

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 898

INTRODUCER: Senator Garcia

SUBJECT: Online Media Transparency

DATE: January 12, 2026

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McMillan	McKay	CM	Pre-meeting
2.			JU	
3.			FP	

I. Summary:

SB 898 creates s. 501.981, F.S., which provides that any content creator within Florida who is required to disclose a material connection to a person or an entity, pursuant to the most recent rule, regulation, or guidance from the Federal Trade Commission (FTC) must clearly and conspicuously disclose such material connection within any social media content disseminated in Florida. Failure to disclose such material connection constitutes an unfair or deceptive act or practice.

The bill requires any content creator who has a material connection to a foreign principal of a foreign country to file a full and public disclosure of sponsorship with the Department of State for any fiscal year he or she receives such sponsorship.

The bill defines “content creator” as any individual, group, or entity that produces or disseminates digital media through social media platforms, blogs, video-sharing services, podcasts, or other Internet-based communication channels for the purpose of influencing public opinion or consumer behavior.

The bill defines “foreign principal” as any foreign government or foreign political party, or any person or entity that is established under the laws of a foreign country or has its principal place of business there. The term includes any individual who is not a United States citizen but is domiciled in the United States.

The bill defines “material connection” as any financial, employment, personal, or family relationship with a person or an entity pursuant to the disclosure rules, regulations, and guides of the Federal Trade Commission.

The bill takes effect July 1, 2026.

II. Present Situation:

Federal Unfair and Deceptive Trade Practices

The FTC's unfair and deceptive trade practices regulations prohibit unfair¹ or deceptive² acts or practices in or affecting commerce.³ The FTC's regulations include "Truth In Advertising" guidelines, which require advertisements to be truthful, not misleading, and, when appropriate, backed by scientific evidence.⁴ To enforce these regulations, the FTC takes law enforcement actions, provides consumer and business education, issues reports and policy guidance, leads workshops, and participates in other forums.⁵

Endorsement Guides

The FTC's endorsement guides reflect the basic truth-in-advertising principles that endorsements⁶ must be honest and not misleading.⁷ An endorser must convey their honest opinion, and an endorsement cannot be used to make a claim that the marketer of a product could not legally make.⁸ Additionally, the guides establish that if there is a connection between an endorser and the marketer of a product and it would affect how a consumer would evaluate such endorsement, that connection should be disclosed clearly and conspicuously.⁹

Social Media Influencers

The FTC provides guidance on the appropriate disclosures to make when endorsing products.¹⁰ For instance, if an "influencer" or "endorser" endorses a product through social media, the

¹ An "unfair" practice is unfair if it causes or is likely to cause substantial injury to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition. See 15 U.S.C. Sec. 45(n).

² A "deceptive" practice involves a material representation, omission or practice that is likely to mislead a consumer acting reasonably in the circumstances. See FTC Policy Statement on Deception (Oct. 14, 1983) available at https://www.ftc.gov/system/files/documents/public_statements/410531/831014deceptionstmt.pdf (last visited Jan. 12, 2026). See also Federal Trade Commission, *A Brief Overview of the Federal Trade Commission's Investigative, Law Enforcement, and Rulemaking Authority* (revised, July 2025) available at <https://www.ftc.gov/about-ftc/what-we-do/enforcement-authority> (last visited Jan. 12, 2026).

³ 15 U.S.C. s. 45(a)(1).

⁴ Federal Trade Commission, *Truth In Advertising*, available at <https://www.ftc.gov/news-events/media-resources/truth-advertising> (last visited Jan. 12, 2026).

⁵ Federal Trade Commission, *Protecting Consumers from Fraud and Deception*, available at <https://www.ftc.gov/news-events/media-resources/truth-advertising/protecting-consumers> (last visited Jan. 12, 2026).

