

By Senator Bronson

18-836-98

See HB

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A bill to be entitled  
An act relating to political advertisements;  
creating s. 106.1433, F.S.; providing  
requirements for use of manipulated images in  
political advertisements; providing  
definitions; providing penalties; providing an  
effective date.

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

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

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

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

(2) Any person or organization using a political  
advertisement that includes a changed picture of a  
candidate's or elected public official's physical appearance  
must provide a written statement to the communications medium  
responsible for publishing, displaying, broadcasting, or  
otherwise distributing the advertisement, indicating that the  
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 (3)(a) Any person or organization that violates this  
16 section is subject to a one-time fine of up to \$2,500.

17 (b) The Florida Elections Commission shall determine  
18 and assess all fines under this section and deposit them in  
19 the Elections Commission Trust Fund.

20 Section 2. This act shall take effect January 1, 1999.

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23 SENATE SUMMARY

24 Requires a political advertisement that includes a  
25 manipulated picture of a candidate or elected public  
26 official to include a statement that the picture has been  
27 manipulated and that the candidate or elected public  
28 official in that picture has approved the use of the  
29 picture in that political advertisement. Requires the  
30 candidate or elected public official to provide a  
31 statement of authorization to the communications medium  
responsible for publishing, displaying, broadcasting, or  
otherwise distributing the advertisement. Provides fines  
for violations.