

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; providing additional  
16          reporting requirements for campaign finance  
17          reports of certain committees of continuous  
18          existence; amending s. 106.07, F.S.; providing  
19          additional reporting requirements for campaign  
20          treasurer reports of certain political  
21          committees; amending s. 106.08, F.S.; revising  
22          the contribution limit for statewide  
23          candidates; revising the restrictions on  
24          contributions by a political party; limiting  
25          the amount of contributions to a political  
26          party; providing a penalty; reenacting ss.  
27          106.04(2), 106.075(2), 106.087(1)(a),  
28          106.19(1), 106.29(6), F.S.; conforming  
29          cross-references to incorporate changes made by  
30          the act; prohibiting campaign contributions for  
31          election to a federal office from being used

1           for election to certain other offices;  
2           providing an effective date.

3  
4 Be It Enacted by the Legislature of the State of Florida:

5  
6           Section 1. This act may be cited as the "Campaign  
7 Finance Reform Act."

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

10           106.011 Definitions.--As used in this chapter, the  
11 following terms have the following meanings unless the context  
12 clearly indicates otherwise:

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

1 regulated by chapter 607 or chapter 617 or other business  
2 entities formed for purposes other than to support or oppose  
3 issues or candidates are not political committees if their  
4 political activities are limited to contributions to  
5 candidates, political parties, or political committees or  
6 expenditures in support of or opposition to an issue from  
7 corporate or business funds and if no contributions are  
8 received by such corporations or business entities.

9 (3) "Contribution" means:

10 (a) A gift, subscription, conveyance, deposit, loan,  
11 payment, or distribution of money or anything of value,  
12 including contributions in kind having an attributable  
13 monetary value in any form, made for the purpose of  
14 influencing the results of an election.

15 (b) A transfer of funds between political committees,  
16 between committees of continuous existence, or between a  
17 political committee and a committee of continuous existence.

18 (c) The payment, by any person other than a candidate  
19 or political committee, of compensation for the personal  
20 services of another person which are rendered to a candidate  
21 or political committee without charge to the candidate or  
22 committee for such services.

23 (d) The transfer of funds by a campaign treasurer or  
24 deputy campaign treasurer between a primary depository and a  
25 separate interest-bearing account or certificate of deposit,  
26 and the term includes any interest earned on such account or  
27 certificate.

28 (e) Any funds received by a political committee which  
29 are used or intended to be used, directly or indirectly, to  
30 pay for a political advertisement supporting or opposing an  
31 elected public official.

1  
2 Notwithstanding the foregoing meanings of "contribution," the  
3 word shall not be construed to include services, including,  
4 but not limited to, legal and accounting services, provided  
5 without compensation by individuals volunteering a portion or  
6 all of their time on behalf of a candidate or political  
7 committee. This definition shall not be construed to include  
8 editorial endorsements.

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

27           (17)(a) "Political advertisement" means a paid  
28 expression in any communications media prescribed in  
29 subsection (13), whether radio, television, newspaper,  
30 magazine, periodical, campaign literature, direct mail, or  
31 display or by means other than the spoken word in direct

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

18 (b) However, "political advertisement" does not  
19 include:

20 1. ~~(a)~~ A statement by an organization, in existence  
21 prior to the time during which a candidate qualifies or an  
22 issue is placed on the ballot for that election, in support of  
23 or opposition to a candidate or issue, in that organization's  
24 newsletter, which newsletter is distributed only to the  
25 members of that organization.

26 2. ~~(b)~~ Editorial endorsements by any newspaper, radio  
27 or television station, or other recognized news medium.

28 3. A paid expression in any communications media which  
29 mentions or shows a clearly identifiable candidate for  
30 election or reelection and which:

31

1           a. Advertises a business rather than the candidate, is  
2 paid for out of funds of that business, and is similar to  
3 other advertisements for that business which have mentioned or  
4 shown the candidate and have been distributed regularly over a  
5 period of at least 1 year before the qualifying period for  
6 that candidacy; or

7           b. Is distributed or broadcast only to areas other  
8 than the geographical area of the electorate for that  
9 candidacy.

10           Section 3. Section 106.03, Florida Statutes, is  
11 amended to read:

12           106.03 Registration of political committees.--

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

25           (2) The statement of organization shall include:

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

27           (b) The names, addresses, and relationships of  
28 affiliated or connected organizations;

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

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

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

4 (f) The name, address, office sought, and party  
5 affiliation of:

6 1. Each candidate whom the committee is supporting;

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

10 (g) Any issue or issues such organization is  
11 supporting or opposing;

12 (h) If the committee is supporting the entire ticket  
13 of any party, a statement to that effect and the name of the  
14 party;

15 (i) A statement of whether the committee is a  
16 continuing one;

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

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

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

24 (3)(a) The name of the committee provided in the  
25 statement of organization must include the name of the  
26 corporation, labor union, professional association, political  
27 committee, committee of continuous existence, or other  
28 business entity whose officials, employees, agents, or  
29 members, directly or indirectly, established or organized the  
30 committee, if any.

