

By Representative Diaz-Balart

1                                   A bill to be entitled  
2           An act relating to campaign financing; amending  
3           s. 106.08, F.S.; providing that only  
4           individuals may contribute to candidates for  
5           election to or retention in office; raising the  
6           contribution limits; eliminating limits on  
7           contributions to political committees;  
8           providing penalties; amending ss. 106.011,  
9           106.021, 106.04, 106.06, 106.07, and 106.071,  
10          F.S., relating to the definition of "political  
11          committee," the appointment and duties of  
12          campaign treasurers, the contributions of  
13          committees of continuous existence, the  
14          inspection of campaign accounts, the contents  
15          of campaign finance reports, and the filing of  
16          independent expenditures, to conform;  
17          reenacting ss. 106.075(2) and 106.19(1)(a),  
18          F.S., relating to the limitation on  
19          contributions to pay loans and the penalty for  
20          acceptance of excess contributions, to  
21          incorporate the amendment to s. 106.08, F.S.,  
22          in references thereto; amending s. 106.1437,  
23          F.S.; prohibiting advertisements intending to  
24          influence public policy or the vote of a public  
25          official from mentioning, showing, or using the  
26          voice of any candidate for office during a  
27          specified period preceding the general  
28          election; providing for a civil fine; amending  
29          ss. 420.503 and 420.512, F.S.; eliminating  
30          provisions regulating or prohibiting campaign  
31          contributions for the offices of Governor and

1 member of the Cabinet sitting on the State  
2 Board of Administration from service providers  
3 under the Florida Housing Finance Corporation  
4 Act; repealing ss. 106.082, 627.0623, and  
5 655.019, F.S., to eliminate provisions  
6 regulating campaign contributions for the  
7 offices of Commissioner of Agriculture,  
8 Treasurer, and Comptroller from persons or  
9 entities regulated by such officers; providing  
10 an effective date.

11  
12 Be It Enacted by the Legislature of the State of Florida:

13  
14 Section 1. Subsection (1) of section 106.011, Florida  
15 Statutes, is amended to read:

16 106.011 Definitions.--As used in this chapter, the  
17 following terms have the following meanings unless the context  
18 clearly indicates otherwise:

19 (1) "Political committee" means a combination of two  
20 or more individuals, or a person other than an individual, the  
21 primary or incidental purpose of which is to support or oppose  
22 any candidate, issue, or political party, which accepts  
23 contributions or makes expenditures during a calendar year in  
24 an aggregate amount in excess of \$500; "political committee"  
25 also means the sponsor of a proposed constitutional amendment  
26 by initiative who intends to seek the signatures of registered  
27 electors. Organizations which are certified by the Department  
28 of State as committees of continuous existence pursuant to s.  
29 106.04, national political parties, and the state and county  
30 executive committees of political parties regulated by chapter  
31 103 shall not be considered political committees for the

1 purposes of this chapter. Corporations regulated by chapter  
2 607 or chapter 617 or other business entities formed for  
3 purposes other than to support or oppose issues or candidates  
4 are not political committees if their political activities are  
5 limited to contributions to ~~candidates~~, political parties, or  
6 political committees or expenditures in support of or  
7 opposition to an issue from corporate or business funds and if  
8 no contributions are received by such corporations or business  
9 entities.

10 Section 2. Subsections (1) and (3) of section 106.021,  
11 Florida Statutes, are amended to read:

12 106.021 Campaign treasurers; deputies; primary and  
13 secondary depositories.--

14 (1)(a) Each candidate for nomination or election to  
15 office and each political committee shall appoint a campaign  
16 treasurer. Each person who seeks to qualify for nomination or  
17 election to, or retention in, office shall appoint a campaign  
18 treasurer and designate a primary campaign depository prior to  
19 qualifying for office. Any person who seeks to qualify for  
20 election or nomination to any office by means of the  
21 petitioning process shall appoint a treasurer and designate a  
22 primary depository on or before the date he or she obtains the  
23 petitions. Each candidate shall at the same time he or she  
24 designates a campaign depository and appoints a treasurer also  
25 designate the office for which he or she is a candidate. If  
26 the candidate is running for an office which will be grouped  
27 on the ballot with two or more similar offices to be filled at  
28 the same election, the candidate must indicate for which group  
29 or district office he or she is running. Nothing in this  
30 subsection shall prohibit a candidate, at a later date, from  
31 changing the designation of the office for which he or she is

