

By Senator Smith

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1                   A bill to be entitled  
2           An act relating to public service announcements by  
3           state agencies; providing a short title; creating s.  
4           112.3262, F.S.; providing legislative findings;  
5           defining terms; prohibiting state agencies from  
6           producing, disseminating, or funding certain public  
7           service announcements; prohibiting state agencies from  
8           using funds, resources, or personnel to influence,  
9           directly or indirectly, the outcome of statewide  
10          ballot initiatives; providing exceptions; providing  
11          that individuals who violate specified provisions may  
12          be subject to suspension, removal, or disciplinary  
13          action; authorizing the Legislature to reduce future  
14          appropriations to state agencies under specified  
15          conditions; providing that the Commission on Ethics  
16          has the authority to investigate specified complaints;  
17          authorizing certain individuals and entities to file a  
18          complaint with the commission or seek injunctive  
19          relief in a court of competent jurisdiction; requiring  
20          state agencies to maintain records for a specified  
21          timeframe and make such records available for public  
22          inspection; providing an effective date.

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

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26           Section 1. This act may be cited as the "Public Resource  
27 Election Neutrality Act."

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

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30 112.3262 Prohibiting certain public service announcements.-

31 (1) LEGISLATIVE FINDINGS.-The Legislature finds that state  
32 resources may not be used to influence the outcome of elections,  
33 including those involving statewide ballot initiatives. This  
34 section ensures that taxpayer funded public service  
35 announcements are not used to sway voters or create the  
36 appearance of state agency endorsement or opposition to any  
37 ballot measure during critical election periods.

38 (2) DEFINITIONS.-As used in this section, the term:

39 (a) "Public service announcement" means any advertisement,  
40 communication, or promotional material produced or disseminated  
41 in any medium, including television, radio, social media, print,  
42 or digital, which is funded in whole or in part by state  
43 revenues and which is intended to inform, educate, or influence  
44 the public.

45 (b) "State agency" means any agency, department, board,  
46 commission, or other entity under the jurisdiction of the state,  
47 including those funded wholly or in part by state revenues.

48 (c) "Statewide ballot initiative" means any proposed  
49 constitutional amendment, referendum, or other measure that has  
50 been certified for placement on the statewide ballot in an  
51 election.

52 (3) PROHIBITED ACTIONS.-

53 (a) Beginning on the day that a statewide ballot initiative  
54 is certified for ballot placement through the conclusion of the  
55 election at which the statewide ballot initiative is to be voted  
56 on, a state agency may not do any of the following:

57 1. Produce, disseminate, or fund any public service  
58 announcement related to, or which could reasonably be

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59 interpreted to support or oppose, a statewide ballot initiative.

60 2. Use funds, resources, or personnel of the state agency  
61 to influence, directly or indirectly, the outcome of a statewide  
62 ballot initiative.

63 (b) This section does not apply to public service  
64 announcements required to address any of the following:

65 1. Immediate threats to public health, safety, or welfare.

66 2. Routine governmental communications unrelated to  
67 statewide ballot initiatives.

68 (4) PENALTIES AND ENFORCEMENT.—

69 (a) An individual acting in his or her official capacity  
70 who violates this section may be subject to suspension, removal,  
71 or disciplinary action as provided by law.

72 (b) The Legislature may reduce the future appropriations of  
73 a state agency found to have violated this section.

74 (c) The commission may investigate complaints of violations  
75 of this section.

76 (d) Any individual or entity aggrieved by a violation of  
77 this section may file a complaint with the commission or seek  
78 injunctive relief in a court of competent jurisdiction.

79 (5) PUBLIC INSPECTION.—A state agency shall maintain the  
80 records of public service announcements produced or funded  
81 during the 12 months preceding a general election and make such  
82 records available for public inspection.

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