

By Senator Margolis

35-1704-04

See HB

1 A bill to be entitled
2 An act relating to campaign financing;
3 providing a popular name; amending s. 106.011,
4 F.S.; revising definitions of the terms
5 "political committee," "contribution," and
6 "expenditure" to provide applicability with
7 respect to elected public officials; revising
8 the definition of the term "political
9 advertisement" to provide a presumption with
10 respect to certain advertisements and to
11 provide certain exceptions thereto; amending s.
12 106.021, F.S.; eliminating a provision that
13 authorizes the unrestricted expenditure of
14 funds by a political committee or political
15 party for the purpose of jointly endorsing
16 three or more candidates; amending s. 106.03,
17 F.S.; providing additional requirements for
18 registration of political committees and
19 certification of committees of continuous
20 existence; providing penalties and
21 applicability; amending s. 106.04, F.S.;
22 requiring committees of continuous existence to
23 update certain certification information;
24 requiring an up-to-date membership list with
25 the application for certification and with each
26 annual and regular report; specifying
27 information membership lists must provide;
28 requiring membership dues to be reported in the
29 same manner as regular contributions;
30 prohibiting committees of continuous existence
31 from making expenditures in support of or

1 opposition to an elected public official
2 without registering as a political committee;
3 providing an exception; providing that records
4 of a committee of continuous existence relating
5 to political activities are public records;
6 revising the fine for late filing of reports by
7 committees of continuous existence; providing
8 penalties; amending s. 106.07, F.S.; correcting
9 a cross-reference, to conform; amending s.
10 106.087, F.S.; eliminating a provision that
11 authorizes independent expenditures by certain
12 political committees and committees of
13 continuous existence for the purpose of jointly
14 endorsing three or more candidates; providing
15 for severability; providing effective dates.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. This act shall be known by the popular name
20 the "Marjorie Turnbull Campaign Finance Reform Act."

21 Section 2. Effective July 1, 2004, subsections (1),
22 (3), (4), and (17) of section 106.011, Florida Statutes, are
23 amended to read:

24 106.011 Definitions.--As used in this chapter, the
25 following terms have the following meanings unless the context
26 clearly indicates otherwise:

27 (1)(a) "Political committee" means:

28 1. A combination of two or more individuals, or a
29 person other than an individual, that, in an aggregate amount
30 in excess of \$500 during a single calendar year:

31

1 a. Accepts contributions for the purpose of making
2 contributions to any candidate, elected public official,
3 political committee, committee of continuous existence, or
4 political party;

5 b. Accepts contributions for the purpose of expressly
6 advocating the election or defeat of a candidate or an elected
7 public official or the passage or defeat of an issue;

8 c. Makes expenditures that expressly advocate the
9 election or defeat of a candidate or an elected public
10 official or the passage or defeat of an issue; or

11 d. Makes contributions to a common fund, other than a
12 joint checking account between spouses, from which
13 contributions are made to any candidate, elected public
14 official, political committee, committee of continuous
15 existence, or political party.

16 2. The sponsor of a proposed constitutional amendment
17 by initiative who intends to seek the signatures of registered
18 electors.

19 (b) Notwithstanding paragraph (a), the following
20 entities are not considered political committees for purposes
21 of this chapter:

22 1. Organizations which are certified by the Department
23 of State as committees of continuous existence pursuant to s.
24 106.04, national political parties, and the state and county
25 executive committees of political parties regulated by chapter
26 103.

27 2. Corporations regulated by chapter 607 or chapter
28 617 or other business entities formed for purposes other than
29 to support or oppose issues or candidates, if their political
30 activities are limited to contributions to candidates, elected
31 public officials, political parties, or political committees

1 or expenditures in support of or opposition to an issue or an
2 elected public official from corporate or business funds and
3 if no contributions are received by such corporations or
4 business entities.

5 (3) "Contribution" means:

6 (a) A gift, subscription, conveyance, deposit, loan,
7 payment, or distribution of money or anything of value,
8 including contributions in kind having an attributable
9 monetary value in any form, made for the purpose of
10 influencing the results of an election.

