

By Senator Aronberg

27-1219-06

See HB

1 A bill to be entitled
2 An act relating to election code violations;
3 amending s. 104.271, F.S.; including persons,
4 political committees, electioneering
5 communications entities, and political
6 organizations subject to the requirements of 26
7 U.S.C. s. 527 in a prohibition on maliciously
8 making a false statement about a candidate;
9 providing penalties; providing an effective
10 date.

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

14 Section 1. Section 104.271, Florida Statutes, is
15 amended to read:

16 104.271 False or malicious charges against, or false
17 statements about, ~~opposing~~ candidates; penalty.--

18 (1) Any candidate who, in a primary election or other
19 election, willfully charges an opposing candidate
20 participating in such election with a violation of any
21 provision of this code, which charge is known by the candidate
22 making such charge to be false or malicious, is guilty of a
23 felony of the third degree, punishable as provided in s.
24 775.082 or s. 775.083 and, in addition, after conviction shall
25 be disqualified to hold office.

26 (2) Any candidate, person, political committee,
27 electioneering communications entity, or political
28 organization subject to the requirements of 26 U.S.C. s. 527
29 that who, in a primary election or other election, with actual
30 malice makes or causes to be made any statement about a an
31 ~~opposing~~ candidate which is false commits ~~is guilty~~ of a

1 violation of this code. An aggrieved candidate may file a
2 complaint with the Florida Elections Commission pursuant to s.
3 106.25. The commission shall adopt rules to provide an
4 expedited hearing of complaints filed under this subsection.
5 Notwithstanding any other provision of law, the commission
6 shall assess a civil penalty of up to \$5,000 against any
7 candidate, person, political committee, electioneering
8 communications entity, or political organization subject to
9 the requirements of 26 U.S.C. s. 527 found in violation of
10 this subsection, which shall be deposited to the account of
11 the General Revenue Fund of the state.

12 Section 2. This act shall take effect July 1, 2006.
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