

Bill No. CS for SB 114

Amendment No. ____ Barcode 072042

| | <u>Senate</u> | CHAMBER ACTION | <u>House</u> |
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| 11 | Senators Dockery, Argenziano, Fasano, Constantine, Cowin and | | |
| 12 | Posey moved the following amendment: | | |
| 13 | | | |
| 14 | Senate Amendment | | |
| 15 | On page 6, line 30, to page 8, line 6, delete those | | |
| 16 | lines | | |
| 17 | | | |
| 18 | and insert: | | |
| 19 | <u>4. The organization's most senior officer, or, if</u> | | |
| 20 | <u>there is no formal organizational structure, the principal</u> | | |
| 21 | <u>organizer, if the person funding or sponsoring the</u> | | |
| 22 | <u>electioneering advertisement is a group other than a political</u> | | |
| 23 | <u>committee, committee of continuous existence, or executive</u> | | |
| 24 | <u>committee of a political party. The name, address, and title</u> | | |
| 25 | <u>of the designated individual must be filed with the division</u> | | |
| 26 | <u>in writing prior to, or contemporaneous with, the filing of</u> | | |
| 27 | <u>the initial report.</u> | | |
| 28 | | | |
| 29 | <u>Such a person is liable for violations of report filing</u> | | |
| 30 | <u>requirements to the same extent as candidates pursuant to ss.</u> | | |
| 31 | <u>106.07(5), 106.19, and 106.265.</u> | | |

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1 (b) In addition to the penalties prescribed in
2 paragraph (a), the person funding or sponsoring an
3 electioneering advertisement and the person responsible for
4 reporting pursuant to this subsection shall be jointly and
5 severally liable for late filing fines assessed by the Florida
6 Elections Commission pursuant to s. 106.07(8). Any such person
7 may appeal or dispute the fine in accordance with the
8 provisions of s. 106.07(8)(c).

9 (5) Any electioneering advertisement must be approved
10 by the individual required to certify reports pursuant to
11 subsection (4). Such individual shall provide a written
12 statement of authorization to the newspaper, radio station,
13 television station, or other medium for each such
14 advertisement contemporaneous with the advertisement's initial
15 publication, display, broadcast, or other distribution.

16 (6)(a) If the person funding an electioneering
17 advertisement is an individual subject to certifying reports
18 pursuant to subsection (4)(a)1. or subsection (4)(a)3., the
19 advertisement must prominently state, "Paid advertisement paid
20 for and approved by ... (Name of person funding the
21 electioneering advertisement)...," followed by the address of
22 the person funding the advertisement.

23 (b) If the person funding an electioneering
24 advertisement is a group, organization, or committee subject
25 to certifying reports pursuant to subsection (4)(a)2. or
26 subsection (4)(a)4., the advertisement must prominently state,
27 "Paid advertisement paid for and approved by ... (Name and
28 title of individual(s) required to certify reports)... of
29 ...(name of group, organization, or committee)...," followed
30 by the address of the group, organization, or committee.

31 (c) The Florida Elections Commission is authorized,

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1 upon finding a violation of this subsection, to impose a civil
2 penalty in the form of fines not to exceed \$5,000 or the total
3 cost of the advertisements without the proper disclaimer,
4 whichever is greater. In determining the amount of the
5 penalty, the commission must consider any mitigating or
6 aggravating circumstances prescribed in s. 106.265. This
7 penalty shall substitute for the penalties provided in s.
8 106.265, shall be deposited into the General Revenue Fund of
9 the state, and, if necessary, shall be collected pursuant to
10 s. 106.265(2).

11 (7) A person may not make a contribution through or in
12 the name of another, directly or indirectly, for the purpose
13 of funding an electioneering advertisement. ~~Any advertisement,~~
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