

STORAGE NAME: h0589s1a.cp

DATE: April 4, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
CRIME & PUNISHMENT
ANALYSIS**

BILL #: CS/HB 589

RELATING TO: Illegal Campaign Contributions

SPONSOR(S): Committee on Election Reform and Representative Henriquez

TIED BILL(S): None

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

- (1) ELECTION REFORM (PRC) YEAS 9 NAYS 0
- (2) CRIME & PUNISHMENT YEAS 6 NAYS 0
- (3) GOVERNMENT OPERATIONS (PRC)
- (4) CRIMINAL JUSTICE APPROPRIATIONS (FRC)
- (5)

I. SUMMARY:

Current law provides a first degree misdemeanor penalty for anyone who makes or accepts a contribution by cash or cashier's check over \$100. CS/HB 589 makes it a third degree felony to make or accept a cash contribution in excess of \$5,000.

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 provides the same penalty for violating this section regardless 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 that any person who makes or accepts a cash contribution in excess of \$100 but not more than \$5,000 commits a first degree misdemeanor, punishable by up to one year in prison and a \$1,000 fine. Any person who knowingly and willfully makes or accepts a contribution of more than \$5,000 is guilty of a third degree felony, punishable by up to five years in prison.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Provides increased penalties for making certain illegal campaign contributions.

Section 2: Provides effective date.

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:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

STORAGE NAME: h0589s1a.cp

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PAGE 4

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

HB 589 originally provided for the following graduated penalties:

- Any person who makes or accepts a cash contribution in an amount more than \$100 but less than \$300 in cash commits a first degree misdemeanor.
- Any person who makes or accepts a cash contribution in an amount of \$300 or more but less than \$20,000 commits a third degree felony.
- Any person who makes or accepts a cash contribution in an amount of \$20,000 or more but less than \$100,000 commits a second degree felony.
- Any person who makes or accepts a cash contribution in an amount of \$100,000 or more commits a first degree felony.

The House Committee on Election Reform adopted a "strike everything" amendment to HB 589 and the bill as amended was made a committee substitute.

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

Staff Director:

R. Michael Paredes

Dawn K. Roberts

AS REVISED BY THE COMMITTEE ON CRIME & PUNISHMENT:

Prepared by:

Staff Director:

Trina Kramer

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