

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SB 166
 SPONSOR: Senator Klein
 SUBJECT: Campaign Financing
 DATE: October 25, 2001 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|-----------|
| 1. | Fox | Bradshaw | EE | Favorable |
| 2. | _____ | _____ | APJ | _____ |
| 3. | _____ | _____ | AP | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |
| 6. | _____ | _____ | _____ | _____ |

I. Summary:

Senate Bill 166 increases the criminal penalties for making or accepting certain cash contributions (including cashier's checks) in excess of \$100. Current law designates such offenses, irrespective of the amount, as a first-degree misdemeanor. The bill makes it a third-degree felony to knowingly and willfully make or accept a cash contribution exceeding \$5,000, while maintaining the first-degree misdemeanor penalty for making or accepting a cash contribution of more than \$100.

This bill substantially amends section 106.09 of the Florida Statutes.

I. Present Situation:

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

II. Effect of Proposed Changes:

Senate Bill 166 makes it a third-degree felony to *knowingly and willfully* make or accept a cash contribution exceeding \$5,000. The bill maintains the current first-degree misdemeanor penalty for making or accepting a cash contribution in excess of \$100.

III. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

IV. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

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

V. Technical Deficiencies:

None.

VI. Related Issues:

None.

VII. Amendments:

None.