

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Wiles offered the following:

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13 **Amendment to Amendment (412611) (with title amendment)**

14 On page 52, between lines 25 and 26,

15

16 insert:

17 Section 48. Subsection (3) of section 106.021, Florida
18 Statutes, is amended to read:

19 106.021 Campaign treasurers; deputies; primary and
20 secondary depositories.--

21 (3) Except for independent expenditures, no
22 contribution or expenditure, including contributions or
23 expenditures of a candidate or of the candidate's family,
24 shall be directly or indirectly made or received in
25 furtherance of the candidacy of any person for nomination or
26 election to political office in the state or on behalf of any
27 political committee except through the duly appointed campaign
28 treasurer of the candidate or political committee. ~~However,~~
29 ~~expenditures may be made directly by any political committee~~
30 ~~or political party regulated by chapter 103 for obtaining~~
31 ~~time, space, or services in or by any communications medium~~

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1 ~~for the purpose of jointly endorsing three or more candidates,~~
2 ~~and any such expenditure shall not be considered a~~
3 ~~contribution or expenditure to or on behalf of any such~~
4 ~~candidates for the purposes of this chapter.~~

5 Section 49. Subsection (2) through (9) of section
6 106.08, Florida Statutes, are renumbered as subsections (3)
7 through (10), newly renumbered sections (3), (8) and (9) are
8 amended and a new subsection (2) is added to said section to
9 read:

10 (2) A person, political committee, or committee of
11 continuous existence may not make contributions to the state
12 and county executive committees of a political party,
13 including any subordinate committee of a state or county
14 executive committee of a political party, which contributions,
15 including in-kind contributions, in the aggregate in any
16 calendar year exceed \$5,000.

17 (3)(2)(a) A candidate may not accept contributions
18 from national, state, including any subordinate committee of a
19 national, state, or county committee of a political party, and
20 county executive committees of a political party, including
21 any subordinate committee of a national, state, or county
22 executive committee of a political party, which contributions,
23 including in-kind contributions, in the aggregate exceed
24 \$50,000, no more than \$25,000 of which may be accepted prior
25 to the 28-day period immediately preceding the date of the
26 general election.

27 ~~(b) Polling services, research services, costs for~~
28 ~~campaign staff, professional consulting services, and~~
29 ~~telephone calls are not contributions to be counted toward the~~
30 ~~contribution limits of paragraph (a). Any item not expressly~~
31 ~~identified in this paragraph as nonallocable is a contribution~~

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1 ~~in an amount equal to the fair market value of the item and~~
2 ~~must be counted as allocable toward the \$50,000 contribution~~
3 ~~limits of paragraph (a). Nonallocable, in-kind contributions~~
4 ~~must be reported by the candidate under s. 106.07 and by the~~
5 ~~political party under s. 106.29.~~

6 (4)(3)(a) Any contribution received by a candidate
7 with opposition in an election or by the campaign treasurer or
8 a deputy campaign treasurer of such a candidate on the day of
9 that election or less than 5 days prior to the day of that
10 election must be returned by him or her to the person or
11 committee contributing it and may not be used or expended by
12 or on behalf of the candidate.

13 (b) Except as otherwise provided in paragraph (c), any
14 contribution received by a candidate or by the campaign
15 treasurer or a deputy campaign treasurer of a candidate after
16 the date at which the candidate withdraws his or her
17 candidacy, or after the date the candidate is defeated,
18 becomes unopposed, or is elected to office must be returned to
19 the person or committee contributing it and may not be used or
20 expended by or on behalf of the candidate.

21 (c) With respect to any campaign for an office in
22 which an independent or minor party candidate has filed as
23 required in s. 99.0955 or s. 99.096, but whose qualification
24 is pending a determination by the Department of State or
25 supervisor of elections as to whether or not the required
26 number of petition signatures was obtained:

27 1. The department or supervisor shall, no later than 3
28 days after that determination has been made, notify in writing
29 all other candidates for that office of that determination.

30 2. Any contribution received by a candidate or the
31 campaign treasurer or deputy campaign treasurer of a candidate

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1 after the candidate has been notified in writing by the
2 department or supervisor that he or she has become unopposed
3 as a result of an independent or minor party candidate failing
4 to obtain the required number of petition signatures shall be
5 returned to the person, political committee, or committee of
6 continuous existence contributing it and shall not be used or
7 expended by or on behalf of the candidate.

8 (5)~~(4)~~ Any contribution received by the chair,
9 campaign treasurer, or deputy campaign treasurer of a
10 political committee supporting or opposing a candidate with
11 opposition in an election or supporting or opposing an issue
12 on the ballot in an election on the day of that election or
13 less than 5 days prior to the day of that election may not be
14 obligated or expended by the committee until after the date of
15 the election.

