

Bill No. SB 1782

Amendment No. \_\_\_\_

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Latvala moved the following amendment:

**Senate Amendment (with title amendment)**

On page 15, between lines 29 and 30,

insert:

Section 14. Subsections (1), (3), and (4) of section 106.011, Florida Statutes, are amended to read:

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

(1) "Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose any candidate, issue, or political party, which accepts contributions or makes expenditures during a calendar year in an aggregate amount in excess of \$500.+"Political committee" also means the sponsor of a proposed constitutional amendment by initiative who intends to seek the signatures of registered electors."Political committee" also means a combination of two or more individuals or a person other than an individual

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1 which anticipates spending funds, or makes expenditures, for  
 2 political advertising in support of or in opposition to an  
 3 elected public official during a calendar year in an aggregate  
 4 amount in excess of \$500. Organizations which are certified by  
 5 the Department of State as committees of continuous existence  
 6 pursuant to s. 106.04, national political parties, and the  
 7 state and county executive committees of political parties  
 8 regulated by chapter 103 shall not be considered political  
 9 committees for the purposes of this chapter. Corporations  
 10 regulated by chapter 607 or chapter 617 or other business  
 11 entities formed for purposes other than to support or oppose  
 12 issues or candidates are not political committees if their  
 13 political activities are limited to contributions to  
 14 candidates, political parties, or political committees or  
 15 expenditures in support of or opposition to an issue from  
 16 corporate or business funds and if no contributions are  
 17 received by such corporations or business entities.

- 18           (3) "Contribution" means:
- 19           (a) A gift, subscription, conveyance, deposit, loan,  
 20 payment, or distribution of money or anything of value,  
 21 including contributions in kind having an attributable  
 22 monetary value in any form, made for the purpose of  
 23 influencing the results of an election.
- 24           (b) A transfer of funds between political committees,  
 25 between committees of continuous existence, or between a  
 26 political committee and a committee of continuous existence.
- 27           (c) The payment, by any person other than a candidate  
 28 or political committee, of compensation for the personal  
 29 services of another person which are rendered to a candidate  
 30 or political committee without charge to the candidate or  
 31 committee for such services.

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1           (d) The transfer of funds by a campaign treasurer or  
2 deputy campaign treasurer between a primary depository and a  
3 separate interest-bearing account or certificate of deposit,  
4 and the term includes any interest earned on such account or  
5 certificate.

6           (e) Any funds received by a political committee which  
7 are used or intended to be used, directly or indirectly, to  
8 pay for a political advertisement supporting or opposing an  
9 elected public official.

10

11 Notwithstanding the foregoing meanings of "contribution," the  
12 word shall not be construed to include services, including,  
13 but not limited to, legal and accounting services, provided  
14 without compensation by individuals volunteering a portion or  
15 all of their time on behalf of a candidate or political  
16 committee. This definition shall not be construed to include  
17 editorial endorsements.

18           (4) "Expenditure" means a purchase, payment,  
19 distribution, loan, advance, transfer of funds by a campaign  
20 treasurer or deputy campaign treasurer between a primary  
21 depository and a separate interest-bearing account or  
22 certificate of deposit, or gift of money or anything of value  
23 made for the purpose of influencing the results of an election  
24 or for purchasing a political advertisement supporting or  
25 opposing an elected public official. However, "expenditure"  
26 does not include a purchase, payment, distribution, loan,  
27 advance, or gift of money or anything of value made for the  
28 purpose of influencing the results of an election when made by  
29 an organization, in existence prior to the time during which a  
30 candidate qualifies or an issue is placed on the ballot for  
31 that election, for the purpose of printing or distributing

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1 such organization's newsletter, containing a statement by such  
2 organization in support of or opposition to a candidate or  
3 issue, which newsletter is distributed only to members of such  
4 organization.

5 Section 15. Subsection (5) of section 106.04, Florida  
6 Statutes, is amended to read:

7 106.04 Committees of continuous existence.--

8 (5) No committee of continuous existence shall  
9 contribute to any candidate or political committee an amount  
10 in excess of the limits contained in s. 106.08(1) or  
11 participate in any other activity which is prohibited by this  
12 chapter. If any violation occurs, it shall be punishable as  
13 provided in this chapter for the given offense. No funds of a  
14 committee of continuous existence shall be expended on behalf  
15 of a candidate, except by means of a contribution made through  
16 the duly appointed campaign treasurer of a candidate. No such  
17 committee shall make expenditures in support of, or in  
18 opposition to, an issue or an elected public official unless  
19 such committee first registers as a political committee  
20 pursuant to this chapter and undertakes all the practices and  
21 procedures required thereof; provided such committee may make  
22 contributions in a total amount not to exceed 25 percent of  
23 its aggregate income, as reflected in the annual report filed  
24 for the previous year, to one or more political committees  
25 registered pursuant to s. 106.03 and formed to support or  
26 oppose issues.

