

By Senator Justice

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1                                   A bill to be entitled  
2           An act relating to political contributions and  
3           expenditures; amending s. 106.011, F.S.; redefining  
4           the term "political committee"; amending s. 106.04,  
5           F.S.; deleting a requirement that committees of  
6           continuous existence report information relating to  
7           contributions by corporations; amending s. 106.07,  
8           F.S.; deleting a requirement that the campaign  
9           treasurer for a candidate or a political committee  
10          report information relating to contributions by  
11          corporations; amending s. 106.08, F.S.; excluding  
12          certain corporations and other business entities  
13          formed for purposes other than to support or oppose  
14          issues or candidates from the application of certain  
15          limits on campaign contributions; creating s.  
16          106.0805, F.S.; prohibiting corporations and other  
17          businesses formed for purposes other than to support  
18          or oppose issues or candidates from making certain  
19          political contributions and expenditures; providing  
20          that the prohibition on contributions and expenditures  
21          does not apply to independent expenditures;  
22          authorizing criminal penalties and fines for making or  
23          accepting or aiding or abetting prohibited  
24          contributions or expenditures; authorizing the  
25          dissolution of a domestic corporation or other  
26          domestic business entity that makes a prohibited  
27          contribution or expenditure; providing that a foreign  
28          corporation or other foreign business entity may  
29          forfeit its right to do business in this state if it

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30 makes prohibited contributions or expenditures;  
31 amending s. 106.147, F.S.; redefining the term  
32 "person" to exclude specified representatives of a  
33 corporation or other business entity; providing an  
34 effective date.

35  
36 Be It Enacted by the Legislature of the State of Florida:

37  
38 Section 1. Subsection (1) of section 106.011, Florida  
39 Statutes, is amended to read:

40 106.011 Definitions.—As used in this chapter, the following  
41 terms have the following meanings unless the context clearly  
42 indicates otherwise:

43 (1) (a) "Political committee" means:

44 1. A combination of two or more persons, excluding  
45 corporations or other business entities formed for purposes  
46 other than to support or oppose issues or candidates, which  
47 individuals, or a person other than an individual, that, in an  
48 aggregate amount in excess of \$500 during a single calendar  
49 year:

50 a. Accept ~~Accepts~~ contributions for the purpose of making  
51 contributions to any candidate, political committee, committee  
52 of continuous existence, or political party;

53 b. Accept ~~Accepts~~ contributions for the purpose of  
54 expressly advocating the election or defeat of a candidate or  
55 the passage or defeat of an issue;

56 c. Make ~~Makes~~ expenditures that expressly advocate the  
57 election or defeat of a candidate or the passage or defeat of an  
58 issue; or

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59 d. Make ~~Makes~~ contributions to a common fund, other than a  
60 joint checking account between spouses, from which contributions  
61 are made to any candidate, political committee, committee of  
62 continuous existence, or political party;

63 2. The sponsor of a proposed constitutional amendment by  
64 initiative who intends to seek the signatures of registered  
65 electors.

66 (b) Notwithstanding paragraph (a), the following entities  
67 are not considered political committees for purposes of this  
68 chapter:

69 1. Organizations that ~~which~~ are certified by the Department  
70 of State as committees of continuous existence pursuant to s.  
71 106.04, national political parties, and the state and county  
72 executive committees of political parties regulated by chapter  
73 103.

74 ~~2. Corporations regulated by chapter 607 or chapter 617 or~~  
75 ~~other business entities formed for purposes other than to~~  
76 ~~support or oppose issues or candidates, if their political~~  
77 ~~activities are limited to contributions to candidates, political~~  
78 ~~parties, or political committees or expenditures in support of~~  
79 ~~or opposition to an issue from corporate or business funds and~~  
80 ~~if no contributions are received by such corporations or~~  
81 ~~business entities.~~

82 2.3. Electioneering communications organizations as defined  
83 in subsection (19); however, such organizations shall ~~be~~  
84 ~~required to~~ register with and report expenditures and  
85 contributions, including contributions received from committees  
86 of continuous existence, to the Division of Elections in the  
87 same manner, at the same time, and subject to the same penalties

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88 as a political committee supporting or opposing an issue or a  
89 legislative candidate, except as otherwise specifically provided  
90 in this chapter.

