

By Representatives Turnbull, Wiles, Stafford, Brown, Henriquez, Heyman, L. Miller, Ritter, Chestnut, Frankel, Hafner, Rayson, Wasserman Schultz, Sobel, Betancourt, Suarez, Ryan, Ritchie, Levine, Wilson, K. Smith and Bloom

1 A bill to be entitled
2 An act relating to elections; providing a short
3 title; amending s. 106.011, F.S.; revising
4 definitions of the terms "political committee,"
5 "contribution," "expenditure," and "political
6 advertisement"; amending s. 106.021, F.S.;
7 eliminating a provision that authorizes the
8 unrestricted expenditure of funds for the
9 purpose of jointly endorsing three or more
10 candidates; amending s. 106.03, F.S.; providing
11 additional requirements for registration of
12 political committees and certification of
13 committees of continuous existence, which
14 relate to the committee name; providing
15 penalties and applicability; amending s.
16 106.04, F.S.; requiring committees of
17 continuous existence to update certain
18 registration information; prohibiting
19 committees of continuous existence from making
20 expenditures in support of or opposition to an
21 elected public official without registering as
22 a political committee; amending s. 106.07,
23 F.S.; correcting a cross reference, to conform;
24 amending s. 106.08, F.S.; providing limits on
25 contributions to a political party; revising a
26 provision relating to restrictions on
27 contributions to a candidate by a political
28 party; providing penalties; reenacting s.
29 106.19(1)(a), F.S., relating to penalties
30 applicable to acceptance of contributions in
31 excess of the limits provided by law, to

1 incorporate the amendment to s. 106.08, F.S.,
2 in a reference thereto; amending s. 106.087,
3 F.S.; eliminating a provision that prohibits
4 certain political committees and committees of
5 continuous existence from making independent
6 expenditures in support of or opposition to a
7 candidate or elected public official; amending
8 s. 106.29, F.S.; requiring subordinate and
9 executive committees of a political party to
10 adhere to contribution limits for political
11 parties; providing penalties; providing for
12 severability; providing an effective date.

13

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

15

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

18

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

21

22 106.011 Definitions.--As used in this chapter, the
23 following terms have the following meanings unless the context
24 clearly indicates otherwise:

25

26 (1) "Political committee" means a combination of two
27 or more individuals, or a person other than an individual, the
28 primary ~~or incidental~~ purpose of which is to support or oppose
29 any candidate, issue, or political party, which accepts
30 contributions or makes expenditures during a calendar year in
31 an aggregate amount in excess of \$500.+"Political committee"
also means the sponsor of a proposed constitutional amendment
by initiative who intends to seek the signatures of registered
electors."Political committee" also means a combination of

1 two or more individuals or a person other than an individual
2 which anticipates spending funds, or makes expenditures, for
3 political advertising in support of or opposition to an
4 elected public official during a calendar year in an aggregate
5 amount in excess of \$500. Organizations which are certified by
6 the Department of State as committees of continuous existence
7 pursuant to s. 106.04, national political parties, and the
8 state and county executive committees of political parties
9 regulated by chapter 103 shall not be considered political
10 committees for the purposes of this chapter. Corporations
11 regulated by chapter 607 or chapter 617 or other business
12 entities formed for purposes other than to support or oppose
13 issues or candidates are not political committees if their
14 political activities are limited to contributions to
15 candidates, political parties, or political committees or
16 expenditures in support of or opposition to an issue from
17 corporate or business funds and if no contributions are
18 received by such corporations or business entities.

19 (3) "Contribution" means:

20 (a) A gift, subscription, conveyance, deposit, loan,
21 payment, or distribution of money or anything of value,
22 including contributions in kind having an attributable
23 monetary value in any form, made for the purpose of
24 influencing the results of an election.

25 (b) A transfer of funds between political committees,
26 between committees of continuous existence, or between a
27 political committee and a committee of continuous existence.

28 (c) The payment, by any person other than a candidate
29 or political committee, of compensation for the personal
30 services of another person which are rendered to a candidate

31

1 or political committee without charge to the candidate or
2 committee for such services.

3 (d) The transfer of funds by a campaign treasurer or
4 deputy campaign treasurer between a primary depository and a
5 separate interest-bearing account or certificate of deposit,
6 and the term includes any interest earned on such account or
7 certificate.

8 (e) Any funds received by a political committee which
9 are used or intended to be used, directly or indirectly, to
10 pay for a political advertisement supporting or opposing an
11 elected public official.

