

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

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

12           Section 1. Subsection (2) of section 104.271, Florida  
 13 Statutes, is amended to read:

14           104.271 False or malicious charges against, or false  
 15 statements about, ~~opposing~~ candidates; penalty.--

16           (2) Any candidate, person, political committee,  
 17 electioneering communications entity, or political organization  
 18 subject to the requirements of 26 U.S.C. s. 527 that ~~who~~, in a  
 19 primary election or other election, with actual malice makes or  
 20 causes to be made any statement about a ~~an opposing~~ candidate  
 21 which is false commits ~~is guilty of~~ a violation of this code. An  
 22 aggrieved candidate may file a complaint with the Florida  
 23 Elections Commission pursuant to s. 106.25. The commission shall  
 24 adopt rules to provide an expedited hearing of complaints filed  
 25 under this subsection. Notwithstanding any other provision of  
 26 law, the commission shall assess a civil penalty of up to \$5,000  
 27 against any candidate, person, political committee,  
 28 electioneering communications entity, or political organization

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29 | subject to the requirements of 26 U.S.C. s. 527 found in  
30 | violation of this subsection, which shall be deposited to the  
31 | account of the General Revenue Fund of the state.

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