91 Section 2. Subsection (4) of section 106.04, Florida  
92 Statutes, is amended to read:

93 106.04 Committees of continuous existence.—

94 (4) (a) Each committee of continuous existence shall file an  
95 annual report with the Division of Elections during the month of  
96 January. Such annual reports shall contain the same information  
97 and shall be accompanied by the same materials as original  
98 applications filed pursuant to subsection (2). However, the  
99 charter or bylaws need not be filed if the annual report is  
100 accompanied by a sworn statement by the chair that no changes  
101 have been made to such charter or bylaws since the last filing.

102 (b) 1. Each committee of continuous existence shall file  
103 regular reports with the Division of Elections at the same times  
104 and subject to the same filing conditions as are established by  
105 s. 106.07(1) and (2) for candidates' reports.

106 2. Any committee of continuous existence failing to so file  
107 a report with the Division of Elections pursuant to this  
108 paragraph on the designated due date shall be subject to a fine  
109 for late filing as provided by this section.

110 (c) All committees of continuous existence shall file their  
111 reports with the Division of Elections. Reports shall be filed  
112 in accordance with s. 106.0705 and shall contain the following  
113 information:

114 1. The full name, address, and occupation of each person  
115 who has made one or more contributions, including contributions  
116 that represent the payment of membership dues, to the committee

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117 during the reporting period, together with the amounts and dates  
118 of such contributions. ~~For corporations, the report must provide~~  
119 ~~as clear a description as practicable of the principal type of~~  
120 ~~business conducted by the corporation.~~ However, if the  
121 contribution is \$100 or less, the occupation of the contributor  
122 ~~or principal type of business~~ need not be listed. However, for  
123 any contributions that represent the payment of dues by members  
124 in a fixed amount aggregating no more than \$250 per calendar  
125 year, pursuant to the schedule on file with the Division of  
126 Elections, only the aggregate amount of such contributions need  
127 be listed, together with the number of members paying such dues  
128 and the amount of the membership dues.

129 2. The name and address of each political committee or  
130 committee of continuous existence from which the reporting  
131 committee received, or the name and address of each political  
132 committee, committee of continuous existence, or political party  
133 to which it made, any transfer of funds, together with the  
134 amounts and dates of all transfers.

135 3. Any other receipt of funds not listed pursuant to  
136 subparagraph 1. or subparagraph 2., including the sources and  
137 amounts of all such funds.

138 4. The name and address of, and office sought by, each  
139 candidate to whom the committee has made a contribution during  
140 the reporting period, together with the amount and date of each  
141 contribution.

142 5. The full name and address of each person to whom  
143 expenditures have been made by or on behalf of the committee  
144 within the reporting period; the amount, date, and purpose of  
145 each such expenditure; and the name and address, and office

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146 sought by, each candidate on whose behalf such expenditure was  
147 made.

148 6. The full name and address of each person to whom an  
149 expenditure for personal services, salary, or reimbursement for  
150 authorized expenses has been made, including the full name and  
151 address of each entity to whom the person made payment for which  
152 reimbursement was made by check drawn upon the committee  
153 account, together with the amount and purpose of such payment.

154 7. Transaction information from each credit card statement  
155 that will be included in the next report following receipt  
156 thereof by the committee. Receipts for each credit card purchase  
157 shall be retained by the treasurer with the records for the  
158 committee account.

159 8. The total sum of expenditures made by the committee  
160 during the reporting period.

161 (d) The treasurer of each committee shall certify as to the  
162 correctness of each report and shall bear the responsibility for  
163 its accuracy and veracity. Any treasurer who willfully certifies  
164 to the correctness of a report while knowing that such report is  
165 incorrect, false, or incomplete commits a misdemeanor of the  
166 first degree, punishable as provided in s. 775.082 or s.  
167 775.083.

168 Section 3. Subsection (4) section 106.07, Florida Statutes,  
169 is amended to read:

170 106.07 Reports; certification and filing.—

171 (4) (a) Each report required by this section shall contain:

172 1. The full name, address, and occupation, if any, of each  
173 person who has made one or more contributions to or for such  
174 committee or candidate within the reporting period, together

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175 with the amount and date of such contributions. ~~For~~  
176 ~~corporations, the report must provide as clear a description as~~  
177 ~~practicable of the principal type of business conducted by the~~  
178 ~~corporation.~~ However, if the contribution is \$100 or less or is  
179 from a relative, as defined in s. 112.312, provided that the  
180 relationship is reported, the occupation of the contributor ~~or~~  
181 ~~the principal type of business~~ need not be listed.

