

By Senator Deutch

30-03553-08

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1 A bill to be entitled

2 An act relating to political advertisements; amending s.
3 106.071, F.S.; exempting certain online advertisements
4 from the requirement to contain a disclaimer; amending s.
5 106.1439, F.S.; requiring that the main page, initial
6 page, or homepage of a webpage or website operated by a
7 political campaign or on behalf of a political candidate
8 or party on or within a social networking website contain
9 the disclaimer required by state law; providing that any
10 related secondary pages need not contain such disclaimer;
11 exempting certain text message, multimedia messages, and
12 e-mail communications from the requirement to contain a
13 disclaimer; providing an effective date.

14
15 WHEREAS, current election law in this state fails to address
16 the changing ways in which society communicates, and

17 WHEREAS, requirements regarding disclaimers in political
18 advertisements as well as other similar provisions could be
19 interpreted to prevent political advertisements through major
20 communications outlets such as Google Adwords and text messaging,
21 and

22 WHEREAS, state law does not distinguish between paid
23 political advertising and unpaid forums such as blogs and social
24 networking sites, NOW, THEREFORE,

25
26 Be It Enacted by the Legislature of the State of Florida:
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28 Section 1. Present subsection (4) of section 106.071,
29 Florida Statutes, is renumbered as subsection (5) and a new
30 subsection (4) is added to that section, to read:

31 106.071 Independent expenditures; electioneering
32 communications; reports; disclaimers.--

33 (4) Subsection (2) does not apply to online advertisements
34 consisting of:

35 (a) Three hundred words or fewer; or

36 (b) Thirty thousand square pixels or fewer.

37 Section 2. Subsection (1) of section 106.1439, Florida
38 Statutes, is amended to read:

39 106.1439 Electioneering communications; disclaimers.--

40 (1) Any electioneering communication shall prominently
41 state: "Paid electioneering communication paid for by (Name and
42 address of person paying for the communication)." The following
43 exceptions apply:

44 (a) The main page, initial page, or homepage of a webpage
45 or website operated by a political campaign or on behalf of a
46 political candidate or party on or within a social networking
47 website must contain the disclaimer required by this subsection.
48 Any related secondary pages within such social networking
49 websites, including, but not limited to, photo pages do not
50 require such disclaimer.

51 (b) This subsection does not apply to:

52 1. Text messages or multimedia messages to persons who have
53 elected in writing, through a campaign website, or otherwise to
54 receive such messages. A campaign shall keep a record of all
55 persons electing to receive such messages.

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56 2. E-mail communications between campaign staff and
57 registered supporters of a campaign.

58 Section 3. This act shall take effect July 1, 2008.