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CHAMBER ACTION

Senate

House

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Floor: 4/F/3R
4/24/2008 10:42 AM



1 Senator Siplin moved the following **amendment**:

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3 **Senate Amendment (with directory and title amendments)**

4 Between lines 1539 and 1540

5 and insert:

6 Section 35. Effective upon becoming a law, section 106.071,
7 Florida 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
17 officer as a political committee supporting or opposing such

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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 expenditure
21 has been made; the amount, date, and purpose of each such
22 expenditure; a description of the services or goods obtained by
23 each such expenditure; the issue to which the expenditure
24 relates; and the name and address of, and office sought by, each
25 candidate on whose behalf such expenditure was made.

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

31 (3) Subsection (2) does not apply to:

32 (a) Novelty items having a retail value of \$10 or less
33 which support, but do not oppose, a candidate or issue.

34 (b) An individual who uses his or her personal resources in
35 an amount less than \$5,000 and acts independently of any
36 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 36. 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.--

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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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76 This subsection does not apply to:



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77 (a) Campaign messages used by a candidate and the
78 candidate's supporters if those messages are designed to be worn
79 by a person.

80 (b) An individual who uses his or her personal resources in
81 an amount less than \$5,000 and acts independently of any
82 candidate or committee.

83 Section 37. Effective upon becoming a law, section
84 106.1439, Florida Statutes, is 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) ." However, this
89 section does not apply to an individual who uses his or her
90 personal resources in an amount less than \$5,000 and acts
91 independently of any candidate or committee.

92 (2) Any person who fails to include the disclaimer
93 prescribed in this section in any electioneering communication
94 that is required to contain such disclaimer commits a misdemeanor
95 of the first degree, punishable as provided in s. 775.082 or s.
96 775.083.

97
98 ===== T I T L E A M E N D M E N T =====

99 And the title is amended as follows:

100 On line 96, after the semicolon,
101 insert:

102 amending ss. 106.071, 106.143, and 106.1439, F.S. ;
103 providing an exemption from independent expenditure,
104 political advertisement, and electioneering communication
105 sponsorship disclaimer requirements for an individual who
106 uses up to a specified amount of his or her personal

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resources and acts independent of any candidate or

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committee;