

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.

9

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

11

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

16 106.08 Contributions; limitations on.—

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

21 1. On his or her own behalf.

22 2. On behalf of a political party.

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

25 4. On behalf of a candidate for the Legislature or a

26 | statewide elected position.

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

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

51 | advises, or participates in a violation of any provision
52 | punishable under this paragraph commits a misdemeanor of the
53 | first degree, punishable as provided in s. 775.082 or s.
54 | 775.083.

55 | (b) Any person who knowingly and willfully makes or
56 | accepts two or more contributions in violation of subsection
57 | (1), ~~or~~ subsection (5), or subsection (7) commits a felony of
58 | the third degree, punishable as provided in s. 775.082, s.
59 | 775.083, or s. 775.084. If any corporation, partnership, or
60 | other business entity or any political party, affiliated party
61 | committee, political committee, or electioneering communications
62 | organization is convicted of knowingly and willfully violating
63 | any provision punishable under this paragraph, it shall be fined
64 | not less than \$10,000 and not more than \$50,000. If it is a
65 | domestic entity, it may be ordered dissolved by a court of
66 | competent jurisdiction; if it is a foreign or nonresident
67 | business entity, its right to do business in this state may be
68 | forfeited. Any officer, partner, agent, attorney, or other
69 | representative of a corporation, partnership, or other business
70 | entity, or of a political committee, political party, affiliated
71 | party committee, or electioneering communications organization,
72 | or organization exempt from taxation under s. 527 or s.
73 | 501(c)(4) of the Internal Revenue Code, who aids, abets,
74 | advises, or participates in a violation of any provision
75 | punishable under this paragraph commits a felony of the third

HB 707

2018

76 | degree, punishable as provided in s. 775.082, s. 775.083, or s.
77 | 775.084.

78 | (9)~~(8)~~ Except when otherwise provided in subsection
79 | (8)~~(7)~~, any person who knowingly and willfully violates any
80 | provision of this section shall, in addition to any other
81 | penalty prescribed by this chapter, pay to the state a sum equal
82 | to twice the amount contributed in violation of this chapter.
83 | Each campaign treasurer shall pay all amounts contributed in
84 | violation of this section to the state for deposit in the
85 | General Revenue Fund.

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