11 (b) A transfer of funds between political committees,
12 between committees of continuous existence, or between a
13 political committee and a committee of continuous existence.

14 (c) The payment, by any person other than a candidate
15 or political committee, of compensation for the personal
16 services of another person which are rendered to a candidate
17 or political committee without charge to the candidate or
18 committee for such services.

19 (d) The transfer of funds by a campaign treasurer or
20 deputy campaign treasurer between a primary depository and a
21 separate interest-bearing account or certificate of deposit,
22 and the term includes any interest earned on such account or
23 certificate.

24 (e) Any funds received by a political committee which
25 are used or intended to be used, directly or indirectly, to
26 pay for a political advertisement supporting or opposing an
27 elected public official.

28
29 Notwithstanding the foregoing meanings of "contribution," the
30 word shall not be construed to include services, including,
31 but not limited to, legal and accounting services, provided

1 without compensation by individuals volunteering a portion or
2 all of their time on behalf of a candidate or political
3 committee. This definition shall not be construed to include
4 editorial endorsements.

5 (4) "Expenditure" means a purchase, payment,
6 distribution, loan, advance, transfer of funds by a campaign
7 treasurer or deputy campaign treasurer between a primary
8 depository and a separate interest-bearing account or
9 certificate of deposit, or gift of money or anything of value
10 made for the purpose of influencing the results of an election
11 or for purchasing a political advertisement supporting or
12 opposing an elected public official. However, "expenditure"
13 does not include a purchase, payment, distribution, loan,
14 advance, or gift of money or anything of value made for the
15 purpose of influencing the results of an election when made by
16 an organization, in existence prior to the time during which a
17 candidate qualifies or an issue is placed on the ballot for
18 that election, for the purpose of printing or distributing
19 such organization's newsletter, containing a statement by such
20 organization in support of or opposition to a candidate or
21 issue, which newsletter is distributed only to members of such
22 organization.

23 (17)(a) "Political advertisement" means a paid
24 expression in any communications media prescribed in
25 subsection (13), whether radio, television, newspaper,
26 magazine, periodical, campaign literature, direct mail, or
27 display or by means other than the spoken word in direct
28 conversation, which shall support or oppose any candidate,
29 elected public official, or issue. In addition, an
30 advertisement is presumed to be a political advertisement if
31 it is a paid expression in any communications media described

1 in subsection (13), whether radio, television, newspaper,
2 magazine, periodical, campaign literature, direct mail, or
3 display or by means other than the spoken word in direct
4 conversation, which substantially mentions or shows a clearly
5 identifiable candidate for election or reelection and is
6 distributed at any point during the period following the last
7 day of qualifying for that candidacy through the ensuing
8 general election and which, when examined by a reasonable
9 person, would be understood as a communication made for the
10 purpose of influencing the results of an election on that
11 candidacy during that period and for which aggregate
12 expenditures on like advertisements exceed \$1,000.

13 (b) However, "Political advertisement" does not
14 include:

15 1.(a) A statement by an organization, in existence
16 prior to the time during which a candidate qualifies or an
17 issue is placed on the ballot for that election, in support of
18 or opposition to a candidate or issue, in that organization's
19 newsletter, which newsletter is distributed only to the
20 members of that organization.

21 2.(b) Editorial endorsements by any newspaper, radio
22 or television station, or other recognized news medium.

23 3. A paid expression in any communications media which
24 mentions or shows a clearly identifiable candidate for
25 election or reelection which:

26 a. Advertises a business rather than the candidate, is
27 paid for out of funds of that business, and is similar to
28 other advertisements for that business which have mentioned or
29 shown the candidate and have been distributed regularly over a
30 period of at least 1 year before the qualifying period for
31 that candidacy; or

1 b. Is distributed or broadcast only to areas other
2 than the geographical area of the electorate for that
3 candidacy.