12
13 Notwithstanding the foregoing meanings of "contribution," the
14 word shall not be construed to include services, including,
15 but not limited to, legal and accounting services, provided
16 without compensation by individuals volunteering a portion or
17 all of their time on behalf of a candidate or political
18 committee. This definition shall not be construed to include
19 editorial endorsements.

20 (4) "Expenditure" means a purchase, payment,
21 distribution, loan, advance, transfer of funds by a campaign
22 treasurer or deputy campaign treasurer between a primary
23 depository and a separate interest-bearing account or
24 certificate of deposit, or gift of money or anything of value
25 made for the purpose of influencing the results of an election
26 or for purchasing a political advertisement supporting or
27 opposing an elected public official. However, "expenditure"
28 does not include a purchase, payment, distribution, loan,
29 advance, or gift of money or anything of value made for the
30 purpose of influencing the results of an election when made by
31 an organization, in existence prior to the time during which a

1 candidate qualifies or an issue is placed on the ballot for
2 that election, for the purpose of printing or distributing
3 such organization's newsletter, containing a statement by such
4 organization in support of or opposition to a candidate or
5 issue, which newsletter is distributed only to members of such
6 organization.

7 (17)(a) "Political advertisement" means a paid
8 expression in any communications media prescribed in
9 subsection (13), whether radio, television, newspaper,
10 magazine, periodical, campaign literature, direct mail, or
11 display or by means other than the spoken word in direct
12 conversation, which shall support or oppose any candidate,
13 elected public official, or issue. In addition, an
14 advertisement is presumed to be a political advertisement if
15 it is a paid expression in any communications media described
16 in subsection (13), whether radio, television, newspaper,
17 magazine, periodical, campaign literature, direct mail, or
18 display or by means other than the spoken word in direct
19 conversation, which substantially mentions or shows a clearly
20 identifiable candidate for election or reelection and is
21 distributed at any point during the period following the last
22 day of qualifying for that candidacy through the ensuing
23 general election and which, when examined by a reasonable
24 person, would be understood as a communication made for the
25 purpose of influencing the results of an election on that
26 candidacy during that period and for which aggregate
27 expenditures on like advertisements exceed \$1,000.

28 (b) ~~However,~~ "Political advertisement" does not
29 include:

30 1. ~~(a)~~ A statement by an organization, in existence
31 prior to the time during which a candidate qualifies or an

1 issue is placed on the ballot for that election, in support of
2 or opposition to a candidate or issue, in that organization's
3 newsletter, which newsletter is distributed only to the
4 members of that organization.

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

7 3. A paid expression in any communications media which
8 mentions or shows a clearly identifiable candidate for
9 election or reelection which:

10 a. Advertises a business rather than the candidate, is
11 paid for out of funds of that business, and is similar to
12 other advertisements for that business which have mentioned or
13 shown the candidate and have been distributed regularly over a
14 period of at least 1 year before the qualifying period for
15 that candidacy; or

16 b. Is distributed or broadcast only to areas other
17 than the geographical area of the electorate for that
18 candidacy.

19 Section 3. Subsection (3) of section 106.021, Florida
20 Statutes, is amended to read:

21 106.021 Campaign treasurers; deputies; primary and
22 secondary depositories.--

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

1 ~~or political party regulated by chapter 103 for obtaining~~
2 ~~time, space, or services in or by any communications medium~~
3 ~~for the purpose of jointly endorsing three or more candidates,~~
4 ~~and any such expenditure 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 4. Section 106.03, Florida Statutes, is
8 amended to read:

9 106.03 Registration of political committees.--

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

22 (2) The statement of organization shall include:

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

24 (b) The names, addresses, and relationships of
25 affiliated or connected organizations;

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

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

29 (e) The name, address, ~~and~~ position, and principal
30 employer of each other principal officer ~~officers~~, including
31 officers and members of the finance committee, if any;

1 (f) The name, address, office sought, and party
2 affiliation of:

3 1. Each candidate whom the committee is supporting;

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

7 (g) Any issue or issues such organization is
8 supporting or opposing;

9 (h) If the committee is supporting the entire ticket
10 of any party, a statement to that effect and the name of the
11 party;

12 (i) A statement of whether the committee is a
13 continuing one;

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

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

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

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

28 (b) If the name of the committee provided in the
29 statement of organization does not include the name of a
30 corporation, labor union, professional association, political
31 committee, committee of continuous existence, or other

1 business entity, the name must include the economic or special
2 interest, if identifiable, principally represented by the
3 committee's organizers or intended to be advanced by the
4 committee's receipts.