182 2. The name and address of each political committee from  
183 which the reporting committee or the candidate received, or to  
184 which the reporting committee or candidate made, any transfer of  
185 funds, together with the amounts and dates of all transfers.

186 3. Each loan for campaign purposes to or from any person or  
187 political committee within the reporting period, together with  
188 the full names, addresses, and occupations, and principal places  
189 of business, if any, of the lender and endorsers, if any, and  
190 the date and amount of such loans.

191 4. A statement of each contribution, rebate, refund, or  
192 other receipt not otherwise listed under subparagraphs 1.  
193 through 3.

194 5. The total sums of all loans, in-kind contributions, and  
195 other receipts by or for such committee or candidate during the  
196 reporting period. The reporting forms shall be designed to  
197 elicit separate totals for in-kind contributions, loans, and  
198 other receipts.

199 6. The full name and address of each person to whom  
200 expenditures have been made by or on behalf of the committee or  
201 candidate within the reporting period; the amount, date, and  
202 purpose of each such expenditure; and the name and address of,  
203 and office sought by, each candidate on whose behalf such

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204 expenditure was made. However, expenditures made from the petty  
205 cash fund provided by s. 106.12 need not be reported  
206 individually.

207 7. The full name and address of each person to whom an  
208 expenditure for personal services, salary, or reimbursement for  
209 authorized expenses as provided in s. 106.021(3) has been made  
210 and which is not otherwise reported, including the amount, date,  
211 and purpose of such expenditure. However, expenditures made from  
212 the petty cash fund provided for in s. 106.12 need not be  
213 reported individually.

214 8. The total amount withdrawn and the total amount spent  
215 for petty cash purposes pursuant to this chapter during the  
216 reporting period.

217 9. The total sum of expenditures made by such committee or  
218 candidate during the reporting period.

219 10. The amount and nature of debts and obligations owed by  
220 or to the committee or candidate, which relate to the conduct of  
221 any political campaign.

222 11. A copy of each credit card statement which shall be  
223 included in the next report following receipt thereof by the  
224 candidate or political committee. Receipts for each credit card  
225 purchase shall be retained by the treasurer with the records for  
226 the campaign account.

227 12. The amount and nature of any separate interest-bearing  
228 accounts or certificates of deposit and identification of the  
229 financial institution in which such accounts or certificates of  
230 deposit are located.

231 13. The primary purposes of an expenditure made indirectly  
232 through a campaign treasurer pursuant to s. 106.021(3) for goods



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233 and services such as communications media placement or  
234 procurement services, campaign signs, insurance, and other  
235 expenditures that include multiple components as part of the  
236 expenditure. The primary purpose of an expenditure shall be that  
237 purpose, including integral and directly related components,  
238 that comprises 80 percent of such expenditure.

239 (b) The filing officer shall make available to any  
240 candidate or committee a reporting form which the candidate or  
241 committee may use to indicate contributions received by the  
242 candidate or committee but returned to the contributor before  
243 deposit.

244 Section 4. Section 106.08, Florida Statutes, is amended to  
245 read:

246 106.08 Contributions; limitations on.-

247 (1) (a) Except for political parties and corporations or  
248 other business entities formed for purposes other than to  
249 support or oppose issues or candidates, a ne person, political  
250 committee, or committee of continuous existence may not, in any  
251 election, make contributions in excess of \$500 to any candidate  
252 for election to or retention in office or to any political  
253 committee supporting or opposing one or more candidates.  
254 Candidates for the offices of Governor and Lieutenant Governor  
255 on the same ticket are considered a single candidate for the  
256 purpose of this section.

257 (b)1. The contribution limits provided in this subsection  
258 do not apply to contributions made by a state or county  
259 executive committee of a political party regulated by chapter  
260 103 or to amounts contributed by a candidate to his or her own  
261 campaign.

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262           2. Notwithstanding the limits provided in this subsection,  
263 an unemancipated child under the age of 18 years of age may not  
264 make a contribution in excess of \$100 to any candidate or to any  
265 political committee supporting one or more candidates.

