

STORAGE NAME: h0589.er

DATE: January 5, 2000

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ELECTION REFORM
ANALYSIS**

BILL #: HB 589

RELATING TO: Illegal Campaign Contributions

SPONSOR(S): Representative Henriquez

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ELECTION REFORM (PRC)
 - (2) CRIME AND PUNISHMENT (CJCC)
 - (3) GOVERNMENT OPERATIONS (PRC)
 - (4) CRIMINAL JUSTICE APPROPRIATIONS (FRC)
 - (5)
-

I. SUMMARY:

HB 589 provides expanded penalties associated with political contributions made or accepted in cash or by cashier's check. Current law provides a first degree misdemeanor penalty for anyone who makes or accepts a contribution by cash or cashier's check over \$100. This bill seeks to provide more stringent penalties associated with graduated illegal contributions in contravention of the Election Code.

This bill does not appear to have a significant fiscal impact on state or local governments.

This bill has an effective date of July 1, 2000.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Current law prohibits a person from making or accepting campaign contributions in cash or by cashier's check in excess of \$100. [s. 106.09, F.S. (1999)]. The law as currently written provides the same penalty for violating this section irrespective of the amount of the illegal contribution.

A violation of this section constitutes a first degree misdemeanor punishable by a prison term not to exceed one year and a \$1000 fine. [s. 775.082, F.S., (1999) and 775.083, F.S. (1999)].

C. EFFECT OF PROPOSED CHANGES:

This bill provides penalties associated with a graduated progression of contributions made in violation of s. 106.09, F.S., as follows:

- ▶ Contributions between \$100 and \$300 remain a first degree misdemeanor.
- ▶ Contributions between \$300 and \$20,000 constitute a third degree felony.
- ▶ Contributions between \$20,000 and \$100,000 constitute a second degree felony.
- ▶ Contributions over \$100,000 constitute a first degree felony.

Corresponding penalties for the above violations are as follows:

- ▶ First degree misdemeanor: Up to one year in prison and a \$1,000 fine.
- ▶ Third degree felony: Up to five years in prison and a \$5,000 fine.
- ▶ Second degree felony: Up to 15 years in prison and a \$10,000 fine.
- ▶ First degree felony: Up to 30 years in prison and a \$10,000 fine.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

To the extent that increased fines associated with the graduated penalties for illegal contribution may be imposed, the state may receive increased revenue.

2. Expenditures:

Expenditures associated with prosecuting cases with graduated penalties should be inconsequential.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Please see response above.

2. Expenditures:

Please see response above.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

Please see response above.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

Please see response above.

V. COMMENTS:

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A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

Staff Director:

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