27 Section 16. Subsection (3) of section 106.021, Florida  
28 Statutes, is amended to read:

29 106.021 Campaign treasurers; deputies; primary and  
30 secondary depositories.--

31 (3)(a) Except for independent expenditures, no

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1 contribution or expenditure, including contributions or  
2 expenditures of a candidate or of the candidate's family,  
3 shall be directly or indirectly made or received in  
4 furtherance of the candidacy of any person for nomination or  
5 election to political office in the state or on behalf of any  
6 political committee except through the duly appointed campaign  
7 treasurer of the candidate or political committee.

8 (b) Notwithstanding the provisions of paragraph (a)  
9 ~~However~~, expenditures may be made directly by any political  
10 committee or political party regulated by chapter 103 for  
11 obtaining time, space, or services in or by any communications  
12 medium for the purpose of jointly endorsing three or more  
13 candidates. and Any such expenditure for an endorsement which  
14 allocates substantially equal time, space, or service to each  
15 candidate, or for an endorsement in a general election which  
16 lists all nominees of a political party in the area covered by  
17 the broadcast or mailing, shall not be considered a  
18 contribution or expenditure to or on behalf of any such  
19 candidates for the purposes of this chapter.

20 Section 17. Section 106.08, Florida Statutes, is  
21 amended to read:

22 106.08 Contributions; limitations on.--

23 (1)(a) Except for political parties, no person,  
24 political committee, or committee of continuous existence may,  
25 in any election, make contributions in excess of \$500 to any  
26 candidate for election to or retention in office or to any  
27 political committee supporting or opposing one or more  
28 candidates. Candidates for the offices of Governor and  
29 Lieutenant Governor on the same ticket are considered a single  
30 candidate for the purpose of this section.

31 (b)1. The contribution limits provided in this

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1 subsection do not apply to contributions made by a state or  
2 county executive committee of a political party regulated by  
3 chapter 103 or to amounts contributed by a candidate to his or  
4 her own campaign.

5           2. Notwithstanding the limits provided in this  
6 subsection, an unemancipated child under the age of 18 years  
7 of age may not make a contribution in excess of \$100 to any  
8 candidate or to any political committee supporting one or more  
9 candidates.

10           (c) The contribution limits of this subsection apply  
11 to each election. For purposes of this subsection, the first  
12 primary, second primary, and general election are separate  
13 elections so long as the candidate is not an unopposed  
14 candidate as defined in s. 106.011(15). However, for the  
15 purpose of contribution limits with respect to candidates for  
16 retention as a justice of the Supreme Court or judge of a  
17 district court of appeal, there is only one election, which is  
18 the general election, and with respect to candidates for  
19 circuit judge or county court judge, there are only two  
20 elections, which are the first primary election and general  
21 election.

22           (2)(a) A candidate may not accept contributions from  
23 national, state, including any subordinate committee of a  
24 national, state, or county committee of a political party, and  
25 county executive committees of a political party, which  
26 contributions in the aggregate exceed \$100,000 for a candidate  
27 for statewide office or \$50,000 for any other candidate. No  
28 more than half~~\$25,000~~ of these contributions which may be  
29 accepted prior to the 28-day period immediately preceding the  
30 date of the general election.

31           (b) Polling services, research services, costs for

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1 campaign staff, professional consulting services, and  
2 telephone calls are not contributions to be counted toward the  
3 contribution limits of paragraph (a). Any item not expressly  
4 identified in this paragraph as nonallocable is a contribution  
5 in an amount equal to the fair market value of the item and  
6 must be counted as allocable toward the ~~\$50,000~~ contribution  
7 limits of paragraph (a). Nonallocable, in-kind contributions  
8 must be reported by the candidate under s. 106.07 and by the  
9 political party under s. 106.29.

10 (3)(a) Any contribution received by a candidate with  
11 opposition in an election or by the campaign treasurer or a  
12 deputy campaign treasurer of such a candidate on the day of  
13 that election or less than 5 days prior to the day of that  
14 election must be returned by him or her to the person or  
15 committee contributing it and may not be used or expended by  
16 or on behalf of the candidate.

17 (b) Except as otherwise provided in paragraph (c), any  
18 contribution received by a candidate or by the campaign  
19 treasurer or a deputy campaign treasurer of a candidate after  
20 the date at which the candidate withdraws his or her  
21 candidacy, or after the date the candidate is defeated,  
22 becomes unopposed, or is elected to office must be returned to  
23 the person or committee contributing it and may not be used or  
24 expended by or on behalf of the candidate.

