

By Representative Simmons

1                                   A bill to be entitled  
2           An act relating to campaign financing; creating  
3           s. 106.081, F.S.; providing a limitation on  
4           contributions to organizations engaging in  
5           campaign-related advertising; exempting  
6           contributions to political parties from such  
7           limitation; requiring return of amounts  
8           received in excess of such limitation;  
9           providing a finding of compelling state  
10          interest in imposing such limitation; providing  
11          penalties; providing a contingent effective  
12          date.

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

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16           Section 1. Section 106.081, Florida Statutes, is  
17 created to read:

18           106.081 Limitations on contributions to organizations  
19 engaging in campaign-related advertising.--

20           (1) The Legislature finds that unlimited contributions  
21 to organizations registered or required to register under s.  
22 106.073 for engaging in campaign-related advertising can lead  
23 to corruption or the appearance of corruption of the political  
24 process by encouraging elected officials to become or appear  
25 to become beholden to special interests in return for  
26 advertising in support of the policies of such officials or by  
27 unduly influencing or appearing to unduly influence the  
28 policies of such officials through the threat of advertising  
29 in opposition to such policies. Therefore, the Legislature  
30 finds a compelling state interest in enacting limitations upon  
31 the contributions made to such organizations.

1           (2) No person may make any contribution in excess of  
2 \$1,500 in the aggregate in any calendar year to any  
3 organization registered or required to register under s.  
4 106.073 for engaging in campaign-related advertising.  
5 However, the limitation provided in this subsection does not  
6 apply to contributions to a political party.

7           (3) Any organization receiving a contribution in  
8 violation of this section must return to the contributor the  
9 amount of the contribution which is in excess of the  
10 limitation provided in this section.

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

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

21        (5) Any person who violates subsection (2) shall be  
22 subject to a civil penalty equal to two times the amount  
23 involved in the illegal act, and any organization that  
24 violates subsection (3) shall be subject to a civil penalty  
25 equal to three times the amount involved in the illegal act.  
26 Such penalty may be in addition to the penalties provided by  
27 subsection (4) and shall be paid into the General Revenue  
28 Fund.

29        Section 2. This act shall take effect July 1, 2001, if  
30 House Bill 273 or similar legislation creating s. 106.073,  
31 F.S., relating to regulation of campaign-related advertising,

1 is adopted in the same legislative session or an extension  
2 thereof and becomes law.

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5 HOUSE SUMMARY

6 Provides a limitation on contributions to organizations  
7 engaging in campaign-related advertising. Exempts  
8 contributions to political parties from such limitation.  
9 Requires return of amounts received in excess of such  
10 limitation. Provides a finding of compelling state  
and civil penalties, including court-ordered dissolution  
and forfeiture of the right to do business in this state.

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