31

1           (b) If the name of the committee provided in the  
2 statement or organization does not include the name of a  
3 corporation, labor union, professional association, political  
4 committee, committee of continuous existence, or other  
5 business entity, the name must include the economic or special  
6 interest, if identifiable, principally represented by the  
7 committee's organizers or intended to be advanced by the  
8 committee's receipts.

9           (c) Any person who knowingly and willfully violates  
10 this section shall be fined not less than \$1,000 and not more  
11 than \$10,000 for each violation. Any officer, partner, agent,  
12 attorney, or other representative of a corporation, labor  
13 union, professional association, political committee,  
14 committee of continuous existence, or other business entity  
15 who aids, abets, advises, or participates in a violation of  
16 any provision of this section shall be fined not less than  
17 \$1,000 and not more than \$10,000 for each violation.

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

21           ~~(4)(3)~~(a) A political committee which is organized to  
22 support or oppose statewide, legislative, or multicounty  
23 candidates or issues to be voted upon on a statewide or  
24 multicounty basis shall file a statement of organization with  
25 the Division of Elections.

26           (b) Except as provided in paragraph (c), a political  
27 committee which is organized to support or oppose candidates  
28 or issues to be voted on in a countywide election or  
29 candidates or issues in any election held on less than a  
30 countywide basis shall file a statement of organization with  
31



1 the supervisor of elections of the county in which such  
2 election is being held.

3 (c) A political committee which is organized to  
4 support or oppose only candidates for municipal office or  
5 issues to be voted on in a municipal election shall file a  
6 statement of organization with the officer before whom  
7 municipal candidates qualify.

8 (d) Any political committee which would be required  
9 under this subsection to file a statement of organization in  
10 two or more locations by reason of the committee's intention  
11 to support or oppose candidates or issues at state or  
12 multicounty and local levels of government need file only with  
13 the Division of Elections.

14 (5)~~(4)~~ Any change in information previously submitted  
15 in a statement of organization shall be reported to the agency  
16 or officer with whom such committee is required to register  
17 pursuant to subsection (4)~~(3)~~, within 10 days following the  
18 change.

19 (6)~~(5)~~ Any committee which, after having filed one or  
20 more statements of organization, disbands or determines it  
21 will no longer receive contributions or make expenditures  
22 during the calendar year in an aggregate amount exceeding \$500  
23 shall so notify the agency or officer with whom such committee  
24 is required to file the statement of organization.

25 (7)~~(6)~~ If the filing officer finds that a political  
26 committee has filed its statement of organization consistent  
27 with the requirements of subsection (2), it shall notify the  
28 committee in writing that it has been registered as a  
29 political committee. If the filing officer finds that a  
30 political committee's statement of organization does not meet  
31 the requirements of subsection (2), it shall notify the

1 committee of such finding and shall state in writing the  
2 reasons for rejection of the statement of organization.

3 (8)~~(7)~~ The Division of Elections shall adopt  
4 ~~promulgate~~ rules to prescribe the manner in which inactive  
5 committees may be dissolved and have their registration  
6 canceled. Such rules shall, at a minimum, provide for:

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

10 (b) Adequate opportunity to respond.

11 (c) Appeal of the decision to the Florida Elections  
12 Commission. Such appeals shall be exempt from the  
13 confidentiality provisions of s. 106.25.

14 Section 4. Paragraph (c) of subsection (4), and  
15 subsections (2) and (5) of section 106.04, Florida Statutes,  
16 are amended to read:

17 106.04 Committees of continuous existence.--

18 (2) Any group, organization, association, or other  
19 entity may seek certification from the Department of State as  
20 a committee of continuous existence by filing an application  
21 with the Division of Elections on a form provided by the  
22 division. Such application shall provide the information  
23 required of political committees by s. 106.03(2) and s.  
24 106.03(3), and any change in such information shall be  
25 reported pursuant to s. 106.03(5). Each application shall be  
26 accompanied by the name and street address of the principal  
27 officer of the applying entity as of the date of the  
28 application; a copy of the charter or bylaws of the  
29 organization; a copy of the dues or assessment schedule of the  
30 organization, or formula by which dues or assessments are  
31 levied; and a complete financial statement or annual audit

1 summarizing all income received, and all expenses incurred, by  
2 the organization during the 12 months preceding the date of  
3 application. A membership list shall be made available for  
4 inspection if deemed necessary by the division.

