

**STORAGE NAME:** h0589s1a.cj

**DATE:** April 26, 2000

**HOUSE OF REPRESENTATIVES  
AS FURTHER REVISED BY THE COMMITTEE ON  
CRIMINAL JUSTICE APPROPRIATIONS  
ANALYSIS**

**BILL #:** CS/HB 589

**RELATING TO:** Illegal Campaign Contributions

**SPONSOR(S):** Committee on Election Reform, Representative Henriquez and others

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:**

- (1) ELECTION REFORM YEAS 9 NAYS 0
  - (2) CRIME & PUNISHMENT YEAS 6 NAYS 0
  - (3) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
  - (4) CRIMINAL JUSTICE APPROPRIATIONS YEAS 10 NAYS
  - (5)
- 

**I. SUMMARY:**

Current law provides a first degree misdemeanor penalty for anyone who makes or accepts a contribution by cash or cashier's check over \$100. CS/HB 589 makes it a third degree felony to make or accept a cash contribution in excess of \$5,000, and a first degree misdemeanor to make or accept a contribution in an amount more than \$100 but not more than \$5,000.

This bill does not have a significant fiscal impact on state or local governments.

This bill has an effective date of July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Current law prohibits a person from making or accepting campaign contributions in cash or by cashier's check in excess of \$100, s. 106.09, F.S. The penalty for violating this section remains the same regardless of the amount of the illegal contribution.

A violation of this section constitutes a first degree misdemeanor punishable by a term of imprisonment not to exceed one year and a \$1000 fine, s. 775.082, F.S., and 775.083, F.S.

C. EFFECT OF PROPOSED CHANGES:

This bill provides that any person who makes or accepts a cash contribution in excess of \$100 but not more than \$5,000 commits a first degree misdemeanor, punishable by a term of imprisonment not to exceed one year and a \$1,000 fine. Any person who knowingly and willfully makes or accepts a contribution of more than \$5,000 is guilty of a third degree felony, punishable by a term of imprisonment not to exceed five years and up to a \$5,000 fine.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides increased penalties for making certain illegal campaign contributions.

Section 2: Provides effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

To the extent that increased fines associated with the graduated penalties for illegal contribution may be imposed, the state may receive increased revenue.

2. Expenditures:

Expenditures associated with prosecuting cases with graduated penalties should be inconsequential.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See above.

2. Expenditures:

See above.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Department of Corrections reports that, compared to other criminal activity, the anticipated frequency of the posed offenses in CS/HB 589 would be minimal. The department anticipates no fiscal impact as a result of the bill.

The criminal penalty provided in CS/HB 589 is an unranked third degree felony, which would have no impact on the prison inmate population.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

See above.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

See above.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. OTHER COMMENTS:**

None.

**VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On February 8, 2000, the Committee on Election Reform considered HB 589. HB 589 originally provided for the following graduated penalties:

- Any person who makes or accepts a cash contribution in an amount more than \$100 but less than \$300 in cash commits a first degree misdemeanor.
- Any person who makes or accepts a cash contribution in an amount of \$300 or more but less than \$20,000 commits a third degree felony.
- Any person who makes or accepts a cash contribution in an amount of \$20,000 or more but less than \$100,000 commits a second degree felony.
- Any person who makes or accepts a cash contribution in an amount of \$100,000 or more commits a first degree felony.

The House Committee on Election Reform adopted a "strike everything" amendment to HB 589 and the bill as amended passed out favorably as a committee substitute.

On April 12, 2000, the Committee on Governmental Operations considered CS/HB 589 and passed it out favorably with one amendment. The amendment removed the maximum contribution amount of \$5,000 for a first degree misdemeanor.

The Committee on Criminal Justice Appropriations heard HB 589 on April 26, 2000. The Committee adopted one amendment offered by Representatives Heyman and Morroni changing the effective date of the bill to July 1, 2001.

The bill was reported favorably with the amendment traveling with the bill.

**VII. SIGNATURES:**

**COMMITTEE ON ELECTION REFORM:**

Prepared by:

R. Michael Paredes

Staff Director:

Dawn K. Roberts

**AS REVISED BY THE COMMITTEE ON CRIME & PUNISHMENT:**

Prepared by:

Trina Kramer

Staff Director:

David De La Paz

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AS FURTHER REVISED BY THE COMMITTEE ON GOVERNMENTAL OPERATIONS:

Prepared by:

Staff Director:

Amy K. Tuck

Russell J. Cyphers, Jr.

AS FURTHER REVISED BY THE COMMITTEE ON CRIMINAL JUSTICE

APPROPRIATIONS:

Prepared by:

Staff Director:

Susan M. Mosychuk

James P. DeBeaugrine