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CHAMBER ACTION

Senate

House

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Floor: WD/2R  
4/23/2008 3:53 PM

Senator Siplin moved the following **amendment**:

**Senate Amendment (with title amendment)**

Between line(s) 1669 and 1670,  
insert:

Section 36. Effective upon becoming a law and retroactive to January 1, 2006, section 106.071, Florida Statutes, is amended to read:

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

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



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

28 (2) Any political advertisement paid for by an independent  
29 expenditure shall prominently state "Paid political advertisement  
30 paid for by (Name and address of person paying for  
31 advertisement) independently of any (candidate or committee)  
32 ."

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

38 (4) Any person who fails to include the disclaimer  
39 prescribed in subsection (2) in any political advertisement that  
40 is required to contain such disclaimer commits a misdemeanor of  
41 the first degree, punishable as provided in s. 775.082 or s.  
42 775.083.

43 Section 37. Effective upon becoming a law and retroactive  
44 to January 1, 2006, subsection (1) of section 106.143, Florida  
45 Statutes, is amended to read:

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



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48 (1) (a) Any political advertisement that is paid for by a  
49 candidate and that is published, displayed, or circulated prior  
50 to, or on the day of, any election must prominently state:

51 "Political advertisement paid for and approved by (name of  
52 candidate) , (party affiliation) , for (office sought) ."

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

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

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

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

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

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

69 (c) Any political advertisement made pursuant to s.  
70 106.021(3)(d) must be marked "paid political advertisement" or  
71 with the abbreviation "pd. pol. adv." and must prominently state,  
72 "Paid for and sponsored by (name of person paying for political  
73 advertisement) . Approved by (names of persons, party  
74 affiliation, and offices sought in the political advertisement)  
75 ."

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

82 Section 38. 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 and acts independent of any  
91 candidate or committee.

92 ~~(3)(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(s) 104, after the semicolon,  
101 insert:

102  
103 amending ss. 106.071, 106.143, and 106.1439, F.S. ;  
104 providing an exemption for an individual who uses his or  
105 her personal resources and acts independent of any



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106 | candidate or committee; providing for retroactive  
107 | application;