

1 A bill to be entitled
2 An act relating to political advertisements;
3 creating s. 106.1433, F.S.; providing
4 requirements for use of changed images in
5 political advertisements; providing
6 definitions; providing penalties; providing an
7 effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 106.1433, Florida Statutes, is
12 created to read:

13 106.1433 Use of changed images in political
14 advertisements; requirements; definitions; penalties.--

15 (1) A political advertisement that includes a picture
16 in which a political candidate's or elected official's
17 physical appearance has been changed must obtain a written
18 authorization by the candidate or the elected official whose
19 picture has been changed. In lieu of such an authorization,
20 the advertisement must contain a statement that the physical
21 appearance of the person has been changed and that the
22 candidate or the elected public official using the picture has
23 seen the changed picture and approved its use in that
24 advertisement.

25 (2) Any person or organization using a political
26 advertisement that includes a changed picture of a
27 candidate's or elected public official's physical appearance
28 must provide a written statement to the communications medium
29 responsible for publishing, displaying, broadcasting, or
30 otherwise distributing the advertisement, indicating that the
31 candidate or elected public official in the picture has

1 authorized in writing its use in that advertisement. In lieu
2 of such a written statement, a person or organization using a
3 political advertisement that includes a changed picture must
4 provide a written statement to the communications medium
5 responsible for publishing, displaying, broadcasting, or
6 otherwise distributing the advertisement indicating that the
7 candidate's or elected public official's physical appearance
8 has been changed.

9 (3) For the purposes of this section, the term:

10 (a) "Picture" means a photographic image, an image on
11 motion picture film or videotape, or a digital image.

12 (b) "Changed" means changed from the original image,
13 but does not include any reproduction, cropping, contrasting,
14 or color correcting.

15 (4)(a) Any person or organization that fails to comply
16 with subsection (1) or subsection (2) is subject to a one-time
17 fine of up to \$2,500.

18 (b) The Florida Elections Commission shall determine
19 and assess all fines under this section, and all fines
20 collected under this section shall be deposited in the
21 Elections Commission Trust Fund.

22 Section 2. This act shall take effect January 1 of the
23 year after the year in which enacted.
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