

By Senators Latvala, Brown-Waite, Lee, Sebesta, Saunders,
Kirkpatrick and Carlton

19-359D-99

1 A bill to be entitled
2 An act relating to elections; providing a short
3 title; amending s. 106.011, F.S.; modifying
4 definitions of the terms "political committee,"
5 "contribution," and "expenditure"; amending s.
6 106.021, F.S.; placing restrictions on certain
7 endorsements; amending s. 106.03, F.S.;
8 providing additional requirements for
9 registration of political committees and
10 committees of continuous existence; amending s.
11 106.04, F.S.; prohibiting committees of
12 continuous existence from making certain
13 expenditures; amending s. 106.08, F.S.;
14 revising the contribution limit for statewide
15 candidates; revising the restrictions on
16 contributions by a political party; limiting
17 the amount of contributions to a political
18 party; providing a penalty; reenacting ss.
19 106.04(2), 106.075(2), 106.087(1)(a),
20 106.19(1), 106.29(6), F.S.; conforming
21 cross-references to incorporate changes made by
22 the act; providing an effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. This act may be cited as the "Campaign
27 Finance Reform Act."

28 Section 2. Subsections (1), (3), and (4) of section
29 106.011, Florida Statutes, are amended to read:

30
31

1 106.011 Definitions.--As used in this chapter, the
2 following terms have the following meanings unless the context
3 clearly indicates otherwise:

4 (1) "Political committee" means a combination of two
5 or more individuals, or a person other than an individual, the
6 primary or incidental purpose of which is to support or oppose
7 any candidate, issue, or political party, which accepts
8 contributions or makes expenditures during a calendar year in
9 an aggregate amount in excess of \$500.†"Political committee"
10 also means the sponsor of a proposed constitutional amendment
11 by initiative who intends to seek the signatures of registered
12 electors."Political committee" also means a combination of
13 two or more individuals or a person other than an individual
14 which anticipates spending funds, or makes expenditures, for
15 political advertising in support of or in opposition to an
16 elected public official during a calendar year in an aggregate
17 amount in excess of \$500.Organizations which are certified by
18 the Department of State as committees of continuous existence
19 pursuant to s. 106.04, national political parties, and the
20 state and county executive committees of political parties
21 regulated by chapter 103 shall not be considered political
22 committees for the purposes of this chapter. Corporations
23 regulated by chapter 607 or chapter 617 or other business
24 entities formed for purposes other than to support or oppose
25 issues or candidates are not political committees if their
26 political activities are limited to contributions to
27 candidates, political parties, or political committees or
28 expenditures in support of or opposition to an issue from
29 corporate or business funds and if no contributions are
30 received by such corporations or business entities.

31 (3) "Contribution" means:

1 (a) A gift, subscription, conveyance, deposit, loan,
2 payment, or distribution of money or anything of value,
3 including contributions in kind having an attributable
4 monetary value in any form, made for the purpose of
5 influencing the results of an election.

6 (b) A transfer of funds between political committees,
7 between committees of continuous existence, or between a
8 political committee and a committee of continuous existence.

9 (c) The payment, by any person other than a candidate
10 or political committee, of compensation for the personal
11 services of another person which are rendered to a candidate
12 or political committee without charge to the candidate or
13 committee for such services.

14 (d) The transfer of funds by a campaign treasurer or
15 deputy campaign treasurer between a primary depository and a
16 separate interest-bearing account or certificate of deposit,
17 and the term includes any interest earned on such account or
18 certificate.

19 (e) Any funds received by a political committee which
20 are used or intended to be used, directly or indirectly, to
21 pay for a political advertisement supporting or opposing an
22 elected public official.

23
24 Notwithstanding the foregoing meanings of "contribution," the
25 word shall not be construed to include services, including,
26 but not limited to, legal and accounting services, provided
27 without compensation by individuals volunteering a portion or
28 all of their time on behalf of a candidate or political
29 committee. This definition shall not be construed to include
30 editorial endorsements.

31

1 (4) "Expenditure" means a purchase, payment,
2 distribution, loan, advance, transfer of funds by a campaign
3 treasurer or deputy campaign treasurer between a primary
4 depository and a separate interest-bearing account or
5 certificate of deposit, or gift of money or anything of value
6 made for the purpose of influencing the results of an election
7 or for purchasing a political advertisement supporting or
8 opposing an elected public official. However, "expenditure"
9 does not include a purchase, payment, distribution, loan,
10 advance, or gift of money or anything of value made for the
11 purpose of influencing the results of an election when made by
12 an organization, in existence prior to the time during which a
13 candidate qualifies or an issue is placed on the ballot for
14 that election, for the purpose of printing or distributing
15 such organization's newsletter, containing a statement by such
16 organization in support of or opposition to a candidate or
17 issue, which newsletter is distributed only to members of such
18 organization.