25 (c) With respect to any campaign for an office in  
26 which an independent or minor party candidate has filed as  
27 required in s. 99.0955 or s. 99.096, but whose qualification  
28 is pending a determination by the Department of State or  
29 supervisor of elections as to whether or not the required  
30 number of petition signatures was obtained:

31 1. The department or supervisor shall, no later than 3

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1 days after that determination has been made, notify in writing  
2 all other candidates for that office of that determination.

3           2. Any contribution received by a candidate or the  
4 campaign treasurer or deputy campaign treasurer of a candidate  
5 after the candidate has been notified in writing by the  
6 department or supervisor that he or she has become unopposed  
7 as a result of an independent or minor party candidate failing  
8 to obtain the required number of petition signatures shall be  
9 returned to the person, political committee, or committee of  
10 continuous existence contributing it and shall not be used or  
11 expended by or on behalf of the candidate.

12           (4) Any contribution received by the chair, campaign  
13 treasurer, or deputy campaign treasurer of a political  
14 committee supporting or opposing a candidate with opposition  
15 in an election or supporting or opposing an issue on the  
16 ballot in an election on the day of that election or less than  
17 5 days prior to the day of that election may not be obligated  
18 or expended by the committee until after the date of the  
19 election.

20           (5) A person may not make any contribution through or  
21 in the name of another, directly or indirectly, in any  
22 election. Candidates, political committees, and political  
23 parties may not solicit contributions from or make  
24 contributions to any religious, charitable, civic, or other  
25 causes or organizations established primarily for the public  
26 good. However, it is not a violation of this subsection for a  
27 candidate, political committee, or political party executive  
28 committee to make gifts of money in lieu of flowers in memory  
29 of a deceased person or for a candidate to continue membership  
30 in, or make regular donations from personal or business funds  
31 to, religious, political party, civic, or charitable groups of



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1 which the candidate is a member or to which the candidate has  
2 been a regular donor for more than 6 months. A candidate may  
3 purchase, with campaign funds, tickets, admission to events,  
4 or advertisements from religious, civic, political party, or  
5 charitable groups.

6 (6) A political party may not accept any contribution  
7 which has been specifically designated for the partial or  
8 exclusive use of a particular candidate. Any contribution so  
9 designated must be returned to the contributor and may not be  
10 used or expended by or on behalf of the candidate.

11 (7) A person, political committee, or committee of  
12 continuous existence may not make contributions that exceed  
13 \$5,000 in the aggregate to a state executive committee of a  
14 political party regulated by chapter 103 or to any county  
15 executive committee or any subordinate committee of such  
16 political party for the period beginning on the Thursday  
17 immediately preceding the second primary election and ending  
18 on the Wednesday immediately preceding the general election.

19 (8)(7)(a) Any person who knowingly and willfully makes  
20 no more than one contribution in violation of subsection (1),  
21 or subsection (5), or subsection (7), or any person who  
22 knowingly and willfully fails or refuses to return any  
23 contribution as required in subsection (3), commits a  
24 misdemeanor of the first degree, punishable as provided in s.  
25 775.082 or s. 775.083. If any corporation, partnership, or  
26 other business entity or any political party, political  
27 committee, or committee of continuous existence is convicted  
28 of knowingly and willfully violating any provision punishable  
29 under this paragraph, it shall be fined not less than \$1,000  
30 and not more than \$10,000. If it is a domestic entity, it may  
31 be ordered dissolved by a court of competent jurisdiction; if

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1 it is a foreign or nonresident business entity, its right to  
2 do business in this state may be forfeited. Any officer,  
3 partner, agent, attorney, or other representative of a  
4 corporation, partnership, or other business entity or of a  
5 political party, political committee, or committee of  
6 continuous existence who aids, abets, advises, or participates  
7 in a violation of any provision punishable under this  
8 paragraph commits a misdemeanor of the first degree,  
9 punishable as provided in s. 775.082 or s. 775.083.

10 (b) Any person who knowingly and willfully makes two  
11 or more contributions in violation of subsection (1) or  
12 subsection (5), or subsection (7), or any combination thereof,  
13 commits a felony of the third degree, punishable as provided  
14 in s. 775.082, s. 775.083, or s. 775.084. If any corporation,  
15 partnership, or other business entity or any political party,  
16 political committee, or committee of continuous existence is  
17 convicted of knowingly and willfully violating any provision  
18 punishable under this paragraph, it shall be fined not less  
19 than \$10,000 and not more than \$50,000. If it is a domestic  
20 entity, it may be ordered dissolved by a court of competent  
21 jurisdiction; if it is a foreign or nonresident business  
22 entity, its right to do business in this state may be  
23 forfeited. Any officer, partner, agent, attorney, or other  
24 representative of a corporation, partnership, or other  
25 business entity, or of a political committee, committee of  
26 continuous existence, or political party who aids, abets,  
27 advises, or participates in a violation of any provision  
28 punishable under this paragraph commits a felony of the third  
29 degree, punishable as provided in s. 775.082, s. 775.083, or  
30 s. 775.084.

