

1 A bill to be entitled
2 An act relating to political campaigns;
3 amending s. 106.071, F.S.; clarifying that
4 certain persons who make independent
5 expenditures that expressly advocate the
6 election or defeat of candidates or the
7 approval or rejection of issues must file
8 periodic expenditure reports; allowing certain
9 individuals to make anonymous independent
10 expenditures; amending s. 106.143, F.S.;
11 authorizing certain individuals to engage in
12 anonymous political advertising; amending s.
13 106.147, F.S.; clarifying that certain
14 telephone calls are political polls; providing
15 an effective date.

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

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19 Section 1. Section 106.071, Florida Statutes, is
20 amended to read:

21 106.071 Independent expenditures; reports;
22 disclaimers.--

23 (1) Each person who makes an independent expenditure
24 that expressly advocates the election or defeat of a candidate
25 or the approval or rejection of an issue ~~with respect to any~~
26 ~~candidate or issue~~, which expenditure, in the aggregate, is in
27 the amount of \$100 or more, must ~~shall~~ file periodic reports
28 of such expenditures in the same manner, at the same time, and
29 with the same officer as a political committee supporting or
30 opposing such candidate or issue. The report must ~~shall~~
31 contain the full name and address of each person to whom and

1 for whom each such expenditure has been made; the amount,
2 date, and purpose of each such expenditure; a description of
3 the services or goods obtained by each such expenditure; and
4 the name and address of, and office sought by, each candidate
5 on whose behalf such expenditure was made. Any political
6 advertisement paid for by an independent expenditure, other
7 than an independent expenditure by an individual which, in the
8 aggregate, is in the amount of \$500 or less, must ~~shall~~
9 prominently state "Paid political advertisement paid for by
10 ...(Name of person or committee paying for advertisement)...
11 independently of any ...(candidate or committee)...," and must
12 ~~shall~~ contain the name and address of the person paying for
13 the political advertisement.

14 (2) Any person who fails to include the disclaimer
15 prescribed in subsection (1) in any political advertisement
16 that ~~which~~ is required to contain such disclaimer commits ~~is~~
17 ~~guilty of~~ a misdemeanor of the first degree, punishable as
18 provided in s. 775.082 or s. 775.083.

19 (3) No person may make a contribution in excess of
20 \$1,000 to any other person, to be used by such other person to
21 make an independent expenditure.

22 Section 2. Subsection (1) of section 106.143, Florida
23 Statutes, is amended to read:

24 106.143 Political advertisements circulated prior to
25 election; requirements.--

26 (1) Any political advertisement and any campaign
27 literature published, displayed, or circulated prior to, or on
28 the day of, any election must ~~shall~~:

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

31

1 (b) Identify the persons or organizations sponsoring
2 the advertisement.

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

7 b. State who provided or paid for the advertisement
8 and cost of production, if different from the source of
9 sponsorship.

10 2. This paragraph does ~~shall~~ not apply if the source
11 of the sponsorship is patently clear from the content or
12 format of the political advertisement or campaign literature.

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14 This subsection does not apply to campaign messages used by a
15 candidate and the candidate's supporters if those messages are
16 designed to be worn by a person; nor does it apply to
17 political advertisements and campaign literature the
18 expenditure for which, in the aggregate, is in the amount of
19 \$500 or less, and which are paid for and sponsored by an
20 individual acting independently of any other person.

21 Section 3. Paragraph (b) of subsection (1) of section
22 106.147, Florida Statutes, is amended to read:

23 106.147 Telephone solicitation; disclosure
24 requirements; prohibitions; exemptions; penalties.--

25 (1)(a) Any telephone call supporting or opposing a
26 candidate, elected public official, or ballot proposal must
27 identify the persons or organizations sponsoring the call by
28 stating either: "paid for by...." (insert name of persons or
29 organizations sponsoring the call) or "paid for on behalf
30 of...." (insert name of persons or organizations authorizing
31 call). This paragraph does not apply to any telephone call in

1 which both the individual making the call is not being paid
2 and the individuals participating in the call know each other
3 prior to the call.

4 (b) Any telephone call conducted for the purpose of
5 polling respondents concerning a candidate or elected public
6 official which is a part of a series of like telephone calls
7 that consists of fewer than 1,000 completed calls and averages
8 more than 2 minutes in duration is ~~presumed to be~~ a political
9 poll and not subject to the provisions of paragraph (a).

10 Section 4. This act shall take effect upon becoming a
11 law.

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