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CS/CS/HB 921, Engrossed 1

2022 Legislature

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 2 An act relating to campaign financing; amending s.
 3 106.08, F.S.; providing applicability of a limitation
 4 on certain political contributions; providing a
 5 definition; providing that a foreign national may not
 6 make or offer to make certain contributions or
 7 expenditures; amending s. 106.113, F.S.; revising
 8 limitations on the use or acceptance of public funds
 9 for certain political advertisements or communications
 10 by a local government or a person acting on behalf of
 11 a local government; revising applicability; providing
 12 for construction; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (a) of subsection (1) of section
 17 106.08, Florida Statutes, is amended, and subsection (12) is
 18 added to that section, to read:

19 106.08 Contributions; limitations on.—

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

23 1. To a candidate for statewide office or for retention as
 24 a justice of the Supreme Court, \$3,000. Candidates for the
 25 offices of Governor and Lieutenant Governor on the same ticket

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26 are considered a single candidate for the purpose of this
 27 subparagraph.

28 2. ~~or~~ To a political committee that is the sponsor of or
 29 is in opposition to a constitutional amendment proposed by
 30 initiative, \$3,000. This limitation applies only to persons who
 31 are not residents of the state and to political committees that
 32 have not registered an office under this chapter using a street
 33 address located within the state. However, the limitation on
 34 contributions to such political committees no longer applies
 35 once the Secretary of State has issued a certificate of ballot
 36 position and a designating number for the proposed amendment
 37 that the political committee is sponsoring or opposing.
 38 ~~Candidates for the offices of Governor and Lieutenant Governor~~
 39 ~~on the same ticket are considered a single candidate for the~~
 40 ~~purpose of this section.~~

41 3.2. 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 (12) (a)1. For purposes of this subsection, the term
 47 "foreign national" means:

- 48 a. A foreign government;
- 49 b. A foreign political party;

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50 c. A foreign corporation, partnership, association,
 51 organization, or other combination of persons organized under
 52 the laws of or having its principal place of business in a
 53 foreign country;
 54 d. A person with foreign citizenship; or
 55 e. A person who is not a citizen or national of the United
 56 States and is not lawfully admitted to the United States for
 57 permanent residence.
 58 2. The term does not include:
 59 a. A person who is a dual citizen or dual national of the
 60 United States and a foreign country.
 61 b. A domestic subsidiary of a foreign corporation,
 62 partnership, association, organization, or other combination of
 63 persons organized under the laws or having its principal place
 64 of business in a foreign country if:
 65 (I) The donations and disbursements used toward a
 66 contribution or an expenditure are derived entirely from funds
 67 generated by the subsidiary's operations in the United States;
 68 and
 69 (II) All decisions concerning donations and disbursements
 70 used toward a contribution or an expenditure are made by
 71 individuals who either hold United States citizenship or are
 72 permanent residents of the United States. For purposes of this
 73 sub-sub-subparagraph, decisions concerning donations and
 74 disbursements do not include decisions regarding the

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75 subsidiary's overall budget for contributions or expenditures in
 76 connection with an election.

77 (b) A foreign national may not make or offer to make,
 78 directly or indirectly, a contribution or expenditure in
 79 connection with any election held in the state.

80 Section 2. Subsection (2) of section 106.113, Florida
 81 Statutes, is amended to read:

82 106.113 Expenditures by local governments.—

83 (2) A local government or a person acting on behalf of
 84 local government may not expend or authorize the expenditure of,
 85 and a person or group may not accept, public funds for a
 86 political advertisement or any other ~~electioneering~~
 87 communication sent to electors concerning an issue, referendum,
 88 or amendment, including any state question, that is subject to a
 89 vote of the electors. This subsection applies ~~does not apply~~ to
 90 a ~~an electioneering~~ communication initiated by ~~from~~ a local
 91 government or a person acting on behalf of a local government,
 92 irrespective of whether the communication ~~which~~ is limited to
 93 factual information or advocates for the passage or defeat of an
 94 issue, referendum, or amendment. This subsection does not
 95 preclude a local government or a person acting on behalf of a
 96 local government from reporting on official actions of the local
 97 government's governing body in an accurate, fair, and impartial
 98 manner; posting factual information on a government website or
 99 in printed materials; hosting and providing information at a

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100 | public forum; providing factual information in response to an
101 | inquiry; or providing information as otherwise authorized or
102 | required by law.

103 | Section 3. This act shall take effect July 1, 2022.