19 Section 3. Subsection (2) of section 106.03, Florida
20 Statutes, is amended to read:

21 106.03 Registration of political committees.--

22 (2) The statement of organization shall include:

23 (a) The name and address of the committee;

24 (b) The names, addresses, and relationships of
25 affiliated or connected organizations;

26 (c) As clear a description as practicable of the
27 economic or other special interest of a majority of the
28 committee's contributors, or if a majority of the committee's
29 contributors shares a common employer, the name, address, and
30 as clear a description as practicable of the employer's
31 principal type of business. For purposes of this paragraph,

1 "majority of the committee's contributors" means more than 50
2 percent of the total number of contributors or more than 50
3 percent of the total amount of contributions;
4 (d)~~(c)~~ The area, scope, or jurisdiction of the
5 committee;
6 (e)~~(d)~~ The name, address, and position of the
7 custodian of books and accounts;
8 (f)~~(e)~~ The name, address, and position of other
9 principal officers, including officers and members of the
10 finance committee, if any;
11 (g)~~(f)~~ The name, address, office sought, and party
12 affiliation of:
13 1. Each candidate whom the committee is supporting;
14 2. Any other individual, if any, whom the committee is
15 supporting for nomination for election, or election, to any
16 public office whatever;
17 (h)~~(g)~~ Any issue or issues such organization is
18 supporting or opposing;
19 (i)~~(h)~~ If the committee is supporting the entire
20 ticket of any party, a statement to that effect and the name
21 of the party;
22 (j)~~(i)~~ A statement of whether the committee is a
23 continuing one;
24 (k)~~(j)~~ Plans for the disposition of residual funds
25 which will be made in the event of dissolution;
26 (l)~~(k)~~ A listing of all banks, safe-deposit boxes, or
27 other depositories used for committee funds; and
28 (m)~~(l)~~ A statement of the reports required to be filed
29 by the committee with federal officials, if any, and the
30 names, addresses, and positions of such officials.
31

1 Section 4. Subsection (5) of section 106.04, Florida
2 Statutes, is amended to read:

3 106.04 Committees of continuous existence.--

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

23 Section 5. Subsection (3) of section 106.021, Florida
24 Statutes, is amended to read:

25 106.021 Campaign treasurers; deputies; primary and
26 secondary depositories.--

27 (3)(a) Except for independent expenditures, no
28 contribution or expenditure, including contributions or
29 expenditures of a candidate or of the candidate's family,
30 shall be directly or indirectly made or received in
31 furtherance of the candidacy of any person for nomination or

1 election to political office in the state or on behalf of any
2 political committee except through the duly appointed campaign
3 treasurer of the candidate or political committee.

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

16 Section 6. Section 106.08, Florida Statutes, is
17 amended to read:

18 106.08 Contributions; limitations on.--

19 (1)(a) Except for political parties, no person,
20 political committee, or committee of continuous existence may,
21 in any election, make contributions in excess of \$1,000 to a
22 candidate for statewide office or \$500 to any other candidate
23 for election to or retention in office or to any political
24 committee supporting or opposing one or more candidates.
25 Candidates for the offices of Governor and Lieutenant Governor
26 on the same ticket are considered a single candidate for the
27 purpose of this section.

28 (b)1. The contribution limits provided in this
29 subsection do not apply to contributions made by a state or
30 county executive committee of a political party regulated by
31

1 chapter 103 or to amounts contributed by a candidate to his or
2 her own campaign.

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

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

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

29 (b) Polling services, research services, costs for
30 campaign staff, professional consulting services, and
31 telephone calls are not contributions to be counted toward the

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

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

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

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

29 1. The department or supervisor shall, no later than 3
30 days after that determination has been made, notify in writing
31 all other candidates for that office of that determination.

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

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

18 (5) A person may not make any contribution through or
19 in the name of another, directly or indirectly, in any
20 election. Candidates, political committees, and political
21 parties may not solicit contributions from or make
22 contributions to any religious, charitable, civic, or other
23 causes or organizations established primarily for the public
24 good. However, it is not a violation of this subsection for a
25 candidate, political committee, or political party executive
26 committee to make gifts of money in lieu of flowers in memory
27 of a deceased person or for a candidate to continue membership
28 in, or make regular donations from personal or business funds
29 to, religious, political party, civic, or charitable groups of
30 which the candidate is a member or to which the candidate has
31 been a regular donor for more than 6 months. A candidate may

1 purchase, with campaign funds, tickets, admission to events,
2 or advertisements from religious, civic, political party, or
3 charitable groups.

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

9 (7) A person, political committee, or committee of
10 continuous existence may not make contributions that exceed
11 \$5,000 per calendar year in the aggregate to a state executive
12 committee of a political party regulated by chapter 103 or to
13 any county executive committee or any subordinate committee of
14 such political party.

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

1 political party, political committee, or committee of
2 continuous existence who aids, abets, advises, or participates
3 in a violation of any provision punishable under this
4 paragraph commits a misdemeanor of the first degree,
5 punishable as provided in s. 775.082 or s. 775.083.

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

27 (9)~~(8)~~ Except when otherwise provided in subsection
28 (8)~~(7)~~, any person who knowingly and willfully violates any
29 provision of this section shall, in addition to any other
30 penalty prescribed by this chapter, pay to the state a sum
31 equal to twice the amount contributed in violation of this

1 chapter. Each campaign treasurer shall pay all amounts
2 contributed in violation of this section to the state for
3 deposit in the General Revenue Fund.