5 (4)

6 (c) All committees of continuous existence shall file  
7 the original and one copy of their reports with the Division  
8 of Elections. In addition, a duplicate copy of each report  
9 shall be filed with the supervisor of elections in the county  
10 in which the committee maintains its books and records, except  
11 that if the filing officer to whom the committee is required  
12 to report is located in the same county as the supervisor no  
13 such duplicate report is required to be filed with the  
14 supervisor. Reports shall be on forms provided by the  
15 division and shall contain the following information:

16 1. The full name, address, and occupation of each  
17 person who has made one or more contributions to the committee  
18 during the reporting period, together with the amounts and  
19 dates of such contributions. For corporations, the report  
20 must provide as clear a description as practicable of the  
21 principal type of business conducted by the corporation.  
22 However, if the contribution is \$100 or less, the occupation  
23 of the contributor or principal type of business need not be  
24 listed. However, for any contributions which represent the  
25 payment of dues by members in a fixed amount pursuant to the  
26 schedule on file with the Division of Elections, only the  
27 aggregate amount of such contributions need be listed,  
28 together with the number of members paying such dues and the  
29 amount of the membership dues.

30 2. For reporting committees whose name does not  
31 include the name of a corporation, labor union, professional

1 association, political committee, committee of continuous  
2 existence, or other business entity, or economic or special  
3 interest, the report must include as clear a description as  
4 practicable of a common economic or other special interest, if  
5 any, of a majority of the committee's contributors. For  
6 purposes of this subparagraph, the term "majority of the  
7 committee's contributors" means more than 50 percent of the  
8 total number of contributors who have contributed in excess of  
9 \$100 or more than 50 percent of the sum of all contributions  
10 received in excess of \$100 each.

11 3.2. The name and address of each political committee  
12 or committee of continuous existence from which the reporting  
13 committee received, or the name and address of each political  
14 committee, committee of continuous existence, or political  
15 party to which it made, any transfer of funds, together with  
16 the amounts and dates of all transfers.

17 4.3. Any other receipt of funds not listed pursuant to  
18 subparagraph 1. or subparagraph 2., including the sources and  
19 amounts of all such funds.

20 5.4. The name and address of, and office sought by,  
21 each candidate to whom the committee has made a contribution  
22 during the reporting period, together with the amount and date  
23 of each contribution.

24 (5) ~~No committee of continuous existence shall~~  
25 ~~contribute to any candidate or political committee an amount~~  
26 ~~in excess of the limits contained in s. 106.08(1) or~~  
27 ~~participate in any other activity which is prohibited by this~~  
28 ~~chapter. If any violation occurs, it shall be punishable as~~  
29 ~~provided in this chapter for the given offense.~~ No funds of a  
30 committee of continuous existence shall be expended on behalf  
31 of a candidate, except by means of a contribution made through

1 the duly appointed campaign treasurer of a candidate. No such  
2 committee shall make expenditures in support of, or in  
3 opposition to, an issue or an elected public official unless  
4 such committee first registers as a political committee  
5 pursuant to this chapter and undertakes all the practices and  
6 procedures required thereof; provided such committee may make  
7 contributions in a total amount not to exceed 25 percent of  
8 its aggregate income, as reflected in the annual report filed  
9 for the previous year, to one or more political committees  
10 registered pursuant to s. 106.03 and formed to support or  
11 oppose issues.

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

14 106.021 Campaign treasurers; deputies; primary and  
15 secondary depositories.--

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

24 (b) Notwithstanding the provisions of paragraph (a)  
25 ~~However~~, expenditures may be made directly by any political  
26 committee or political party regulated by chapter 103 for  
27 obtaining time, space, or services in or by any communications  
28 medium for the purpose of jointly endorsing three or more  
29 candidates., ~~and~~ Any such expenditure for an endorsement which  
30 allocates substantially equal time, space, or service to each  
31 candidate, or for an endorsement in a general election which

1 lists all nominees of a political party in the area covered by  
2 the broadcast or mailing, shall not be considered a  
3 contribution or expenditure to or on behalf of any such  
4 candidates for the purposes of this chapter.

