

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Henriquez offered the following:

2

3 **Amendment (with title amendment)**

4 Between line(s) 2270 and 2271, insert:

5 Section 45. Section 106.08, Florida Statutes, is amended
6 to read:

7 106.08 Contributions; limitations on.--

8 (1)(a) Except for political parties, no person, political
9 committee, or committee of continuous existence may, in any
10 election, make contributions in excess of \$1,000 ~~\$500~~ to any
11 candidate for election to or retention in office or to any
12 political committee supporting or opposing one or more
13 candidates. Candidates for the offices of Governor and
14 Lieutenant Governor on the same ticket are considered a single
15 candidate for the purpose of this section.

515321

Amendment No. (for drafter's use only)

16 (b)1. The contribution limits provided in this subsection
17 do not apply to contributions made by a state or county
18 executive committee of a political party regulated by chapter
19 103 or to amounts contributed by a candidate to his or her own
20 campaign.

21 2. Notwithstanding the limits provided in this subsection,
22 an unemancipated child under the age of 18 years of age may not
23 make a contribution in excess of \$100 to any candidate or to any
24 political committee supporting one or more candidates.

25 (c) The contribution limits of this subsection apply to
26 each election. For purposes of this subsection, the first
27 primary, second primary, and general election are separate
28 elections so long as the candidate is not an unopposed candidate
29 as defined in s. 106.011(15). However, for the purpose of
30 contribution limits with respect to candidates for retention as
31 a justice or judge, there is only one election, which is the
32 general election. With respect to candidates in a circuit
33 holding an election for circuit judge or in a county holding an
34 election for county court judge, there are only two elections,
35 which are the first primary election and general election.

36 ~~(2)(a) A candidate may not accept contributions from~~
37 ~~national, state, including any subordinate committee of a~~
38 ~~national, state, or county committee of a political party, and~~
39 ~~county executive committees of a political party, which~~
40 ~~contributions in the aggregate exceed \$50,000, no more than~~
41 ~~\$25,000 of which may be accepted prior to the 28-day period~~
42 ~~immediately preceding the date of the general election.~~

515321

4/28/2005 3:13:44 PM

Amendment No. (for drafter's use only)

43 ~~(b) Polling services, research services, costs for~~
44 ~~campaign staff, professional consulting services, and telephone~~
45 ~~calls are not contributions to be counted toward the~~
46 ~~contribution limits of paragraph (a). Any item not expressly~~
47 ~~identified in this paragraph as nonallocable is a contribution~~
48 ~~in an amount equal to the fair market value of the item and must~~
49 ~~be counted as allocable toward the \$50,000 contribution limits~~
50 ~~of paragraph (a). Nonallocable, in-kind contributions must be~~
51 ~~reported by the candidate under s. 106.07 and by the political~~
52 ~~party under s. 106.29.~~

53 (2)~~(3)~~(a) Any contribution received by a candidate with
54 opposition in an election or by the campaign treasurer or a
55 deputy campaign treasurer of such a candidate on the day of that
56 election or less than 5 days prior to the day of that election
57 must be returned by him or her to the person or committee
58 contributing it and may not be used or expended by or on behalf
59 of the candidate.

60 (b) Except as otherwise provided in paragraph (c), any
61 contribution received by a candidate or by the campaign
62 treasurer or a deputy campaign treasurer of a candidate after
63 the date at which the candidate withdraws his or her candidacy,
64 or after the date the candidate is defeated, becomes unopposed,
65 or is elected to office must be returned to the person or
66 committee contributing it and may not be used or expended by or
67 on behalf of the candidate.

68 (c) With respect to any campaign for an office in which an
69 independent or minor party candidate has filed as required in s.

515321

4/28/2005 3:13:44 PM

Amendment No. (for drafter's use only)

70 99.0955 or s. 99.096, but whose qualification is pending a
71 determination by the Department of State or supervisor of
72 elections as to whether or not the required number of petition
73 signatures was obtained:

74 1. The department or supervisor shall, no later than 3
75 days after that determination has been made, notify in writing
76 all other candidates for that office of that determination.

