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CHAMBER ACTION

Senate

House

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Floor: WD/3R
4/24/2008 10:48 AM



1 Senator Siplin moved the following amendment:

3 Senate Amendment (with title amendment)

4 Between line(s) 1445 and 1446,
5 insert:

6 Section 31. Effective upon becoming a law and retroactive
7 to January 1, 2006, section 106.071, Florida Statutes, is amended
8 to read:

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

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

Bill No. CS for CS for SB 866, 1st Eng.



539130

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

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

32 (3) Subsection (2) does not apply to novelty items having a
33 retail value of \$10 or less which support, but do not oppose, a
34 candidate or issue. Subsection (2) does not apply to an
35 individual who uses his or her personal resources of no more than
36 \$5000 and acts 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 32. Effective upon becoming a law and retroactive
43 to January 1, 2006, subsection (1) of section 106.143, Florida
44 Statutes, is amended to read:

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

Bill No. CS for CS for SB 866, 1st Eng.



539130

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, displayed,
53 or circulated prior to, or on the day of, any election must
54 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 the
58 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 state,
71 "Paid for and sponsored by (name of person paying for political
72 advertisement) . Approved by (names of persons, party
73 affiliation, and offices sought in the political advertisement)
74 ."

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539130

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 of no
 80 more than \$5000 and acts independent of any candidate or
 81 committee.

82 Section 33. Effective upon becoming a law and retroactive
 83 to January 1, 2006, section 106.1439, Florida Statutes, is
 84 amended to read:

85 106.1439 Electioneering communications; disclaimers.--

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

89 (2) Subsection (1) does not apply to an individual who uses
 90 his or her personal resources of no more than \$5000 and acts
 91 independent of any

92
 93 ===== T I T L E A M E N D M E N T =====

94 And the title is amended as follows:

95 On line(s) 84, after the first semicolon,
 96 insert:

97 amending ss. 106.071, 106.143, and 106.1439, F.S.;

98 providing an exemption for an individual who uses up to a

99 specified amount of his or her personal resources and acts

100 independent of any candidate or committee; providing for

101 retroactive application;