

By Representative Crow

1 A bill to be entitled
 2 An act relating to elections; amending s.
 3 106.143, F.S.; providing conditions for
 4 political advertisements; providing additional
 5 requirements for specified political
 6 advertisements; providing a penalty; creating
 7 s. 106.1431, F.S.; requiring specific
 8 disclosures during telephone calls made in
 9 relation to a candidate, ballot proposal, or
 10 political organization; providing conditions
 11 for telephone solicitations; providing a
 12 penalty; creating s. 106.1432, F.S.; requiring
 13 the appointment of a registered agent for a
 14 person providing political campaign services or
 15 products before that person conducts business;
 16 requiring the filing of such appointment with
 17 the Division of Elections of the Department of
 18 State; providing a penalty; creating s.
 19 106.1433, F.S.; requiring disclosure of
 20 messages accessible by computer or other
 21 medium; providing an effective date.

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

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 25 Section 1. Section 106.143, Florida Statutes, is
 26 amended to read:
 27 106.143 Political advertisements circulated prior to
 28 election; requirements.--

29 (1) Any political advertisement and any campaign
 30 literature published, displayed, or circulated prior to, or on
 31 the day of, any election shall:

1 (a) Be marked "paid political advertisement" or with
2 the abbreviation "pd. pol. adv."

3 (b) Identify the persons or organizations sponsoring
4 the advertisement.

5 (c)1.

6 a. State whether the advertisement and the cost of
7 production is paid for or provided in kind by or at the
8 expense of the entity publishing, displaying, broadcasting, or
9 circulating the political advertisement; or

10 b. State who provided or paid for the advertisement
11 and cost of production, if different from the source of
12 sponsorship.

13 2. This paragraph shall not apply if the source of the
14 sponsorship is patently clear from the content or format of
15 the political advertisement or campaign literature.

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17 This subsection does not apply to campaign messages used by a
18 candidate and the candidate's ~~his or her~~ supporters if those
19 ~~which~~ messages are designed to be worn by a person.

20 (2) Any political advertisement of a candidate running
21 for partisan office ~~in any election~~ shall express the name of
22 the political party of which the candidate is seeking
23 nomination or is the nominee. If the candidate for partisan
24 office is running as an independent candidate, any political
25 advertisement of the candidate must state that the candidate
26 is an independent candidate. Any political advertisement
27 endorsing the candidate shall expressly state whether the
28 permission of the candidate has been obtained to advertise
29 such endorsement.

30 (3) It is unlawful for any candidate or person on
31 behalf of a candidate to represent that any person or

1 organization supports such candidate, unless the person or
2 organization so represented has given specific approval in
3 writing to the candidate to make such representation.
4 However, this subsection ~~section~~ does not apply to:
5 (a) Editorial endorsement by any newspaper, radio or
6 television station, or other recognized news medium.
7 (b) Publication by a party committee advocating the
8 candidacy of its nominees.
9 (4)(a) Any political advertisement, other than an
10 independent expenditure, offered by or in behalf of a
11 candidate must be approved in advance by the candidate. Such
12 political advertisement must expressly state that the content
13 of the advertisement was approved by the candidate and must
14 state who paid for the advertisement. The candidate shall
15 provide a written statement of authorization to the newspaper,
16 radio station, television station, or other medium for each
17 such advertisement submitted for publication, display,
18 broadcast, or other distribution.
19 (b) Any person who makes an independent expenditure
20 for a political advertisement shall provide a written
21 statement that no candidate has approved the advertisement to
22 the newspaper, radio station, television station, or other
23 medium for each such advertisement submitted for publication,
24 display, broadcast, or other distribution. The advertisement
25 must also contain a statement that no candidate has approved
26 the advertisement.
27 (5) Any political advertisement that supports or
28 opposes a candidate and is paid for by a political party must
29 expressly state that the content of the advertisement was or
30 was not approved by the candidate that it was intended to
31 benefit. In any proceeding before the elections commission

1 between a candidate and the candidate's political party
2 concerning a candidate's approval of a political
3 advertisement, the political party bears the burden of proof
4 regarding the approval.

5 ~~(6)(4)~~ No political advertisement of a candidate who
6 is not an incumbent of the office for which the candidate ~~he~~
7 ~~or she~~ is running shall use the word "re-elect." Additionally,
8 such advertisement must include the word "for" between the
9 candidate's name and the office for which the candidate ~~he or~~
10 ~~she~~ is running, in order that incumbency is not implied. This
11 subsection does not apply to bumper stickers or items designed
12 to be worn by a person.

