

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 120

SPONSOR: Committee on Ethics and Elections and Senator Klein

SUBJECT: Campaign contributions; cash contributions

DATE: December 8, 1999 REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Fox</u>	<u>Bradshaw</u>	<u>EE</u>	<u>Favorable/CS</u>
2.	_____	_____	<u>FP</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

## I. Summary:

Committee Substitute for Senate Bill 120 increases the criminal penalties for making or accepting cash contributions (including cashier's checks) in excess of \$100. Current law designates such offenses, irrespective of the amount, as a first-degree misdemeanor. The bill makes it a third-degree felony to knowingly and willfully make or accept a cash contribution exceeding \$5,000, while maintaining the first-degree misdemeanor penalty for making or accepting a cash contribution of more than \$100 but not more than \$5,000.

This bill substantially amends section 106.09 of the Florida Statutes.

## II. Present Situation:

It is a first-degree misdemeanor to make or accept a campaign contribution in cash or cashier's check which exceeds \$100. s. 106.09, F.S. (1999). The same criminal penalty attaches for each violation, regardless of the amount. Therefore, someone making a cash contribution of \$100,000 would be guilty of the same offense as someone who made a cash contribution of \$150 --- a first-degree misdemeanor.

## III. Effect of Proposed Changes:

Committee Substitute for Senate Bill 120 makes it a third-degree felony to *knowingly and willfully* make or accept a cash contribution exceeding \$5,000. The bill maintains the current first-degree misdemeanor penalty for making or accepting a cash contribution in excess of \$100 but not more than \$5,000.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

It is unlikely that the bill will have a significant impact on the state's resources or prison population, given the relatively small pool of potential offenders subject to a felony offense.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.