

1                                   A bill to be entitled  
2           An act relating to elections; amending s.  
3           106.08, F.S.; prescribing requirements for  
4           making in-kind contributions to political  
5           parties; requiring that state and county  
6           executive committees file with the Division of  
7           Elections copies of prior written acceptance of  
8           such contributions with the Division of  
9           Elections; amending s. 106.29, F.S.; requiring  
10          that copies of prior written acceptance of  
11          in-kind contributions be filed in addition to  
12          the reports of contributions and expenditures;  
13          providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17           Section 1. Subsection (6) of section 106.08, Florida  
18 Statutes, is amended to read:

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106.08 Contributions; limitations on.--

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(6)(a) A political party may not accept any

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contribution ~~that~~ ~~which~~ has been specifically designated for

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the partial or exclusive use of a particular candidate. Any

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contribution so designated must be returned to the contributor

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and may not be used or expended by or on behalf of the

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candidate.

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(b)1. ~~Also~~ A political party may not accept any

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in-kind contribution that fails to provide a direct benefit to

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the political party. A "direct benefit" includes, but is not

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limited to, fundraising or furthering the objectives of the

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political party.

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1           2.a. An in-kind contribution to a state political  
2 party may be accepted only by the chairperson of the state  
3 political party or by the chairperson's designee or designees  
4 whose name is on file with the division in a form acceptable  
5 to the division prior to the date of the written notice  
6 required in sub-subparagraph b. An in-kind contribution to a  
7 county political party may be accepted only by the chairperson  
8 of the county political party or by the county chairperson's  
9 designee or designees whose name is on file with the  
10 supervisor of elections of the respective county prior to the  
11 date of the written notice required in sub-subparagraph b.

12           b. A person making an in-kind contribution to a state  
13 political party or county political party must provide prior  
14 written notice of the contribution to a person described in  
15 sub-subparagraph a. The prior written notice must be signed  
16 and dated and may be provided by an electronic or facsimile  
17 message. However, prior written notice is not required for an  
18 in-kind contribution that consists of food and beverage in an  
19 aggregate amount not exceeding \$1,500 which is consumed at a  
20 single sitting or event if such in-kind contribution is  
21 accepted in advance by a person specified in sub-subparagraph  
22 a.

23           c. A person described in sub-subparagraph a. may  
24 accept an in-kind contribution requiring prior written notice  
25 only in a writing that is signed and dated before the in-kind  
26 contribution is made. Failure to obtain the required written  
27 acceptance of an in-kind contribution to a state or county  
28 political party constitutes a refusal of the contribution.

29           d. A copy of each prior written acceptance required  
30 under sub-subparagraph c. must be filed with the division at  
31 the time the regular reports of contributions and expenditures

1 required under s. 106.29 are filed by the state executive  
2 committee and county executive committee.

3 e. An in-kind contribution may not be given to a state  
4 or county political party unless the in-kind contribution is  
5 made as provided in this subparagraph.

6 Section 2. Subsection (1) of section 106.29, Florida  
7 Statutes, is amended to read:

8 106.29 Reports by political parties; restrictions on  
9 contributions and expenditures; penalties.--

10 (1) The state executive committee and each county  
11 executive committee of each political party regulated by  
12 chapter 103 shall file regular reports of all contributions  
13 received and all expenditures made by such committee. Such  
14 reports shall contain the same information as do reports  
15 required of candidates by s. 106.07 and shall be filed on the  
16 10th day following the end of each calendar quarter, except  
17 that, during the period from the last day for candidate  
18 qualifying until the general election, such reports shall be  
19 filed on the Friday immediately preceding both the primary  
20 election and the general election. In addition to the reports  
21 filed under this section, the state executive committee and  
22 each county executive committee shall file a copy of each  
23 prior written acceptance of an in-kind contribution given by  
24 the committee during the preceding calendar quarter as  
25 required under s. 106.08(6). Each state executive committee  
26 shall file the original and one copy of its reports with the  
27 Division of Elections. Each county executive committee shall  
28 file its reports with the supervisor of elections in the  
29 county in which such committee exists. Any state or county  
30 executive committee failing to file a report on the designated  
31 due date shall be subject to a fine as provided in subsection

1 (3). No separate fine shall be assessed for failure to file a  
2 copy of any report required by this section.

3 Section 3. This act shall take effect February 1,  
4 2006.

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