

By Senator Lee

23-145-99

1 A bill to be entitled
2 An act relating to campaign financing; amending
3 s. 106.011, F.S.; modifying definitions of the
4 terms "political committee," "contribution,"
5 and "expenditure"; amending s. 106.04, F.S.;
6 prohibiting committees of continuous existence
7 from making certain expenditures; providing an
8 effective date.

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10 Be It Enacted by the Legislature of the State of Florida:

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12 Section 1. Subsections (1), (3), and (4) of section
13 106.011, Florida Statutes, are amended to read:

14 106.011 Definitions.--As used in this chapter, the
15 following terms have the following meanings unless the context
16 clearly indicates otherwise:

17 (1) "Political committee" means a combination of two
18 or more individuals, or a person other than an individual, the
19 primary or incidental purpose of which is to support or oppose
20 any candidate, issue, or political party, which accepts
21 contributions or makes expenditures during a calendar year in
22 an aggregate amount in excess of \$500.⁺"Political committee"
23 also means the sponsor of a proposed constitutional amendment
24 by initiative who intends to seek the signatures of registered
25 electors."Political committee" also includes a combination of
26 two or more individuals or a person other than an individual
27 which anticipates spending funds for political advertising in
28 support of or in opposition to an elected public official
29 during a calendar year in an aggregate amount in excess of
30 \$500.Organizations which are certified by the Department of
31 State as committees of continuous existence pursuant to s.

1 106.04, national political parties, and the state and county
2 executive committees of political parties regulated by chapter
3 103 shall not be considered political committees for the
4 purposes of this chapter. Corporations regulated by chapter
5 607 or chapter 617 or other business entities formed for
6 purposes other than to support or oppose issues or candidates
7 are not political committees if their political activities are
8 limited to contributions to candidates, political parties, or
9 political committees or expenditures in support of or
10 opposition to an issue from corporate or business funds and if
11 no contributions are received by such corporations or business
12 entities.

13 (3) "Contribution" means:

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

19 (b) A transfer of funds between political committees,
20 between committees of continuous existence, or between a
21 political committee and a committee of continuous existence.

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

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

1 (e) Any funds received by a political committee which
2 are used or intended to be used, directly or indirectly, to
3 pay for a political advertisement supporting or opposing an
4 elected public official.

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

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

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

3 106.04 Committees of continuous existence.--

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

23 Section 3. This act shall take effect July 1, 1999.

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26 SENATE SUMMARY

27 Modifies the definitions of the terms "political
28 committee," "contribution," and "expenditure" for purpose
29 of the enforcement of the state's campaign finance laws.
30 Provides that a committee of continuous existence may not
31 make an expenditure in support of or in opposition to an
elected public official unless the committee complies
with prescribed procedures.