⁶ The FTC defines "endorsement" as any advertising, marketing, or promotional message for a product that consumers are likely to believe reflects the opinions, beliefs, findings, or experiences of a party other than the sponsoring advertiser, even if the views expressed by that party are identical to those of the sponsoring advertiser. Verbal statements, tags in social media posts, demonstrations, depictions of the name, signature, likeness or other identifying personal characteristics of an individual, and the name or seal of an organization can be endorsements. The party whose opinions, beliefs, findings, or experience the message appears to reflect will be called the "endorser" and could be or appear to be an individual, group, or institution. See 88 FR 48102.

⁷ Federal Trade Commission, *FTC's Endorsement Guides: What People Are Asking*, available at <https://www.ftc.gov/business-guidance/resources/ftcs-endorsement-guides-what-people-are-asking#about> (last visited Jan. 12, 2026).

⁸ *Id.*

⁹ *Id.*

¹⁰ Federal Trade Commission, *Disclosures 101 for Social Media Influencers* (Nov. 2019), available at <https://www.ftc.gov/business-guidance/resources/disclosures-101-social-media-influencers> (last visited Jan. 12, 2026).

endorsement message should make it obvious of any “material connection” with a brand.¹¹ A “material connection” to a brand includes a personal, family, or employment relationship or a financial relationship.¹²

The FTC also provides guidance on how to disclose “material connections” to consumers.¹³ First, an endorser must make sure consumers will see and understand the disclosure, which is done by placing the disclosure in a location that is “hard to miss.”¹⁴ The disclosure should also use “simple and clear language.”¹⁵ Further, the FTC’s guidance advises endorsers that they are prohibited from making up claims about a product that would require “proof” the endorser or advertiser does not have.¹⁶

Federal Communications Commission

The Communications Act of 1934 gives the Federal Communication Commission (FCC) authority over broadcasters¹⁷ and empowers the FCC to grant and renew broadcast licenses based on whether the licensee serves the public convenience, interest, or necessity.¹⁸

The FCC enforces Section 317 of the Communications Act, which requires broadcasters to disclose to their listeners or viewers if matters have been aired in exchange for money, services, or other valuable consideration.¹⁹ Additionally, the FCC enforces Section 507 of the Communications Act, which establishes that when anyone provides or promises to provide money, services, or other valuable consideration to a broadcast employee or station in exchange for airing programming, the broadcaster must disclose this fact to audiences before the programming airs.²⁰

¹¹ *Id.*

¹² *Id.* A financial relationship to a brand includes the brand paying the endorser or giving the endorser free or discounted products. *See also* 16 CFR § 255.5. “Material connections” can also include other benefits to the endorser, such as early access to a product or the possibility of being paid, of winning a prize, or of appearing on television or in other media promotions. Some connections may be immaterial because they are too insignificant to affect the weight or credibility given to endorsements. A material connection needs to be disclosed when a significant minority of the audience for an endorsement does not understand or expect the connection.

¹³ *Id.*

¹⁴ *See id.* The FTC guidance provides the following: (1) disclosures should be placed with the endorsement message itself; (2) if an endorsement is in a “picture” platform like Snapchat or Instagram, then the disclosure should be superimposed over the picture; (3) if an endorsement is in a “video,” the disclosure should be in the video and not just in the description uploaded with the video; (4) if making an endorsement in a “live stream,” the disclosure should be repeated periodically so viewers who only see part of the stream will see the relevant disclosure.

¹⁵ *See id.* The FTC guidance provides the following: (1) the disclosure should be in the same language as the endorsement itself; and (2) An endorser should not assume that a platform’s disclosure tool is good enough, but instead should consider using any such tool in addition to the endorsers own disclosure.

¹⁶ *See id.* For instance, claims that need to be backed up by scientific proof. An example provided by the FTC is when a product is being advertised as treating a health condition.

¹⁷ 47 USC § 153(7) provides that “broadcasting” means the dissemination of radio communications intended to be received by the public, directly or by the intermediary of relay stations.