4 Section 3. Effective July 1, 2004, subsection (3) of
5 section 106.021, Florida Statutes, is amended to read:

6 106.021 Campaign treasurers; deputies; primary and
7 secondary depositories.--

8 (3) Except for independent expenditures, no
9 contribution or expenditure, including contributions or
10 expenditures of a candidate or of the candidate's family,
11 shall be directly or indirectly made or received in
12 furtherance of the candidacy of any person for nomination or
13 election to political office in the state or on behalf of any
14 political committee except through the duly appointed campaign
15 treasurer of the candidate or political committee; however, a
16 candidate or any other individual may be reimbursed for
17 expenses incurred for travel, food and beverage, office
18 supplies, and mementos expressing gratitude to campaign
19 supporters by a check drawn upon the campaign account and
20 reported pursuant to s. 106.07(4). ~~In addition, expenditures~~
21 ~~may be made directly by any political committee or political~~
22 ~~party regulated by chapter 103 for obtaining time, space, or~~
23 ~~services in or by any communications medium for the purpose of~~
24 ~~jointly endorsing three or more candidates, and any such~~
25 ~~expenditure shall not be considered a contribution or~~
26 ~~expenditure to or on behalf of any such candidates for the~~
27 ~~purposes of this chapter.~~

28 Section 4. Section 106.03, Florida Statutes, is
29 amended to read:

30 106.03 Registration of political committees.--

31

1 (1) Each political committee which anticipates
2 receiving contributions or making expenditures during a
3 calendar year in an aggregate amount exceeding \$500 or which
4 is seeking the signatures of registered electors in support of
5 an initiative shall file a statement of organization as
6 provided in subsection(4)~~(3)~~within 10 days after its
7 organization or, if later, within 10 days after the date on
8 which it has information which causes the committee to
9 anticipate that it will receive contributions or make
10 expenditures in excess of \$500. If a political committee is
11 organized within 10 days before ~~of~~ any election, it shall
12 immediately file the statement of organization required by
13 this section.

14 (2) The statement of organization shall include:

15 (a) The name and address of the committee;

16 (b) The names, addresses, and relationships of
17 affiliated or connected organizations;

18 (c) The area, scope, or jurisdiction of the committee;

19 (d) The name, address, ~~and position,~~ and principal
20 employer of the custodian of books and accounts;

21 (e) The name, address, ~~and position,~~ and principal
22 employer of each other principal officer ~~officers~~, including
23 officers and members of the finance committee, if any;

24 (f) The name, address, office sought, and party
25 affiliation of:

26 1. Each candidate whom the committee is supporting;

27 2. Any other individual, if any, whom the committee is
28 supporting for nomination for election, or election, to any
29 public office whatever;

30 (g) Any issue or issues such organization is
31 supporting or opposing;

1 (h) If the committee is supporting the entire ticket
2 of any party, a statement to that effect and the name of the
3 party;

4 (i) A statement of whether the committee is a
5 continuing one;

6 (j) Plans for the disposition of residual funds which
7 will be made in the event of dissolution;

8 (k) A listing of all banks, safe-deposit boxes, or
9 other depositories used for committee funds; and

10 (l) A statement of the reports required to be filed by
11 the committee with federal officials, if any, and the names,
12 addresses, and positions of such officials.

13 (3)(a) The name of the committee provided in the
14 statement of organization must include the name of the
15 corporation, labor union, professional association, political
16 committee, committee of continuous existence, or other
17 business entity whose officials, employees, agents, or
18 members, directly or indirectly, established or organized the
19 committee, if any.

20 (b) If the name of the committee provided in the
21 statement of organization does not include the name of a
22 corporation, labor union, professional association, political
23 committee, committee of continuous existence, or other
24 business entity, the name must include the economic or special
25 interest, if identifiable, principally represented by the
26 committee's organizers or intended to be advanced by the
27 committee's receipts.

28 (c) Any person who knowingly and willfully violates
29 this subsection shall be fined not less than \$1,000 and not
30 more than \$10,000 for each violation. Any officer, partner,
31 agent, attorney, or other representative of a corporation,

1 labor union, professional association, political committee,
2 committee of continuous existence, or other business entity
3 who aids, abets, advises, or participates in a violation of
4 any provision of this subsection shall be fined not less than
5 \$1,000 and not more than \$10,000 for each violation.

