

Bill No. SB 960

Amendment No. 1

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

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 14 **Senate Amendment (with title amendment)**
 15 On page 1, line 9, delete everything after the enacting
 16 clause

17
 18 and insert:
 19 Section 1. Subsection (18) is added to section
 20 106.011, Florida Statutes, to read:

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

24 (18) "Affiliated corporations" means two or more
 25 corporations that:

26 (a) File consolidated federal income tax returns under
 27 the Internal Revenue Code or consolidated state income tax
 28 returns under s. 220.131; or

29 (b) Share the majority of members on their boards of
 30 directors; or

31 (c) Share two or more officers; or

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- 1 (d) Are owned or controlled by the same majority
 2 shareholder or shareholders; or
 3 (e) Are in a parent subsidiary relationship; or
 4 (f) Have a relationship in which one corporation
 5 directly or indirectly owns or controls the management and
 6 policies of one or more other corporations through the
 7 ownership of voting shares or by contract, arrangement,
 8 understanding, relationship, or any other factor establishing
 9 control.

10 Section 2. Paragraph (a) of subsection (1) and
 11 subsection (5) of section 106.08, Florida Statutes, are
 12 amended to read and subsection (7) and subsection (8) of
 13 section 106.08, Florida Statutes, are re-enacted to read:

14 106.08 Contributions; limitations on.--

15 (1)(a) Except for political parties, no person,
 16 political committee, or committee of continuous existence may,
 17 in any election, make contributions in excess of \$500 to any
 18 candidate for election to or retention in office or to any
 19 political committee supporting or opposing one or more
 20 candidates. Candidates for the offices of Governor and
 21 Lieutenant Governor on the same ticket are considered a single
 22 candidate for the purpose of this section. Affiliated
 23 corporations are considered to be one person for the purpose
 24 of this paragraph.

25 (5)(a) A person may not make any contribution through
 26 or in the name of another, directly or indirectly, in any
 27 election. It is a violation of this paragraph for any
 28 corporation, partnership, or other business entity to:

- 29 1. Give money or any bonus, award, or thing of value
 30 to an employee for the purpose of effecting a contribution in
 31 support of or in opposition to any candidate, issue, political

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1 party, political committee, or committee of continuous
2 existence; or
3 2. Give money or any bonus, award, or thing of value
4 to an employee for the purpose of reimbursing the employee, in
5 whole or in part, for making a contribution in support of or
6 in opposition to any candidate, issue, political party,
7 political committee, or committee of continuous existence; or
8 3. By bribery, menace, threat, or other corruption,
9 including the possibility of termination of employment, either
10 directly or indirectly mandate that an employee make a
11 contribution in support of or in opposition to any candidate,
12 issue, political party, political committee, or committee of
13 continuous existence;
14
15 and the corporation, partnership, or other business entity so
16 doing shall be the party subject to the penalties provided in
17 subsections (7) and (8) for the contribution made by an
18 employee in violation of this paragraph.
19 (b) Candidates, political committees, and political
20 parties may not solicit contributions from or make
21 contributions to any religious, charitable, civic, or other
22 causes or organizations established primarily for the public
23 good. However, it is not a violation of this subsection for a
24 candidate, political committee, or political party executive
25 committee to make gifts of money in lieu of flowers in memory
26 of a deceased person or for a candidate to continue membership
27 in, or make regular donations from personal or business funds
28 to, religious, political party, civic, or charitable groups of
29 which the candidate is a member or to which the candidate has
30 been a regular donor for more than 6 months. A candidate may
31 purchase, with campaign funds, tickets, admission to events,

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1 or advertisements from religious, civic, political party, or
2 charitable groups.

3 (7)(a) Any person who knowingly and willfully makes no
4 more than one contribution in violation of subsection (1) or
5 subsection (5), or any person who knowingly and willfully
6 fails or refuses to return any contribution as required in
7 subsection (3), commits a misdemeanor of the first degree,
8 punishable as provided in s. 775.082 or s. 775.083. If any
9 corporation, partnership, or other business entity or any
10 political party, political committee, or committee of
11 continuous existence is convicted of knowingly and willfully
12 violating any provision punishable under this paragraph, it
13 shall be fined not less than \$1,000 and not more than \$10,000.
14 If it is a domestic entity, it may be ordered dissolved by a
15 court of competent jurisdiction; if it is a foreign or
16 nonresident business entity, its right to do business in this
17 state may be forfeited. Any officer, partner, agent,
18 attorney, or other representative of a corporation,
19 partnership, or other business entity or of a political party,
20 political committee, or committee of continuous existence who
21 aids, abets, advises, or participates in a violation of any
22 provision punishable under this paragraph commits a
23 misdemeanor of the first degree, punishable as provided in s.
24 775.082 or s. 775.083.

25 (b) Any person who knowingly and willfully makes two
26 or more contributions in violation of subsection (1) or
27 subsection (5) commits a felony of the third degree,
28 punishable as provided in s. 775.082, s. 775.083, or s.
29 775.084. If any corporation, partnership, or other business
30 entity or any political party, political committee, or
31 committee of continuous existence is convicted of knowingly

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

14 (8) Except when otherwise provided in subsection (7),
 15 any person who knowingly and willfully violates any provision
 16 of this section shall, in addition to any other penalty
 17 prescribed by this chapter, pay to the state a sum equal to
 18 twice the amount contributed in violation of this chapter.
 19 Each campaign treasurer shall pay all amounts contributed in
 20 violation of this section to the state for deposit in the
 21 General Revenue Fund.

22 Section 3. This act shall take effect July 1, 1998.

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

26 And the title is amended as follows:

27 On page 1, lines 2-6, delete those lines

28
 29 and insert:

30 An act relating to campaign financing; amending

31 s. 106.011, F.S.; defining the term "affiliated

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1 corporations"; amending s. 106.08, F.S.;

2 providing a limitation on campaign

3 contributions of affiliated corporations;

4 prohibiting corporations, partnerships, or

5 other business entities from coercing employees

6 through specified acts to make a contribution

7 in support of or in opposition to a candidate,

8 issue, political party, political committee, or

9 committee of continuous existence; prohibiting

10 such business entities from giving anything of

11 value to an employee to effect a campaign

12 contribution or to reimburse an employee for

13 making a campaign contribution; providing an

14 effective date.

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