

By Representative Andrews

1                                   A bill to be entitled  
2           An act relating to political advertisements;  
3           amending s. 106.143, F.S.; requiring candidate  
4           review of certain political advertisements;  
5           providing requirements therefor, including  
6           notice to the applicable communications medium;  
7           providing applicability to independent  
8           expenditures and to advertisements paid for by  
9           political parties; providing civil penalties;  
10          providing an effective date.

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

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14           Section 1. Section 106.143, Florida Statutes, is  
15 amended to read:

16           106.143 Political advertisements circulated prior to  
17 election; requirements.--

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

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

23           (b) Identify the persons or organizations sponsoring  
24 the advertisement.

25           (c)1.a. State whether the advertisement and the cost  
26 of production is paid for or provided in kind by or at the  
27 expense of the entity publishing, displaying, broadcasting, or  
28 circulating the political advertisement; or

29           b. State who provided or paid for the advertisement  
30 and cost of production, if different from the source of  
31 sponsorship.

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

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

8           (2) Any political advertisement of a candidate running  
9 for partisan office ~~in any election~~ shall express the name of  
10 the political party of which the candidate is seeking  
11 nomination or is the nominee. If the candidate for partisan  
12 office is running as an independent candidate, any political  
13 advertisement of the candidate must state that the candidate  
14 is an independent candidate. Any political advertisement  
15 endorsing the candidate shall expressly state whether the  
16 permission of the candidate has been obtained to advertise  
17 such endorsement.

18           (3) It is unlawful for any candidate or person on  
19 behalf of a candidate to represent that any person or  
20 organization supports such candidate, unless the person or  
21 organization so represented has given specific approval in  
22 writing to the candidate to make such representation.

23 However, this subsection ~~section~~ does not apply to:

24           (a) Editorial endorsement by any newspaper, radio or  
25 television station, or other recognized news medium.

26           (b) Publication by a party committee advocating the  
27 candidacy of its nominees.

28           (4)(a) Any political advertisement, other than an  
29 independent expenditure, offered by or in behalf of a  
30 candidate must be reviewed in advance by the candidate. Such  
31 political advertisement must expressly state that the content

1 of the advertisement was reviewed by the candidate and must  
2 state who paid for the advertisement. The candidate shall  
3 provide a written statement of review to the newspaper, radio  
4 station, television station, or other medium for each such  
5 advertisement submitted for publication, display, broadcast,  
6 or other distribution.

7 (b) Any person who makes an independent expenditure  
8 for a political advertisement in support of or opposition to a  
9 candidate shall provide a written statement that no candidate  
10 has reviewed the advertisement to the newspaper, radio  
11 station, television station, or other medium for each such  
12 advertisement submitted for publication, display, broadcast,  
13 or other distribution. The advertisement must also contain a  
14 statement that no candidate has reviewed the advertisement.

15 (c) Any political advertisement that supports or  
16 opposes a candidate and is paid for by a political party must  
17 expressly state that the content of the advertisement was or  
18 was not reviewed by the candidate that it was intended to  
19 benefit. In any proceeding before the elections commission  
20 between a candidate and the candidate's political party  
21 concerning a candidate's review of a political advertisement,  
22 the political party bears the burden of proof regarding the  
23 review.

24 (5)~~(4)~~ No political advertisement of a candidate who  
25 is not an incumbent of the office for which the candidate ~~he~~  
26 ~~or she~~ is running shall use the word "re-elect." Additionally,  
27 such advertisement must include the word "for" between the  
28 candidate's name and the office for which the candidate ~~he or~~  
29 ~~she~~ is running, in order that incumbency is not implied. This  
30 subsection does not apply to bumper stickers or items designed  
31 to be worn by a person.

1           (6)~~(5)~~ This section does ~~shall~~ not apply to novelty  
2 items having a retail ~~of nominal~~ value of \$10 or less which  
3 support, but do not oppose, a candidate or issue.

4           (7)~~(6)~~ Any political advertisement which is published,  
5 displayed, or produced in a language other than English may  
6 provide the information required by this section in the  
7 language used in the advertisement.

8           (8)~~(7)~~ Any person who willfully violates any provision  
9 ~~the provisions~~ of this section is subject to the civil  
10 penalties prescribed in s. 106.265.

11           Section 2. This act shall take effect July 1, 1997.

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14           HOUSE SUMMARY

15           Requires any political advertisement, other than an  
16 independent expenditure, for a candidate to be reviewed  
17 in advance by the candidate. Requires the candidate to  
18 provide a written statement of review to the newspaper,  
19 radio station, television station, or other medium for  
20 each political advertisement submitted for publication or  
21 broadcast. Provides requirements for any person who  
22 makes an independent expenditure for a political  
23 advertisement in support of or opposition to a candidate,  
24 including a written statement to the applicable medium  
25 that no candidate has reviewed the advertisement.  
26 Provides requirements for political advertisements in  
27 support of or opposition to a candidate that are paid for  
28 by a political party, including a statement of whether  
29 the advertisement was or was not reviewed. Provides  
30 civil penalties.  
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