266           (c) The contribution limits of this subsection apply to  
267 each election. For purposes of this subsection, the primary  
268 election and general election are separate elections so long as  
269 the candidate is not an unopposed candidate as defined in s.  
270 106.011(15). However, for the purpose of contribution limits  
271 with respect to candidates for retention as a justice or judge,  
272 there is only one election, which is the general election.

273           (2) (a) A candidate may not accept contributions from  
274 national, state, including any subordinate committee of a  
275 national, state, or county committee of a political party, and  
276 county executive committees of a political party, which  
277 contributions in the aggregate exceed \$50,000, no more than  
278 \$25,000 of which may be accepted prior to the 28-day period  
279 immediately preceding the date of the general election.

280           (b) A candidate for statewide office may not accept  
281 contributions from national, state, or county executive  
282 committees of a political party, including any subordinate  
283 committee of a national, state, or county committee of a  
284 political party, which contributions in the aggregate exceed  
285 \$250,000, no more than \$125,000 of which may be accepted prior  
286 to the 28-day period immediately preceding the date of the  
287 general election. Polling services, research services, costs for  
288 campaign staff, professional consulting services, and telephone  
289 calls are not contributions to be counted toward the  
290 contribution limits of paragraph (a) or this paragraph. Any item

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291 not expressly identified in this paragraph as nonallocable is a  
292 contribution in an amount equal to the fair market value of the  
293 item and must be counted as allocable toward the contribution  
294 limits of paragraph (a) or this paragraph. Nonallocable, in-kind  
295 contributions must be reported by the candidate under s. 106.07  
296 and by the political party under s. 106.29.

297 (3) (a) Any contribution received by a candidate with  
298 opposition in an election or by the campaign treasurer or a  
299 deputy campaign treasurer of such a candidate on the day of that  
300 election or less than 5 days prior to the day of that election  
301 must be returned by him or her to the person or committee  
302 contributing it and may not be used or expended by or on behalf  
303 of the candidate.

304 (b) Except as otherwise provided in paragraph (c), any  
305 contribution received by a candidate or by the campaign  
306 treasurer or a deputy campaign treasurer of a candidate after  
307 the date at which the candidate withdraws his or her candidacy,  
308 or after the date the candidate is defeated, becomes unopposed,  
309 or is elected to office must be returned to the person or  
310 committee contributing it and may not be used or expended by or  
311 on behalf of the candidate.

312 (c) With respect to any campaign for an office in which an  
313 independent or minor party candidate has filed as required in s.  
314 99.0955 or s. 99.096, but whose qualification is pending a  
315 determination by the Department of State or supervisor of  
316 elections as to whether or not the required number of petition  
317 signatures was obtained:

318 1. The department or supervisor shall, no later than 3 days  
319 after that determination has been made, notify in writing all

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320 other candidates for that office of that determination.

321         2. Any contribution received by a candidate or the campaign  
322 treasurer or deputy campaign treasurer of a candidate after the  
323 candidate has been notified in writing by the department or  
324 supervisor that he or she has become unopposed as a result of an  
325 independent or minor party candidate failing to obtain the  
326 required number of petition signatures shall be returned to the  
327 person, political committee, or committee of continuous  
328 existence contributing it and shall not be used or expended by  
329 or on behalf of the candidate.

330         (4) (a) Any contribution received by the chair, campaign  
331 treasurer, or deputy campaign treasurer of a political committee  
332 supporting or opposing a candidate with opposition in an  
333 election or supporting or opposing an issue on the ballot in an  
334 election on the day of that election or less than 5 days prior  
335 to the day of that election may not be obligated or expended by  
336 the committee until after the date of the election.

337         (b) Any contribution received by an electioneering  
338 communications organization on the day of an election or less  
339 than 5 days prior to the day of that election may not be  
340 obligated or expended by the organization until after the date  
341 of the election and may not be expended to pay for any  
342 obligation arising prior to the election.

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

345         (b) Candidates, political committees, and political parties  
346 may not solicit contributions from any religious, charitable,  
347 civic, or other causes or organizations established primarily  
348 for the public good.

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349 (c) Candidates, political committees, and political parties  
350 may not make contributions, in exchange for political support,  
351 to any religious, charitable, civic, or other cause or  
352 organization established primarily for the public good. It is  
353 not a violation of this paragraph for:

354 1. A candidate, political committee, or political party  
355 executive committee to make gifts of money in lieu of flowers in  
356 memory of a deceased person;

357 2. A candidate to continue membership in, or make regular  
358 donations from personal or business funds to, religious,  
359 political party, civic, or charitable groups of which the  
360 candidate is a member or to which the candidate has been a  
361 regular donor for more than 6 months; or

362 3. A candidate to purchase, with campaign funds, tickets,  
363 admission to events, or advertisements from religious, civic,  
364 political party, or charitable groups.

