

By the Committee on Ethics and Elections; and Senators
 Latvala, Brown-Waite, Lee, Sebesta, Saunders, Kirkpatrick and
 Carlton

313-1178-99

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," "expenditure," and "political
 6 advertisement"; amending s. 106.021, F.S.;
 7 placing restrictions on certain endorsements;
 8 amending s. 106.03, F.S.; providing additional
 9 requirements for registration of political
 10 committees and committees of continuous
 11 existence; amending s. 106.04, F.S.; requiring
 12 committees of continuous existence to update
 13 certain registration information; prohibiting
 14 committees of continuous existence from making
 15 certain expenditures; amending s. 106.07, F.S.;
 16 providing additional reporting requirements for
 17 campaign treasurer reports of certain political
 18 committees and committees of continuous
 19 existence; amending s. 106.08, F.S.; revising
 20 the contribution limit for statewide
 21 candidates; revising the restrictions on
 22 contributions by a political party; limiting
 23 the amount of contributions to a political
 24 party; providing a penalty; reenacting ss.
 25 106.04(2), 106.075(2), 106.087(1)(a),
 26 106.19(1), 106.29(6), F.S.; conforming
 27 cross-references to incorporate changes made by
 28 the act; providing an effective date.

30 Be It Enacted by the Legislature of the State of Florida:
 31

1 Section 1. This act may be cited as the "Campaign
2 Finance Reform Act."

3 Section 2. Subsections (1), (3), (4), and (17) of
4 section 106.011, Florida Statutes, are amended to read:

5 106.011 Definitions.--As used in this chapter, the
6 following terms have the following meanings unless the context
7 clearly indicates otherwise:

8 (1) "Political committee" means a combination of two
9 or more individuals, or a person other than an individual, the
10 primary or incidental purpose of which is to support or oppose
11 any candidate, issue, or political party, which accepts
12 contributions or makes expenditures during a calendar year in
13 an aggregate amount in excess of \$500.+"Political committee"
14 also means the sponsor of a proposed constitutional amendment
15 by initiative who intends to seek the signatures of registered
16 electors."Political committee" also means a combination of
17 two or more individuals or a person other than an individual
18 which anticipates spending funds, or makes expenditures, for
19 political advertising in support of or in opposition to an
20 elected public official during a calendar year in an aggregate
21 amount in excess of \$500.Organizations which are certified by
22 the Department of State as committees of continuous existence
23 pursuant to s. 106.04, national political parties, and the
24 state and county executive committees of political parties
25 regulated by chapter 103 shall not be considered political
26 committees for the purposes of this chapter. Corporations
27 regulated by chapter 607 or chapter 617 or other business
28 entities formed for purposes other than to support or oppose
29 issues or candidates are not political committees if their
30 political activities are limited to contributions to
31 candidates, political parties, or political committees or

1 expenditures in support of or opposition to an issue from
2 corporate or business funds and if no contributions are
3 received by such corporations or business entities.

4 (3) "Contribution" means:

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

10 (b) A transfer of funds between political committees,
11 between committees of continuous existence, or between a
12 political committee and a committee of continuous existence.

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

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

23 (e) Any funds received by a political committee which
24 are used or intended to be used, directly or indirectly, to
25 pay for a political advertisement supporting or opposing an
26 elected public official.

27
28 Notwithstanding the foregoing meanings of "contribution," the
29 word shall not be construed to include services, including,
30 but not limited to, legal and accounting services, provided
31 without compensation by individuals volunteering a portion or

1 all of their time on behalf of a candidate or political
2 committee. This definition shall not be construed to include
3 editorial endorsements.

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

22 (17)(a) "Political advertisement" means a paid
23 expression in any communications media prescribed in
24 subsection (13), whether radio, television, newspaper,
25 magazine, periodical, campaign literature, direct mail, or
26 display or by means other than the spoken word in direct
27 conversation, which shall support or oppose any candidate,
28 elected public official, or issue. "Political advertisement"
29 means a paid expression in any communications media prescribed
30 in subsection (13), whether radio, television, newspaper,
31 magazine, periodical, campaign literature, direct mail, or

1 display or by means other than the spoken word in direct
2 conversation, which shall support or oppose any candidate,
3 elected public official, or issue. "Political advertisement"
4 also includes a paid expression in any communications media
5 described in subsection (13), whether radio, television,
6 newspaper, magazine, periodical, campaign literature, direct
7 mail, or display, or by means other than the spoken word in
8 direct conversation which mentions or shows a clearly
9 identifiable candidate for election or reelection and is
10 distributed at any point during the period following the last
11 day of qualifying for that candidacy through the ensuing
12 general election.

