

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

313-667-00

1                                   A bill to be entitled  
2           An act relating to political campaigns;  
3           repealing s. 103.121(5), F.S., which limits  
4           political party endorsements or recommendations  
5           of primary candidates; amending s. 106.071,  
6           F.S.; clarifying that certain persons who make  
7           independent expenditures that expressly  
8           advocate the election or defeat of candidates  
9           or the approval or rejection of issues must  
10          file periodic expenditure reports; allowing  
11          certain individuals to make anonymous  
12          independent expenditures; amending s. 106.143,  
13          F.S.; authorizing certain individuals to engage  
14          in anonymous political advertising; 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. Subsection (5) of section 103.121, Florida  
20 Statutes, is repealed.

21           Section 2. Section 106.071, Florida Statutes, is  
22 amended to read:

23           106.071 Independent expenditures; reports;  
24 disclaimers.--

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

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

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

21 (3) No person may make a contribution in excess of  
22 \$1,000 to any other person, to be used by such other person to  
23 make an independent expenditure.

24 Section 3. Subsection (1) of section 106.143, Florida  
25 Statutes, is amended to read:

26 106.143 Political advertisements circulated prior to  
27 election; requirements.--

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

31

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

3 (b) Identify the persons or organizations sponsoring  
4 the advertisement.

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

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

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

15  
16 This subsection does not apply to campaign messages used by a  
17 candidate and the candidate's supporters if those messages are  
18 designed to be worn by a person; nor does it apply to  
19 political advertisements and campaign literature the  
20 expenditure for which, in the aggregate, is in the amount of  
21 \$500 or less, and which are paid for and sponsored by an  
22 individual acting independently of any other person.

23 Section 4. This act shall take effect upon becoming a  
24 law.

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26 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
27 COMMITTEE SUBSTITUTE FOR  
28 SB 366

29 Committee Substitute for Senate Bill 366 repeals section  
30 103.121(5), Florida Statutes, which currently requires a  
31 political party to forfeit its right to receive party  
assessments if it endorses or recommends primary candidates.