

HB 61B

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CHAMBER ACTION

1 The Ethics & Elections Committee recommends the following:

2  
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to elections; amending s. 106.08, F.S.;  
7 prescribing requirements for making in-kind contributions  
8 to political parties; providing an effective date.

9  
10 Be It Enacted by the Legislature of the State of Florida:

11  
12 Section 1. Subsection (6) of section 106.08, Florida  
13 Statutes, is amended to read:

14 106.08 Contributions; limitations on.--

15 (6)(a) A political party may not accept any contribution  
16 that ~~which~~ has been specifically designated for the partial or  
17 exclusive use of a particular candidate. Any contribution so  
18 designated must be returned to the contributor and may not be  
19 used or expended by or on behalf of the candidate.

20 (b)1. ~~Also,~~ A political party may not accept any in-kind  
21 contribution that fails to provide a direct benefit to the  
22 political party. A "direct benefit" includes, but is not limited

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23 | to, fundraising or furthering the objectives of the political  
24 | party.

25 | 2.a. An in-kind contribution to a state political party  
26 | may be accepted only by the chairperson of the state political  
27 | party or by the chairperson's designee or designees whose name  
28 | is on file with the division in a form acceptable to the  
29 | division prior to the date of the written notice required in  
30 | sub-subparagraph b. An in-kind contribution to a county  
31 | political party may be accepted only by the chairperson of the  
32 | county political party or by the county chairperson's designee  
33 | or designees whose name is on file with the supervisor of  
34 | elections of the respective county prior to the date of the  
35 | written notice required in sub-subparagraph b.

36 | b. A person making an in-kind contribution to a state  
37 | political party or county political party must provide prior  
38 | written notice of the contribution to a person described in sub-  
39 | subparagraph a. The prior written notice must be signed and  
40 | dated and may be provided by an electronic or facsimile message.  
41 | However, prior written notice is not required for an in-kind  
42 | contribution that consists of food and beverage in an aggregate  
43 | amount not exceeding \$1,500 which is consumed at a single  
44 | sitting or event if such in-kind contribution is accepted in  
45 | advance by a person specified in sub-subparagraph a.

46 | c. A person described in sub-subparagraph a. may accept an  
47 | in-kind contribution requiring prior written notice only in a  
48 | writing that is signed and dated before the in-kind contribution  
49 | is made. Failure to obtain the required written acceptance of an

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50 in-kind contribution to a state or county political party  
51 constitutes a refusal of the contribution.

52 d. An in-kind contribution may not be given to a state or  
53 county political party unless the in-kind contribution is made  
54 as provided in this subparagraph.

55 Section 2. This act shall take effect February 1, 2006.