1 a candidate. However, if a candidate changes the designated  
2 office for which he or she is a candidate, the candidate must  
3 notify all contributors in writing of the intent to seek a  
4 different office and offer to return pro rata, upon their  
5 request, those contributions given in support of the original  
6 office sought. This notification shall be given within 15 days  
7 after the filing of the change of designation and shall  
8 include a standard form developed by the Division of Elections  
9 for requesting the return of contributions. The notice  
10 requirement shall not apply to any change in a numerical  
11 designation resulting solely from redistricting. If, within  
12 30 days after being notified by the candidate of the intent to  
13 seek a different office, the contributor notifies the  
14 candidate in writing that the contributor wishes his or her  
15 contribution to be returned, the candidate shall return the  
16 contribution, on a pro rata basis, calculated as of the date  
17 the change of designation is filed. Any contributions not  
18 requested to be returned within the 30-day period may be used  
19 by the candidate for the newly designated office. No person  
20 shall accept any contribution or make any expenditure with a  
21 view to bringing about his or her nomination, election, or  
22 retention in public office, ~~or authorize another to accept~~  
23 ~~such contributions or make such expenditure on the person's~~  
24 ~~behalf,~~ unless such person has appointed a campaign treasurer  
25 and designated a primary campaign depository. A candidate for  
26 an office voted upon statewide may appoint not more than 15  
27 deputy campaign treasurers, and any other candidate or  
28 political committee may appoint not more than 3 deputy  
29 campaign treasurers. The names and addresses of the campaign  
30 treasurer and deputy campaign treasurers so appointed shall be  
31 filed with the officer before whom such candidate is required

1 to qualify or with whom such political committee is required  
2 to register pursuant to s. 106.03. Each candidate who  
3 qualifies with the Department of State for an office not voted  
4 upon statewide shall, at the same time, file a copy of the  
5 name and address of the campaign treasurer with the supervisor  
6 of elections in the county in which the candidate resides.

7 (b) ~~Except as provided in paragraph (d),~~ Each  
8 candidate and each political committee shall also designate  
9 one primary campaign depository for the purpose of depositing  
10 all contributions received, and disbursing all expenditures  
11 made, by the candidate or political committee. The candidate  
12 or political committee may also designate one secondary  
13 depository in each county in which an election is held in  
14 which the candidate or committee participates. Secondary  
15 depositories shall be for the sole purpose of depositing  
16 contributions and forwarding the deposits to the primary  
17 campaign depository. Any bank, savings and loan association,  
18 or credit union authorized to transact business in this state  
19 may be designated as a campaign depository. The candidate or  
20 political committee shall file the name and address of each  
21 primary and secondary depository so designated at the same  
22 time that, and with the same officer with whom, the candidate  
23 or committee files the name of his, her, or its campaign  
24 treasurer pursuant to paragraph (a). In addition, the campaign  
25 treasurer or a deputy campaign treasurer may deposit any funds  
26 which are in the primary campaign depository and which are not  
27 then currently needed for the disbursement of expenditures  
28 into a separate interest-bearing account in any bank, savings  
29 and loan association, or credit union authorized to transact  
30 business in this state. The separate interest-bearing account  
31 shall be designated "... (name of candidate or committee) ..."

1 separate interest-bearing campaign account." In lieu thereof,  
2 the campaign treasurer or deputy campaign treasurer may  
3 purchase a certificate of deposit with such unneeded funds in  
4 such bank, savings and loan association, or credit union. The  
5 separate interest-bearing account or certificate of deposit  
6 shall be separate from any personal or other account or  
7 certificate of deposit. Any withdrawal of the principal or  
8 earned interest or any part thereof shall only be made from  
9 the separate interest-bearing account or certificate of  
10 deposit for the purpose of transferring funds to the primary  
11 account and shall be reported as a contribution.