13 ~~(7)(5)~~ This section does ~~shall~~ not apply to novelty
14 items having a retail ~~of nominal~~ value of \$10 or less which
15 support, but do not oppose, a candidate or issue.

16 ~~(8)(6)~~ Any political advertisement which is published,
17 displayed, or produced in a language other than English may
18 provide the information required by this section in the
19 language used in the advertisement.

20 ~~(9)(7)~~ Any person who willfully violates any provision
21 ~~the provisions~~ of this section is subject to a term of
22 imprisonment not exceeding 3 years and a fine not exceeding
23 \$50,000 ~~the civil penalties prescribed in s. 106.265.~~

24 Section 2. Section 106.1431, Florida Statutes, is
25 created to read:

26 106.1431 Disclosure of telephone solicitation.--

27 (1)(a) A candidate, political party, political
28 committee, committee of continuous existence, or other person
29 conducting a political poll or engaging in any form of
30 political solicitation or contact relating to a candidate, a
31 ballot proposal, or any political organization which is

1 conducted by telephone or telephonic device must, by the end
2 of the call, identify the person or organization paying for
3 the solicitation by stating: "This call is paid by ...(insert
4 name of person or organization making expenditure)..."

5 (b) A caller may not state or imply that the caller
6 represents any person or organization unless the caller has
7 permission in writing to make such representation from that
8 person or organization prior to the telephone call.

9 (c) A caller may not state or imply that the person
10 represents a nonexistent person or organization.

11 (2) The content of any telephone solicitation offered
12 by or in behalf of a candidate, other than an independent
13 expenditure, must be approved in advance by the candidate.
14 Such solicitation must expressly state that the content was
15 approved by the candidate. A signed statement of approval
16 from the candidate must be filed with the division no later
17 than 5 business days after the solicitation has begun.

18 (3) A person who violates this section is subject to a
19 term of imprisonment not exceeding 3 years and a fine not
20 exceeding \$50,000.

21 Section 3. Section 106.1432, Florida Statutes, is
22 created to read:

23 106.1432 Registered agents; requirements;
24 registration.--

25 (1) Any person who contracts with a candidate,
26 political party, political committee, or committee of
27 continuous existence for the purpose of providing political
28 campaign services or products must, prior to conducting such
29 business, file with the division a form appointing a
30 registered agent for the purpose of service of process. Such
31 agent must be an individual resident of this state, a domestic

1 corporation, or a foreign corporation authorized to do
2 business in this state. This requirement does not apply to
3 any entity already lawfully registered to conduct business in
4 this state.

5 (2) The division shall maintain such forms and
6 prescribe the format to elicit at a minimum the following:

7 (a) The name and address of the registered agent; and

8 (b) The name and address of the person conducting
9 business in this state.

10 (3) A person who violates subsection (1) is subject to
11 a term of imprisonment not exceeding 3 years and a fine not
12 exceeding \$50,000.

13 Section 4. Section 106.1433, Florida Statutes, is
14 created to read:

15 106.1433 Messages accessible by computer;
16 requirements.--A message provided by a candidate, political
17 party, political committee, or committee of continuous
18 existence, or an agent of any such person, which message is
19 accessible by computer or any other medium, must include a
20 statement disclosing all information required of political
21 advertisements under s. 106.143(1).

22 Section 5. This act shall take effect August 1, 1997.
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SENATE SUMMARY

Requires any political advertisement, other than an independent expenditure, for a candidate to be approved in advance by the candidate. Provides method of approval. Requires the candidate to provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each political advertisement submitted for publication. Provides requirements for persons who make an independent expenditure for a political advertisement. Provides requirements for political advertisements that are paid for by a political party. The requirements do not apply to novelty items having a retail value of \$10 or less which support but do not oppose a candidate or issue. Provides criminal penalties for a violation of the requirements. Specifies disclosure that must be made during a telephone call made in relation to a candidate, ballot proposal, or political organization. Provides conditions for making such calls. Provides criminal penalties for noncompliance. Requires any person who contracts with a candidate, political party, political committee, or committee of continuous existence to provide campaign services or products to file with the Division of Elections a form appointing a registered agent for service of process prior to conducting such business. Requires the division to maintain and prescribe a format for the forms. Provides criminal penalties for failure to make such appointment. Requires disclosure of messages accessible by computer or other medium.