31 (9)~~(8)~~ Except when otherwise provided in subsection

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1 ~~(8)(7)~~, any person who knowingly and willfully violates any  
2 provision of this section shall, in addition to any other  
3 penalty prescribed by this chapter, pay to the state a sum  
4 equal to twice the amount contributed in violation of this  
5 chapter. Each campaign treasurer shall pay all amounts  
6 contributed in violation of this section to the state for  
7 deposit in the General Revenue Fund.

8 ~~(10)(9)~~ This section does not apply to the transfer of  
9 funds between a primary campaign depository and a savings  
10 account or certificate of deposit or to any interest earned on  
11 such account or certificate.

12 Section 18. Subsection (2) of section 106.075,  
13 paragraph (a) of subsection (1) of section 106.087, subsection  
14 (1) of section 106.19, and subsection (6) of section 106.29,  
15 Florida Statutes, are reenacted to read:

16 106.075 Elected officials; report of loans made in  
17 year preceding election; limitation on contributions to pay  
18 loans.--

19 (2) Any person who makes a contribution to an  
20 individual to pay all or part of a loan incurred, in the 12  
21 months preceding the election, to be used for the individual's  
22 campaign, may not contribute more than the amount which is  
23 allowed in s. 106.08(1).

24 106.087 Independent expenditures; contribution limits;  
25 restrictions on political parties, political committees, and  
26 committees of continuous existence.--

27 (1)(a) As a condition of receiving a rebate of filing  
28 fees and party assessment funds pursuant to s. 99.061(2), s.  
29 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or  
30 treasurer of a state or county executive committee shall take  
31 and subscribe to an oath or affirmation in writing. During the

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1 qualifying period for state candidates and prior to  
2 distribution of such funds, a printed copy of the oath or  
3 affirmation shall be filed with the Secretary of State and  
4 shall be substantially in the following form:

5

6 State of Florida

7 County of....

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

22 ...(Signature of committee officer)...

23 ...(Address)...

24

25 Sworn to and subscribed before me this .... day of .....,

26 19...., at .... County, Florida.

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

28

29 106.19 Violations by candidates, persons connected  
30 with campaigns, and political committees.--

31 (1) Any candidate; campaign manager, campaign

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1 treasurer, or deputy treasurer of any candidate; committee  
2 chair, vice chair, campaign treasurer, deputy treasurer, or  
3 other officer of any political committee; agent or person  
4 acting on behalf of any candidate or political committee; or  
5 other person who knowingly and willfully:

6 (a) Accepts a contribution in excess of the limits  
7 prescribed by s. 106.08;

8 (b) Fails to report any contribution required to be  
9 reported by this chapter;

10 (c) Falsely reports or deliberately fails to include  
11 any information required by this chapter; or

12 (d) Makes or authorizes any expenditure in violation  
13 of s. 106.11(3) or any other expenditure prohibited by this  
14 chapter;

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16 is guilty of a misdemeanor of the first degree, punishable as  
17 provided in s. 775.082 or s. 775.083.

18 106.29 Reports by political parties; restrictions on  
19 contributions and expenditures; penalties.--

20 (6)(a) The national, state, and county executive  
21 committees of a political party may not contribute to any  
22 candidate any amount in excess of the limits contained in s.  
23 106.08(2), and all contributions required to be reported under  
24 s. 106.08(2) by the national executive committee of a  
25 political party shall be reported by the state executive  
26 committee of that political party.

27 (b) A violation of the contribution limits contained  
28 in s. 106.08(2) is a misdemeanor of the first degree,  
29 punishable as provided in s. 775.082 or s. 775.083. A civil  
30 penalty equal to three times the amount in excess of the  
31 limits contained in s. 106.08(2) shall be assessed against any

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1 executive committee found in violation thereof.

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3 (Redesignate subsequent sections.)

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

7 And the title is amended as follows:

8 On page 2, line 4, after the semicolon,

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10 insert:

11 amending s. 106.011, F.S.; modifying  
12 definitions of the terms "political committee,"  
13 "contribution," and "expenditure; amending s.  
14 106.021, F.S.; placing restrictions on certain  
15 endorsements; amending s. 106.04, F.S.;  
16 prohibiting committees of continuous existence  
17 from making certain expenditures; amending s.  
18 106.08, F.S.; revising the restrictions on  
19 contributions by a political party; limiting  
20 the amount of contributions to a political  
21 party; providing a penalty; reenacting ss.  
22 106.075(2), 106.087(1)(a), 106.19(1),  
23 106.29(6), F.S.; conforming cross-references to  
24 incorporate changes made by the act;

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