12 (c) Any campaign treasurer or deputy treasurer  
13 appointed pursuant to this section shall be a registered voter  
14 in this state and shall, before such appointment may become  
15 effective, have accepted appointment to such position in  
16 writing and filed such acceptance with the officer before whom  
17 the candidate is required to qualify or with the officer with  
18 whom the political committee is required to file reports. An  
19 individual may be appointed and serve as campaign treasurer of  
20 one or more candidates or of one or more ~~a candidate and a~~  
21 ~~political committee or two or more candidates and political~~  
22 ~~committees, but may not be appointed and may not serve as~~  
23 campaign treasurer of a candidate and of a political committee  
24 simultaneously. A candidate may appoint herself or himself as  
25 campaign treasurer.

26 ~~(d) Any political committee which deposits all~~  
27 ~~contributions received in a national depository from which the~~  
28 ~~political committee receives funds to contribute to state and~~  
29 ~~local candidates shall not be required to designate a campaign~~  
30 ~~depository in the state.~~

31

1           (3) Except for independent expenditures, no  
2 contribution or expenditure, including contributions or  
3 expenditures of a candidate or of the candidate's family,  
4 shall be directly or indirectly made or received in  
5 furtherance of the candidacy of any person for nomination or  
6 election to political office in the state or on behalf of any  
7 political committee except through the duly appointed campaign  
8 treasurer of the candidate or political committee. However,  
9 expenditures may be made directly by any ~~political committee~~  
10 ~~or~~ political party regulated by chapter 103 for obtaining  
11 time, space, or services in or by any communications medium  
12 for the purpose of jointly endorsing three or more candidates,  
13 and any such expenditure shall not be considered a  
14 contribution or expenditure to or on behalf of any such  
15 candidates for the purposes of this chapter.

16           Section 3. Subsection (1), paragraph (c) of subsection  
17 (4), and subsection (5) of section 106.04, Florida Statutes,  
18 are amended to read:

19           106.04 Committees of continuous existence.--

20           (1) In order to qualify as a committee of continuous  
21 existence for the purposes of this chapter, a group,  
22 organization, association, or other such entity which is  
23 involved in making contributions to ~~candidates~~, political  
24 committees, or political parties, shall meet the following  
25 criteria:

26           (a) It shall be organized and operated in accordance  
27 with a written charter or set of bylaws which contains  
28 procedures for the election of officers and directors and  
29 which clearly defines membership in the organization; and

30           (b) At least 25 percent of the income of such  
31 organization, excluding interest, must be derived from dues or

1 assessments payable on a regular basis by its membership  
2 pursuant to provisions contained in the charter or bylaws.

3 (4)

4 (c) All committees of continuous existence shall file  
5 the original and one copy of their reports with the Division  
6 of Elections. In addition, a duplicate copy of each report  
7 shall be filed with the supervisor of elections in the county  
8 in which the committee maintains its books and records, except  
9 that if the filing officer to whom the committee is required  
10 to report is located in the same county as the supervisor no  
11 such duplicate report is required to be filed with the  
12 supervisor. Reports shall be on forms provided by the  
13 division and shall contain the following information:

14 1. The full name, address, and occupation of each  
15 person who has made one or more contributions to the committee  
16 during the reporting period, together with the amounts and  
17 dates of such contributions. For corporations, the report  
18 must provide as clear a description as practicable of the  
19 principal type of business conducted by the corporation.  
20 However, if the contribution is \$100 or less, the occupation  
21 of the contributor or principal type of business need not be  
22 listed. However, for any contributions which represent the  
23 payment of dues by members in a fixed amount pursuant to the  
24 schedule on file with the Division of Elections, only the  
25 aggregate amount of such contributions need be listed,  
26 together with the number of members paying such dues and the  
27 amount of the membership dues.

28 2. The name and address of each political committee or  
29 committee of continuous existence from which the reporting  
30 committee received, or the name and address of each political  
31 committee, committee of continuous existence, or political



1 party to which it made, any transfer of funds, together with  
2 the amounts and dates of all transfers.

