

By Senator Farmer

34-01337-18

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1 A bill to be entitled
2 An act relating to campaign finance; amending s.
3 106.08, F.S.; prohibiting a statewide elected official
4 from soliciting or accepting contributions during a
5 regular, extended, or special legislative session;
6 providing that a member of the Legislature is bound by
7 the rules of his or her respective house; providing
8 penalties; providing an effective date.

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

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12 Section 1. Present subsections (7) through (10) of section
13 106.08, Florida Statutes, are renumbered as subsections (8)
14 through (11), respectively, a new subsection (7) is added to
15 that section, and present subsections (7) and (8) are amended,
16 to read:

17 106.08 Contributions; limitations on.-

18 (7) (a) A statewide elected official may contribute to his
19 or her own campaign but may not solicit or accept a contribution
20 during the 60-day regular legislative session or any extended or
21 special session:

22 1. On his or her own behalf.

23 2. On behalf of a political party.

24 3. On behalf of any organization with respect to which his
25 or her solicitation is regulated under s. 106.0701.

26 4. On behalf of a candidate for the Legislature or a
27 statewide elected position.

28 (b) A member of the Legislature is bound by the rules of
29 his or her respective house in accordance with s. 4, Art. III of

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30 the State Constitution.

31 (8) (a) ~~(7) (a)~~ Any person who knowingly and willfully makes
32 or accepts no more than one contribution in violation of
33 subsection (1), ~~or~~ subsection (5), or subsection (7), or any
34 person who knowingly and willfully fails or refuses to return
35 any contribution as required in subsection (3), commits a
36 misdemeanor of the first degree, punishable as provided in s.
37 775.082 or s. 775.083. If any corporation, partnership, or other
38 business entity or any political party, affiliated party
39 committee, political committee, or electioneering communications
40 organization is convicted of knowingly and willfully violating
41 any provision punishable under this paragraph, it shall be fined
42 not less than \$1,000 and not more than \$10,000. If it is a
43 domestic entity, it may be ordered dissolved by a court of
44 competent jurisdiction; if it is a foreign or nonresident
45 business entity, its right to do business in this state may be
46 forfeited. Any officer, partner, agent, attorney, or other
47 representative of a corporation, partnership, or other business
48 entity, or of a political party, affiliated party committee,
49 political committee, electioneering communications organization,
50 or organization exempt from taxation under s. 527 or s.
51 501(c)(4) of the Internal Revenue Code, who aids, abets,
52 advises, or participates in a violation of any provision
53 punishable under this paragraph commits a misdemeanor of the
54 first degree, punishable as provided in s. 775.082 or s.
55 775.083.

56 (b) Any person who knowingly and willfully makes or accepts
57 two or more contributions in violation of subsection (1), ~~or~~
58 subsection (5), or subsection (7) commits a felony of the third

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59 degree, punishable as provided in s. 775.082, s. 775.083, or s.
60 775.084. If any corporation, partnership, or other business
61 entity or any political party, affiliated party committee,
62 political committee, or electioneering communications
63 organization is convicted of knowingly and willfully violating
64 any provision punishable under this paragraph, it shall be fined
65 not less than \$10,000 and not more than \$50,000. If it is a
66 domestic entity, it may be ordered dissolved by a court of
67 competent jurisdiction; if it is a foreign or nonresident
68 business entity, its right to do business in this state may be
69 forfeited. Any officer, partner, agent, attorney, or other
70 representative of a corporation, partnership, or other business
71 entity, or of a political committee, political party, affiliated
72 party committee, or electioneering communications organization,
73 or organization exempt from taxation under s. 527 or s.
74 501(c)(4) of the Internal Revenue Code, who aids, abets,
75 advises, or participates in a violation of any provision
76 punishable under this paragraph commits a felony of the third
77 degree, punishable as provided in s. 775.082, s. 775.083, or s.
78 775.084.

79 (9)~~(8)~~ Except when otherwise provided in subsection (8)~~(7)~~,
80 any person who knowingly and willfully violates any provision of
81 this section shall, in addition to any other penalty prescribed
82 by this chapter, pay to the state a sum equal to twice the
83 amount contributed in violation of this chapter. Each campaign
84 treasurer shall pay all amounts contributed in violation of this
85 section to the state for deposit in the General Revenue Fund.

86 Section 2. This act shall take effect upon becoming a law.