365 (d) An electioneering communications organization may not  
366 accept a contribution from an organization exempt from taxation  
367 under s. 527 or s. 501(c)(4) of the Internal Revenue Code, other  
368 than a political committee, committee of continuous existence,  
369 or political party, unless the contributing organization has  
370 registered as if the organization were an electioneering  
371 communications organization pursuant to s. 106.03 and has filed  
372 all campaign finance reports required of electioneering  
373 communications organizations pursuant to ss. 106.07 and  
374 106.0703.

375 (6) (a) A political party may not accept any contribution  
376 that has been specifically designated for the partial or  
377 exclusive use of a particular candidate. Any contribution so

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378 designated must be returned to the contributor and may not be  
379 used or expended by or on behalf of the candidate.

380 (b)1. A political party may not accept any in-kind  
381 contribution that fails to provide a direct benefit to the  
382 political party. A "direct benefit" includes, but is not limited  
383 to, fundraising or furthering the objectives of the political  
384 party.

385 2.a. An in-kind contribution to a state political party may  
386 be accepted only by the chairperson of the state political party  
387 or by the chairperson's designee or designees whose names are on  
388 file with the division in a form acceptable to the division  
389 prior to the date of the written notice required in sub-  
390 subparagraph b. An in-kind contribution to a county political  
391 party may be accepted only by the chairperson of the county  
392 political party or by the county chairperson's designee or  
393 designees whose names are on file with the supervisor of  
394 elections of the respective county prior to the date of the  
395 written notice required in sub-subparagraph b.

396 b. A person making an in-kind contribution to a state  
397 political party or county political party must provide prior  
398 written notice of the contribution to a person described in sub-  
399 subparagraph a. The prior written notice must be signed and  
400 dated and may be provided by an electronic or facsimile message.  
401 However, prior written notice is not required for an in-kind  
402 contribution that consists of food and beverage in an aggregate  
403 amount not exceeding \$1,500 which is consumed at a single  
404 sitting or event if such in-kind contribution is accepted in  
405 advance by a person specified in sub-subparagraph a.

406 c. A person described in sub-subparagraph a. may accept an

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407 in-kind contribution requiring prior written notice only in a  
408 writing that is signed and dated before the in-kind contribution  
409 is made. Failure to obtain the required written acceptance of an  
410 in-kind contribution to a state or county political party  
411 constitutes a refusal of the contribution.

412 d. A copy of each prior written acceptance required under  
413 sub-subparagraph c. must be filed with the division at the time  
414 the regular reports of contributions and expenditures required  
415 under s. 106.29 are filed by the state executive committee and  
416 county executive committee.

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

420 (7) (a) Any person who knowingly and willfully makes or  
421 accepts no more than one contribution in violation of subsection  
422 (1) or subsection (5), or any person who knowingly and willfully  
423 fails or refuses to return any contribution as required in  
424 subsection (3), commits a misdemeanor of the first degree,  
425 punishable as provided in s. 775.082 or s. 775.083. If any  
426 ~~corporation, partnership, or other business entity or any~~  
427 political party, political committee, committee of continuous  
428 existence, or electioneering communications organization is  
429 convicted of knowingly and willfully violating any provision  
430 punishable under this paragraph, it shall be fined not less than  
431 \$1,000 and not more than \$10,000. ~~If it is a domestic entity, it~~  
432 ~~may be ordered dissolved by a court of competent jurisdiction;~~  
433 ~~if it is a foreign or nonresident business entity, its right to~~  
434 ~~do business in this state may be forfeited.~~ Any officer,  
435 partner, agent, attorney, or other representative of a

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436 ~~corporation, partnership, or other business entity, or of a~~  
437 political party, political committee, committee of continuous  
438 existence, electioneering communications organization, or  
439 organization exempt from taxation under s. 527 or s. 501(c)(4)  
440 of the Internal Revenue Code, who aids, abets, advises, or  
441 participates in a violation of any provision punishable under  
442 this paragraph commits a misdemeanor of the first degree,  
443 punishable as provided in s. 775.082 or s. 775.083.