3 3. Any other receipt of funds not listed pursuant to  
4 subparagraph 1. or subparagraph 2., including the sources and  
5 amounts of all such funds.

6 ~~4. The name and address of, and office sought by, each~~  
7 ~~candidate to whom the committee has made a contribution during~~  
8 ~~the reporting period, together with the amount and date of~~  
9 ~~each contribution.~~

10 (5) ~~No committee of continuous existence shall~~  
11 ~~contribute to any candidate or political committee an amount~~  
12 ~~in excess of the limits contained in s. 106.08(1) or~~  
13 ~~participate in any other activity which is prohibited by this~~  
14 ~~chapter. If any violation occurs, it shall be punishable as~~  
15 ~~provided in this chapter for the given offense. No funds of a~~  
16 ~~committee of continuous existence shall be expended on behalf~~  
17 ~~of a candidate, except by means of a contribution made through~~  
18 ~~the duly appointed campaign treasurer of a candidate. No such~~  
19 ~~committee of continuous existence shall make expenditures in~~  
20 ~~support of, or in opposition to, an issue unless such~~  
21 ~~committee first registers as a political committee pursuant to~~  
22 ~~this chapter and undertakes all the practices and procedures~~  
23 ~~required thereof; provided such committee may make~~  
24 ~~contributions in a total amount not to exceed 25 percent of~~  
25 ~~its aggregate income, as reflected in the annual report filed~~  
26 ~~for the previous year, to one or more political committees~~  
27 ~~registered pursuant to s. 106.03 and formed to support or~~  
28 ~~oppose issues.~~

29 Section 4. Subsection (2) of section 106.06, Florida  
30 Statutes, is amended to read:

31 106.06 Treasurer to keep records; inspections.--

1           (2) Accounts, including separate interest-bearing  
2 accounts and certificates of deposit, kept by the campaign  
3 treasurer of a candidate or political committee may be  
4 inspected under reasonable circumstances before, during, or  
5 after the election to which the accounts refer by any  
6 authorized representative of the Division of Elections or the  
7 Florida Elections Commission. The right of inspection may be  
8 enforced by appropriate writ issued by any court of competent  
9 jurisdiction. ~~The campaign treasurer of a political committee~~  
10 ~~supporting a candidate may be joined with the campaign~~  
11 ~~treasurer of the candidate as respondent in such a proceeding.~~

12           Section 5. Paragraph (a) of subsection (4) of section  
13 106.07, Florida Statutes, is amended to read:

14           106.07 Reports; certification and filing.--

15           (4)(a) Each report required by this section shall  
16 contain:

17           1. The full name, address, and occupation, if any of  
18 each person who has made one or more contributions to or for  
19 such committee or candidate within the reporting period,  
20 together with the amount and date of such contributions. For  
21 corporations, the report must provide as clear a description  
22 as practicable of the principal type of business conducted by  
23 the corporation. However, if the contribution is \$100 or less  
24 or is from a relative, as defined in s. 112.312, provided that  
25 the relationship is reported, the occupation of the  
26 contributor or the principal type of business need not be  
27 listed.

28           2. The name and address of each political committee  
29 from which the reporting committee ~~or the candidate~~ received,  
30 or to which the reporting committee ~~or candidate~~ made, any  
31

1 transfer of funds, together with the amounts and dates of all  
2 transfers.

3           3. Each loan for campaign purposes to or from any  
4 person or political committee within the reporting period,  
5 together with the full names, addresses, and occupations, and  
6 principal places of business, if any, of the lender and  
7 endorsers, if any, and the date and amount of such loans.

8           4. A statement of each contribution, rebate, refund,  
9 or other receipt not otherwise listed under subparagraphs 1.  
10 through 3.

11           5. The total sums of all loans, in-kind contributions,  
12 and other receipts by or for such committee or candidate  
13 during the reporting period. The reporting forms shall be  
14 designed to elicit separate totals for in-kind contributions,  
15 loans, and other receipts.