16 (6)~~(5)~~ A person may not make any contribution through
17 or in the name of another, directly or indirectly, in any
18 election. Candidates, political committees, and political
19 parties may not solicit contributions from or make
20 contributions to any religious, charitable, civic, or other
21 causes or organizations established primarily for the public
22 good. However, it is not a violation of this subsection for a
23 candidate, political committee, or political party executive
24 committee to make gifts of money in lieu of flowers in memory
25 of a deceased person or for a candidate to continue membership
26 in, or make regular donations from personal or business funds
27 to, religious, political party, civic, or charitable groups of
28 which the candidate is a member or to which the candidate has
29 been a regular donor for more than 6 months. A candidate may
30 purchase, with campaign funds, tickets, admission to events,
31 or advertisements from religious, civic, political party, or

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1 charitable groups.

2 ~~(7)(6)~~ A political party may not accept any
3 contribution which has been specifically designated for the
4 partial or exclusive use of a particular candidate. Any
5 contribution so designated must be returned to the contributor
6 and may not be used or expended by or on behalf of the
7 candidate.

8 ~~(8)(7)~~(a) Any person who knowingly and willfully makes
9 no more than one contribution in violation of subsection (1),
10 subsection (2), or subsection~~(6)(5)~~, or any person who
11 knowingly and willfully fails or refuses to return any
12 contribution as required in subsection~~(4)(3)~~, commits a
13 misdemeanor of the first degree, punishable as provided in s.
14 775.082 or s. 775.083. If any corporation, partnership, or
15 other business entity or any political party, political
16 committee, or committee of continuous existence is convicted
17 of knowingly and willfully violating any provision punishable
18 under this paragraph, it shall be fined not less than \$1,000
19 and not more than \$10,000. If it is a domestic entity, it may
20 be ordered dissolved by a court of competent jurisdiction; if
21 it is a foreign or nonresident business entity, its right to
22 do business in this state may be forfeited. Any officer,
23 partner, agent, attorney, or other representative of a
24 corporation, partnership, or other business entity or of a
25 political party, political committee, or committee of
26 continuous existence who aids, abets, advises, or participates
27 in a violation of any provision punishable under this
28 paragraph commits a misdemeanor of the first degree,
29 punishable as provided in s. 775.082 or s. 775.083.

30 (b) Any person who knowingly and willfully makes two
31 or more contributions in violation of subsection (1),

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1 subsection (2), or subsection (6), or any combination thereof,
2 ~~(5)~~ commits a felony of the third degree, punishable as
3 provided in s. 775.082, s. 775.083, or s. 775.084. If any
4 corporation, partnership, or other business entity or any
5 political party, political committee, or committee of
6 continuous existence is convicted of knowingly and willfully
7 violating any provision punishable under this paragraph, it
8 shall be fined not less than \$10,000 and not more than
9 \$50,000. If it is a domestic entity, it may be ordered
10 dissolved by a court of competent jurisdiction; if it is a
11 foreign or nonresident business entity, its right to do
12 business in this state may be forfeited. Any officer,
13 partner, agent, attorney, or other representative of a
14 corporation, partnership, or other business entity, or of a
15 political committee, committee of continuous existence, or
16 political party who aids, abets, advises, or participates in a
17 violation of any provision punishable under this paragraph
18 commits a felony of the third degree, punishable as provided
19 in s. 775.082, s. 775.083, or s. 775.084.

20 (9)~~(8)~~ Except when otherwise provided in subsection
21 (8)~~(7)~~, any person who knowingly and willfully violates any
22 provision of this section shall, in addition to any other
23 penalty prescribed by this chapter, pay to the state a sum
24 equal to twice the amount contributed in violation of this
25 chapter. Each campaign treasurer shall pay all amounts
26 contributed in violation of this section to the state for
27 deposit in the General Revenue Fund.

28 (10)~~(9)~~ This section does not apply to the transfer of
29 funds between a primary campaign depository and a savings
30 account or certificate of deposit or to any interest earned on
31 such account or certificate.

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1 Section 50. For the purpose of incorporating the
2 amendment to section 106.08, Florida Statutes, in a reference
3 thereto, paragraph (a) of subsection (1) of section 106.19,
4 Florida Statutes, is reenacted to read:

5 106.19 Violations by candidates, persons connected
6 with campaigns, and political committees.--

7 (1) Any candidate; campaign manager, campaign
8 treasurer, or deputy treasurer of any candidate; committee
9 chair, vice chair, campaign treasurer, deputy treasurer, or
10 other officer of any political committee; agent or person
11 acting on behalf of any candidate or political committee; or
12 other person who knowingly and willfully:

13 (a) Accepts a contribution in excess of the limits
14 prescribed by s. 106.08;

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16 is guilty of a misdemeanor of the first degree, punishable as
17 provided in s. 775.082 or s. 775.083.

