

By Senator Justice

16-586-07

1 A bill to be entitled
2 An act relating to election reform; providing a
3 short title; creating s. 106.0707, F.S.;
4 prohibiting contributions to candidates or for
5 or in opposition to issues by organizations
6 exempt from tax under s. 527 of the Internal
7 Revenue Code; prohibiting candidates for
8 certain offices from soliciting money for or
9 from such organizations; prohibiting such
10 candidates from accepting funds from such
11 organizations; providing penalties; providing
12 exceptions; amending s. 11.045, F.S.;
13 redefining the term "expenditure," for purposes
14 of lobbying before the Legislature, to exclude
15 contributions or expenditures made by such
16 organizations; amending ss. 106.0701, 106.08,
17 F.S., to conform; amending s. 112.3215, F.S.;
18 redefining the term "expenditure," for purposes
19 of lobbying before the executive branch or
20 Constitution Revision Commission, to exclude
21 contributions or expenditures made by such
22 organizations; providing an effective date.

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

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26 Section 1. This act may be cited as the "Clean Up
27 Florida Campaigns Act."

28 Section 2. Section 106.0707, Florida Statutes, is
29 created to read:

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1 106.0707 Certain organizations; participation in
2 elections prohibited; solicitation or acceptance of funds
3 prohibited; penalty.--

4 (1) An organization exempt from taxation under 26
5 U.S.C. s. 527, regardless of whether it is organized under the
6 laws of this state or any other state or political
7 subdivision, may not make a contribution to any candidate for
8 office, or on behalf of or in opposition to any issue, in this
9 state. An organization violating this subsection is liable for
10 a civil fine of twice the amount contributed, to be imposed by
11 the Florida Elections Commission.

12 (2)(a) A member of the Legislature, a candidate for
13 the Legislature, a holder of statewide office, or a candidate
14 for statewide office may not solicit funds from or on behalf
15 of an organization exempt from taxation under 26 U.S.C. s.
16 527. A person who violates this paragraph is liable for a
17 civil fine of twice the amount solicited, to be imposed by the
18 Florida Elections Commission.

19 (b) A member of the Legislature, a candidate for the
20 Legislature, a holder of statewide office, or a candidate for
21 statewide office may not accept funds from an organization
22 exempt from taxation under 26 U.S.C. s. 527. A person who
23 violates this paragraph is liable for a civil fine of twice
24 the amount accepted, to be imposed by the Florida Elections
25 Commission.

26 (3) This section does not apply to contributions made
27 to or accepted by, or to solicitations made by, members of or
28 candidates for the United States Senate or United States House
29 of Representatives.

30 Section 3. Paragraph (d) of subsection (1) of section
31 11.045, Florida Statutes, is amended to read:

1 11.045 Lobbying before the Legislature; registration
2 and reporting; exemptions; penalties.--

3 (1) As used in this section, unless the context
4 otherwise requires:

5 (d) "Expenditure" means a payment, distribution, loan,
6 advance, reimbursement, deposit, or anything of value made by
7 a lobbyist or principal for the purpose of lobbying. The term
8 "expenditure" does not include contributions or expenditures
9 reported pursuant to chapter 106 or federal election law,
10 campaign-related personal services provided without
11 compensation by individuals volunteering their time, any other
12 contribution or expenditure made by or to a political party,
13 or any other contribution or expenditure made by an
14 organization that is exempt from taxation under 26 U.S.C. ~~s.~~
15 ~~527~~ or s. 501(c)(4).

16 Section 4. Section 106.0701, Florida Statutes, is
17 amended to read:

18 106.0701 Solicitation of contributions on behalf of ~~s.~~
19 ~~527~~ or s. 501(c)(4) organizations; reporting requirements;
20 civil penalty; exemption.--

21 (1) The Governor, Lieutenant Governor, members of the
22 Cabinet, state legislators, or candidates for such offices who
23 directly or indirectly solicit, cause to be solicited, or
24 accept any contribution on behalf of an organization that is
25 exempt from taxation under ~~s. 527~~ or s. 501(c)(4) of the
26 Internal Revenue Code, which such individuals, in whole or in
27 part, establish, maintain, or control, shall file a statement
28 with the division within 5 days after commencing such activity
29 on behalf of the organization. The statement shall contain the
30 following information:
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1 (a) The name of the person acting on behalf of the
2 organization.

3 (b) The name and type of the organization.

4 (c) A description of the relationship between the
5 person and the organization.

6 (2) Failure to timely file the statement shall subject
7 the person to a civil penalty of \$50 per day for each late
8 day, payable from the personal funds of the violator.

9 (3) Upon filing a statement with the division, an
10 individual subject to the requirements of subsection (1) shall
11 promptly create a public website that contains a mission
12 statement and the names of persons associated with the
13 organization. The address of the website shall be reported to
14 the division within 5 business days after the website is
15 created.

16 (4) All contributions received shall be disclosed on
17 the website within 5 business days after deposit, together
18 with the name, address, and occupation of the donor. All
19 expenditures by the organization shall be individually
20 disclosed on the website within 5 business days after being
21 made.

22 (5) The filing requirements of subsection (1) do not
23 apply to an individual acting on behalf of his or her own
24 campaign or a political party of which the individual is a
25 member.

26 Section 5. Paragraph (d) of subsection (5) of section
27 106.08, Florida Statutes, is amended to read:

28 106.08 Contributions; limitations on.--

29 (5)

30 (d) An electioneering communications organization may
31 not accept a contribution from an organization exempt from

1 | taxation under ~~s. 527~~ or s. 501(c)(4) of the Internal Revenue
2 | Code, other than a political committee, committee of
3 | continuous existence, or political party, unless the
4 | contributing organization has registered as if the
5 | organization were an electioneering communications
6 | organization pursuant to s. 106.03 and has filed all campaign
7 | finance reports required of electioneering communications
8 | organizations pursuant to ss. 106.07 and 106.0703.

9 | Section 6. Paragraph (d) of subsection (1) of section
10 | 112.3215, Florida Statutes, is amended to read:

11 | 112.3215 Lobbying before the executive branch or the
12 | Constitution Revision Commission; registration and reporting;
13 | investigation by commission.--

14 | (1) For the purposes of this section:

15 | (d) "Expenditure" means a payment, distribution, loan,
16 | advance, reimbursement, deposit, or anything of value made by
17 | a lobbyist or principal for the purpose of lobbying. The term
18 | "expenditure" does not include contributions or expenditures
19 | reported pursuant to chapter 106 or federal election law,
20 | campaign-related personal services provided without
21 | compensation by individuals volunteering their time, any other
22 | contribution or expenditure made by or to a political party,
23 | or any other contribution or expenditure made by an
24 | organization that is exempt from taxation under 26 U.S.C. ~~s.~~
25 | ~~527~~ or s. 501(c)(4).

26 | Section 7. This act shall take effect July 1, 2007.

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SENATE SUMMARY

Prohibits an organization exempt from taxation under s. 527 of the Internal Revenue Code from making contributions to a candidate or on behalf of or in opposition to an issue. Prohibits members of or candidates for the Legislature or statewide office from accepting money from or soliciting money from or for such organizations. Provides for civil fines for violations. Exempts United States Senators or Congressmen and candidates for those offices from such prohibitions. (See bill for details.)