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TO:	Omichele Gainey, City Clerk Mayor and City Commissioners
FROM:	Daniel Nee, Litigation Attorney
DATE:	September 23, 2021
SUBJECT	Campaign Contribution Limits in City Elections

In the recent legislative session, the Florida Legislature passed SB 1890 which, in part, amended Florida Statute section 106.08, effective July 1, 2021. In relevant part, the amendment to section 106.08 states:

- (11)(a) A county, a municipality, or any other local governmental entity is expressly preempted from enacting or adopting:
1. Contribution limits that differ from the limitations established in subsection (1);
 2. Any limitation or restriction involving contributions to a political committee or an electioneering communications organization; or
 3. Any limitation or restriction on expenditures for an electioneering communication or an independent expenditure.
- (b) Any existing or future limitation or restriction enacted or adopted by a county, a municipality, or any other local governmental entity which is in conflict with this subsection is void.

106.08(1)(a)2 provides the campaign contribution limit for any person or political committee to any “candidate for countywide office or in any election conducted on less than a countywide basis,” is \$1,000.

Section 9-11 of the City of Gainesville Code of Ordinances contains a campaign contribution limit of \$250 per election per person in City elections. That limit, being different from the limit established in Florida Statute section 106.08(1), now appears to be void. In response, this Office intends to bring a proposed Ordinance to the City Commission for approval (along with other proposed amendments addressing recent Charter amendments).

This office is not empowered to provide legal advice or counsel to candidates or political campaigns, but would merely direct them to the Florida Election Code contained in Florida Statutes Chapters 97 through 106, along with the City’s Charter and Code of Ordinances Chapter 9.