

Bill No. PCS for SB 716 (981900)

Barcode 595704

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| | CHAMBER ACTION | |
| <u>Senate</u> | | <u>House</u> |

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11 The Committee on Ethics and Elections (Posey) recommended the
 12 following amendment:

14 **Senate Amendment**

15 On page 14, line 18, through page 18, line 12, delete
 16 those lines

18 and insert:

19 Section 5. Effective upon becoming a law, subsections
 20 (5) and (7) are amended and subsection (8) of section 106.08,
 21 Florida Statutes, is republished, to read:

22 106.08 Contributions; limitations on.--

23 (5)(a) A person may not make any contribution through
 24 or in the name of another, directly or indirectly, in any
 25 election.

26 (b) Candidates, political committees, and political
 27 parties may not solicit contributions from any religious,
 28 charitable, civic, or other causes or organizations
 29 established primarily for the public good.

30 (c) Candidates, political committees, and political
 31 parties may not make contributions, in exchange for political

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1 support, to any religious, charitable, civic, or other cause
2 or organization established primarily for the public good. It
3 is not a violation of this paragraph for:

4 1. A candidate, political committee, or political
5 party executive committee to make gifts of money in lieu of
6 flowers in memory of a deceased person;

7 2. A candidate to continue membership in, or make
8 regular donations from personal or business funds to,
9 religious, political party, civic, or charitable groups of
10 which the candidate is a member or to which the candidate has
11 been a regular donor for more than 6 months; or

12 3. A candidate to purchase, with campaign funds,
13 tickets, admission to events, or advertisements from
14 religious, civic, political party, or charitable groups.

15 (d) The Governor, Lieutenant Governor, members of the
16 Florida Cabinet, state legislators, and candidates for any of
17 these offices, may not, directly or indirectly, solicit, cause
18 to be solicited, or accept any contribution on behalf of a
19 political committee, committee of continuous existence,
20 electioneering communications organization, or any
21 organization exempt from taxation under 26 U.S.C. s. 527 or 26
22 U.S.C. s. 501(c)(4); however, such persons may solicit, cause
23 to be solicited, or accept a contribution on behalf of their
24 own political party, their own campaign, or the campaign of
25 any other candidate.

26 (7)(a) Any person who knowingly and willfully makes,
27 solicits, or accepts no more than one contribution in
28 violation of subsection (1) or subsection (5), or any person
29 who knowingly and willfully fails or refuses to return any
30 contribution as required in subsection (3), commits a
31 misdemeanor of the first degree, punishable as provided in s.

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1 775.082 or s. 775.083. If any corporation, partnership, or
2 other business entity or any political party, political
3 committee, ~~or~~ committee of continuous existence, or
4 electioneering communications organization is convicted of
5 knowingly and willfully violating any provision punishable
6 under this paragraph, it shall be fined not less than \$1,000
7 and not more than \$10,000. If it is a domestic entity, it may
8 be ordered dissolved by a court of competent jurisdiction; if
9 it is a foreign or nonresident business entity, its right to
10 do business in this state may be forfeited. Any officer,
11 partner, agent, attorney, or other representative of a
12 corporation, partnership, or other business entity or of a
13 political party, political committee, ~~or~~ committee of
14 continuous existence, electioneering communications
15 organization, or organization exempt from taxation under 26
16 U.S.C. s. 527 or 26 U.S.C. s. 501(c)(4), who aids, abets,
17 advises, or participates in a violation of any provision
18 punishable under this paragraph commits a misdemeanor of the
19 first degree, punishable as provided in s. 775.082 or s.
20 775.083.

21 (b) Any person who knowingly and willfully makes,
22 solicits, or accepts two or more contributions in violation of
23 subsection (1) or subsection (5) commits a felony of the third
24 degree, punishable as provided in s. 775.082, s. 775.083, or
25 s. 775.084. If any corporation, partnership, or other
26 business entity or any political party, political committee,
27 ~~or~~ committee of continuous existence, or electioneering
28 communications organization is convicted of knowingly and
29 willfully violating any provision punishable under this
30 paragraph, it shall be fined not less than \$10,000 and not
31 more than \$50,000. If it is a domestic entity, it may be

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1 ordered dissolved by a court of competent jurisdiction; if it
 2 is a foreign or nonresident business entity, its right to do
 3 business in this state may be forfeited. Any officer,
 4 partner, agent, attorney, or other representative of a
 5 corporation, partnership, or other business entity, or of a
 6 political committee, committee of continuous existence, ~~or~~
 7 political party, electioneering communications organization,
 8 or organization exempt from taxation under 26 U.S.C. s. 527,
 9 or 26 U.S.C. s. 501(c)(4), who aids, abets, advises, or
 10 participates in a violation of any provision punishable under
 11 this paragraph commits a felony of the third degree,
 12 punishable as provided in s. 775.082, s. 775.083, or s.
 13 775.084.

14 (8) Except when otherwise provided in subsection (7),
 15 any person who knowingly and willfully violates any provision
 16 of this section shall, in addition to any other penalty
 17 prescribed by this chapter, pay to the state a sum equal to
 18 twice the amount contributed in violation of this chapter.
 19 Each campaign treasurer shall pay all amounts contributed in
 20 violation of this section to the state for deposit in the
 21 General Revenue Fund.

22 Section 6. Subsection (4) of section 106.08, Florida
 23 Statutes, is amended and paragraph (e) of subsection (5) of
 24 section 106.08, Florida Statutes, as amended by this act, is
 25 amended, to read:

26 106.08 Contributions; limitations on.--

27 (4)(a) Any contribution received by the chair,
 28 campaign treasurer, or deputy campaign treasurer of a
 29 political committee supporting or opposing a candidate with
 30 opposition in an election or supporting or opposing an issue
 31 on the ballot in an election on the day of that election or

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1 less than 5 days prior to the day of that election may not be
2 obligated or expended by the committee until after the date of
3 the election.

4 (b) Any contribution received by an electioneering
5 communications organization on the day of an election or less
6 than 10 days prior to the day of that election may not be
7 obligated or expended by the organization until after the date
8 of the election, and may not be expended to pay for any
9 obligation arising prior to the election.

10 (5)

11 (e) An electioneering communications organization may
12 not accept a contribution from an organization exempt from
13 taxation under 26 U.S.C. s. 527 or 501(c)(4), other than a
14 political committee, committee of continuous existence, or
15 political party, unless the contributing organization has
16 registered as if it were an electioneering communications
17 organization pursuant to s. 106.03 and has filed all campaign
18 finance reports required of electioneering communications
19 organizations pursuant to s. 106.07 and s. 106.0703.

21 (Redesignate subsequent sections.)

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