18 Section 51. Section 106.087, Florida Statutes, is
19 amended to read:

20 106.087 Independent expenditures; contribution limits;
21 restrictions on political parties, ~~political committees, and~~
22 ~~committees of continuous existence.--~~

23 (1)~~(a)~~ As a condition of receiving a rebate of filing
24 fees and party assessment funds pursuant to s. 99.061(2), s.
25 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
26 treasurer of a state or county executive committee shall take
27 and subscribe to an oath or affirmation in writing. During the
28 qualifying period for state candidates and prior to
29 distribution of such funds, a printed copy of the oath or
30 affirmation shall be filed with the Secretary of State and
31 shall be substantially in the following form:

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State of Florida
County of....

Before me, an officer authorized to administer oaths, personally appeared ...(name)..., to me well known, who, being sworn, says that he or she is the ...(title)... of the ...(name of party)... ...(state or specified county)... executive committee; that the executive committee has not made, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official in the prior 6 months; that the executive committee will not make, either directly or indirectly, an independent expenditure in support of or opposition to a candidate or elected public official, through and including the upcoming general election; and that the executive committee will not violate the contribution limits applicable to candidates under s. 106.08~~(3)~~⁽²⁾, Florida Statutes.

...(Signature of committee officer)...
...(Address)...

Sworn to and subscribed before me this day of,
...(year)..., at County, Florida.

...(Signature and title of officer administering oath)...

~~(2)~~^(b) Any executive committee found to have violated the provisions of the oath or affirmation in this section prior to receiving funds shall be ineligible to receive the rebate for that general election year.

~~(3)~~^(c) Any executive committee found to have violated the provisions of the oath or affirmation in this section

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1 after receiving funds shall be ineligible to receive the
2 rebate from candidates qualifying for the following general
3 election cycle.

4 (4)(d) Any funds not distributed to the state or
5 county executive committee pursuant to this section shall be
6 deposited into the General Revenue Fund of the state.

7 ~~(2)(a) Any political committee or committee of~~
8 ~~continuous existence that accepts the use of public funds,~~
9 ~~equipment, personnel, or other resources to collect dues from~~
10 ~~its members agrees not to make independent expenditures in~~
11 ~~support of or opposition to a candidate or elected public~~
12 ~~official. However, expenditures may be made for the sole~~
13 ~~purpose of jointly endorsing three or more candidates.~~

14 ~~(b) Any political committee or committee of continuous~~
15 ~~existence that violates this subsection is liable for a civil~~
16 ~~fine of up to \$5,000 to be determined by the Florida Elections~~
17 ~~Commission or the entire amount of the expenditures, whichever~~
18 ~~is greater.~~

19 Section 52. Subsection (6) of section 106.29, Florida
20 Statutes, is amended to read:

21 106.29 Reports by political parties; restrictions on
22 contributions and expenditures; penalties.--

23 (6)(a) The national, state, and county executive
24 committees of a political party, including any subordinate
25 committee of a national, state, or county executive committee
26 of a political party, may not contribute to any candidate any
27 amount in excess of the limits contained in s. 106.08(3)(2),
28 ~~and all contributions required to be reported under s.~~
29 ~~106.08(2) by the national executive committee of a political~~
30 ~~party shall be reported by the state executive committee of~~
31 ~~that political party.~~

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1 (b) A violation of the contribution limits contained
 2 in s. 106.08~~(3)~~⁽²⁾ is a misdemeanor of the first degree,
 3 punishable as provided in s. 775.082 or s. 775.083. A civil
 4 penalty equal to three times the amount in excess of the
 5 limits contained in s. 106.08~~(3)~~⁽²⁾ shall be assessed against
 6 any executive committee found in violation thereof.

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 56, line 15,

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13 after the semicolon, insert:

14 amending s. 106.021, F.S.; eliminating a
 15 provision that authorizes the unrestricted
 16 expenditure of funds for the purpose of jointly
 17 endorsing three or more candidates; amending s.
 18 106.08, F.S.; providing limits on contributions
 19 to a political party; revising a provision
 20 relating to restrictions on contributions to a
 21 candidate by a political party; providing
 22 penalties; reenacting s. 106.19(1)(a), F.S.,
 23 relating to penalties applicable to acceptance
 24 of contributions in excess of the limits
 25 provided by law, to incorporate the amendment
 26 to s. 106.08, F.S., in a reference thereto;
 27 amending s. 106.087, F.S.; eliminating a
 28 provision that prohibits certain political
 29 committees and committees of continuous
 30 existence from making independent expenditures
 31 in support of or opposition to a candidate or

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1 elected public official; amending s. 106.29,
2 F.S.; requiring subordinate and executive
3 committees of a political party to adhere to
4 contribution limits for political parties;
5 providing penalties;
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