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

14 (4)(3)(a) A political committee which is organized to
15 support or oppose statewide, legislative, or multicounty
16 candidates or issues to be voted upon on a statewide or
17 multicounty basis shall file a statement of organization with
18 the Division of Elections.

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

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

31

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

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

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

18 ~~(7)(6)~~ If the filing officer finds that a political
19 committee has filed its statement of organization consistent
20 with the requirements of subsections ~~subsection~~ (2) and (3),
21 it shall notify the committee in writing that it has been
22 registered as a political committee. If the filing officer
23 finds that a political committee's statement of organization
24 does not meet the requirements of subsections ~~subsection~~ (2)
25 and (3), it shall notify the committee of such finding and
26 shall state in writing the reasons for rejection of the
27 statement of organization.

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

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

4 (b) Adequate opportunity to respond.

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

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

10 106.04 Committees of continuous existence.--

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

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

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

17 Section 6. Any political committee or committee of
18 continuous existence organized before January 1, 2001, shall
19 have until April 1, 2001, to amend its name, if necessary, to
20 comply with the requirements of subsection (3) of section
21 106.03, Florida Statutes, as created by this act, or
22 subsection (2) of section 106.04, Florida Statutes, as amended
23 by this act, as applicable.

24 Section 7. Subsection (3) of section 106.07, Florida
25 Statutes, is amended to read:

26 106.07 Reports; certification and filing.--

27 (3) Reports required of a political committee shall be
28 filed with the agency or officer before whom such committee
29 registers pursuant to s. 106.03(4)~~(3)~~and shall be subject to
30 the same filing conditions as established for candidates'
31 reports. Only committees that file with the Department of

1 State shall file the original and one copy of their reports.
2 Incomplete reports by political committees shall be treated in
3 the manner provided for incomplete reports by candidates in
4 subsection (2).

5 Section 8. Section 106.08, Florida Statutes, is
6 amended to read:

7 106.08 Contributions; limitations on.--

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

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

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

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

1 retention as a justice or judge, there is only one election,
2 which is the general election. With respect to candidates in a
3 circuit holding an election for circuit judge or in a county
4 holding an election for county court judge, there are only two
5 elections, which are the first primary election and general
6 election.

7 (2) A person, political committee, or committee of
8 continuous existence may not make contributions to the state
9 and county executive committees of a political party,
10 including any subordinate committee of a state or county
11 executive committee of a political party, which contributions,
12 including in-kind contributions, in the aggregate in any
13 calendar year exceed \$5,000.

14 ~~(3)(2)(a)~~ A candidate may not accept contributions
15 from national, state, ~~including any subordinate committee of a~~
16 ~~national, state, or county committee of a political party,~~ and
17 county executive committees of a political party, including
18 any subordinate committee of a national, state, or county
19 executive committee of a political party, which contributions,
20 including in-kind contributions, in the aggregate exceed
21 \$50,000, no more than \$25,000 of which may be accepted prior
22 to the 28-day period immediately preceding the date of the
23 general election.

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

1 ~~must be reported by the candidate under s. 106.07 and by the~~
2 ~~political party under s. 106.29.~~

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

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

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

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

27 2. Any contribution received by a candidate or the
28 campaign treasurer or deputy campaign treasurer of a candidate
29 after the candidate has been notified in writing by the
30 department or supervisor that he or she has become unopposed
31 as a result of an independent or minor party candidate failing

1 to obtain the required number of petition signatures shall be
2 returned to the person, political committee, or committee of
3 continuous existence contributing it and shall not be used or
4 expended by or on behalf of the candidate.

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

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

30 (7)~~(6)~~ A political party may not accept any
31 contribution which has been specifically designated for the

1 partial or exclusive use of a particular candidate. Any
2 contribution so designated must be returned to the contributor
3 and may not be used or expended by or on behalf of the
4 candidate.

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

27 (b) Any person who knowingly and willfully makes two
28 or more contributions in violation of subsection (1),
29 subsection (2), or subsection~~(6)~~(5), or any combination thereof,
30 ~~(5)~~ commits a felony of the third degree, punishable as
31 provided in s. 775.082, s. 775.083, or s. 775.084. If any

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

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

25 (10)~~(9)~~ This section does not apply to the transfer of
26 funds between a primary campaign depository and a savings
27 account or certificate of deposit or to any interest earned on
28 such account or certificate.