4 (10)~~(9)~~ This section does not apply to the transfer of
5 funds between a primary campaign depository and a savings
6 account or certificate of deposit or to any interest earned on
7 such account or certificate.

8 Section 7. Subsection (2) of section 106.04,
9 subsection (2) of section 106.075, paragraph (a) of subsection
10 (1) of section 106.087, subsection (1) of section 106.19, and
11 subsection (6) of section 106.29, Florida Statutes, are
12 reenacted to read:

13 106.04 Committees of continuous existence.--

14 (2) Any group, organization, association, or other
15 entity may seek certification from the Department of State as
16 a committee of continuous existence by filing an application
17 with the Division of Elections on a form provided by the
18 division. Such application shall provide the information
19 required of political committees by s. 106.03(2). Each
20 application shall be accompanied by the name and street
21 address of the principal officer of the applying entity as of
22 the date of the application; a copy of the charter or bylaws
23 of the organization; a copy of the dues or assessment schedule
24 of the organization, or formula by which dues or assessments
25 are levied; and a complete financial statement or annual audit
26 summarizing all income received, and all expenses incurred, by
27 the organization during the 12 months preceding the date of
28 application. A membership list shall be made available for
29 inspection if deemed necessary by the division.

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1 106.075 Elected officials; report of loans made in
2 year preceding election; limitation on contributions to pay
3 loans.--

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

9 106.087 Independent expenditures; contribution limits;
10 restrictions on political parties, political committees, and
11 committees of continuous existence.--

12 (1)(a) As a condition of receiving a rebate of filing
13 fees and party assessment funds pursuant to s. 99.061(2), s.
14 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
15 treasurer of a state or county executive committee shall take
16 and subscribe to an oath or affirmation in writing. During the
17 qualifying period for state candidates and prior to
18 distribution of such funds, a printed copy of the oath or
19 affirmation shall be filed with the Secretary of State and
20 shall be substantially in the following form:

21
22 State of Florida
23 County of....

24 Before me, an officer authorized to administer oaths,
25 personally appeared ...(name)..., to me well known, who, being
26 sworn, says that he or she is the ...(title)... of the
27 ...(name of party)... ...(state or specified county)...
28 executive committee; that the executive committee has not
29 made, either directly or indirectly, an independent
30 expenditure in support of or opposition to a candidate or
31 elected public official in the prior 6 months; that the

1 executive committee will not make, either directly or
2 indirectly, an independent expenditure in support of or
3 opposition to a candidate or elected public official, through
4 and including the upcoming general election; and that the
5 executive committee will not violate the contribution limits
6 applicable to candidates under s. 106.08(2), Florida Statutes.

7 ... (Signature of committee officer)...

8 ... (Address)...

9
10 Sworn to and subscribed before me this day of,
11 19...., at County, Florida.

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

13
14 106.19 Violations by candidates, persons connected
15 with campaigns, and political committees.--

16 (1) Any candidate; campaign manager, campaign
17 treasurer, or deputy treasurer of any candidate; committee
18 chair, vice chair, campaign treasurer, deputy treasurer, or
19 other officer of any political committee; agent or person
20 acting on behalf of any candidate or political committee; or
21 other person who knowingly and willfully:

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

24 (b) Fails to report any contribution required to be
25 reported by this chapter;

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

28 (d) Makes or authorizes any expenditure in violation
29 of s. 106.11(3) or any other expenditure prohibited by this
30 chapter;

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

3 106.29 Reports by political parties; restrictions on
4 contributions and expenditures; penalties.--

5 (6)(a) The national, state, and county executive
6 committees of a political party may not contribute to any
7 candidate any amount in excess of the limits contained in s.
8 106.08(2), and all contributions required to be reported under
9 s. 106.08(2) by the national executive committee of a
10 political party shall be reported by the state executive
11 committee of that political party.

12 (b) A violation of the contribution limits contained
13 in s. 106.08(2) is a misdemeanor of the first degree,
14 punishable as provided in s. 775.082 or s. 775.083. A civil
15 penalty equal to three times the amount in excess of the
16 limits contained in s. 106.08(2) shall be assessed against any
17 executive committee found in violation thereof.

18 Section 8. This act shall take effect January 1, 2000.

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21 SENATE SUMMARY

22 Modifies the definitions of the terms "political
23 committee," "contribution," and "expenditure" for
24 purposes of the campaign finance law. Provides additional
25 information to be included in the statement of
26 organization of a political committee and a committee of
27 continuous existence. Prohibits political committees of
28 continuous existence from making expenditures in support
29 of or in opposition to an elected public official.
30 Provides that an expenditure by a political committee or
31 political party for an endorsement by any communications
medium of three or more candidates is not an expenditure
for a particular candidate if the endorsement allocates
substantially equal time, space, or service to each
candidate, or if, for an endorsement in a general
election, the endorsement lists all nominees of a
political party in the area covered by the broadcast or
mailing. Provides a limitation on contributions to a
candidate for statewide office. Provides a limitation on
contributions to political parties.