6 (4)~~(3)~~(a) A political committee which is organized to
7 support or oppose statewide, legislative, or multicounty
8 candidates or issues to be voted upon on a statewide or
9 multicounty basis shall file a statement of organization with
10 the Division of Elections.

11 (b) Except as provided in paragraph (c), a political
12 committee which is organized to support or oppose candidates
13 or issues to be voted on in a countywide election or
14 candidates or issues in any election held on less than a
15 countywide basis shall file a statement of organization with
16 the supervisor of elections of the county in which such
17 election is being held.

18 (c) A political committee which is organized to
19 support or oppose only candidates for municipal office or
20 issues to be voted on in a municipal election shall file a
21 statement of organization with the officer before whom
22 municipal candidates qualify.

23 (d) Any political committee which would be required
24 under this subsection to file a statement of organization in
25 two or more locations by reason of the committee's intention
26 to support or oppose candidates or issues at state or
27 multicounty and local levels of government need file only with
28 the Division of Elections.

29 (5)~~(4)~~ Any change in information previously submitted
30 in a statement of organization shall be reported to the agency
31 or officer with whom such committee is required to register

1 pursuant to subsection(4)~~(3)~~, within 10 days following the
2 change.

3 (6)~~(5)~~ Any committee which, after having filed one or
4 more statements of organization, disbands or determines it
5 will no longer receive contributions or make expenditures
6 during the calendar year in an aggregate amount exceeding \$500
7 shall so notify the agency or officer with whom such committee
8 is required to file the statement of organization.

9 (7)~~(6)~~ If the filing officer finds that a political
10 committee has filed its statement of organization consistent
11 with the requirements of subsections ~~subsection~~ (2) and (3),
12 it shall notify the committee in writing that it has been
13 registered as a political committee. If the filing officer
14 finds that a political committee's statement of organization
15 does not meet the requirements of subsections ~~subsection~~ (2)
16 and (3), it shall notify the committee of such finding and
17 shall state in writing the reasons for rejection of the
18 statement of organization.

19 (8)~~(7)~~ The Division of Elections shall adopt
20 ~~promulgate~~ rules to prescribe the manner in which inactive
21 committees may be dissolved and have their registration
22 canceled. Such rules shall, at a minimum, provide for:

23 (a) Notice which shall contain the facts and conduct
24 which warrant the intended action, including but not limited
25 to failure to file reports and limited activity.

26 (b) Adequate opportunity to respond.

27 (c) Appeal of the decision to the Florida Elections
28 Commission. Such appeals shall be exempt from the
29 confidentiality provisions of s. 106.25.

30 Section 5. Section 106.04, Florida Statutes, is
31 amended to read:

1 106.04 Committees of continuous existence.--

2 (1) In order to qualify as a committee of continuous
3 existence for the purposes of this chapter, a group,
4 organization, association, or other such entity which is
5 involved in making contributions to candidates, political
6 committees, or political parties, shall meet the following
7 criteria:

8 (a) It shall be organized and operated in accordance
9 with a written charter or set of bylaws which contains
10 procedures for the election of officers and directors and
11 which clearly defines membership in the organization; and

12 (b) At least 25 percent of the income of such
13 organization, excluding interest, must be derived from dues or
14 assessments payable on a regular basis by its membership
15 pursuant to provisions contained in the charter or bylaws.

16 (2) Any group, organization, association, or other
17 entity may seek certification from the Department of State as
18 a committee of continuous existence by filing an application
19 with the Division of Elections on a form provided by the
20 division. Such application shall provide the information
21 required of political committees by s. 106.03(2) and (3), and
22 any change in such information shall be reported pursuant to
23 s. 106.03(5). Each application shall be accompanied by the
24 name and street address of the principal officer of the
25 applying entity as of the date of the application; a copy of
26 the charter or bylaws of the organization; a copy of the dues
27 or assessment schedule of the organization, or formula by
28 which dues or assessments are levied; an up-to-date membership
29 list; and a complete financial statement or annual audit
30 summarizing all income received, and all expenses incurred, by
31 the organization during the 12 months preceding the date of

