

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 for severability; providing an  
3 effective date.

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

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

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

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

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

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

10 (3) "Contribution" means:

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

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

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

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

29 (e) Any funds received by a political committee which  
30 are used or intended to be used, directly or indirectly, to

31

1 pay for a political advertisement supporting or opposing an  
2 elected public official.

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

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

29 (17)(a) "Political advertisement" means a paid  
30 expression in any communications media prescribed in  
31 subsection (13), whether radio, television, newspaper,

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

20 (b) However, "political advertisement" does not  
21 include:

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

28 2.(b) Editorial endorsements by any newspaper, radio  
29 or television station, or other recognized news medium.  
30  
31

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

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

10           b. Is distributed or broadcast only to areas other  
11 than the geographical area of the electorate for that  
12 candidacy.

13           Section 3. Section 106.03, Florida Statutes, is  
14 amended to read:

15           106.03 Registration of political committees.--

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

28           (2) The statement of organization shall include:

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

30           (b) The names, addresses, and relationships of  
31 affiliated or connected organizations;

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

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

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

7 (f) The name, address, office sought, and party  
8 affiliation of:

9 1. Each candidate whom the committee is supporting;

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

13 (g) Any issue or issues such organization is  
14 supporting or opposing;

15 (h) If the committee is supporting the entire ticket  
16 of any party, a statement to that effect and the name of the  
17 party;

18 (i) A statement of whether the committee is a  
19 continuing one;

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

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

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

27 (3)(a) The name of the committee provided in the  
28 statement of organization must include the name of the  
29 corporation, labor union, professional association, political  
30 committee, committee of continuous existence, or other  
31 business entity whose officials, employees, agents, or

1 members, directly or indirectly, established or organized the  
2 committee, if any.

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

11 (c) Any person who knowingly and willfully violates  
12 this section shall be fined not less than \$1,000 and not more  
13 than \$10,000 for each violation. Any officer, partner, agent,  
14 attorney, or other representative of a corporation, labor  
15 union, professional association, political committee,  
16 committee of continuous existence, or other business entity  
17 who aids, abets, advises, or participates in a violation of  
18 any provision of this section shall be fined not less than  
19 \$1,000 and not more than \$10,000 for each violation.

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

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

28 (b) Except as provided in paragraph (c), a political  
29 committee which is organized to support or oppose candidates  
30 or issues to be voted on in a countywide election or  
31 candidates or issues in any election held on less than a



1 countywide basis shall file a statement of organization with  
2 the supervisor of elections of the county in which such  
3 election is being held.

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

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

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

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

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

1 the requirements of subsection (2), it shall notify the  
2 committee of such finding and shall state in writing the  
3 reasons for rejection of the statement of organization.

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

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

11 (b) Adequate opportunity to respond.

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

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

18 106.04 Committees of continuous existence.--

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

1 levied; and a complete financial statement or annual audit  
2 summarizing all income received, and all expenses incurred, by  
3 the organization during the 12 months preceding the date of  
4 application. A membership list shall be made available for  
5 inspection if deemed necessary by the division.

6 (4)

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

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

31

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

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

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

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

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

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

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

16 106.021 Campaign treasurers; deputies; primary and  
17 secondary depositories.--

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

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

1 allocates substantially equal time, space, or service to each  
2 candidate, or for an endorsement in a general election which  
3 lists all nominees of a political party in the area covered by  
4 the broadcast or mailing, shall not be considered a  
5 contribution or expenditure to or on behalf of any such  
6 candidates for the purposes of this chapter.

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

9 106.07 Reports; certification and filing.--

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

19 (4)(a) Each report required by this section shall  
20 contain:

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

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

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

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

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

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

31

1           ~~7.6.~~ The full name and address of each person to whom  
2 expenditures have been made by or on behalf of the committee  
3 or candidate within the reporting period; the amount, date,  
4 and purpose of each such expenditure; and the name and address  
5 of, and office sought by, each candidate on whose behalf such  
6 expenditure was made. However, expenditures made from the  
7 petty cash fund provided by s. 106.12 need not be reported  
8 individually.

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

16           ~~9.8.~~ The total amount withdrawn and the total amount  
17 spent for petty cash purposes pursuant to this chapter during  
18 the reporting period.

19           ~~10.9.~~ The total sum of expenditures made by such  
20 committee or candidate during the reporting period.

21           ~~11.10.~~ The amount and nature of debts and obligations  
22 owed by or to the committee or candidate, which relate to the  
23 conduct of any political campaign.

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

29           ~~13.12.~~ The amount and nature of any separate  
30 interest-bearing accounts or certificates of deposit and  
31



1 identification of the financial institution in which such  
2 accounts or certificates of deposit are located.

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

8 Section 7. Section 106.08, Florida Statutes, is  
9 amended to read:

10 106.08 Contributions; limitations on.--

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

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

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

29 (c) The contribution limits of this subsection apply  
30 to each election. For purposes of this subsection, the first  
31 primary, second primary, and general election are separate

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

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

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

29 (3)(a) Any contribution received by a candidate with  
30 opposition in an election or by the campaign treasurer or a  
31 deputy campaign treasurer of such a candidate on the day of

1 that election or less than 5 days prior to the day of that  
2 election must be returned by him or her to the person or  
3 committee contributing it and may not be used or expended by  
4 or on behalf of the candidate.

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

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

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

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

31

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

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

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

31

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

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

29           (b) Any person who knowingly and willfully makes two  
30 or more contributions in violation of subsection (1),  
31 ~~or~~ subsection (5), or subsection (7), or any combination thereof,

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

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

27 (10)~~(9)~~ This section does not apply to the transfer of  
28 funds between a primary campaign depository and a savings  
29 account or certificate of deposit or to any interest earned on  
30 such account or certificate.

31

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

6           106.04 Committees of continuous existence.--

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

23           106.075 Elected officials; report of loans made in  
24 year preceding election; limitation on contributions to pay  
25 loans.--

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

31





1  
2 Sworn to and subscribed before me this .... day of .....,  
3 19....., at .... County, Florida.  
4 ... (Signature and title of officer administering oath)...

5  
6 106.19 Violations by candidates, persons connected  
7 with campaigns, and political committees.--

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

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

16 (b) Fails to report any contribution required to be  
17 reported by this chapter;

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

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

23  
24 is guilty of a misdemeanor of the first degree, punishable as  
25 provided in s. 775.082 or s. 775.083.

26 106.29 Reports by political parties; restrictions on  
27 contributions and expenditures; penalties.--

28 (6)(a) The national, state, and county executive  
29 committees of a political party may not contribute to any  
30 candidate any amount in excess of the limits contained in s.  
31 106.08(2), and all contributions required to be reported under

1 s. 106.08(2) by the national executive committee of a  
2 political party shall be reported by the state executive  
3 committee of that political party.

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

10 Section 9. Any candidate who accepts campaign  
11 contributions for election to a federal office may not use  
12 such funds in a campaign for election to a statewide,  
13 legislative, county, or municipal office.

14 Section 10. If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 invalidity does not affect other provisions or applications of  
17 the act which can be given effect without the invalid  
18 provision or application, and to this end the provisions of  
19 this act are declared severable.

20 Section 11. This act shall take effect January 1,  
21 2000.