77 2. Any contribution received by a candidate or the
78 campaign treasurer or deputy campaign treasurer of a candidate
79 after the candidate has been notified in writing by the
80 department or supervisor that he or she has become unopposed as
81 a result of an independent or minor party candidate failing to
82 obtain the required number of petition signatures shall be
83 returned to the person, political committee, or committee of
84 continuous existence contributing it and shall not be used or
85 expended by or on behalf of the candidate.

86 ~~(3)(4)~~ Any contribution received by the chair, campaign
87 treasurer, or deputy campaign treasurer of a political committee
88 supporting or opposing a candidate with opposition in an
89 election or supporting or opposing an issue on the ballot in an
90 election on the day of that election or less than 5 days prior
91 to the day of that election may not be obligated or expended by
92 the committee until after the date of the election.

93 ~~(4)(5)~~(a) A person may not make any contribution through
94 or in the name of another, directly or indirectly, in any
95 election.

515321

4/28/2005 3:13:44 PM

Amendment No. (for drafter's use only)

96 (b) Candidates, political committees, and political
97 parties may not solicit contributions from any religious,
98 charitable, civic, or other causes or organizations established
99 primarily for the public good.

100 (c) Candidates, political committees, and political
101 parties may not make contributions, in exchange for political
102 support, to any religious, charitable, civic, or other cause or
103 organization established primarily for the public good. It is
104 not a violation of this paragraph for:

105 1. A candidate, political committee, or political party
106 executive committee to make gifts of money in lieu of flowers in
107 memory of a deceased person;

108 2. A candidate to continue membership in, or make regular
109 donations from personal or business funds to, religious,
110 political party, civic, or charitable groups of which the
111 candidate is a member or to which the candidate has been a
112 regular donor for more than 6 months; or

113 3. A candidate to purchase, with campaign funds, tickets,
114 admission to events, or advertisements from religious, civic,
115 political party, or charitable groups.

116 ~~(5)(6)~~ A political party may not accept any contribution
117 which has been specifically designated for the partial or
118 exclusive use of a particular candidate. Any contribution so
119 designated must be returned to the contributor and may not be
120 used or expended by or on behalf of the candidate.

121 ~~(6)(7)~~(a) Any person who knowingly and willfully makes no
122 more than one contribution in violation of subsection (1) or

515321

4/28/2005 3:13:44 PM

Amendment No. (for drafter's use only)

123 subsection ~~(4)(5)~~, or any person who knowingly and willfully
124 fails or refuses to return any contribution as required in
125 subsection ~~(2)(3)~~, commits a misdemeanor of the first degree,
126 punishable as provided in s. 775.082 or s. 775.083. If any
127 corporation, partnership, or other business entity or any
128 political party, political committee, or committee of continuous
129 existence is convicted of knowingly and willfully violating any
130 provision punishable under this paragraph, it shall be fined not
131 less than \$1,000 and not more than \$10,000. If it is a domestic
132 entity, it may be ordered dissolved by a court of competent
133 jurisdiction; if it is a foreign or nonresident business entity,
134 its right to do business in this state may be forfeited. Any
135 officer, partner, agent, attorney, or other representative of a
136 corporation, partnership, or other business entity or of a
137 political party, political committee, or committee of continuous
138 existence who aids, abets, advises, or participates in a
139 violation of any provision punishable under this paragraph
140 commits a misdemeanor of the first degree, punishable as
141 provided in s. 775.082 or s. 775.083.

142 (b) Any person who knowingly and willfully makes two or
143 more contributions in violation of subsection (1) or subsection
144 ~~(4)(5)~~ commits a felony of the third degree, punishable as
145 provided in s. 775.082, s. 775.083, or s. 775.084. If any
146 corporation, partnership, or other business entity or any
147 political party, political committee, or committee of continuous
148 existence is convicted of knowingly and willfully violating any
149 provision punishable under this paragraph, it shall be fined not

515321

4/28/2005 3:13:44 PM

Amendment No. (for drafter's use only)

150 less than \$10,000 and not more than \$50,000. If it is a domestic
151 entity, it may be ordered dissolved by a court of competent
152 jurisdiction; if it is a foreign or nonresident business entity,
153 its right to do business in this state may be forfeited. Any
154 officer, partner, agent, attorney, or other representative of a
155 corporation, partnership, or other business entity, or of a
156 political committee, committee of continuous existence, or
157 political party who aids, abets, advises, or participates in a
158 violation of any provision punishable under this paragraph
159 commits a felony of the third degree, punishable as provided in
160 s. 775.082, s. 775.083, or s. 775.084.