1 application. The membership list must provide the name and
2 occupation of, and the amount of dues paid by, each member of
3 the organization and shall be updated and submitted with each
4 annual and regular report filed pursuant to subsection (4). ~~A~~
5 ~~membership list shall be made available for inspection if~~
6 ~~deemed necessary by the division.~~

7 (3) If the Division of Elections finds that an
8 applying organization meets the criteria for a committee of
9 continuous existence as provided by subsection (1), it shall
10 certify such findings and notify the applying organization of
11 such certification. If it finds that an applying organization
12 does not meet the criteria for certification, it shall notify
13 the organization of such findings and shall state the reasons
14 why such criteria are not met.

15 (4)(a) Each committee of continuous existence shall
16 file an annual report with the Division of Elections during
17 the month of January. Such annual reports shall contain the
18 same information and shall be accompanied by the same
19 materials as original applications filed pursuant to
20 subsection (2). However, the charter or bylaws need not be
21 filed if the annual report is accompanied by a sworn statement
22 by the chair that no changes have been made to such charter or
23 bylaws since the last filing.

24 (b)1. Each committee of continuous existence shall
25 file regular reports with the Division of Elections at the
26 same times and subject to the same filing conditions as are
27 established by s. 106.07(1) and (2) for candidates' reports.

28 2. Any committee of continuous existence failing to so
29 file a report with the Division of Elections pursuant to this
30 paragraph on the designated due date shall be subject to a
31 fine for late filing as provided by this section.

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

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

25 2. The name and address of each political committee or
26 committee of continuous existence from which the reporting
27 committee received, or the name and address of each political
28 committee, committee of continuous existence, or political
29 party to which it made, any transfer of funds, together with
30 the amounts and dates of all transfers.

31

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

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

8 (d) The treasurer of each committee shall certify as
9 to the correctness of each report and shall bear the
10 responsibility for its accuracy and veracity. Any treasurer
11 who willfully certifies to the correctness of a report while
12 knowing that such report is incorrect, false, or incomplete
13 commits a misdemeanor of the first degree, punishable as
14 provided in s. 775.082 or s. 775.083.

15 (5)(a) No committee of continuous existence shall
16 contribute to any candidate or political committee an amount
17 in excess of the limits contained in s. 106.08(1) or
18 participate in any other activity which is prohibited by this
19 chapter. If any violation occurs, it shall be punishable as
20 provided in this chapter for the given offense.

21 (b) No funds of a committee of continuous existence
22 shall be expended on behalf of a candidate, except by means of
23 a contribution made through the duly appointed campaign
24 treasurer of a candidate. No such committee shall make
25 expenditures in support of, or in opposition to, an issue or
26 an elected public official unless such committee first
27 registers as a political committee pursuant to this chapter
28 and undertakes all the practices and procedures required
29 thereof; provided such committee may make contributions in a
30 total amount not to exceed 25 percent of its aggregate income,
31 as reflected in the annual report filed for the previous year,

1 to one or more political committees registered pursuant to s.
2 106.03 and formed to support or oppose issues or elected
3 public officials.

4 (6) All accounts and records of a committee of
5 continuous existence may be inspected under reasonable
6 circumstances by any authorized representative of the Division
7 of Elections or the Florida Elections Commission. All records
8 relating to political activities of a committee of continuous
9 existence, as specified in subsection (5), are public records
10 and subject to inspection under s. 119.07.The right of
11 inspection may be enforced by appropriate writ issued by any
12 court of competent jurisdiction.

13 (7) If a committee of continuous existence ceases to
14 meet the criteria prescribed by subsection (1), the Division
15 of Elections shall revoke its certification until such time as
16 the criteria are again met. The Division of Elections shall
17 promulgate rules to prescribe the manner in which such
18 certification shall be revoked. Such rules shall, at a
19 minimum, provide for:

20 (a) Notice, which shall contain the facts and conduct
21 that warrant the intended action.

22 (b) Adequate opportunity to respond.

23 (c) Appeal of the decision to the Florida Elections
24 Commission. Such appeals shall be exempt from the
25 confidentiality provisions of s. 106.25.

