

By Representative Silver

1 A bill to be entitled
2 An act relating to elections; creating s.
3 106.081, F.S.; providing a campaign
4 contribution limit to candidacies for the
5 office of member of the Legislature;
6 prohibiting solicitation or acceptance of any
7 contribution in excess of such limit; providing
8 penalties; providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 106.081, Florida Statutes, is
13 created to read:

14 106.081 Legislative candidates; limitations on
15 contributions.--

16 (1)(a) No person, political committee, or committee of
17 continuous existence may, in any election, make contributions
18 in excess of \$100 to any candidate for nomination or election
19 to the office of member of the Legislature or to any political
20 committee supporting or opposing one or more candidates for
21 such office.

22 (b) The contribution limits provided in this
23 subsection apply to contributions made by a state or county
24 executive committee of a political party regulated by chapter
25 103, but not to amounts contributed by a candidate to his or
26 her own campaign.

27 (c) The contribution limits of this subsection apply
28 to each election. For purposes of this subsection, the first
29 primary, second primary, and general election are separate
30 elections so long as the candidate is not an unopposed
31 candidate as defined in s. 106.011(15).

1 (2) No candidate for the office of member of the
2 Legislature and no political committee supporting or opposing
3 any such candidate, or any person on behalf of any such
4 candidate or committee, may solicit or accept a campaign
5 contribution in excess of \$100 from any person, political
6 committee, committee of continuous existence, or political
7 party prohibited from making such a contribution under
8 subsection (1).

9 (3)(a) Any person who knowingly and willfully makes a
10 contribution in violation of subsection (1) commits a
11 misdemeanor of the first degree, punishable as provided in s.
12 775.082 or s. 775.083. If any corporation, partnership, or
13 other business entity or any political party, political
14 committee, or committee of continuous existence is convicted
15 of knowingly and willfully violating any provision punishable
16 under this paragraph, it shall be fined not less than \$1,000
17 and not more than \$10,000. If it is a domestic entity, it may
18 be ordered dissolved by a court of competent jurisdiction; or,
19 if it is a foreign or nonresident business entity, its right
20 to do business in this state may be forfeited. Any officer,
21 partner, agent, attorney, or other representative of a
22 corporation, partnership, or other business entity or of a
23 political party, political committee, or committee of
24 continuous existence who aids, abets, advises, or participates
25 in a violation of any provision punishable under this
26 paragraph commits a misdemeanor of the first degree,
27 punishable as provided in s. 775.082 or s. 775.083.

28 (b) Any person who knowingly and willfully makes two
29 or more contributions in violation of subsection (1) commits a
30 felony of the third degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084. If any corporation,

1 partnership, or other business entity or any political party,
2 political committee, or committee of continuous existence is
3 convicted of knowingly and willfully violating any provision
4 punishable under this paragraph, it shall be fined not less
5 than \$10,000 and not more than \$50,000. If it is a domestic
6 entity, it may be ordered dissolved by a court of competent
7 jurisdiction; or, if it is a foreign or nonresident business
8 entity, its right to do business in this state may be
9 forfeited. Any officer, partner, agent, attorney, or other
10 representative of a corporation, partnership, or other
11 business entity or of a political committee, committee of
12 continuous existence, or political party who aids, abets,
13 advises, or participates in a violation of any provision
14 punishable under this paragraph commits a felony of the third
15 degree, punishable as provided in s. 775.082, s. 775.083, or
16 s. 775.084.

17 (4) Except when otherwise provided in subsection (3),
18 any person who knowingly and willfully makes a contribution in
19 violation of subsection (1) shall, in addition to any other
20 penalty prescribed by this section, pay to the state a sum
21 equal to twice the amount unlawfully contributed. Each
22 campaign treasurer shall pay all amounts contributed in
23 violation of subsection (1) to the state for deposit in the
24 General Revenue Fund.

25 (5) Any person who solicits or accepts a contribution
26 in violation of subsection (2) commits a misdemeanor of the
27 first degree, punishable as provided in s. 775.082 or s.
28 775.083. In addition, any such person shall be subject to a
29 civil penalty equal to three times the amount unlawfully
30 solicited or accepted, to be paid to the state for deposit in
31 the General Revenue Fund.

1 Section 2. This act shall take effect January 1 of the
2 year after the year in which enacted.

3
4 *****

5 HOUSE SUMMARY

6 Limits campaign contributions for the office of member of
7 the Legislature to \$100 per contributor per election.
8 Applies such limits to contributions from political
9 parties, but exempts contributions made by a candidate to
10 his or her own campaign. Prohibits solicitation or
11 acceptance of contributions over such limit. Provides
12 civil and criminal penalties. See bill for details.
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31