13 (b) However, "political advertisement" does not
14 include:

15 1.(a) A statement by an organization, in existence
16 prior to the time during which a candidate qualifies or an
17 issue is placed on the ballot for that election, in support of
18 or opposition to a candidate or issue, in that organization's
19 newsletter, which newsletter is distributed only to the
20 members of that organization.

21 2.(b) Editorial endorsements by any newspaper, radio
22 or television station, or other recognized news medium.

23 3. A paid expression in any communications media which
24 mentions or shows a clearly identifiable candidate for
25 election or reelection and which:

26 a. Advertises a business rather than the candidate, is
27 paid for out of funds of that business, and is similar to
28 other advertisements for that business which have mentioned or
29 shown the candidate and have been distributed regularly over a
30 period of at least 1 year before the qualifying period for
31 that candidacy; or

1 b. Is distributed or broadcast only to areas other
2 than the geographical area of the electorate for that
3 candidacy.

4 Section 3. Section 106.03, Florida Statutes, is
5 amended to read:

6 106.03 Registration of political committees.--

7 (1) Each political committee which anticipates
8 receiving contributions or making expenditures during a
9 calendar year in an aggregate amount exceeding \$500 or which
10 is seeking the signatures of registered electors in support of
11 an initiative shall file a statement of organization as
12 provided in subsection(4)~~(3)~~within 10 days after its
13 organization or, if later, within 10 days after the date on
14 which it has information which causes the committee to
15 anticipate that it will receive contributions or make
16 expenditures in excess of \$500. If a political committee is
17 organized within 10 days of any election, it shall immediately
18 file the statement of organization required by this section.

19 (2) The statement of organization shall include:

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

21 (b) The names, addresses, and relationships of
22 affiliated or connected organizations;

23 (c) The area, scope, or jurisdiction of the committee;

24 (d) The name, address, ~~and~~ position, and principal
25 employer of the custodian of books and accounts;

26 (e) The name, address, ~~and~~ position, and principal
27 employer of each other principal officers, including officers
28 and members of the finance committee, if any;

29 (f) The name, address, office sought, and party
30 affiliation of:

31 1. Each candidate whom the committee is supporting;

1 2. Any other individual, if any, whom the committee is
2 supporting for nomination for election, or election, to any
3 public office whatever;

4 (g) Any issue or issues such organization is
5 supporting or opposing;

6 (h) If the committee is supporting the entire ticket
7 of any party, a statement to that effect and the name of the
8 party;

9 (i) A statement of whether the committee is a
10 continuing one;

11 (j) Plans for the disposition of residual funds which
12 will be made in the event of dissolution;

13 (k) A listing of all banks, safe-deposit boxes, or
14 other depositories used for committee funds; and

15 (l) A statement of the reports required to be filed by
16 the committee with federal officials, if any, and the names,
17 addresses, and positions of such officials.

18 (3)(a) The name of the committee provided in the
19 statement of organization must include the name of the
20 corporation, labor union, professional association, political
21 committee, committee of continuous existence, or other
22 business entity whose officials, employees, agents, or
23 members, directly or indirectly, established or organized the
24 committee, if any.

25 (b) If the name of the committee provided in the
26 statement or organization does not include the name of a
27 corporation, labor union, professional association, political
28 committee, committee of continuous existence, or other
29 business entity, the name must include the economic or special
30 interest, if identifiable, principally represented by the
31

1 committee's organizers or intended to be advanced by the
2 committee's receipts.

3 (c) Any person who knowingly and willfully violates
4 this section shall be fined not less than \$1,000 and not more
5 than \$10,000 for each violation. Any officer, partner, agent,
6 attorney, or other representative of a corporation, labor
7 union, professional association, political committee,
8 committee of continuous existence, or other business entity
9 who aids, abets, advises, or participates in a violation of
10 any provision of this section shall be fined not less than
11 \$1,000 and not more than \$10,000 for each violation.