29 Section 9. For the purpose of incorporating the
30 amendment to section 106.08, Florida Statutes, in a reference
31

1 thereto, paragraph (a) of subsection (1) of section 106.19,
2 Florida Statutes, is reenacted to read:

3 106.19 Violations by candidates, persons connected
4 with campaigns, and political committees.--

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

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

13

14 is guilty of a misdemeanor of the first degree, punishable as
15 provided in s. 775.082 or s. 775.083.

16 Section 10. Section 106.087, Florida Statutes, is
17 amended to read:

18 106.087 Independent expenditures; contribution limits;
19 restrictions on political parties, ~~political committees, and~~
20 ~~committees of continuous existence.--~~

21 (1)~~(a)~~ As a condition of receiving a rebate of filing
22 fees and party assessment funds pursuant to s. 99.061(2), s.
23 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
24 treasurer of a state or county executive committee shall take
25 and subscribe to an oath or affirmation in writing. During the
26 qualifying period for state candidates and prior to
27 distribution of such funds, a printed copy of the oath or
28 affirmation shall be filed with the Secretary of State and
29 shall be substantially in the following form:

30

31 State of Florida

1 rebate from candidates qualifying for the following general
2 election cycle.

3 ~~(4)(d)~~ Any funds not distributed to the state or
4 county executive committee pursuant to this section shall be
5 deposited into the General Revenue Fund of the state.

6 ~~(2)(a) Any political committee or committee of~~
7 ~~continuous existence that accepts the use of public funds,~~
8 ~~equipment, personnel, or other resources to collect dues from~~
9 ~~its members agrees not to make independent expenditures in~~
10 ~~support of or opposition to a candidate or elected public~~
11 ~~official. However, expenditures may be made for the sole~~
12 ~~purpose of jointly endorsing three or more candidates.~~

13 ~~(b) Any political committee or committee of continuous~~
14 ~~existence that violates this subsection is liable for a civil~~
15 ~~fine of up to \$5,000 to be determined by the Florida Elections~~
16 ~~Commission or the entire amount of the expenditures, whichever~~
17 ~~is greater.~~

18 Section 11. Subsection (6) of section 106.29, Florida
19 Statutes, is amended to read:

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

22 (6)(a) The national, state, and county executive
23 committees of a political party, including any subordinate
24 committee of a national, state, or county executive committee
25 of a political party, may not contribute to any candidate any
26 amount in excess of the limits contained in s. 106.08(3)(2),
27 ~~and all contributions required to be reported under s.~~
28 ~~106.08(2) by the national executive committee of a political~~
29 ~~party shall be reported by the state executive committee of~~
30 ~~that political party.~~

31

1 (b) A violation of the contribution limits contained
2 in s. 106.08(3)(2) is a misdemeanor of the first degree,
3 punishable as provided in s. 775.082 or s. 775.083. A civil
4 penalty equal to three times the amount in excess of the
5 limits contained in s. 106.08(3)(2) shall be assessed against
6 any executive committee found in violation thereof.

7 Section 12. If any provision of this act or the
8 application thereof to any person or circumstance is held
9 invalid, the invalidity shall not affect other provisions or
10 applications of the act which can be given effect without the
11 invalid provision or application, and to this end the
12 provisions of this act are declared severable.

13 Section 13. This act shall take effect January 1,
14 2001.

15 *****

16 HOUSE SUMMARY

17
18 Creates the "Campaign Finance Reform Act." Revises
19 definitions of the terms "political committee,"
20 "contribution," "expenditure," and "political
21 advertisement." Eliminates a provision that authorizes
22 the unrestricted expenditure of funds for the purpose of
23 jointly endorsing three or more candidates. Provides
24 additional requirements for registration of political
25 committees and certification of committees of continuous
26 existence, which relate to the committee name. Requires
27 committees of continuous existence to update certain
28 registration information. Prohibits committees of
29 continuous existence from making expenditures in support
30 of or opposition to an elected public official without
31 registering as a political committee. Provides limits on
contributions to a political party. Revises a provision
relating to restrictions on contributions to a candidate
by a political party. Eliminates a provision that
prohibits certain political committees and committees of
continuous existence from making independent expenditures
in support of or opposition to a candidate or elected
public official. Requires subordinate and executive
committees of a political party to adhere to contribution
limits for political parties. See bill for details.