444 (b) Any person who knowingly and willfully makes or accepts  
445 two or more contributions in violation of subsection (1) or  
446 subsection (5) commits a felony of the third degree, punishable  
447 as provided in s. 775.082, s. 775.083, or s. 775.084. If any  
448 ~~corporation, partnership, or other business entity or any~~  
449 political party, political committee, committee of continuous  
450 existence, or electioneering communications organization is  
451 convicted of knowingly and willfully violating any provision  
452 punishable under this paragraph, it shall be fined not less than  
453 \$10,000 and not more than \$50,000. ~~If it is a domestic entity,~~  
454 ~~it may be ordered dissolved by a court of competent~~  
455 ~~jurisdiction; if it is a foreign or nonresident business entity,~~  
456 ~~its right to do business in this state may be forfeited.~~ Any  
457 officer, partner, agent, attorney, or other representative of a  
458 ~~corporation, partnership, or other business entity, or of a~~  
459 political committee, committee of continuous existence,  
460 political party, or electioneering communications organization,  
461 or organization exempt from taxation under s. 527 or s.  
462 501(c)(4) of the Internal Revenue Code, who aids, abets,  
463 advises, or participates in a violation of any provision  
464 punishable under this paragraph commits a felony of the third



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465 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
466 775.084.

467 (8) Except when otherwise provided in subsection (7), any  
468 person who knowingly and willfully violates any provision of  
469 this section shall, in addition to any other penalty prescribed  
470 by this chapter, pay to the state a sum equal to twice the  
471 amount contributed in violation of this chapter. Each campaign  
472 treasurer shall pay all amounts contributed in violation of this  
473 section to the state for deposit in the General Revenue Fund.

474 (9) This section does not apply to the transfer of funds  
475 between a primary campaign depository and a savings account or  
476 certificate of deposit or to any interest earned on such account  
477 or certificate.

478 (10) Contributions to a political committee or committee of  
479 continuous existence may be received by an affiliated  
480 organization and transferred to the bank account of the  
481 political committee or committee of continuous existence via  
482 check written from the affiliated organization if such  
483 contributions are specifically identified as intended to be  
484 contributed to the political committee or committee of  
485 continuous existence. All contributions received in this manner  
486 shall be reported pursuant to s. 106.07 by the political  
487 committee or committee of continuous existence as having been  
488 made by the original contributor.

489 Section 5. Section 106.0805, Florida Statutes, is created  
490 to read:

491 106.0805 Prohibition on campaign contributions and  
492 expenditures by corporations.—

493 (1) A corporation or other business entity formed for

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494 purposes other than to support or oppose issues or candidates  
495 may not:

496 (a) Act as a committee of continuous existence, an  
497 electioneering communications organization, or a political  
498 committee; or

499 (b) Make a contribution to or make an expenditure for the  
500 benefit of a committee of continuous existence, an  
501 electioneering communications organization, a political  
502 committee, a candidate for office in this state, or a political  
503 party in this state, including a subordinate committee of a  
504 state or county committee of a political party.

505 (2) A committee of continuous existence, an electioneering  
506 organization, a political committee, a candidate for office in  
507 this state, or a political party in this state, including a  
508 subordinate committee of a state or county committee of a  
509 political party, may not accept a contribution from or a  
510 contribution by a corporation or other business entity formed  
511 for purposes other than to support or oppose issues or  
512 candidates.

513 (3) This section does not restrict independent  
514 expenditures.

515 (4) (a) A person who knowingly and willfully makes or  
516 accepts \$500 or less in contributions or expenditures in  
517 violation of this section commits a misdemeanor of the first  
518 degree, punishable as provided in s. 775.082 or s. 775.083. A  
519 corporation, partnership, or other business entity that is  
520 convicted of knowingly and willfully violating this section  
521 shall be fined not less than \$1,000 and not more than \$10,000.  
522 If it is a domestic entity, it may be ordered dissolved by a

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523 court of competent jurisdiction. If it is a foreign or  
524 nonresident business entity, its right to do business in this  
525 state may be forfeited. Any officer, partner, agent, attorney,  
526 or other representative of a corporation, partnership, or other  
527 business entity, or of a political party, political committee,  
528 committee of continuous existence, electioneering communications  
529 organization, or organization exempt from taxation under s. 527  
530 or s. 501(c) (4) of the Internal Revenue Code, who aids, abets,  
531 advises, or participates in a violation of any provision  
532 punishable under this section commits a misdemeanor of the first  
533 degree, punishable as provided in s. 775.082 or s. 775.083.