12 (d) Any committee organized before January 1, 2000,
13 shall have until April 1, 2000, to amend its name, if
14 necessary, to comply with the requirements of this subsection.

15 (4)(3)(a) A political committee which is organized to
16 support or oppose statewide, legislative, or multicounty
17 candidates or issues to be voted upon on a statewide or
18 multicounty basis shall file a statement of organization with
19 the Division of Elections.

20 (b) Except as provided in paragraph (c), a political
21 committee which is organized to support or oppose candidates
22 or issues to be voted on in a countywide election or
23 candidates or issues in any election held on less than a
24 countywide basis shall file a statement of organization with
25 the supervisor of elections of the county in which such
26 election is being held.

27 (c) A political committee which is organized to
28 support or oppose only candidates for municipal office or
29 issues to be voted on in a municipal election shall file a
30 statement of organization with the officer before whom
31 municipal candidates qualify.

1 (d) Any political committee which would be required
2 under this subsection to file a statement of organization in
3 two or more locations by reason of the committee's intention
4 to support or oppose candidates or issues at state or
5 multicounty and local levels of government need file only with
6 the Division of Elections.

7 (5)~~(4)~~ Any change in information previously submitted
8 in a statement of organization shall be reported to the agency
9 or officer with whom such committee is required to register
10 pursuant to subsection (4)~~(3)~~, within 10 days following the
11 change.

12 (6)~~(5)~~ Any committee which, after having filed one or
13 more statements of organization, disbands or determines it
14 will no longer receive contributions or make expenditures
15 during the calendar year in an aggregate amount exceeding \$500
16 shall so notify the agency or officer with whom such committee
17 is required to file the statement of organization.

18 (7)~~(6)~~ If the filing officer finds that a political
19 committee has filed its statement of organization consistent
20 with the requirements of subsection (2), it shall notify the
21 committee in writing that it has been registered as a
22 political committee. If the filing officer finds that a
23 political committee's statement of organization does not meet
24 the requirements of subsection (2), it shall notify the
25 committee of such finding and shall state in writing the
26 reasons for rejection of the statement of organization.

27 (8)~~(7)~~ The Division of Elections shall adopt
28 ~~promulgate~~ rules to prescribe the manner in which inactive
29 committees may be dissolved and have their registration
30 canceled. Such rules shall, at a minimum, provide for:
31

1 (a) Notice which shall contain the facts and conduct
2 which warrant the intended action, including but not limited
3 to failure to file reports and limited activity.

4 (b) Adequate opportunity to respond.

5 (c) Appeal of the decision to the Florida Elections
6 Commission. Such appeals shall be exempt from the
7 confidentiality provisions of s. 106.25.

8 Section 4. Subsections (2) and (5) of section 106.04,
9 Florida Statutes, are amended to read:

10 106.04 Committees of continuous existence.--

11 (2) Any group, organization, association, or other
12 entity may seek certification from the Department of State as
13 a committee of continuous existence by filing an application
14 with the Division of Elections on a form provided by the
15 division. Such application shall provide the information
16 required of political committees by s. 106.03(2) and s.
17 106.03(3), and any change in such information shall be
18 reported pursuant to s. 106.03(5). Each application shall be
19 accompanied by the name and street address of the principal
20 officer of the applying entity as of the date of the
21 application; a copy of the charter or bylaws of the
22 organization; a copy of the dues or assessment schedule of the
23 organization, or formula by which dues or assessments are
24 levied; and a complete financial statement or annual audit
25 summarizing all income received, and all expenses incurred, by
26 the organization during the 12 months preceding the date of
27 application. A membership list shall be made available for
28 inspection if deemed necessary by the division.

29 ~~(5) No committee of continuous existence shall~~
30 ~~contribute to any candidate or political committee an amount~~
31 ~~in excess of the limits contained in s. 106.08(1) or~~

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

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

19 106.021 Campaign treasurers; deputies; primary and
20 secondary depositories.--

21 (3)(a) Except for independent expenditures, no
22 contribution or expenditure, including contributions or
23 expenditures of a candidate or of the candidate's family,
24 shall be directly or indirectly made or received in
25 furtherance of the candidacy of any person for nomination or
26 election to political office in the state or on behalf of any
27 political committee except through the duly appointed campaign
28 treasurer of the candidate or political committee.