161 ~~(7)(8)~~ Except when otherwise provided in subsection
162 ~~(6)(7)~~, any person who knowingly and willfully violates any
163 provision of this section shall, in addition to any other
164 penalty prescribed by this chapter, pay to the state a sum equal
165 to twice the amount contributed in violation of this chapter.
166 Each campaign treasurer shall pay all amounts contributed in
167 violation of this section to the state for deposit in the
168 General Revenue Fund.

169 ~~(8)(9)~~ This section does not apply to the transfer of
170 funds between a primary campaign depository and a savings
171 account or certificate of deposit or to any interest earned on
172 such account or certificate.

173 Section 46. Paragraph (a) of subsection (1) of section
174 106.087, Florida Statutes, is amended to read:

515321

4/28/2005 3:13:44 PM

Amendment No. (for drafter's use only)

175 106.087 Independent expenditures; contribution limits;
176 restrictions on political parties, political committees, and
177 committees of continuous existence.--

178 (1)(a) As a condition of receiving a rebate of filing fees
179 and party assessment funds pursuant to ~~s. 99.061(2)~~, s.
180 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
181 treasurer of a state or county executive committee shall take
182 and subscribe to an oath or affirmation in writing. During the
183 qualifying period for state candidates and prior to distribution
184 of such funds, a printed copy of the oath or affirmation shall
185 be filed with the Secretary of State and shall be substantially
186 in the following form:

187
188 State of Florida
189 County of _____

190 Before me, an officer authorized to administer oaths,
191 personally appeared (name) , to me well known, who, being
192 sworn, says that he or she is the (title) of the (name of
193 party) (state or specified county) executive committee;
194 that the executive committee has not made, either directly or
195 indirectly, an independent expenditure in support of or
196 opposition to a candidate or elected public official in the
197 prior 6 months; and that the executive committee will not make,
198 either directly or indirectly, an independent expenditure in
199 support of or opposition to a candidate or elected public
200 official, through and including the upcoming general election;
201 ~~and that the executive committee will not violate the~~

515321

4/28/2005 3:13:44 PM

Amendment No. (for drafter's use only)

202 ~~contribution limits applicable to candidates under s. 106.08(2),~~
203 ~~Florida Statutes.~~

204 (Signature of committee officer)

205 (Address)

206

207 Sworn to and subscribed before me this ____ day of _____,
208 (year) , at ____ County, Florida.

209 (Signature and title of officer administering oath)

210 Section 47. Subsection (6) of section 106.29, Florida
211 Statutes, is amended to read:

212 106.29 Reports by political parties; restrictions on
213 contributions and expenditures; penalties.--

214 ~~(6)(a) The national, state, and county executive~~
215 ~~committees of a political party may not contribute to any~~
216 ~~candidate any amount in excess of the limits contained in s.~~
217 ~~106.08(2), and all contributions required to be reported under~~
218 ~~s. 106.08(2) by the national executive committee of a political~~
219 ~~party shall be reported by the state executive committee of that~~
220 ~~political party.~~

221 ~~(b) A violation of the contribution limits contained in s.~~
222 ~~106.08(2) is a misdemeanor of the first degree, punishable as~~
223 ~~provided in s. 775.082 or s. 775.083. A civil penalty equal to~~
224 ~~three times the amount in excess of the limits contained in s.~~
225 ~~106.08(2) shall be assessed against any executive committee~~
226 ~~found in violation thereof.~~

227

228 ===== T I T L E A M E N D M E N T =====

515321

4/28/2005 3:13:44 PM

HOUSE AMENDMENT

Bill No. HB 1589

Amendment No. (for drafter's use only)

229 Remove line(s) 144 and insert:
230 conform; amending s. 106.08, F.S.; revising provisions relating
231 to campaign contribution limits; amending ss. 106.087 and
232 106.29, F.S., to conform; amending s. 106.34, F.S.; revising
233 provisions

515321

4/28/2005 3:13:44 PM