

By Representative Peaden

1                                   A bill to be entitled  
2           An act relating to campaign financing; amending  
3           s. 106.011, F.S.; revising the definition of  
4           "independent expenditure"; amending s. 106.08,  
5           F.S.; requiring the filing of a certification  
6           relating to independent expenditures prior to a  
7           political party executive committee making  
8           certain contributions; prohibiting certain  
9           transfers of funds between political party  
10          executive committees and between political  
11          party executive committees and certain  
12          political committees and committees of  
13          continuous existence; providing an effective  
14          date.

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16 Be It Enacted by the Legislature of the State of Florida:

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18           Section 1. Subsection (5) of section 106.011, Florida  
19 Statutes, is amended to read:

20           106.011 Definitions.--As used in this chapter, the  
21 following terms have the following meanings unless the context  
22 clearly indicates otherwise:

23           (5)(a) "Independent expenditure" means an expenditure  
24 by a person for the purpose of advocating the election or  
25 defeat of a candidate or the approval or rejection of an  
26 issue, which expenditure is not controlled by, coordinated  
27 with, or made upon consultation with, any candidate, political  
28 committee, or agent of such candidate or committee.

29           (b) An expenditure for the such purpose of advocating  
30 the election or defeat of a candidate or the approval or  
31 rejection of an issue by a person having a contract with the

1 candidate, political committee, or agent of such candidate or  
2 committee in a given election period shall not be deemed an  
3 independent expenditure.

4 (c)1. An expenditure for the purpose of advocating the  
5 election or defeat of a candidate which is made by an  
6 executive committee of a political party, or by any political  
7 committee or committee of continuous existence established or  
8 maintained by that political party, shall not be considered an  
9 independent expenditure if the committee:

10 a. Participates in joint fundraising with the  
11 candidate or in any way solicits or receives a contribution on  
12 behalf of the candidate.

13 b. Communicates with the candidate or an agent of the  
14 candidate acting on behalf of the candidate, including any  
15 pollster, media consultant, vendor, advisor, or staff member,  
16 about advertising, message, allocation of resources,  
17 fundraising, or other campaign matters related to the  
18 candidate's campaign, including campaign operations, staffing,  
19 tactics, or strategy.

20 c. Provides in-kind services, polling data, research  
21 services, technical assistance, or anything of value to the  
22 candidate.

23 d. Makes a payment for a communication or anything of  
24 value that is for the purpose of influencing an election and  
25 that is a payment made in coordination with the candidate.

26 e. Makes a payment in cooperation, consultation, or  
27 concert with, at the request or suggestion of, or pursuant to  
28 any general or particular understanding with the candidate,  
29 the candidate's campaign committee, or an agent acting on  
30 behalf of the candidate or the campaign committee.

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1           f. Makes a payment for the dissemination,  
2 distribution, or republication, in whole or in part, of any  
3 broadcast or any written, graphic, or other form of campaign  
4 material prepared by the candidate, the candidate's campaign  
5 committee, or an agent of the candidate or the campaign  
6 committee.

7           g. Makes a payment based on information about the  
8 candidate's plans, projects, or needs provided to the  
9 committee by the candidate or the candidate's agent who  
10 provides the information with a view toward having the payment  
11 made.

12           h. Makes a payment for such purpose if, in the same  
13 election cycle in which the payment is made, an employee or  
14 agent of the committee is serving or has served as a member,  
15 employee, fundraiser, or agent of the candidate's campaign  
16 committee in an executive or policymaking position.

17           i. Makes a payment for such purpose if, in the same  
18 election cycle in which the payment is made, an employee or  
19 agent of the committee has served in any formal policy or  
20 advisory position with the candidate's campaign or has  
21 participated in strategic or policymaking discussions with the  
22 candidate's campaign relating to the candidate's pursuit of  
23 nomination for or election to office.

24           j. Makes a payment for such purpose if, in the same  
25 election cycle in which the payment is made, an employee or  
26 agent of the committee retains the professional services of  
27 any individual or person who has provided or is providing  
28 campaign-related services in the same election cycle to a  
29 candidate in connection with the candidate's pursuit of  
30 nomination or election, including services relating to the  
31 candidate's decision to seek office, and the professional is

1 retained to work on activities relating to that candidate's  
2 campaign. For purposes of this sub-subparagraph, professional  
3 services include, but are not limited to, services in support  
4 of a candidate's pursuit of nomination for or election to  
5 office such as polling, media advice, direct mail,  
6 fundraising, or campaign research.

7 2. For purposes of this paragraph, the executive  
8 committee and all other party committees of a national  
9 political party, and all political committees established and  
10 maintained by that national political party, including all  
11 congressional campaign committees for candidates of that  
12 party, and the state executive committee of that political  
13 party and all political committees and committees of  
14 continuous existence established by that state executive  
15 committee shall be considered a single entity.

16 Section 2. Subsection (2) of section 106.08, Florida  
17 Statutes, is amended to read:

18 106.08 Contributions; limitations on.--

19 (2)(a) A candidate may not accept contributions from  
20 national, state, and county executive committees of a  
21 political party, which contributions in the aggregate exceed  
22 \$50,000, no more than \$25,000 of which may be accepted prior  
23 to the 28-day period immediately preceding the date of the  
24 general election.

25 (b) For the purposes of this subsection:

26 1. Print, broadcast, cable, and mailing advertisements  
27 are contributions in an amount equal to their fair market  
28 value and shall be counted toward the contribution limits of  
29 this subsection.

30 2. Polling services, research services, technical  
31 assistance, and voter mobilization efforts are not

1 contributions to be counted toward the contribution limits of  
2 this subsection.

3 (c) Before a political party executive committee may  
4 make a contribution in connection with a campaign for office  
5 in excess of \$500, the executive committee must file with the  
6 division a certification, signed by the treasurer, that the  
7 political party has not made and will not make any independent  
8 expenditures in connection with that campaign. A political  
9 party executive committee that determines to make  
10 contributions in excess of \$500 pursuant to this subsection  
11 may not make any transfer of funds in the same election cycle  
12 to, or receive any transfer of funds in the same election  
13 cycle from, any other executive committee of that political  
14 party or any political committee or committee of continuous  
15 existence established by that political party, if that  
16 executive committee, political committee, or committee of  
17 continuous existence determines to make independent  
18 expenditures with the same campaign for office.

19 (d) With respect to the making of independent  
20 expenditures under this subsection, the executive committee  
21 and all other party committees of a national political party,  
22 and all political committees established and maintained by  
23 that national political party, including all congressional  
24 campaign committees for candidates of that party, and the  
25 state executive committee of that political party and all  
26 political committees and committees of continuous existence  
27 established by that state executive committee shall be  
28 considered a single entity.

29 Section 3. This act shall take effect January 1, 1998.  
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HOUSE SUMMARY

Revises the definition of "independent expenditure," to specify conditions under which expenditures by a political party and certain party-affiliated committees are not to be considered independent contributions. Requires the filing of a certification relating to independent expenditures prior to a political party executive committee making certain contributions. Prohibits certain transfers of funds between political party executive committees and between political party executive committees and certain political committees and committees of continuous existence. See bill for details.