



148456

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/12/2010	.	
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The Committee on Ethics and Elections (Fasano) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Technology in Elections Act."

Section 2. Subsection (1) of section 106.143, Florida Statutes, is amended, present subsection (8) is renumbered as subsection (9), and a new subsection (8) is added to that section, to read:

106.143 Political advertisements circulated prior to election; requirements.-



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

16 1. "Political advertisement paid for and approved by  
17 ...(name of candidate)..., ...(party affiliation)..., for  
18 ...(office sought)...."; or

19 2. "Paid by ...(name of candidate)..., ...(party  
20 affiliation)..., for ...(office sought)...."

21 (b) Any other political advertisement published, displayed,  
22 or circulated prior to, or on the day of, any election must  
23 prominently:

24 1. Be marked "paid political advertisement" or with the  
25 abbreviation "pd. pol. adv."

26 2. State the name and address of the persons sponsoring the  
27 advertisement.

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

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

34 b. This subparagraph does not apply if the source of the  
35 sponsorship is patently clear from the content or format of the  
36 political advertisement.

37 (c) Any political advertisement made pursuant to s.  
38 106.021(3)(d) must be marked "paid political advertisement" or  
39 with the abbreviation "pd. pol. adv." and must prominently  
40 state, "Paid for and sponsored by ...(name of person paying for  
41 political advertisement).... Approved by ...(names of persons,



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42 party affiliation, and offices sought in the political  
43 advertisement)....”

44  
45 ~~This subsection does not apply to campaign messages used by a~~  
46 ~~candidate and the candidate's supporters if those messages are~~  
47 ~~designed to be worn by a person.~~

48 (8) This section does not apply to any campaign message or  
49 political advertisement used by a candidate and the candidate's  
50 supporters or by a political committee if the message or  
51 advertisement is:

52 (a) Designed to be worn by a person.

53 (b) Placed as a paid link on an Internet website, provided  
54 the message or advertisement is no more than 200 characters in  
55 length and the link directs the user to another Internet website  
56 that complies with subsection (1).

57 (c) Placed as a graphic or picture link where compliance  
58 with the requirements of this section is not reasonably  
59 practical due to the size of the graphic or picture link and the  
60 link directs the user to another Internet website that complies  
61 with subsection (1).

62 (d) Placed at no cost on an Internet website for which  
63 there is no cost to post content for public users.

64 (e) Placed or distributed on an unpaid profile or account  
65 which is available to the public without charge or on a social  
66 networking Internet website, as long as the source of the  
67 message or advertisement is patently clear from the content or  
68 format of the message or advertisement. A candidate or political  
69 committee may prominently display a statement indicating that  
70 the website or account is an official website or account of the



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71 candidate or political committee and is approved by the  
72 candidate or political committee. A website or account may not  
73 be marked as official without prior approval by the candidate or  
74 political committee.

75 (f) Distributed as a text message or other message via  
76 Short Message Service, provided the message is no more than 200  
77 characters in length or requires the recipient to sign up or opt  
78 in to receive it.

79 (g) Connected with or included in any software application  
80 or accompanying function, provided that the user signs up, opts  
81 in, downloads, or otherwise accesses the application from or  
82 through a website that complies with subsection (1).

83 (h) Sent by a third-party user from or through a campaign  
84 or committee's website, provided the website complies with  
85 subsection (1).

86 (i) Contained in or distributed through any other  
87 technology-related item, service, or device for which compliance  
88 with subsection (1) is not reasonably practical due to the size  
89 or nature of such item, service, or device as available, or the  
90 means of displaying the message or advertisement makes  
91 compliance with subsection (1) impracticable.

92 (9)~~(8)~~ Any person who willfully violates any provision of  
93 this section is subject to the civil penalties prescribed in s.  
94 106.265.

95 Section 3. This act shall take effect upon becoming a law.

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

98 And the title is amended as follows:

99 Delete everything before the enacting clause



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100 and insert:

101                   A bill to be entitled  
102           An act relating to political advertisements; providing  
103           a short title; amending s. 106.143, F.S.; providing an  
104           alternative statement that may be used to identify a  
105           candidate as the sponsor of a political advertisement  
106           under certain circumstances; providing circumstances  
107           under which certain campaign messages and political  
108           advertisements are not required to state or display  
109           specific information regarding the identity of the  
110           candidate, his or her party affiliation, and the  
111           office sought in the message or advertisement;  
112           authorizing a candidate or political committee to  
113           place a statement on a social networking website or  
114           account indicating that the site or account is an  
115           official site or account approved by the candidate or  
116           political committee; prohibiting an official  
117           designation without the prior approval by the  
118           candidate or political committee; providing an  
119           effective date.