

By the Committee on Ethics and Elections; and Senators
Saunders, Rossin, Hargrett, Sebesta and Kirkpatrick

313-208A-00

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; providing an
13 effective date.

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

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17 Section 1. Section 106.071, Florida Statutes, is
18 amended to read:

19 106.071 Independent expenditures; reports;
20 disclaimers.--

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

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

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

17 (3) No person may make a contribution in excess of
18 \$1,000 to any other person, to be used by such other person to
19 make an independent expenditure.

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

22 106.143 Political advertisements circulated prior to
23 election; requirements.--

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

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

29 (b) Identify the persons or organizations sponsoring
30 the advertisement.

31

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

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

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

11
12 This subsection does not apply to campaign messages used by a
13 candidate and the candidate's supporters if those messages are
14 designed to be worn by a person; nor does it apply to
15 political advertisements and campaign literature the
16 expenditure for which, in the aggregate, is in the amount of
17 \$500 or less, and which are paid for and sponsored by an
18 individual acting independently of any other person.

19 Section 3. This act shall take effect upon becoming a
20 law.

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23 SENATE SUMMARY

24 Provides that a person who makes an independent
25 expenditure that expressly advocates the election or
26 defeat of a candidate or the approval or rejection of an
27 issue, which expenditure in the aggregate is \$100 or
28 more, must file periodic reports. Provides that a
29 political advertisement paid for by an independent
30 expenditure made by an individual, which expenditure in
31 the aggregate is \$500 or less, is not required to contain
a statement identifying the name and address of the
person paying for the advertisement. Provides that notice
requirements prescribed for political advertisements
circulated prior to election do not apply to political
advertisements and campaign literature the expenditure
for which in the aggregate is \$500 or less and which are
paid for and sponsored by an individual acting
independently of any other person.