534 (b) A person who knowingly and willfully makes or accepts  
535 more than \$500 in contributions or expenditures in violation of  
536 this section commits a felony of the third degree, punishable as  
537 provided in s. 775.082, s. 775.083, or s. 775.084. If any  
538 corporation, partnership, or other business entity is convicted  
539 of knowingly and willfully violating this section, it shall be  
540 fined not less than \$10,000 and not more than \$50,000. If it is  
541 a domestic entity, it may be ordered dissolved by a court of  
542 competent jurisdiction. If it is a foreign or nonresident  
543 business entity, its right to do business in this state may be  
544 forfeited. Any officer, partner, agent, attorney, or other  
545 representative of a corporation, partnership, or other business  
546 entity, or of a political committee, committee of continuous  
547 existence, political party, electioneering communications  
548 organization, or organization exempt from taxation under s. 527  
549 or s. 501(c) (4) of the Internal Revenue Code, who aids, abets,  
550 advises, or participates in a violation of any provision  
551 punishable under this section commits a felony of the third

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552 degree, punishable as provided in s. 775.082, s. 775.083, or s.  
553 775.084.

554 (c) For purposes of this section, the amount of a  
555 contribution or expenditure is the total amount of contributions  
556 to or expenditures:

557 1. On behalf of a candidate for election or retention in  
558 office; or

559 2. For the benefit of an entity during the period beginning  
560 the day after the date of a general election until the day of  
561 the following general election.

562 Section 6. Section 106.147, Florida Statutes, is amended to  
563 read:

564 106.147 Telephone solicitation; disclosure requirements;  
565 prohibitions; exemptions; penalties.—

566 (1) (a) Any electioneering communication telephone call or  
567 any telephone call supporting or opposing a candidate, elected  
568 public official, or ballot proposal must identify the persons or  
569 organizations sponsoring the call by stating either: "paid for  
570 by ...." (insert name of persons or organizations sponsoring the  
571 call) or "paid for on behalf of ...." (insert name of persons or  
572 organizations authorizing call). This paragraph does not apply  
573 to any telephone call in which both the individual making the  
574 call is not being paid and the individuals participating in the  
575 call know each other prior to the call.

576 (b) Any telephone call conducted for the purpose of polling  
577 respondents concerning a candidate or elected public official  
578 which is a part of a series of like telephone calls that  
579 consists of fewer than 1,000 completed calls and averages more  
580 than 2 minutes in duration is presumed to be a political poll

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581 and not subject to the provisions of paragraph (a).

582 (c) No telephone call shall state or imply that the caller  
583 represents any person or organization unless the person or  
584 organization so represented has given specific approval in  
585 writing to make such representation.

586 (d) No telephone call shall state or imply that the caller  
587 represents a nonexistent person or organization.

588 (e) Any electioneering communication paid for with public  
589 funds must include a disclaimer containing the words "paid for  
590 by ... (Name of the government entity paying for the  
591 communication)...."

592 (2) Any telephone call, not conducted by independent  
593 expenditure, which expressly advocates for or against a  
594 candidate or ballot proposal requires prior written  
595 authorization by the candidate or sponsor of the ballot proposal  
596 that the call supports. A copy of such written authorization  
597 must be placed on file with the qualifying officer by the  
598 candidate or sponsor of the ballot proposal prior to the time  
599 the calls commence.

600 (3) (a) Any person who willfully violates any provision of  
601 this section commits a misdemeanor of the first degree,  
602 punishable as provided in s. 775.082 or s. 775.083.

603 (b) For purposes of paragraph (a), the term "person" means  
604 ~~includes~~ any candidate; any officer of any political committee,  
605 committee of continuous existence, or political party executive  
606 committee; ~~any officer, partner, attorney, or other~~  
607 ~~representative of a corporation, partnership, or other business~~  
608 ~~entity~~; and any agent or other person acting on behalf of any  
609 candidate, political committee, committee of continuous

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610 existence, or political party executive committee, ~~or~~  
611 ~~corporation, partnership, or other business entity.~~

612 Section 7. This act shall take effect July 1, 2010.