

By Senator Klein

28-1302-00

See HB

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.; conforming a cross-reference; amending s.  
24          106.08, F.S.; providing limits on contributions  
25          to a political party; revising a provision  
26          relating to restrictions on contributions to a  
27          candidate by a political party; providing  
28          penalties; reenacting s. 106.19(1), F.S.,  
29          relating to penalties applicable to acceptance  
30          of contributions in excess of the limits  
31          provided by law, to incorporate the amendment

1 to s. 106.08, F.S., in a reference thereto;  
2 amending s. 106.087, F.S.; eliminating a  
3 provision that prohibits certain political  
4 committees and committees of continuous  
5 existence from making independent expenditures  
6 in support of or opposition to a candidate or  
7 elected public official; amending s. 106.29,  
8 F.S.; requiring subordinate and executive  
9 committees of a political party to adhere to  
10 contribution limits for political parties;  
11 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, subsection (1) of section 106.19, Florida Statutes,  
2 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           (b) Fails to report any contribution required to be  
14 reported by this chapter;

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

17           (d) Makes or authorizes any expenditure in violation  
18 of s. 106.11(3) or any other expenditure prohibited by this  
19 chapter;

20

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

23           Section 10. Section 106.087, Florida Statutes, is  
24 amended to read:

25           106.087 Independent expenditures; contribution limits;  
26 restrictions on political parties, ~~political committees, and~~  
27 ~~committees of continuous existence.--~~

28           (1)~~(a)~~ As a condition of receiving a rebate of filing  
29 fees and party assessment funds pursuant to s. 99.061(2), s.  
30 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or  
31 treasurer of a state or county executive committee shall take

1 and subscribe to an oath or affirmation in writing. During the  
2 qualifying period for state candidates and prior to  
3 distribution of such funds, a printed copy of the oath or  
4 affirmation shall be filed with the Secretary of State and  
5 shall be substantially in the following form:

6

7 State of Florida

8 County of....

9 Before me, an officer authorized to administer oaths,  
10 personally appeared ...(name)..., to me well known, who, being  
11 sworn, says that he or she is the ...(title)... of the  
12 ...(name of party)... ...(state or specified county)...  
13 executive committee; that the executive committee has not  
14 made, either directly or indirectly, an independent  
15 expenditure in support of or opposition to a candidate or  
16 elected public official in the prior 6 months; that the  
17 executive committee will not make, either directly or  
18 indirectly, an independent expenditure in support of or  
19 opposition to a candidate or elected public official, through  
20 and including the upcoming general election; and that the  
21 executive committee will not violate the contribution limits  
22 applicable to candidates under s. 106.08(3)~~(2)~~, Florida  
23 Statutes.

24 ... (Signature of committee officer)...

25 ... (Address)...

26

27 Sworn to and subscribed before me this .... day of .....,

28 ...(year)..., at .... County, Florida.

29 ... (Signature and title of officer administering oath)...

30

31

1           ~~(2)(b)~~ Any executive committee found to have violated  
2 the provisions of the oath or affirmation in this section  
3 prior to receiving funds shall be ineligible to receive the  
4 rebate for that general election year.

5           ~~(3)(c)~~ Any executive committee found to have violated  
6 the provisions of the oath or affirmation in this section  
7 after receiving funds shall be ineligible to receive the  
8 rebate from candidates qualifying for the following general  
9 election cycle.

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

13           ~~(2)(a) Any political committee or committee of~~  
14 ~~continuous existence that accepts the use of public funds,~~  
15 ~~equipment, personnel, or other resources to collect dues from~~  
16 ~~its members agrees not to make independent expenditures in~~  
17 ~~support of or opposition to a candidate or elected public~~  
18 ~~official. However, expenditures may be made for the sole~~  
19 ~~purpose of jointly endorsing three or more candidates.~~

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

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

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

29           (6)(a) The national, state, and county executive  
30 committees of a political party, including any subordinate  
31 committee of a national, state, or county executive committee

1 of a political party, may not contribute to any candidate any  
2 amount in excess of the limits contained in s. 106.08(3)(2),  
3 ~~and all contributions required to be reported under s.~~  
4 ~~106.08(2) by the national executive committee of a political~~  
5 ~~party shall be reported by the state executive committee of~~  
6 ~~that political party.~~

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

13 Section 12. If any provision of this act or the  
14 application thereof to any person or circumstance is held  
15 invalid, the invalidity shall not affect other provisions or  
16 applications of the act which can be given effect without the  
17 invalid provision or application, and to this end the  
18 provisions of this act are declared severable.

19 Section 13. This act shall take effect January 1,  
20 2001.

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LEGISLATIVE SUMMARY

Creates the "Campaign Finance Reform Act." Revises definitions of the terms "political committee," "contribution," "expenditure," and "political advertisement." Eliminates a provision that authorizes the unrestricted expenditure of funds for the purpose of jointly endorsing three or more candidates. Provides additional requirements for registration of political committees and certification of committees of continuous existence, which relate to the committee name. Requires committees of continuous existence to update certain registration information. Prohibits committees of continuous existence from making expenditures in support of or opposition to an elected public official without 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.)