26 (8)(a) Any committee of continuous existence failing
27 to file a report on the designated due date shall be subject
28 to a fine of. ~~The fine shall be \$500 per day for each late~~
29 ~~day, not to exceed 25 percent of the total receipts or~~
30 ~~expenditures, whichever is greater, for the period covered by~~
31 ~~the late report.~~ The fine shall be assessed by the filing

1 officer, and the moneys collected shall be deposited in the
2 Elections Commission Trust Fund. No separate fine shall be
3 assessed for failure to file a copy of any report required by
4 this section.

5 (b) Upon determining that a report is late, the filing
6 officer shall immediately notify the treasurer of the
7 committee as to the failure to file a report by the designated
8 due date and that a fine is being assessed for each late day.
9 Upon receipt of the report, the filing officer shall determine
10 the amount of fine which is due and shall notify the treasurer
11 of the committee. The filing officer shall determine the
12 amount of the fine due based upon the earliest of the
13 following:

- 14 1. When the report is actually received by such
15 officer.
- 16 2. When the report is postmarked.
- 17 3. When the certificate of mailing is dated.
- 18 4. When the receipt from an established courier
19 company is dated.

20
21 Such fine shall be paid to the filing officer within 20 days
22 after receipt of the notice of payment due, unless appeal is
23 made to the Florida Elections Commission pursuant to paragraph
24 (c). An officer or member of a committee shall not be
25 personally liable for such fine.

26 (c) Any treasurer of a committee may appeal or dispute
27 the fine, based upon unusual circumstances surrounding the
28 failure to file on the designated due date, and may request
29 and shall be entitled to a hearing before the Florida
30 Elections Commission, which shall have the authority to waive
31 the fine in whole or in part. Any such request shall be made

1 within 20 days after receipt of the notice of payment due. In
2 such case, the treasurer of the committee shall, within the
3 20-day period, notify the filing officer in writing of his or
4 her intention to bring the matter before the commission.

5 (d) The filing officer shall notify the Florida
6 Elections Commission of the repeated late filing by a
7 committee of continuous existence, the failure of a committee
8 of continuous existence to file a report after notice, or the
9 failure to pay the fine imposed.

10 Section 6. Any political committee or committee of
11 continuous existence organized before January 1, 2005, shall
12 have 60 days, beginning January 1, 2005, within which to amend
13 its name, if necessary, to comply with the requirements of
14 section 106.03(3), Florida Statutes, as created by this act,
15 or section 106.04(2), Florida Statutes, as amended by this
16 act, as applicable.

17 Section 7. Subsection (3) of section 106.07, Florida
18 Statutes, is amended to read:

19 106.07 Reports; certification and filing.--

20 (3) Reports required of a political committee shall be
21 filed with the agency or officer before whom such committee
22 registers pursuant to s. 106.03~~(4)~~~~(3)~~ and shall be subject to
23 the same filing conditions as established for candidates'
24 reports. Only committees that file with the Department of
25 State shall file the original and one copy of their reports.
26 Incomplete reports by political committees shall be treated in
27 the manner provided for incomplete reports by candidates in
28 subsection (2).

29 Section 8. Effective July 1, 2004, paragraph (a) of
30 subsection (2) of section 106.087, Florida Statutes, is
31 amended to read:

1 106.087 Independent expenditures; contribution limits;
2 restrictions on political parties, political committees, and
3 committees of continuous existence.--

4 (2)(a) Any political committee or committee of
5 continuous existence that accepts the use of public funds,
6 equipment, personnel, or other resources to collect dues from
7 its members agrees not to make independent expenditures in
8 support of or opposition to a candidate or elected public
9 official. ~~However, expenditures may be made for the sole~~
10 ~~purpose of jointly endorsing three or more candidates.~~

11 Section 9. If any provision of this act or the
12 application thereof to any person or circumstance is held
13 invalid, the invalidity shall not affect other provisions or
14 applications of the act which can be given effect without the
15 invalid provision or application, and to this end the
16 provisions of this act are declared severable.

17 Section 10. Except as otherwise provided herein, this
18 act shall take effect January 1, 2005.

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