16           6. The full name and address of each person to whom  
17 expenditures have been made by or on behalf of the committee  
18 or candidate within the reporting period; the amount, date,  
19 and purpose of each such expenditure; and the name and address  
20 of, and office sought by, each candidate on whose behalf such  
21 expenditure was made. However, expenditures made from the  
22 petty cash fund provided by s. 106.12 need not be reported  
23 individually.

24           7. The full name and address of each person to whom an  
25 expenditure for personal services, salary, or reimbursement  
26 for authorized expenses has been made and which is not  
27 otherwise reported, including the amount, date, and purpose of  
28 such expenditure. However, expenditures made from the petty  
29 cash fund provided for in s. 106.12 need not be reported  
30 individually.

31

1           8. The total amount withdrawn and the total amount  
2 spent for petty cash purposes pursuant to this chapter during  
3 the reporting period.

4           9. The total sum of expenditures made by such  
5 committee or candidate during the reporting period.

6           10. The amount and nature of debts and obligations  
7 owed by or to the committee or candidate, which relate to the  
8 conduct of any political campaign.

9           11. A copy of each credit card statement which shall  
10 be included in the next report following receipt thereof by  
11 the candidate or political committee. Receipts for each credit  
12 card purchase shall be retained by the treasurer with the  
13 records for the campaign account.

14           12. The amount and nature of any separate  
15 interest-bearing accounts or certificates of deposit and  
16 identification of the financial institution in which such  
17 accounts or certificates of deposit are located.

18           Section 6. Subsection (1) of section 106.071, Florida  
19 Statutes, is amended to read:

20           106.071 Independent expenditures; reports;  
21 disclaimers.--

22           (1) Each person who makes an independent expenditure  
23 with respect to any candidate or issue, which expenditure, in  
24 the aggregate, is in the amount of \$100 or more, shall file  
25 periodic reports of such expenditures in the same manner, at  
26 the same time, and with the same officer as such candidate or  
27 a political committee supporting or opposing such ~~candidate or~~  
28 issue. The report shall contain the full name and address of  
29 each person to whom and for whom each such expenditure has  
30 been made; the amount, date, and purpose of each such  
31 expenditure; a description of the services or goods obtained

1 by each such expenditure; and the name and address of, and  
2 office sought by, each candidate on whose behalf such  
3 expenditure was made. Any political advertisement paid for by  
4 an independent expenditure shall prominently state "Paid  
5 political advertisement paid for by ...(Name of person or  
6 committee paying for advertisement)... independently of any  
7 ...(candidate or committee)...," and shall contain the name  
8 and address of the person paying for the political  
9 advertisement.

10 Section 7. Section 106.08, Florida Statutes, is  
11 amended to read:

12 106.08 Contributions; prohibitions and limitations  
13 on.--

14 (1)(a) Except for political parties, only individuals  
15 may make contributions to candidates for election to or  
16 retention in office. An individual ~~no person, political~~  
17 ~~committee, or committee of continuous existence~~ may not, in  
18 any election, make contributions in excess of \$5,000~~\$500~~ to  
19 any candidate for election to or retention in office ~~or to any~~  
20 ~~political committee supporting or opposing one or more~~  
21 ~~candidates~~. Candidates for the offices of Governor and  
22 Lieutenant Governor on the same ticket are considered a single  
23 candidate for the purpose of this section.

24 (b)1. The contribution limits provided in this  
25 subsection do not apply to contributions made by a state or  
26 county executive committee of a political party regulated by  
27 chapter 103 or to amounts contributed by a candidate to his or  
28 her own campaign.

29 2. Notwithstanding the limits provided in this  
30 subsection, an unemancipated child under the age of 18 years  
31 of age may not make a contribution in excess of \$100 to any

1 candidate ~~or to any political committee supporting one or more~~  
2 ~~candidates.~~

3 (c) The contribution limits of this subsection apply  
4 to each election. For purposes of this subsection, the first  
5 primary, second primary, and general election are separate  
6 elections so long as the candidate is not an unopposed  
7 candidate as defined in s. 106.011(15). However, for the  
8 purpose of contribution limits with respect to candidates for  
9 retention as a justice or judge, there is only one election,  
10 which is the general election. With respect to candidates in a  
11 circuit holding an election for circuit judge or in a county  
12 holding an election for county court judge, there are only two  
13 elections, which are the first primary election and general  
14 election.

