

By the Committees on Rules; and Ethics and Elections; and
Senator Rodrigues

595-03838-21

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1 A bill to be entitled
2 An act relating to campaign financing; amending s.
3 106.08, F.S.; providing a limitation on contributions
4 made to political committees sponsoring or opposing a
5 constitutional amendment proposed by initiative;
6 specifying conditions upon which the limitation no
7 longer applies; preempting counties, municipalities,
8 and other local governmental entities from enacting or
9 adopting any limitation or restriction involving
10 certain contributions and expenditures, or
11 establishing contribution limits different than those
12 established in the Florida Election Code; providing
13 applicability; amending s. 106.141, F.S.; prohibiting
14 a candidate from donating surplus funds to a
15 charitable organization that employs the candidate;
16 providing that any candidate required to dispose
17 surplus funds may give certain surplus funds to the
18 state or a political subdivision, to be disbursed in a
19 specified manner; providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:
22

23 Section 1. Paragraph (a) of subsection (1) of section
24 106.08, Florida Statutes, is amended, and subsection (11) is
25 added to that section, to read:

26 106.08 Contributions; limitations on.—

27 (1) (a) Except for political parties or affiliated party
28 committees, no person or political committee may, in any
29 election, make contributions in excess of the following amounts:

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30 1. To a candidate for statewide office or for retention as
31 a justice of the Supreme Court or to a political committee that
32 is the sponsor of or is in opposition to a constitutional
33 amendment proposed by initiative, \$3,000. However, the
34 limitation on contributions to such political committees no
35 longer applies once the Secretary of State has issued a
36 certificate of ballot position and a designating number for the
37 proposed amendment that the political committee is sponsoring or
38 opposing. Candidates for the offices of Governor and Lieutenant
39 Governor on the same ticket are considered a single candidate
40 for the purpose of this section.

41 2. To a candidate for retention as a judge of a district
42 court of appeal; a candidate for legislative office; a candidate
43 for multicounty office; a candidate for countywide office or in
44 any election conducted on less than a countywide basis; or a
45 candidate for county court judge or circuit judge, \$1,000.

46 (11) (a) A county, a municipality, or any other local
47 governmental entity is expressly preempted from enacting or
48 adopting:

49 1. Contribution limits that differ from the limitations
50 established in subsection (1);

51 2. Any limitation or restriction involving contributions to
52 a political committee or an electioneering communications
53 organization; or

54 3. Any limitation or restriction on expenditures for an
55 electioneering communication or an independent expenditure.

56 (b) Any existing or future limitation or restriction
57 enacted or adopted by a county, a municipality, or any other
58 local governmental entity which is in conflict with this

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59 subsection is void.

60 Section 2. Paragraph (a) of subsection (4) of section
61 106.141, Florida Statutes, is amended to read:

62 106.141 Disposition of surplus funds by candidates.—

63 (4) (a) Except as provided in paragraph (b), any candidate
64 required to dispose of funds pursuant to this section shall, at
65 the option of the candidate, dispose of such funds by any of the
66 following means, or any combination thereof:

67 1. Return pro rata to each contributor the funds that have
68 not been spent or obligated.

69 2. Donate the funds that have not been spent or obligated
70 to a charitable organization or organizations that meet the
71 qualifications of s. 501(c)(3) of the Internal Revenue Code,
72 except that the candidate may not be employed by the charitable
73 organization to which he or she donates the funds.

74 3. Give not more than \$25,000 of the funds that have not
75 been spent or obligated to the affiliated party committee or
76 political party of which such candidate is a member.

77 4. Give the funds that have not been spent or obligated:

78 a. ~~In the case of a candidate for state office,~~ To the
79 state, to be deposited in either the Election Campaign Financing
80 Trust Fund or the General Revenue Fund, as designated by the
81 candidate; or

82 b. ~~In the case of a candidate for an office of a political~~
83 ~~subdivision,~~ To a such political subdivision, to be deposited in
84 the general fund thereof.

85 Section 3. This act shall take effect July 1, 2021.