

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.)

Prepared By: Ethics and Elections Committee

BILL: SB 8B

INTRODUCER: Senator King

SUBJECT: In-kind contributions to political parties

DATE: December 5, 2005

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kruse</u>	<u>Rubinas</u>	<u>EE</u>	Favorable
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Bill 8B prescribes the manner by which an in-kind contribution to a state or county political party is accepted. Only a party's chairperson or chairperson's designee may accept an in-kind contribution to a state or county political party. The bill requires the donor of an in-kind contribution to provide a signed and dated written notice to the state or county party's chairperson or the chairperson's designee or designees prior to making the contribution. The donor's written notice may be transmitted electronically or by facsimile. It also requires that the state or county party's chairperson or the chairperson's designee or designees accepts the contribution in a signed and dated writing prior to the time the goods or services constituting the proposed in-kind contribution are provided. Failure to obtain written acceptance of the in-kind contribution constitutes a refusal of the contribution. The names of the party chairperson's designee or designees must be on file with either the Secretary of State for a state political party or the county supervisor of elections for a county political party prior to the date of the donor's written notice. The bill provides an exemption from the prior notice requirement as long as the in-kind contribution is for food and beverage, consumed at a single sitting or event, does not exceed an aggregate sum of \$1,500, and the party's chairperson or the chairperson's designee or designees accepts the in-kind contribution before the in-kind contribution is made.

This bill substantially amends section 106.08 of the Florida Statutes.

II. Present Situation:

Although Florida law provides for the valuation of in-kind contributions, it is silent as to what constitutes an acceptance of an in-kind contribution by a political party.

III. Effect of Proposed Changes:

Senate Bill 8B provides the method for the receipt of in-kind contributions to a state or county political party. Only a party's chairperson or chairperson's designee or designees may accept an in-kind contribution to a state or county political party. Anyone intending to provide an in-kind contribution to a political party must give the chairperson or the chairperson's designee or designees written notice of the intended contribution. The state political party chairperson's designee or designees must have their names on file with the Secretary of State prior to date of the donor's written notice given for the in-kind contribution. The county political party chairperson's designee or designees must have their names on file with the supervisor of elections in the respective county prior to the date of the donor's written notice given for the in-kind contribution.

The donor's written notice must be signed and dated and can be provided by an electronic or facsimile message. The chairperson or the chairperson's designee or designees must accept the contribution in a writing which has been signed and dated *prior* to the time the goods or services constituting the in-kind contribution are provided. A failure to obtain this written acceptance constitutes a refusal of the in-kind contribution. However, an in-kind contribution of food and beverage consumed at a single sitting or event which does not exceed an aggregate amount of \$1,500 requires no prior written notice if the contribution is accepted in advance by the state or county political party's chairperson or chairperson's designee or designees.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

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