

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 2156

INTRODUCER: Senator Dockery

SUBJECT: Campaign Financing

DATE: March 29, 2006

REVISED: 04/04/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Kruse</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/1 amendment</u>
2.	<u></u>	<u></u>	<u>RC</u>	<u></u>
3.	<u></u>	<u></u>	<u></u>	<u></u>
4.	<u></u>	<u></u>	<u></u>	<u></u>
5.	<u></u>	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>	<u></u>

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

Senate Bill 2156 provides that a House of Representatives or Senate candidate facing no opposition may elect to maintain surplus funds that require disposition pursuant to 106.141, F.S., in a campaign account for the same office that the candidate won unopposed. A House of Representatives candidate may retain up to \$50,000 of surplus funds per election, while a Senate candidate may retain up to \$150,000 of surplus funds per election.

The bill takes effect on July 1, 2006.

This bill substantially amends s. 106.141, Florida Statutes.

II. Present Situation:

Currently, section 106.141(1), F.S., states that any candidate, who withdraws his or her candidacy, becomes unopposed, suffers elimination, or wins election, must dispose of surplus funds within the candidate's campaign account and report such disposition.

Section 106.141(4)(a), F.S., mandates that a candidate may choose to dispose of his or her non-obligated, surplus funds in any combination of the following methods:

- Return pro rata the funds to each contributor,
- Donate the funds to a charitable or 501(c)(3) organization,
- Give up to \$10,000 of the funds to the candidate's political party or, if a candidate for Senate, give up to \$30,000 to the candidate's political party,
- Give, if a candidate for state office, the funds to the state to either go into the Election Campaign Financing Trust Fund or the General Revenue Fund, or
- Give, if a political subdivision candidate, the funds to the general fund of the political subdivision.

In addition to the methods of disposition set forth in section 106.141(4)(a), F.S., section 106.141(5), F.S., allows either an elected candidate or a candidate whose election is certain due to no opposition to transfer a certain portion of funds from his or her campaign account to an office account. The actual amount of funds that may be transferred depends upon the office to which the candidate is elected. A state House of Representatives candidate may transfer no more than \$10,000, while a state Senate candidate may transfer no more than \$20,000.

However, if a candidate received contributions from the Election Campaign Financing Trust Fund and has surplus funds that must be disposed, the surplus funds must be returned to the Election Campaign Financing Trust Fund.¹

III. Effect of Proposed Changes:

Senate Bill 2156 provides that a House of Representatives or Senate candidate facing no opposition may elect to maintain surplus funds that require disposition pursuant to 106.141, F.S., in a campaign account for the same office which the candidate won unopposed. A House of Representatives candidate may retain up to \$50,000 of surplus funds per election, while a Senate candidate may retain up to \$150,000 of surplus funds per election.

Senate Bill 2156 takes effect July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹ 106.141(4)(b), F.S.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The proposed language may have an indeterminate effect on the amount of surplus funds distributed to contributors, charitable organizations, and political parties.

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:

Barcode 140380 by Ethics and Elections:

If an unopposed House or Senate candidate utilizes the option set forth in Senate Bill 2156, an unopposed House of Representatives candidate is prohibited from accepting contributions one year after the date of qualifying for the same office, and a Senate candidate is prohibited from accepting contributions two years after the date of qualifying for the same office.

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