

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Rules Subcommittee on Ethics and Elections

BILL: CS/SB 1690

INTRODUCER: Rules Subcommittee on Ethics and Elections and Senator Diaz de la Portilla

SUBJECT: Campaign Contributions

DATE: March 21, 2011      REVISED: \_\_\_\_\_

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------|
| 1. | Seay    | Roberts        | EE        | Fav/CS |
| 2. |         |                | RC        |        |
| 3. |         |                | BC        |        |
| 4. |         |                |           |        |
| 5. |         |                |           |        |
| 6. |         |                |           |        |

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

Committee Substitute for Senate Bill 1690 revises the limitations on contributions made to certain candidates and political committees. The bill proposes a tiered system of campaign contribution limitations; similar to what Florida has followed in the past. The bill provides that if a candidate withdraws his or her candidacy from one office to an office with a lower contribution limit; the candidate must dispose of any amount exceeding the contribution limit for the new office. The bill reenacts other sections to incorporate cross-references.

The bill provides an effective date of July 1, 2011.

This bill substantially amends ss. 106.08 and 106.021 and reenacts ss. 106.04(5), 106.075(2), 106.08(1)(b)-(c), 106.19, and 106.29 of the Florida Statutes.

**II. Present Situation:**

In 1991, the Legislature lowered campaign contributions to a \$500 limit to any candidate for election to or retention in office or to any political committee supporting or opposing one or

more candidates.<sup>1</sup> Political parties are not subject to the \$500 limit on campaign contributions.<sup>2</sup> Previously, Florida followed a “tiered” approach in regard to campaign contributions. An individual, political committee, or committee of continuous existence were permitted to contribute up to \$ 3,000 for candidates for statewide office; up to \$2,000 for merit retention of a judge on a district court of appeal; and up to \$1,000 for all other elected offices and to a political committee supporting or opposing one or more candidates.<sup>3</sup>

According to the National Conference of State Legislatures (NCSL), there is a high degree of variability among individual states and their campaign contribution limits. Many states have no limit on how much an individual or political committee may contribute to a campaign – including Alabama, Indiana, Iowa, Mississippi, Missouri, Oregon, Pennsylvania, Texas, Utah and Virginia.<sup>4</sup> Florida, the fourth-most populous state in the country, has the fourth lowest campaign contribution limit among all states. Only three other states – Colorado, Connecticut, and Maine – have lower campaign contribution limits than Florida.<sup>5</sup> As a result, some have suggested that Florida’s campaign contribution limits are “unrealistically low.”<sup>6</sup> In contrast to Florida, neighboring Georgia has a smaller population and more legislative seats (180 house seats and 56 senate seats) – but allows campaign contributions for legislative races up to \$2,000 for primary and general elections and up to \$1,000 for primary and general election runoffs.<sup>7</sup>

### III. Effect of Proposed Changes:

The committee substitute revises the limitations on contributions made to certain candidates and political committees. The section re-adopts a tiered approach to campaign contribution limits, similar to what existed in Florida prior to 1991. The bill maintains that the contribution limits apply separately to primary and general elections.

The new tiered approach proposes that individuals, political committees, or committees of continuous existence may contribute:

- Up to \$10,000 to a candidate for the offices of Governor and Lieutenant Governor, or any political committee supporting or opposing only such candidates. The bill maintains that candidates for the offices of Governor and Lieutenant Governor are considered a single candidate for the purpose of this section.
- Up to \$5,000 to a candidate for statewide office other than the offices of Governor and Lieutenant Governor, or any political committee supporting or opposing only such candidates (such as a candidate for Attorney General, Chief Financial Officer, or Commissioner of Agriculture).
- Up to \$2,500 to a candidate for legislative or multicounty office, or any political committee supporting or opposing only such candidates.

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<sup>1</sup> Section 106.08(1)(a), F.S.; *see also* s. 11, ch. 91-107, LAWS OF FLORIDA.

<sup>2</sup> Section 106.08(1)(a), F.S.

<sup>3</sup> s. 11, ch. 91-107, LAWS OF FLORIDA.

<sup>4</sup> State Limits on Contributions to Candidates, National Conference of State Legislatures, *available at* [http://www.ncsl.org/Portals/1/documents/legismgt/limits\\_candidates.pdf](http://www.ncsl.org/Portals/1/documents/legismgt/limits_candidates.pdf).

<sup>5</sup> *Id.*

<sup>6</sup> Michael Bender, *The dollars are hard to track*, ST. PETERSBURG TIMES, Feb. 27, 2011, *available at* <http://www.tampabay.com/news/politics/elections/article1153703.ece>; *see also* Bill Cotterell, *McCollum wants to loosen financing limits*, TALLAHASSEE DEMOCRAT, Aug. 12, 2010.

<sup>7</sup> O.C.G.A. § 21-5-41 (2011).

- Up to \$1,000 to a candidate for countywide office or any election conducted on a less than countywide basis; a candidate for county court judge or circuit judge; a candidate for retention as a judge of a district court of appeal or as a justice of the Supreme Court; or any political committee supporting or opposing only such candidates.
- If a political committee supports or opposes two or more candidates that are subject to different contribution limitations, the lowest of such contribution limitations applies.

The bill also requires candidates who withdraw their candidacy from an office to an office with a lower contribution limit to dispose of any amount exceeding the contribution limit for the new office.

The bill reenacts other sections to incorporate cross-references.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

The committee substitute adds an amendment to s. 106.021, F.S. to require candidates who withdraw their candidacy from one office to an office with a lower contribution limit to dispose of any amount exceeding the contribution limit for the new office. The committee substitute also reenacts additional sections to incorporate cross-references.

**B. Amendments:**

None.