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

7 106.07 Reports; certification and filing.--

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

17 (4)(a) Each report required by this section shall  
18 contain:

19 1. The full name, address, and occupation, if any of  
20 each person who has made one or more contributions to or for  
21 such committee or candidate within the reporting period,  
22 together with the amount and date of such contributions. For  
23 corporations, the report must provide as clear a description  
24 as practicable of the principal type of business conducted by  
25 the corporation. However, if the contribution is \$100 or less  
26 or is from a relative, as defined in s. 112.312, provided that  
27 the relationship is reported, the occupation of the  
28 contributor or the principal type of business need not be  
29 listed.

30 2. For reporting committees whose name does not  
31 include the name of a corporation, labor union, professional

1 association, political committee, committee of continuous  
2 existence, or other business entity, or economic or special  
3 interest, the report must include as clear a description as  
4 practicable of a common economic or other special interest, if  
5 any, of a majority of the committee's contributors. For  
6 purposes of this subparagraph, the term "majority of the  
7 committee's contributors" means more than 50 percent of the  
8 total number of contributors who have contributed in excess of  
9 \$100 or more than 50 percent of the sum of all contributions  
10 received in excess of \$100 each.

11 ~~3.2.~~ The name and address of each political committee  
12 from which the reporting committee or the candidate received,  
13 or to which the reporting committee or candidate made, any  
14 transfer of funds, together with the amounts and dates of all  
15 transfers.

16 ~~4.3.~~ Each loan for campaign purposes to or from any  
17 person or political committee within the reporting period,  
18 together with the full names, addresses, and occupations, and  
19 principal places of business, if any, of the lender and  
20 endorsers, if any, and the date and amount of such loans.

21 ~~5.4.~~ A statement of each contribution, rebate, refund,  
22 or other receipt not otherwise listed under subparagraphs 1.  
23 through 3.

24 ~~6.5.~~ The total sums of all loans, in-kind  
25 contributions, and other receipts by or for such committee or  
26 candidate during the reporting period. The reporting forms  
27 shall be designed to elicit separate totals for in-kind  
28 contributions, loans, and other receipts.

29 ~~7.6.~~ The full name and address of each person to whom  
30 expenditures have been made by or on behalf of the committee  
31 or candidate within the reporting period; the amount, date,

1 and purpose of each such expenditure; and the name and address  
2 of, and office sought by, each candidate on whose behalf such  
3 expenditure was made. However, expenditures made from the  
4 petty cash fund provided by s. 106.12 need not be reported  
5 individually.

6 ~~8.7.~~ The full name and address of each person to whom  
7 an expenditure for personal services, salary, or reimbursement  
8 for authorized expenses has been made and which is not  
9 otherwise reported, including the amount, date, and purpose of  
10 such expenditure. However, expenditures made from the petty  
11 cash fund provided for in s. 106.12 need not be reported  
12 individually.

13 ~~9.8.~~ The total amount withdrawn and the total amount  
14 spent for petty cash purposes pursuant to this chapter during  
15 the reporting period.

16 ~~10.9.~~ The total sum of expenditures made by such  
17 committee or candidate during the reporting period.

18 ~~11.10.~~ The amount and nature of debts and obligations  
19 owed by or to the committee or candidate, which relate to the  
20 conduct of any political campaign.

21 ~~12.11.~~ A copy of each credit card statement which  
22 shall be included in the next report following receipt thereof  
23 by the candidate or political committee. Receipts for each  
24 credit card purchase shall be retained by the treasurer with  
25 the records for the campaign account.

26 ~~13.12.~~ The amount and nature of any separate  
27 interest-bearing accounts or certificates of deposit and  
28 identification of the financial institution in which such  
29 accounts or certificates of deposit are located.

30 (b) The filing officer shall make available to any  
31 candidate or committee a reporting form which the candidate or



1 committee may use to indicate contributions received by the  
2 candidate or committee but returned to the contributor before  
3 deposit.

4 Section 7. Section 106.08, Florida Statutes, is  
5 amended to read:

6 106.08 Contributions; limitations on.--

7 (1)(a) Except for political parties, no person,  
8 political committee, or committee of continuous existence may,  
9 in any election, make contributions in excess of \$500 to any  
10 candidate for election to or retention in office or to any  
11 political committee supporting or opposing one or more  
12 candidates. Candidates for the offices of Governor and  
13 Lieutenant Governor on the same ticket are considered a single  
14 candidate for the purpose of this section.

15 (b)1. The contribution limits provided in this  
16 subsection do not apply to contributions made by a state or  
17 county executive committee of a political party regulated by  
18 chapter 103 or to amounts contributed by a candidate to his or  
19 her own campaign.

20 2. Notwithstanding the limits provided in this  
21 subsection, an unemancipated child under the age of 18 years  
22 of age may not make a contribution in excess of \$100 to any  
23 candidate or to any political committee supporting one or more  
24 candidates.