29 (b) Notwithstanding the provisions of paragraph (a)
30 ~~However~~, expenditures may be made directly by any political
31 committee or political party regulated by chapter 103 for

1 obtaining time, space, or services in or by any communications
2 medium for the purpose of jointly endorsing three or more
3 candidates, ~~and~~ Any such expenditure for an endorsement which
4 allocates substantially equal time, space, or service to each
5 candidate, or for an endorsement in a general election which
6 lists all nominees of a political party in the area covered by
7 the broadcast or mailing, shall not be considered a
8 contribution or expenditure to or on behalf of any such
9 candidates for the purposes of this chapter.

10 Section 6. Subsections (3) and (4) of section 106.07,
11 Florida Statutes, are amended to read:

12 106.07 Reports; certification and filing.--

13 (3) Reports required of a political committee shall be
14 filed with the agency or officer before whom such committee
15 registers pursuant to s. 106.03(4)~~s. 106.03(3)~~ and shall be
16 subject to the same filing conditions as established for
17 candidates' reports. Only committees that file with the
18 Department of State shall file the original and one copy of
19 their reports. Incomplete reports by political committees
20 shall be treated in the manner provided for incomplete reports
21 by candidates in subsection (2).

22 (4)(a) Each report required by this section shall
23 contain:

24 1. The full name, address, and occupation, if any of
25 each person who has made one or more contributions to or for
26 such committee or candidate within the reporting period,
27 together with the amount and date of such contributions. For
28 corporations, the report must provide as clear a description
29 as practicable of the principal type of business conducted by
30 the corporation. However, if the contribution is \$100 or less
31 or is from a relative, as defined in s. 112.312, provided that

1 the relationship is reported, the occupation of the
2 contributor or the principal type of business need not be
3 listed.

4 2. For reporting committees whose name does not
5 include the name of a corporation, labor union, professional
6 association, political committee, committee of continuous
7 existence, or other business entity, or economic or special
8 interest, the report must include as clear a description as
9 practicable of a common economic or other special interest, if
10 any, of a majority of the committee's contributors. For
11 purposes of this subparagraph, the term "majority of the
12 committee's contributors" means more than 50 percent of the
13 total number of contributors who have contributed in excess of
14 \$100 or more than 50 percent of the sum of all contributions
15 received in excess of \$100 each.

16 ~~3.2.~~ The name and address of each political committee
17 from which the reporting committee or the candidate received,
18 or to which the reporting committee or candidate made, any
19 transfer of funds, together with the amounts and dates of all
20 transfers.

21 ~~4.3.~~ Each loan for campaign purposes to or from any
22 person or political committee within the reporting period,
23 together with the full names, addresses, and occupations, and
24 principal places of business, if any, of the lender and
25 endorsers, if any, and the date and amount of such loans.

26 ~~5.4.~~ A statement of each contribution, rebate, refund,
27 or other receipt not otherwise listed under subparagraphs 1.
28 through 3.

29 ~~6.5.~~ The total sums of all loans, in-kind
30 contributions, and other receipts by or for such committee or
31 candidate during the reporting period. The reporting forms

1 shall be designed to elicit separate totals for in-kind
2 contributions, loans, and other receipts.

3 ~~7.6.~~ 7.6. The full name and address of each person to whom
4 expenditures have been made by or on behalf of the committee
5 or candidate within the reporting period; the amount, date,
6 and purpose of each such expenditure; and the name and address
7 of, and office sought by, each candidate on whose behalf such
8 expenditure was made. However, expenditures made from the
9 petty cash fund provided by s. 106.12 need not be reported
10 individually.

11 ~~8.7.~~ 8.7. The full name and address of each person to whom
12 an expenditure for personal services, salary, or reimbursement
13 for authorized expenses has been made and which is not
14 otherwise reported, including the amount, date, and purpose of
15 such expenditure. However, expenditures made from the petty
16 cash fund provided for in s. 106.12 need not be reported
17 individually.

18 ~~9.8.~~ 9.8. The total amount withdrawn and the total amount
19 spent for petty cash purposes pursuant to this chapter during
20 the reporting period.

21 ~~10.9.~~ 10.9. The total sum of expenditures made by such
22 committee or candidate during the reporting period.

