

By Senator Campbell

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A bill to be entitled
An act relating to elections; amending s.
99.092, F.S.; prescribing filing fees and
assessments for federal office; amending s.
106.08, F.S.; prescribing limitations on
political contributions; prohibiting candidates
from accepting specified contributions;
providing an effective date.

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

Section 1. Subsection (1) of section 99.092, Florida
Statutes, is amended to read:

99.092 Qualifying fee of candidate; notification of
Department of State.--

(1) Each person seeking to qualify for nomination or
election to any office, except a person seeking to qualify
pursuant to s. 99.095 and except a person seeking to qualify
as a write-in candidate, shall pay a qualifying fee, which
shall consist of a filing fee and election assessment, to the
officer with whom the person qualifies, and any party
assessment levied, and shall attach the original or signed
duplicate of the receipt for his or her party assessment or
pay the same, in accordance with the provisions of s. 103.121,
at the time of filing his or her other qualifying papers. The
amount of the filing fee is 3 percent of the annual salary of
the office, except that the filing fee for a federal office is
1.5 percent of the annual salary of the office. The amount of
the election assessment is 1 percent of the annual salary of
the office sought, except that the amount of the election
assessment for a federal office is 0.5 percent of the annual

1 salary of the office. The election assessment shall be
2 deposited into the Elections Commission Trust Fund. The
3 amount of the party assessment is 2 percent of the annual
4 salary, except that the amount of the party assessment for a
5 federal office is 1.5 percent of the annual salary of the
6 office. The annual salary of the office for purposes of
7 computing the filing fee, election assessment, and party
8 assessment shall be computed by multiplying 12 times the
9 monthly salary, excluding any special qualification pay,
10 authorized for such office as of July 1 immediately preceding
11 the first day of qualifying. No qualifying fee shall be
12 returned to the candidate unless the candidate withdraws his
13 or her candidacy before the last date to qualify. If a
14 candidate dies prior to an election and has not withdrawn his
15 or her candidacy before the last date to qualify, the
16 candidate's qualifying fee shall be returned to his or her
17 designated beneficiary, and, if the filing fee or any portion
18 thereof has been transferred to the political party of the
19 candidate, the Secretary of State shall direct the party to
20 return that portion to the designated beneficiary of the
21 candidate.

22 Section 2. Section 106.08, Florida Statutes, is
23 amended to read:

24 106.08 Contributions; limitations on.--

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

3 (b)1. The contribution limits provided in this
4 subsection do not apply to contributions made by a state or
5 county executive committee of a political party regulated by
6 chapter 103 or to amounts contributed by a candidate to his or
7 her own campaign.

8 2. Notwithstanding the limits provided in this
9 subsection, an unemancipated child under the age of 18 years
10 of age may not make a contribution in excess of \$100 to any
11 candidate or to any political committee supporting one or more
12 candidates.

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

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

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1 (3)~~(2)~~(a) A candidate may not accept contributions
2 from national, state, including any subordinate committee of a
3 national, state, or county committee of a political party, and
4 county executive committees of a political party, which
5 contributions, including in-kind contributions, in the
6 aggregate exceed ~~\$5,000~~\$50,000, no more than ~~\$25,000~~ of which
7 may be accepted prior to the 28-day period immediately
8 preceding the date of the general election.

9 (b) A national, state, or county committee of a
10 political party, any subordinate committee thereof, or any
11 county executive committee of a political party may not make
12 contributions to a candidate which contributions, including
13 in-kind contributions, in the aggregate exceed \$5,000. ~~Polling~~
14 ~~services, research services, costs for campaign staff,~~
15 ~~professional consulting services, and telephone calls are not~~
16 ~~contributions to be counted toward the contribution limits of~~
17 ~~paragraph (a). Any item not expressly identified in this~~
18 ~~paragraph as nonallocable is a contribution in an amount equal~~
19 ~~to the fair market value of the item and must be counted as~~
20 ~~allocable toward the \$50,000 contribution limits of paragraph~~
21 ~~(a). Nonallocable, in-kind contributions must be reported by~~
22 ~~the candidate under s. 106.07 and by the political party under~~
23 ~~s. 106.29.~~

24 (4)~~(3)~~(a) Any contribution received by a candidate
25 with opposition in an election or by the campaign treasurer or
26 a deputy campaign treasurer of such a candidate on the day of
27 that election or less than 5 days prior to the day of that
28 election must be returned by him or her to the person or
29 committee contributing it and may not be used or expended by
30 or on behalf of the candidate.

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

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

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

27 (8)~~(7)~~(a) Any person who knowingly and willfully makes
28 no more than one contribution in violation of subsection (1)
29 or subsection (6)~~(5)~~, or any person who knowingly and
30 willfully fails or refuses to return any contribution as
31 required in subsection (4)~~(3)~~, commits a misdemeanor of the

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

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

1 corporation, partnership, or other business entity, or of a
2 political committee, committee of continuous existence, or
3 political party who aids, abets, advises, or participates in a
4 violation of any provision punishable under this paragraph
5 commits a felony of the third degree, punishable as provided
6 in s. 775.082, s. 775.083, or s. 775.084.

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

15 (10)~~(9)~~ This section does not apply to the transfer of
16 funds between a primary campaign depository and a savings
17 account or certificate of deposit or to any interest earned on
18 such account or certificate.

19 Section 3. This act shall take effect July 1, 1999.
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SENATE SUMMARY

Provides that the filing fee for a federal office is 1.5 percent of the annual salary of the office. Provides that the election assessment for a federal office is 0.5 percent of the annual salary of the office. Provides that the party assessment for a federal office is 1.5 percent of the annual salary of the office. Prohibits any person, political committee, or committee of continuous existence from making contributions to any state or county executive committee, including any subordinate committee of a state or county committee of a political party, which contributions in the aggregate in any calendar year exceed \$5,000. Prohibits any national, state, including any subordinate committee of a national, state, or county committee of a political party, and a county executive committee of a political party from making contributions to a candidate which contributions, including in-kind contributions, in the aggregate exceed \$5,000. Prohibits a candidate from accepting such contributions, including in-kind contributions, which in the aggregate exceed \$5,000.