

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Robaina offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 1440 and 1441, insert:

5 Section 30. Effective upon this act becoming a law and  
6 retroactive to January 1, 2006, section 106.071, Florida  
7 Statutes, is amended to read:

8 106.071 Independent expenditures; electioneering  
9 communications; reports; disclaimers.--

10 (1) Each person who makes an independent expenditure with  
11 respect to any candidate or issue, and each individual who makes  
12 an expenditure for an electioneering communication which is not  
13 otherwise reported pursuant to this chapter, which expenditure,  
14 in the aggregate, is in the amount of \$100 or more, shall file  
15 periodic reports of such expenditures in the same manner, at the  
16 same time, subject to the same penalties, and with the same

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17 officer as a political committee supporting or opposing such  
18 candidate or issue. The report shall contain the full name and  
19 address of the person making the expenditure; the full name and  
20 address of each person to whom and for whom each such  
21 expenditure has been made; the amount, date, and purpose of each  
22 such expenditure; a description of the services or goods  
23 obtained by each such expenditure; the issue to which the  
24 expenditure relates; and the name and address of, and office  
25 sought by, each candidate on whose behalf such expenditure was  
26 made.

27 (2) Any political advertisement paid for by an independent  
28 expenditure shall prominently state "Paid political  
29 advertisement paid for by (Name and address of person paying  
30 for advertisement) independently of any (candidate or  
31 committee) ."

32 (3) Subsection (2) does not apply to novelty items having  
33 a retail value of \$10 or less which support, but do not oppose,  
34 a candidate or issue. Subsection (2) does not apply to an  
35 individual who uses his or her personal resources and acts  
36 independent of any candidate or committee.

37 (4) Any person who fails to include the disclaimer  
38 prescribed in subsection (2) in any political advertisement that  
39 is required to contain such disclaimer commits a misdemeanor of  
40 the first degree, punishable as provided in s. 775.082 or s.  
41 775.083.

42 Section 31. Effective upon this act becoming a law and  
43 retroactive to January 1, 2006, subsection (1) of section  
44 106.143, Florida Statutes, is amended to read:

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45 106.143 Political advertisements circulated prior to  
46 election; requirements.--

47 (1) (a) Any political advertisement that is paid for by a  
48 candidate and that is published, displayed, or circulated prior  
49 to, or on the day of, any election must prominently state:  
50 "Political advertisement paid for and approved by (name of  
51 candidate) , (party affiliation) , for (office sought) ."

52 (b) Any other political advertisement published,  
53 displayed, or circulated prior to, or on the day of, any  
54 election must prominently:

55 1. Be marked "paid political advertisement" or with the  
56 abbreviation "pd. pol. adv."

57 2. State the name and address of the persons sponsoring  
58 the advertisement.

59 3.a. (I) State whether the advertisement and the cost of  
60 production is paid for or provided in kind by or at the expense  
61 of the entity publishing, displaying, broadcasting, or  
62 circulating the political advertisement; or

63 (II) State who provided or paid for the advertisement and  
64 cost of production, if different from the source of sponsorship.

65 b. This subparagraph does not apply if the source of the  
66 sponsorship is patently clear from the content or format of the  
67 political advertisement.

68 (c) Any political advertisement made pursuant to s.  
69 106.021(3) (d) must be marked "paid political advertisement" or  
70 with the abbreviation "pd. pol. adv." and must prominently  
71 state, "Paid for and sponsored by (name of person paying for  
72 political advertisement) . Approved by (names of persons,

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73 party affiliation, and offices sought in the political  
74 advertisement) ."

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76 This subsection does not apply to campaign messages used by a  
77 candidate and the candidate's supporters if those messages are  
78 designed to be worn by a person. This subsection does not apply  
79 to an individual who uses his or her personal resources and acts  
80 independent of any candidate or committee.

81 Section 32. Effective upon this act becoming a law and  
82 retroactive to January 1, 2006, section 106.1439, Florida  
83 Statutes, is amended to read:

84 106.1439 Electioneering communications; disclaimers.--

85 (1) Any electioneering communication shall prominently  
86 state: "Paid electioneering communication paid for by (Name  
87 and address of person paying for the communication) ."

88 (2) Subsection (1) does not apply to an individual who  
89 uses his or her personal resources and acts independent of any  
90 candidate or committee.

91 (3)-(2) Any person who fails to include the disclaimer  
92 prescribed in this section in any electioneering communication  
93 that is required to contain such disclaimer commits a  
94 misdemeanor of the first degree, punishable as provided in s.  
95 775.082 or s. 775.083.

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98 **T I T L E A M E N D M E N T**

99 Between lines 81 and 82, insert:

HOUSE AMENDMENT  
Bill No. CS/CS/SB 866

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100 amending ss. 106.071, 106.143, and 106.1439, F.S.; providing an  
101 exemption from certain disclaimer requirements for an individual  
102 who uses his or her personal resources and acts independent of  
103 any candidate or committee; providing for retroactive  
104 application;