23 ~~11.10.~~ 11.10. The amount and nature of debts and obligations
24 owed by or to the committee or candidate, which relate to the
25 conduct of any political campaign.

26 ~~12.11.~~ 12.11. A copy of each credit card statement which
27 shall be included in the next report following receipt thereof
28 by the candidate or political committee. Receipts for each
29 credit card purchase shall be retained by the treasurer with
30 the records for the campaign account.

31

1 ~~13.12.~~ The amount and nature of any separate
2 interest-bearing accounts or certificates of deposit and
3 identification of the financial institution in which such
4 accounts or certificates of deposit are located.

5 (b) The filing officer shall make available to any
6 candidate or committee a reporting form which the candidate or
7 committee may use to indicate contributions received by the
8 candidate or committee but returned to the contributor before
9 deposit.

10 Section 7. Section 106.08, Florida Statutes, is
11 amended to read:

12 106.08 Contributions; limitations on.--

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

22 (b)1. The contribution limits provided in this
23 subsection do not apply to contributions made by a state or
24 county executive committee of a political party regulated by
25 chapter 103 or to amounts contributed by a candidate to his or
26 her own campaign.

27 2. Notwithstanding the limits provided in this
28 subsection, an unemancipated child under the age of 18 years
29 of age may not make a contribution in excess of \$100 to any
30 candidate or to any political committee supporting one or more
31 candidates.

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

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

22 (b) Polling services, research services, costs for
23 campaign staff, professional consulting services, and
24 telephone calls are not contributions to be counted toward the
25 contribution limits of paragraph (a). Any item not expressly
26 identified in this paragraph as nonallocable is a contribution
27 in an amount equal to the fair market value of the item and
28 must be counted as allocable toward the ~~\$50,000~~ contribution
29 limits of paragraph (a). Nonallocable, in-kind contributions
30 must be reported by the candidate under s. 106.07 and by the
31 political party under s. 106.29.

1 (3)(a) Any contribution received by a candidate with
2 opposition in an election or by the campaign treasurer or a
3 deputy campaign treasurer of such a candidate on the day of
4 that election or less than 5 days prior to the day of that
5 election must be returned by him or her to the person or
6 committee contributing it and may not be used or expended by
7 or on behalf of the candidate.

8 (b) Except as otherwise provided in paragraph (c), any
9 contribution received by a candidate or by the campaign
10 treasurer or a deputy campaign treasurer of a candidate after
11 the date at which the candidate withdraws his or her
12 candidacy, or after the date the candidate is defeated,
13 becomes unopposed, or is elected to office must be returned to
14 the person or committee contributing it and may not be used or
15 expended by or on behalf of the candidate.

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

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

25 2. Any contribution received by a candidate or the
26 campaign treasurer or deputy campaign treasurer of a candidate
27 after the candidate has been notified in writing by the
28 department or supervisor that he or she has become unopposed
29 as a result of an independent or minor party candidate failing
30 to obtain the required number of petition signatures shall be
31 returned to the person, political committee, or committee of

1 continuous existence contributing it and shall not be used or
2 expended by or on behalf of the candidate.

3 (4) Any contribution received by the chair, campaign
4 treasurer, or deputy campaign treasurer of a political
5 committee supporting or opposing a candidate with opposition
6 in an election or supporting or opposing an issue on the
7 ballot in an election on the day of that election or less than
8 5 days prior to the day of that election may not be obligated
9 or expended by the committee until after the date of the
10 election.

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

28 (6) A political party may not accept any contribution
29 which has been specifically designated for the partial or
30 exclusive use of a particular candidate. Any contribution so
31

1 designated must be returned to the contributor and may not be
2 used or expended by or on behalf of the candidate.

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

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

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

22 (9)~~(8)~~ Except when otherwise provided in subsection
23 ~~(8)~~~~(7)~~, any person who knowingly and willfully violates any
24 provision of this section shall, in addition to any other
25 penalty prescribed by this chapter, pay to the state a sum
26 equal to twice the amount contributed in violation of this
27 chapter. Each campaign treasurer shall pay all amounts
28 contributed in violation of this section to the state for
29 deposit in the General Revenue Fund.