15 (2)(a) A candidate may not accept contributions from  
16 national, state, ~~including any subordinate committee of a~~  
17 ~~national, state, or county committee of a political party,~~and  
18 county executive committees of a political party, including  
19 any subordinate committee of a national, state, or county  
20 committee of a political party,which contributions in the  
21 aggregate exceed \$50,000, no more than \$25,000 of which may be  
22 accepted prior to the 28-day period immediately preceding the  
23 date of the 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 (3)(a) Any contribution received by a candidate with  
4 opposition in an election or by the campaign treasurer or a  
5 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 (4) Any contribution received by the chair, campaign  
6 treasurer, or deputy campaign treasurer of a political  
7 committee supporting or opposing a candidate with opposition  
8 in an election or supporting or opposing an issue on the  
9 ballot in an election on the day of that election or less than  
10 5 days prior to the day of that election may not be obligated  
11 or expended by the committee until after the date of the  
12 election.

13 (5) A person may not make any contribution through or  
14 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 (6) A political party may not accept any contribution  
31 which has been specifically designated for the partial or



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

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

26 (b) Any person who knowingly and willfully makes two  
27 or more contributions in violation of subsection (1) or  
28 subsection (5) commits a felony of the third degree,  
29 punishable as provided in s. 775.082, s. 775.083, or s.  
30 775.084. If any ~~corporation, partnership, or other business~~  
31 ~~entity or any political party, political committee, or~~

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

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

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

27 Section 8. For the purpose of incorporating the  
28 amendment to section 106.08, Florida Statutes, in references  
29 thereto, the sections or subdivisions of Florida Statutes set  
30 forth below are reenacted to read:

31

1           106.075 Elected officials; report of loans made in  
2 year preceding election; limitation on contributions to pay  
3 loans.--

4           (2) Any person who makes a contribution to an  
5 individual to pay all or part of a loan incurred, in the 12  
6 months preceding the election, to be used for the individual's  
7 campaign, may not contribute more than the amount which is  
8 allowed in s. 106.08(1).

9           106.19 Violations by candidates, persons connected  
10 with campaigns, and political committees.--

11           (1) Any candidate; campaign manager, campaign  
12 treasurer, or deputy treasurer of any candidate; committee  
13 chair, vice chair, campaign treasurer, deputy treasurer, or  
14 other officer of any political committee; agent or person  
15 acting on behalf of any candidate or political committee; or  
16 other person who knowingly and willfully:

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

19  
20 is guilty of a misdemeanor of the first degree, punishable as  
21 provided in s. 775.082 or s. 775.083.

22           Section 9. Section 106.1437, Florida Statutes, is  
23 amended to read:

24           106.1437 Miscellaneous advertisements.--

25           (1) Any advertisement, other than a political  
26 advertisement, on billboards, bumper stickers, radio, or  
27 television, or in a newspaper, a magazine, or a periodical,  
28 intended to influence public policy or the vote of a public  
29 official, shall clearly designate the sponsor of such  
30 advertisement by including a clearly readable statement of  
31 sponsorship. If the advertisement is broadcast on television,

1 the advertisement shall also contain a verbal statement of  
2 sponsorship. This section shall not apply to an editorial  
3 endorsement.

4 (2)(a) Any advertisement intended to influence public  
5 policy or the vote of a public official which is published,  
6 displayed, or circulated at any point during the period after  
7 the close of the qualifying period for statewide office  
8 through the ensuing general election is prohibited from  
9 mentioning, showing, or using the voice of any candidate for  
10 nomination or election to or retention in an office to be  
11 filled at that general election.

12 (b) A person who violates this subsection shall be  
13 liable for a civil fine of up to \$5,000 to be determined by  
14 the Florida Elections Commission or the entire amount of the  
15 expenditure for the advertisement, whichever is greater.

