

By Representative Carlton

1 A bill to be entitled
2 An act relating to independent expenditures;
3 creating s. 106.087, F.S.; providing
4 restrictions on political parties, political
5 committees, and committees of continuous
6 existence that make independent expenditures or
7 contribute amounts in excess of certain
8 contribution limits; requiring an oath or
9 affirmation under certain circumstances;
10 providing penalties; providing an effective
11 date.

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

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15 Section 1. Section 106.087, Florida Statutes, is
16 created to read:

17 106.087 Independent expenditures; contribution limits;
18 restrictions on political parties, political committees, and
19 committees of continuous existence.--

20 (1)(a) As a condition of receiving a rebate of filing
21 fees and party assessment funds pursuant to s. 99.061(2), s.
22 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
23 treasurer of a state or county executive committee shall take
24 and subscribe to an oath or affirmation in writing. During the
25 qualifying period for state candidates and prior to
26 distribution of such funds, a printed copy of the oath or
27 affirmation shall be filed with the Secretary of State and
28 shall be substantially in the following form:

29
30 State of Florida
31 County of....

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

15 ...(Signature of committee officer)...

16 ...(Address)...

17
18 Sworn to and subscribed before me this day of,
19 19...., at County, Florida.

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

21
22 (b) Any executive committee found to have violated the
23 provisions of the oath or affirmation in this subsection prior
24 to receiving funds shall be ineligible to receive the rebate
25 for that general election year.

26 (c) Any executive committee found to have violated the
27 provisions of the oath or affirmation in this subsection after
28 receiving funds shall be ineligible to receive the rebate from
29 candidates qualifying for the following general election
30 cycle.

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1 (d) Any funds not distributed to the state or county
2 executive committee pursuant to this subsection shall be
3 deposited into the General Revenue Fund of the state.

4 (2)(a) Any political committee or committee of
5 continuous existence that accepts the use of public funds,
6 equipment, personnel, or other resources to collect dues from
7 its members agrees not to make independent expenditures in
8 support of or opposition to a candidate or elected public
9 official. However, expenditures may be made for producing and
10 mailing communications to its members for the purpose of
11 jointly endorsing six or more candidates.

12 (b) Any political committee or committee of continuous
13 existence that violates this subsection shall be liable for a
14 civil fine of up to \$5,000, to be determined by the Florida
15 Elections Commission, or the entire amount of the
16 expenditures, whichever is greater.

17 Section 2. This act shall take effect October 1, 1997.

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20 HOUSE SUMMARY

21 Provides restrictions on political parties, political
22 committees, and committees of continuous existence that
23 make independent expenditures or contribute amounts in
24 excess of certain contribution limits. Requires an oath
25 or affirmation of political party executive committees
26 under certain circumstances. Provides punitive measures
27 and civil penalties, as applicable. See bill for details.