	June 25, 2021
46th Day	P2-21	June 19 – July 2, 2021	July 9, 2021
32nd Day	P3-21	July 3 – July 16, 2021	July 23, 2021
25th Day	P4-21	July 17 – July 23, 2021	July 30, 2021
18th Day	P5-21	July 24 – July 30, 2021	August 6, 2021

Report	Code	Covered Period	Due Date
11th Day	P6-21	July 31 – August 6, 2021	August 13, 2021
4th Day	P7-21	August 7 – August 19, 2021	August 20, 2021
60th Day	G1-21	August 20 – August 27, 2021	September 3, 2021
46th Day	G2-21	August 28 – September 10, 2021	September 17, 2021
32nd Day	G3-21	September 11 – September 24, 2021	October 1, 2021
25th Day	G4-21	September 25 – October 1, 2021	October 8, 2021
18th Day	G5-21	October 2 – October 8, 2021	October 15, 2021
11th Day	G6-21	October 9 – October 15, 2021	October 22, 2021
4th Day	G7-21	October 16 – October 28, 2021	October 29, 2021
TR- May	TRM-21	May 1 – August 1, 2021	August 1, 2021
TR- June	TRJ-21	June 1 – August 30, 2021	August 30, 2021
TR- Primary	TRP-21	August 20 – November 18, 2021	November 18, 2021
TR- General	TRG-21	October 29, 2021 – January 27, 2022	January 27, 2022

APPENDIX D: FREQUENTLY ASKED QUESTIONS

1. What is the difference between an “outside-spending group” and an “independent spender”?

Because contribution limits and disclosure obligations are intended to achieve different policy goals, different criteria and terminology are used for each purpose. Specifically, an “outside-spending group” is subject to local *contribution limits* while an “independent spender” is subject to local *disclosure requirements*. These terms overlap to a certain extent. So, it is possible to qualify as both an outside-spending group and an independent spender simultaneously. Consult section 1.5 for more information on the distinction between the two concepts and references to applicable portions of this handbook.

2. If a political committee or electioneering communications organization is considered an “outside spending group,” is it *automatically* considered an “independent spender” (or vice versa)?

No. Although these concepts are related, they are not synonymous. So, while it is possible to qualify simultaneously as both an outside-spending group (subject to local contribution limits) and an independent spender (subject to local disclosure requirements), it is also possible to qualify as one *but not the other*. Consult section 1.5 for more information, particularly the examples in subsection 1.5(c).

3. Is every City-related contribution accepted by a political committee or an electioneering communications organization subject to local contribution limits?

No. If a contribution is not intended to be eligible to fund a “covered candidate-related expenditure” (as discussed in section 5.2), that contribution falls outside the scope of local contribution limits.

4. Do local contribution limits apply to candidates or campaigns?

No. Contribution limits on candidates and campaigns are imposed by *state* law. Contribution limits imposed by City Code apply only to a political committee or an electioneering communications organization that qualifies as an outside-spending group, as described in section 2.2.

5. Do local campaign finance regulations prohibit a person working for a political committee from simultaneously working for or coordinating with a candidate campaign?

No. But under *statutory* campaign finance regulation, expenditure by a political committee that is coordinated with a campaign may be treated as an in-kind contribution from the political committee to the campaign. For example, as noted in the Division's Political Committee Handbook, a political committee cannot coordinate with the candidate on a political advertisement without the political advertisement becoming a contribution to the candidate. For more information on this issue, consult the Florida Election Code and applicable publications of the Division listed in Appendix A.

6. After a business entity prepares a certification concerning foreign influence, who gets it?

The answer depends on whether the business entity prepared the certification because of a contribution or an expenditure.

If the business entity makes a contribution to an outside-spending group, the business entity must file the *original* certification with the City Clerk. Additionally, if the business entity desires to make that contribution eligible for funding a covered candidate-related expenditure, the business entity must also provide a *copy* of the certification to the outside-spending group. Refer to section 3.1 for more information.

If the business entity makes a covered candidate-related expenditure of \$5,000 or more, the business entity must file the *original* certification with the City Clerk. Refer to section 5.4 for more information.

7. Is a political committee or an electioneering communications organization involved in a City election automatically considered an independent spender for local disclosure purposes?

No. A political committee or an electioneering communications organization is considered an independent spender subject to local disclosure requirements only after making covered expenditures with respect to a local candidate or ballot question that aggregate to \$5,000 or more. For more information, consult section 6.2.

8. Can an individual qualify as an independent spender?

Yes. The definition of independent spender includes both entities and individuals. For more information, consult section 6.2.

9. If a political committee or an electioneering communications organization qualifies as an independent spender for a *primary* election, is it automatically considered an independent spender for the *general* election?

No. Under Florida law, a primary election and a general election are considered separate elections. Because independent spender status is determined on a per-election basis, independent spender status does not automatically carry over from the primary election to the general election. Accordingly, a person that qualifies as an independent spender during both the primary election and the general election must file notice of that status for each such election. But if the notice information filed for the primary election remains valid at the time of the general election, the independent spender may simply affirm the previously filed notice, as discussed in section 6.5.

10. Do all independent spenders file reports at the same time?

Not necessarily. Independent spenders who file statutory reporting with the Division are subject to a different reporting schedule than independent spenders who file with the Supervisor of Elections or the City Clerk. Accordingly, it is possible that independent spenders making expenditures related to a single covered election may file reports on different schedules. Consult chapter 7 for more information.

11. Who do I contact if I believe a campaign finance violation has occurred?

If the alleged violation concerns Florida Statutes chapters 104 or 106, the complaint should be filed with the Florida Election Commission. If the alleged violation concerns City Code chapter 10, the violation should be filed with the City Clerk. Consult chapter 11 for more information.

12. If I file a complaint alleging a violation of local campaign finance regulation, will my complaint be confidential?

No. Because complaints and investigations regarding alleged municipal ordinance violations are not confidential or exempt under Florida law regarding public records,

a complaint regarding an alleged violation of local campaign finance regulation will be available for disclosure pursuant to Florida law regarding public records, along with any records of the investigation of that complaint.

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