16 Section 10. Subsection (35) of section 420.503,  
17 Florida Statutes, is amended to read:

18 420.503 Definitions.--As used in this part, the term:

19 (35) "Service provider," ~~except as otherwise defined~~  
20 ~~in s. 420.512(5),~~ means a law firm, investment bank, certified  
21 public accounting firm, auditor, trustee bank, credit  
22 underwriter, homeowner loan servicer, or any other provider of  
23 services to the corporation which offers to perform or  
24 performs services to the corporation or other provider for  
25 fees in excess of \$25,000 in the aggregate during any fiscal  
26 year of the corporation. The term includes the agents,  
27 officers, principals, and professional employees of the  
28 service provider.

29 Section 11. Subsection (5) of section 420.512, Florida  
30 Statutes, is amended to read:

31 420.512 Conflicts of interest.--

1           (5) Service providers shall comply with the following  
2 standards of conduct as a condition of eligibility to be  
3 considered or retained to provide services. ~~For purposes of~~  
4 ~~paragraphs (a), (b), and (c) only, the term "service provider"~~  
5 ~~means and is limited to a law firm, an investment bank, or a~~  
6 ~~credit underwriter, and the agents, officers, principals, and~~  
7 ~~professional employees of the service provider.~~

8           ~~(a) A service provider may not make contributions in~~  
9 ~~any amounts, directly or indirectly, for or on behalf of~~  
10 ~~candidates for Governor, nor shall any service provider make a~~  
11 ~~contribution in excess of \$100 to any candidate for a member~~  
12 ~~of the State Board of Administration other than the Governor~~  
13 ~~in Florida while the service provider is included in an~~  
14 ~~applicant pool from which service providers are selected to~~  
15 ~~provide services to the corporation, while the service~~  
16 ~~provider provides services to the corporation, and for the~~  
17 ~~longer of a period of 2 years thereafter or for a period~~  
18 ~~through the next general election for Governor.~~

19           ~~(b) The service provider shall not participate in~~  
20 ~~fundraising activities for or on behalf of candidates for~~  
21 ~~Governor in Florida while the service provider is included in~~  
22 ~~an applicant pool from which service providers are selected to~~  
23 ~~provide services to the corporation, while the service~~  
24 ~~provider provides services to the corporation, and for the~~  
25 ~~longer of a period of 2 years thereafter or for a period~~  
26 ~~through the next general election for Governor.~~

27           ~~(c) Service providers shall provide to the corporation~~  
28 ~~a statement that the service provider has not contributed to~~  
29 ~~candidates for Governor or contributed in excess of the~~  
30 ~~amounts allowed by this section for a member of the State~~  
31 ~~Board of Administration or engaged in fundraising activities~~

1 ~~for or on behalf of candidates for Governor in Florida since~~  
2 ~~the effective date of this section or during the 24 months~~  
3 ~~preceding the service provider's application to provide~~  
4 ~~services to the corporation, whichever period is shorter.~~

5 (a)~~(d)~~ The service provider may not engage in  
6 prohibited business solicitation communications with officers,  
7 members, or covered employees of the corporation.

8 (b)~~(e)~~ If a service provider is in doubt as to whether  
9 its activities, or the activities of its principals, agents,  
10 or employees, violate the provisions of this section, it may  
11 request a declaratory statement in accordance with the  
12 applicable rule and s. 120.565.

13 (c)~~(f)~~ If the corporation determines that a service  
14 provider has failed to meet the provisions of this section, it  
15 shall consider the magnitude of the violation and whether  
16 there has been a pattern of violations in determining whether  
17 to terminate or decline to enter into contracts with the  
18 service provider.

19 Section 12. Sections 106.082, 627.0623, and 655.019,  
20 Florida Statutes, are repealed.

21 Section 13. This act shall take effect January 1,  
22 2002.

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HOUSE SUMMARY

Provides that only individuals may contribute to candidates for election to or retention in office, and raises the contribution limits accordingly. Eliminates limits on contributions to political committees. Revises or repeals various provisions of law, to conform.

Prohibits advertisements intending to influence public policy or the vote of a public official from mentioning, showing, or using the voice of any candidate for office at any point during the period after the close of the qualifying period for statewide office through the ensuing general election at which that office is to be filled.