25 (c) The contribution limits of this subsection apply  
26 to each election. For purposes of this subsection, the first  
27 primary, second primary, and general election are separate  
28 elections so long as the candidate is not an unopposed  
29 candidate as defined in s. 106.011(15). However, for the  
30 purpose of contribution limits with respect to candidates for  
31 retention as a justice of the Supreme Court or judge of a

1 district court of appeal, there is only one election, which is  
2 the general election, and with respect to candidates for  
3 circuit judge or county court judge, there are only two  
4 elections, which are the first primary election and general  
5 election.

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

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

25 (3)(a) Any contribution received by a candidate with  
26 opposition in an election or by the campaign treasurer or a  
27 deputy campaign treasurer of such a candidate on the day of  
28 that election or less than 5 days prior to the day of that  
29 election must be returned by him or her to the person or  
30 committee contributing it and may not be used or expended by  
31 or on behalf of the candidate.

1           (b) Except as otherwise provided in paragraph (c), any  
2 contribution received by a candidate or by the campaign  
3 treasurer or a deputy campaign treasurer of a candidate after  
4 the date at which the candidate withdraws his or her  
5 candidacy, or after the date the candidate is defeated,  
6 becomes unopposed, or is elected to office must be returned to  
7 the person or committee contributing it and may not be used or  
8 expended by or on behalf of the candidate.

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

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

18           2. Any contribution received by a candidate or the  
19 campaign treasurer or deputy campaign treasurer of a candidate  
20 after the candidate has been notified in writing by the  
21 department or supervisor that he or she has become unopposed  
22 as a result of an independent or minor party candidate failing  
23 to obtain the required number of petition signatures shall be  
24 returned to the person, political committee, or committee of  
25 continuous existence contributing it and shall not be used or  
26 expended by or on behalf of the candidate.

27           (4) Any contribution received by the chair, campaign  
28 treasurer, or deputy campaign treasurer of a political  
29 committee supporting or opposing a candidate with opposition  
30 in an election or supporting or opposing an issue on the  
31 ballot in an election on the day of that election or less than

1 5 days prior to the day of that election may not be obligated  
2 or expended by the committee until after the date of the  
3 election.

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

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

26 (7) A person, political committee, or committee of  
27 continuous existence may not make contributions that exceed  
28 \$5,000 per calendar year in the aggregate to a state executive  
29 committee of a political party regulated by chapter 103 or to  
30 any county executive committee or any subordinate committee of  
31 such political party.

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

23           (b) Any person who knowingly and willfully makes two  
24 or more contributions in violation of subsection (1),~~or~~  
25 subsection (5), or subsection (7), or any combination thereof,  
26 commits a felony of the third degree, punishable as provided  
27 in s. 775.082, s. 775.083, or s. 775.084. If any corporation,  
28 partnership, or other business entity or any political party,  
29 political committee, or committee of continuous existence is  
30 convicted of knowingly and willfully violating any provision  
31 punishable under this paragraph, it shall be fined not less

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

13 (9)~~(8)~~ Except when otherwise provided in subsection  
14 (8)~~(7)~~, any person who knowingly and willfully violates any  
15 provision of this section shall, in addition to any other  
16 penalty prescribed by this chapter, pay to the state a sum  
17 equal to twice the amount contributed in violation of this  
18 chapter. Each campaign treasurer shall pay all amounts  
19 contributed in violation of this section to the state for  
20 deposit in the General Revenue Fund.

21 (10)~~(9)~~ This section does not apply to the transfer of  
22 funds between a primary campaign depository and a savings  
23 account or certificate of deposit or to any interest earned on  
24 such account or certificate.

25 Section 8. Subsection (2) of section 106.04,  
26 subsection (2) of section 106.075, paragraph (a) of subsection  
27 (1) of section 106.087, subsection (1) of section 106.19, and  
28 subsection (6) of section 106.29, Florida Statutes, are  
29 reenacted to read:

30 106.04 Committees of continuous existence.--  
31

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

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

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

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

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

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

6  
7 State of Florida

8 County of....

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

23   ...(Signature of committee officer)...

24   ...(Address)...

25  
26 Sworn to and subscribed before me this .... day of .....,  
27 19...., at .... County, Florida.

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

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



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

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

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

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

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

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

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

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

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

1 limits contained in s. 106.08(2) shall be assessed against any  
2 executive committee found in violation thereof.

3 Section 9. Any candidate who accepts campaign  
4 contributions for election to a federal office may not use  
5 such funds in a campaign for election to a statewide,  
6 legislative, county, or municipal office.

7 Section 10. This act shall take effect January 1,  
8 2000.

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