30 (10)~~(9)~~ This section does not apply to the transfer of
31 funds between a primary campaign depository and a savings

1 account or certificate of deposit or to any interest earned on
2 such account or certificate.

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

8 106.04 Committees of continuous existence.--

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

25 106.075 Elected officials; report of loans made in
26 year preceding election; limitation on contributions to pay
27 loans.--

28 (2) Any person who makes a contribution to an
29 individual to pay all or part of a loan incurred, in the 12
30 months preceding the election, to be used for the individual's
31

1 campaign, may not contribute more than the amount which is
2 allowed in s. 106.08(1).

3 106.087 Independent expenditures; contribution limits;
4 restrictions on political parties, political committees, and
5 committees of continuous existence.--

6 (1)(a) As a condition of receiving a rebate of filing
7 fees and party assessment funds pursuant to s. 99.061(2), s.
8 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
9 treasurer of a state or county executive committee shall take
10 and subscribe to an oath or affirmation in writing. During the
11 qualifying period for state candidates and prior to
12 distribution of such funds, a printed copy of the oath or
13 affirmation shall be filed with the Secretary of State and
14 shall be substantially in the following form:

15

16 State of Florida

17 County of....

18 Before me, an officer authorized to administer oaths,
19 personally appeared ...(name)..., to me well known, who, being
20 sworn, says that he or she is the ...(title)... of the
21 ...(name of party)... ...(state or specified county)...
22 executive committee; that the executive committee has not
23 made, either directly or indirectly, an independent
24 expenditure in support of or opposition to a candidate or
25 elected public official in the prior 6 months; that the
26 executive committee will not make, either directly or
27 indirectly, an independent expenditure in support of or
28 opposition to a candidate or elected public official, through
29 and including the upcoming general election; and that the
30 executive committee will not violate the contribution limits
31 applicable to candidates under s. 106.08(2), Florida Statutes.

1 | ... (Signature of committee officer)...

2 | ... (Address)...

3 |

4 | Sworn to and subscribed before me this day of,

5 | 19....., at County, Florida.

6 | ... (Signature and title of officer administering oath)...

7 |

8 | 106.19 Violations by candidates, persons connected
9 | with campaigns, and political committees.--

10 | (1) Any candidate; campaign manager, campaign
11 | treasurer, or deputy treasurer of any candidate; committee
12 | chair, vice chair, campaign treasurer, deputy treasurer, or
13 | other officer of any political committee; agent or person
14 | acting on behalf of any candidate or political committee; or
15 | other person who knowingly and willfully:

16 | (a) Accepts a contribution in excess of the limits
17 | prescribed by s. 106.08;

18 | (b) Fails to report any contribution required to be
19 | reported by this chapter;

20 | (c) Falsely reports or deliberately fails to include
21 | any information required by this chapter; or

22 | (d) Makes or authorizes any expenditure in violation
23 | of s. 106.11(3) or any other expenditure prohibited by this
24 | chapter;

25 |

26 | is guilty of a misdemeanor of the first degree, punishable as
27 | provided in s. 775.082 or s. 775.083.

28 | 106.29 Reports by political parties; restrictions on
29 | contributions and expenditures; penalties.--

30 | (6)(a) The national, state, and county executive
31 | committees of a political party may not contribute to any

1 candidate any amount in excess of the limits contained in s.
2 106.08(2), and all contributions required to be reported under
3 s. 106.08(2) by the national executive committee of a
4 political party shall be reported by the state executive
5 committee of that political party.

6 (b) A violation of the contribution limits contained
7 in s. 106.08(2) is a misdemeanor of the first degree,
8 punishable as provided in s. 775.082 or s. 775.083. A civil
9 penalty equal to three times the amount in excess of the
10 limits contained in s. 106.08(2) shall be assessed against any
11 executive committee found in violation thereof.

12 Section 9. This act shall take effect January 1, 2000.

13
14 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
15 COMMITTEE SUBSTITUTE FOR
16 SB 314

17 Committee Substitute for Senate Bill 314 modifies the
18 registration and reporting requirements for political
19 committees and committees of continuous existence to require
20 them to identify their special interest sponsors or
21 contributors in either the committee name or in the
22 committees' campaign treasurer reports.

23 The committee substitute also includes certain issue ads
24 within the definition of "political advertisement."
25
26
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28
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31