

Bill No. HB 1507, 2nd Eng.

Amendment No.

CHAMBER ACTION

Senate

House

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Senator Grant moved the following amendment:

Senate Amendment (with title amendment)

On page 17, between lines 9 and 10,

insert:

Section 16. This act may be cited as the "Truth in Campaigning Act."

Section 17. Legislative intent.--The Legislature finds that there has been a marked decline in civility and honesty in both state and national politics; that truthful campaigning has been replaced by a series of distortions, mischaracterizations, and untruths. Such tactics have the effect of stifling, overwhelming, or chilling the dissemination of truthful information; and that the dissemination of truthful information is the single most important goal advanced by free speech. Additionally, such tactics discourage participation in the political process. Therefore, the Legislature finds it necessary to hold all persons accountable for the truthfulness of their statements regarding candidates.

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1 Section 18. Section 104.271, Florida Statutes, is
2 amended to read:

3 104.271 False or malicious charges against, or false
4 statements about, ~~opposing~~ candidates; penalty.--

5 (1) Any person candidate who, in any a primary
6 ~~election or other~~ election, willfully charges a an opposing
7 candidate participating in such election with a violation of
8 any provision of this code, which charge is known by the
9 person candidate making such charge to be false or malicious,
10 is guilty of a felony of the third degree, punishable as
11 provided in s. 775.082 or s. 775.083, and, upon in addition,
12 after conviction is shall be disqualified to hold office until
13 restoration of civil rights, as provided in s. 4, Art. VI of
14 the State Constitution.

15 (2) Any person candidate who, in any a primary
16 ~~election or other~~ election, ~~with actual malice~~ makes or causes
17 to be made any statement about a an opposing candidate which
18 he knows or reasonably should know is false or which was made
19 in negligent disregard for the truth, is guilty of a violation
20 of this code. An aggrieved candidate may file a complaint
21 with the Florida Elections Commission pursuant to s. 106.25.
22 The commission shall adopt rules to provide an expedited
23 hearing of complaints filed under this subsection.
24 Notwithstanding any other provision of law, the commission
25 shall assess a civil penalty of up to \$5,000 against any
26 person candidate found in violation of this subsection, which
27 shall be deposited to the account of the General Revenue Fund
28 of the state. The penalty shall be commensurate with the
29 commission's determination of the extent of the damages
30 suffered by the candidate and the scope, substance, or intent
31 of the violation. In addition, any person found in violation

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1 of this subsection shall be personally liable for payment of
2 the assessed penalty.

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4 (Redesignate subsequent sections.)

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6
7 ===== T I T L E A M E N D M E N T =====

8 And the title is amended as follows:

9 On page 2, line 11, after the semicolon

10
11 insert:

12 providing a short title; providing a statement
13 of legislative intent; amending s. 104.271,
14 F.S.; expanding applicability of the
15 prohibition against making false or malicious
16 charges against, or false statements about,
17 candidates; eliminating the requirement of
18 actual malice in the prohibition against making
19 false statements about candidates and providing
20 for personal liability with respect thereto;
21 clarifying and providing penalties;

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