

By Senator Smith

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1 A bill to be entitled
2 An act relating to political advertisements by
3 governmental officials; providing a short title;
4 creating s. 112.3262, F.S.; providing legislative
5 findings; defining terms; prohibiting elected and
6 appointed officials from using or threatening to use
7 their official authority, position, and influence to
8 compel, coerce, induce, or intimidate broadcasters to
9 air or refrain from airing certain political
10 advertisements; prohibiting such officials from
11 threatening to withhold or promise to grant state
12 funding, permits, or other benefits to such
13 broadcasters or initiating or threatening regulatory
14 action, investigations, or audits against such
15 broadcasters; providing criminal and administrative
16 penalties; authorizing the Commission on Ethics to
17 investigate complaints of specified violations;
18 authorizing certain individuals and entities to file
19 certain complaints with the commission or seek
20 specified relief from a court of competent
21 jurisdiction; providing an effective date.

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23 Be It Enacted by the Legislature of the State of Florida:

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25 Section 1. This act may be cited as the "Broadcast Freedom
26 Protection Act."

27 Section 2. Section 112.3262, Florida Statutes, is created
28 to read:

29 112.3262 Prohibited actions by governmental officials

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30 regarding television broadcasts of political advertisements.-

31 (1) The Legislature finds that the freedom of the press and
32 the independence of broadcasters are fundamental to democracy.
33 This act seeks to prevent the misuse of authority by elected or
34 appointed governmental officials to interfere with broadcasters'
35 decisions regarding the airing of political advertisements,
36 particularly those related to statewide ballot initiatives.

37 (2) As used in this section, the term:

38 (a) "Broadcaster" means any individual, corporation, or
39 entity licensed by the Federal Communications Commission to
40 operate a television broadcast station within this state.

41 (b) "Elected or appointed official" means any individual
42 elected or appointed to any state, county, municipal, school, or
43 other district office or position.

44 (c) "Statewide ballot initiative" means any proposed
45 constitutional amendment, referendum, or other measure submitted
46 to voters in a statewide election.

47 (3) An elected or appointed official may not use or
48 threaten to use his or her official authority, position, or
49 influence to do any of the following:

50 (a) Compel, coerce, or induce a broadcaster to air or
51 refrain from airing any political advertisement related to a
52 statewide ballot initiative.

53 (b) Intimidate a broadcaster or its employees in any way to
54 influence their decision regarding the airing of such
55 advertisements.

56 (c) Threaten to withhold or promise to grant state funding,
57 permits, or other benefits to a broadcaster based on its
58 decision regarding such advertisements.

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59 (d) Initiate or threaten regulatory action, investigations,
60 or audits as a form of coercion.

61 (4) (a) An elected or appointed official who violates
62 subsection (3) commits a felony of the third degree, punishable
63 as provided in s. 775.082, s. 775.083, or s. 775.084.

64 (b) In addition to the criminal penalties provided in
65 paragraph (a), an elected or appointed official who violates
66 subsection (3) may be removed from office pursuant to procedures
67 set forth in the State Constitution or by general law and be
68 permanently disqualified from holding any subsequent elected or
69 appointed office in this state.

70 (5) (a) The Commission on Ethics may investigate complaints
71 of violations of this section and recommend penalties as
72 appropriate.

73 (b) An individual or entity aggrieved by a violation of
74 this section may file a complaint with the commission or seek
75 injunctive relief in a court of competent jurisdiction.

76 Section 3. This act shall take effect July 1, 2025.