

Bill No. SB 1140

Amendment No. 3

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Committee on Executive Business, Ethics and Elections recommended the following amendment:

**Senate Amendment (with title amendment)**

On page 8, line 19, delete that line

and insert:

Section 3. Subsections (3) and (17) of section 106.011, Florida Statutes, are amended, and subsection (18) is added to that section, to read:

106.011 Definitions.--As used in this chapter, the following terms have the following meanings unless the context clearly indicates otherwise:

(3) "Contribution" means:

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.

(b) A transfer of funds between political committees, between committees of continuous existence, or between a

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1 political committee and a committee of continuous existence.

2 (c) The payment, by any person other than a candidate  
3 or political committee, of compensation for the personal  
4 services of another person which are rendered to a candidate  
5 or political committee without charge to the candidate or  
6 committee for such services.

7 (d) The transfer of funds by a campaign treasurer or  
8 deputy campaign treasurer between a primary depository and a  
9 separate interest-bearing account or certificate of deposit,  
10 and the term includes any interest earned on such account or  
11 certificate.

12 (e) Any political advertisement, other than an  
13 independent expenditure, that is paid for by a national,  
14 state, or county executive committee of a political party,  
15 including any subordinate committee of a national, state, or  
16 county executive committee of a political party, and that  
17 refers to a clearly identified candidate.

18 (f) Any political advertisement that is made in  
19 coordination with a candidate and that refers to a clearly  
20 identified candidate.

21 (g) Any political advertisement, other than an  
22 independent expenditure, that refers to a clearly identified  
23 candidate and that is distributed at any point during the  
24 period following the last day of qualifying for that office  
25 through the general election.

26  
27 Notwithstanding the foregoing meanings of "contribution," the  
28 word shall not be construed to include services, including,  
29 but not limited to, legal and accounting services, provided  
30 without compensation by individuals volunteering a portion or  
31 all of their time on behalf of a candidate or political

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1 committee. This definition shall not be construed to include  
2 editorial endorsements.

3 (17) "Political advertisement" means a paid expression  
4 in any communications media prescribed in subsection (13),  
5 whether radio, television, newspaper, magazine, periodical,  
6 campaign literature, direct mail, or display or by means other  
7 than the spoken word in direct conversation, which shall  
8 support or oppose any candidate, elected public official,  
9 political party, or issue, regardless of whether the  
10 communication contains the words "vote for," "vote against,"  
11 or "re-elect," or any similar words or statement. However,  
12 political advertisement does not include:

13 (a) A statement by an organization, in existence prior  
14 to the time during which a candidate qualifies or an issue is  
15 placed on the ballot for that election, in support of or  
16 opposition to a candidate or issue, in that organization's  
17 newsletter, which newsletter is distributed only to the  
18 members of that organization.

19 (b) Editorial endorsements by any newspaper, radio or  
20 television station, or other recognized news medium.

21 (18) "In coordination with" means a person engages in  
22 any of the following:

23 (a) Has a contract with the candidate, political  
24 committee, or agent of such candidate or committee in a given  
25 election period.

26 (b) Communicates with the candidate, the candidate's  
27 campaign committee, or an agent of the candidate acting on  
28 behalf of the candidate, including any pollster, media  
29 consultant, advertising agency, vendor, advisor, or staff  
30 member, about any advertising, message, allocation of  
31 resources, fundraising, or other campaign matters related to

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1 the candidate's campaign, including campaign operations,  
2 staffing, tactics, or strategy.

3 (c) Makes a payment in cooperation, consultation, or  
4 concert with, at the request or suggestion of, or pursuant to  
5 any general or particular understanding with the candidate,  
6 the candidate's campaign committee, or an agent of the  
7 candidate or committee.

8 (d) Makes a payment for the dissemination,  
9 distribution, or republication, in whole or in part, of any  
10 broadcast or any written, graphic, or other form of campaign  
11 material prepared by the candidate, the candidate's campaign  
12 or committee, or an agent of the candidate or committee,  
13 including any pollster, media consultant, advertising agency,  
14 vendor, advisor, or staff member.

15 (e) Makes a payment based on information about the  
16 candidate's plans, projects, or needs communicated to a member  
17 of the committee or person by the candidate or an agent of the  
18 candidate, provided the committee or person uses the  
19 information in any way, in whole or in part, either directly  
20 or indirectly, to design, prepare, or pay for any expenditure  
21 or advertising campaign.

22 (f) After the last day of qualifying for statewide or  
23 legislative office, consults about the candidate's plans,  
24 projects, or needs in connection with the candidate's pursuit  
25 of election to office and the information is used in any way  
26 to plan, create, design, or prepare an independent expenditure  
27 or advertising campaign, with:

28 1. Any officer, director, employee, or agent of a  
29 national, state, or county executive committee of a political  
30 party that has made or intends to make expenditures in  
31 connection with or contributions to the candidate; or

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1           2. Any person whose professional services have been  
2 retained by a national, state, or county executive committee  
3 of a political party that has made or intends to make  
4 expenditures in connection with or contributions to the  
5 candidate.

