

HB 1187

2023

1 A bill to be entitled
2 An act relating to campaign finance; creating s.
3 106.38, F.S.; prohibiting a political committee from
4 transferring funds to another political committee;
5 amending s. 106.011, F.S.; revising the definition of
6 the term "contribution" to conform to changes made by
7 the act; amending s. 106.07, F.S.; conforming
8 provisions to changes made by the act; providing an
9 effective date.

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

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13 Section 1. Section 106.38, Florida Statutes, is created to
14 read:

15 106.38 Transfer of political committee funds.—A political
16 committee may not transfer funds to another political committee.

17 Section 2. Subsection (5) of section 106.011, Florida
18 Statutes, is amended to read:

19 106.011 Definitions.—As used in this chapter, the
20 following terms have the following meanings unless the context
21 clearly indicates otherwise:

22 (5) "Contribution" means:

23 (a) A gift, subscription, conveyance, deposit, loan,
24 payment, or distribution of money or anything of value,
25 including contributions in kind having an attributable monetary

26 | value in any form, made for the purpose of influencing the
 27 | results of an election or making an electioneering
 28 | communication.

29 | (b) A transfer of funds ~~between political committees,~~
 30 | between electioneering communications organizations or between
 31 | an electioneering communications organization and a political
 32 | committee, ~~or between any combination of these groups.~~

33 | (c) The payment, by a person other than a candidate or
 34 | political committee, of compensation for the personal services
 35 | of another person which are rendered to a candidate or political
 36 | committee without charge to the candidate or committee for such
 37 | services.

38 | (d) The transfer of funds by a campaign treasurer or
 39 | deputy campaign treasurer between a primary depository and a
 40 | separate interest-bearing account or certificate of deposit, and
 41 | the term includes interest earned on such account or
 42 | certificate.

43 |
 44 | Notwithstanding the foregoing meanings of "contribution," the
 45 | term may not be construed to include services, including, but
 46 | not limited to, legal and accounting services, provided without
 47 | compensation by individuals volunteering a portion or all of
 48 | their time on behalf of a candidate or political committee or
 49 | editorial endorsements.

50 | Section 3. Paragraph (a) of subsection (4) of section

51 106.07, Florida Statutes, is amended to read:

52 106.07 Reports; certification and filing.—

53 (4)(a) Except for daily reports, to which only the
 54 contributions provisions below apply, and except as provided in
 55 paragraph (b), each report required by this section must
 56 contain:

57 1. The full name, address, and occupation, if any, of each
 58 person who has made one or more contributions to or for such
 59 committee or candidate within the reporting period, together
 60 with the amount and date of such contributions. For
 61 corporations, the report must provide as clear a description as
 62 practicable of the principal type of business conducted by the
 63 corporation. However, if the contribution is \$100 or less or is
 64 from a relative, as defined in s. 112.312, provided that the
 65 relationship is reported, the occupation of the contributor or
 66 the principal type of business need not be listed.

67 2. The name and address of each political committee from
 68 which ~~the reporting committee or~~ the candidate received, or to
 69 which the ~~reporting committee or~~ candidate made, any transfer of
 70 funds, together with the amounts and dates of all transfers.

71 3. Each loan for campaign purposes to or from any person
 72 or political committee within the reporting period, together
 73 with the full names, addresses, and occupations, and principal
 74 places of business, if any, of the lender and endorsers, if any,
 75 and the date and amount of such loans.

76 4. A statement of each contribution, rebate, refund, or
77 other receipt not otherwise listed under subparagraphs 1.
78 through 3.

79 5. The total sums of all loans, in-kind contributions, and
80 other receipts by or for such committee or candidate during the
81 reporting period. The reporting forms must ~~shall~~ be designed to
82 elicit separate totals for in-kind contributions, loans, and
83 other receipts.

84 6. The full name and address of each person to whom
85 expenditures have been made by or on behalf of the committee or
86 candidate within the reporting period; the amount, date, and
87 purpose of each such expenditure; and the name and address of,
88 and office sought by, each candidate on whose behalf such
89 expenditure was made. However, expenditures made from the petty
90 cash fund provided by s. 106.12 need not be reported
91 individually.

92 7. The full name and address of each person to whom an
93 expenditure for personal services, salary, or reimbursement for
94 authorized expenses as provided in s. 106.021(3) has been made
95 and which is not otherwise reported, including the amount, date,
96 and purpose of such expenditure. However, expenditures made from
97 the petty cash fund provided for in s. 106.12 need not be
98 reported individually. Receipts for reimbursement for authorized
99 expenditures must ~~shall~~ be retained by the treasurer along with
100 the records for the campaign account.

101 8. The total amount withdrawn and the total amount spent
 102 for petty cash purposes pursuant to this chapter during the
 103 reporting period.

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

106 10. The amount and nature of debts and obligations owed by
 107 or to the committee or candidate, which relate to the conduct of
 108 any political campaign.

109 11. Transaction information for each credit card purchase.
 110 Receipts for each credit card purchase must ~~shall~~ be retained by
 111 the treasurer with the records for the campaign account.

112 12. The amount and nature of any separate interest-bearing
 113 accounts or certificates of deposit and identification of the
 114 financial institution in which such accounts or certificates of
 115 deposit are located.

116 13. The primary purposes of an expenditure made indirectly
 117 through a campaign treasurer pursuant to s. 106.021(3) for goods
 118 and services such as communications media placement or
 119 procurement services, campaign signs, insurance, and other
 120 expenditures that include multiple components as part of the
 121 expenditure. The primary purpose of an expenditure is ~~shall be~~
 122 that purpose, including integral and directly related
 123 components, that comprises 80 percent of such expenditure.

124 Section 4. This act shall take effect July 1, 2023.