6           (g) After the last day of qualifying for statewide or  
7 legislative office, retains the professional services of any  
8 person who has provided or is providing those services to the  
9 candidate in connection with the candidate's pursuit of  
10 election to office.

11           (h) Arranges, coordinates, or directs the expenditure,  
12 in any way, with the candidate or an agent of the candidate.

13           Section 4. Effective July 1, 1998, subsection (3) of  
14 section 106.021, Florida Statutes, is amended to read:

15           106.021 Campaign treasurers; deputies; primary and  
16 secondary depositories.--

17           (3) Except for independent expenditures, no  
18 contribution or expenditure, including contributions or  
19 expenditures of a candidate or of the candidate's family,  
20 shall be directly or indirectly made or received in  
21 furtherance of the candidacy of any person for nomination or  
22 election to political office in the state or on behalf of any  
23 political committee except through the duly appointed campaign  
24 treasurer of the candidate or political committee. However,  
25 expenditures may be made directly by any political committee  
26 or political party regulated by chapter 103 for obtaining  
27 time, space, or services in or by any communications medium  
28 for the purpose of jointly endorsing three or more candidates,  
29 and any such expenditure shall not be considered a  
30 contribution or expenditure to or on behalf of any such  
31 candidates for the purposes of this chapter provided the

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1 endorsement involves candidates in elections on the same day  
2 and the endorsement allocates no more than twice as much time,  
3 space, or service to any candidate over any other candidate  
4 being endorsed.

5 Section 5. Effective July 1, 1998, paragraph (a) of  
6 subsection (2) of section 106.087, Florida Statutes, is  
7 amended to read:

8 106.087 Independent expenditures; contribution limits;  
9 restrictions on political parties, political committees, and  
10 committees of continuous existence.--

11 (2)(a) Any political committee or committee of  
12 continuous existence that accepts the use of public funds,  
13 equipment, personnel, or other resources to collect dues from  
14 its members agrees not to make independent expenditures in  
15 support of or opposition to a candidate or elected public  
16 official. ~~However, expenditures may be made for the sole~~  
17 ~~purpose of jointly endorsing three or more candidates.~~

18 Section 6. Paragraph (a) of subsection (1) of section  
19 106.087, Florida Statutes, is amended to read:

20 106.087 Independent expenditures; contribution limits;  
21 restrictions on political parties, political committees, and  
22 committees of continuous existence.--

23 (1)(a) As a condition of receiving a rebate of filing  
24 fees and party assessment funds pursuant to s. 99.061(2), s.  
25 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or  
26 treasurer of a state or county executive committee shall take  
27 and subscribe to an oath or affirmation in writing. During the  
28 qualifying period for state candidates and prior to  
29 distribution of such funds, a printed copy of the oath or  
30 affirmation shall be filed with the Secretary of State and  
31 shall be substantially in the following form:

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State of Florida  
County of....

Before me, an officer authorized to administer oaths, personally appeared ...(name)..., to me well known, who, being sworn, says that he or she is the ...(title)... of the ...(name of party)... ...(state or specified county)... executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08(3)~~s. 106.08(2)~~, Florida Statutes.

...(Signature of committee officer)...  
...(Address)...

Sworn to and subscribed before me this .... day of ....., 19...., at .... County, Florida.

...(Signature and title of officer administering oath)...

Section 7. Subsection (6) of section 106.29, Florida Statutes, is amended to read:

106.29 Reports by political parties; restrictions on contributions and expenditures; penalties.--

(6)(a) The national, state, and county executive committees of a political party may not contribute to any

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1 candidate any amount in excess of the limits contained in s.  
2 106.08(3)~~s. 106.08(2)~~, and all contributions required to be  
3 reported under ~~s. 106.08(2)~~ by the national executive  
4 committee of a political party shall be reported by the state  
5 executive committee of that political party.

6 (b) A violation of the contribution limits contained  
7 in s. 106.08(3)~~s. 106.08(2)~~ is a misdemeanor of the first  
8 degree, punishable as provided in s. 775.082 or s. 775.083. A  
9 civil penalty equal to three times the amount in excess of the  
10 limits contained in s. 106.08(3)~~s. 106.08(2)~~ shall be  
11 assessed against any executive committee found in violation  
12 thereof.

13 Section 8. This act shall take effect July 1, 1998.

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16 ===== T I T L E A M E N D M E N T =====

17 And the title is amended as follows:

18 On page 1, line 8, delete that line

19

20 and insert:

21 amending s. 106.011, F.S.; redefining the terms  
22 "contribution," "independent expenditure," and  
23 "political advertisement" and defining the term  
24 "in coordination with" for purposes of  
25 regulation of campaign financing; amending s.  
26 106.021; revising provisions relating to  
27 expenditures for joint endorsement of three or  
28 more candidates; amending s. 106.087, F.S. ;  
29 deleting provisions authorizing expenditures  
30 for joint endorsement of three or more  
31 candidates; conforming a cross-reference;



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amending s. 106.29, F.S.; revising provisions relating to contributions by party national executive committees; conforming a cross-reference; providing an effective date.