¹⁸ *See* 47 USC § 307. The FCC provides certain broadcasting restrictions which are subject to First Amendment limitations and statutory prohibition on censorship. However, there is a prohibition on obscene, indecent, or profane language, a prohibition on news distortion, a requirement that broadcasters give equal opportunities to candidates for public office, and a requirement that broadcasters disclose sponsors of on-air programming.

¹⁹ *See* 47 USC § 317.

²⁰ *See* 47 USC § 508. Failure to disclose such payment or the providing of services or other consideration, or promise to provide them, is commonly referred to as “payola” and is punishable by a fine of not more than \$10,000 or imprisonment for

Florida Deceptive and Unfair Trade Practices Act (FDUTPA)

The FDUTPA is a consumer and business protection measure that prohibits unfair methods of competition, and unconscionable, deceptive, or unfair acts or practices in the conduct of trade or commerce.²¹ The FDUTPA was modeled after the Federal Trade Commission Act.²²

The Department of Legal Affairs (DLA) or the state attorney's office in the judicial circuit affected or where the violation occurs may bring actions on behalf of consumers or governmental entities when it serves the public interest.²³ The state attorney's office may enforce violations of the FDUTPA if the violations take place within its jurisdiction.

The DLA has enforcement authority when:

- The violation is multi-jurisdictional;
- The state attorney defers to the DLA in writing; or
- The state attorney fails to act within 90 days after a written complaint is filed.²⁴

In certain circumstances, consumers may also file suit through private actions.²⁵

The DLA and the state attorney's office have powers to investigate the FDUTPA claims, which include:²⁶

- Administering oaths and affirmations;
- Subpoenaing witnesses or matter; and
- Collecting evidence.

The DLA and the state attorney's office may seek the following remedies:²⁷

- Declaratory judgments;
- Injunctive relief;

not more than one year or both. These criminal penalties bring violations within the purview of the Department of Justice. On June 10, 2024, the FCC released rule modifications to the sponsorship identification requirements for foreign government-provided programming, which require a public disclosure to be made, at the time of broadcast, identifying the foreign source of such programming. The Office of Management and Budget approved such modifications on June 10, 2025, however the Media Bureau deferred requiring compliance of the revised rules until June 7, 2026. *See also* 47 CFR § 73.1212. *See also* Federal Communications Commission, Public Notice DA 25-1017 (Dec. 5, 2025), *available at* <https://docs.fcc.gov/public/attachments/DA-25-1017A1.pdf> (last visited Jan. 12, 2026). A “broadcast television licensee” means the licensee of (a) a full-power television station; or (b) a low-power television station that has been accorded primary status as a Class A television licensee under section 73.6001 (a) of title 47, Code of Federal Regulations. *See* 47 USC § 1401(6).

²¹ Section 501.202, F.S.

²² *See* 15 U.S.C. s. 45.

²³ Sections 501.203(2) and 501.207(1)(c) and (2), F.S.; *see also* David J. Federbush, *FDUTPA for Civil Antitrust Additional Conduct, Party, and Geographic Coverage; State Actions for Consumer Restitution*, 76 FLA. BAR J. 52 (Dec. 2002), *available at* <https://www.floridabar.org/the-florida-bar-journal/fdutpa-for-civil-antitrust-additional-conduct-party-and-geographic-coverage-state-actions-for-consumer-restitution/> (analyzing the merits of FDUTPA and the potential for deterrence of anticompetitive conduct in Florida) (last visited Jan. 12, 2026).

²⁴ Section 501.203(2), F.S.

²⁵ Section 501.211, F.S.

²⁶ Section 501.206(1), F.S.

²⁷ Sections 501.207(1), 501.208, and 501.2075, F.S. Civil Penalties are deposited into general revenue. Enforcing authorities may also request attorney fees and costs of investigation or litigation. Section 501.2105, F.S.

- Actual damages on behalf of consumers and businesses;
- Cease and desist orders;²⁸ and
- Civil penalties of up to \$10,000 per willful violation.²⁹

The FDUTPA may not be applied to certain entities in certain circumstances, including:³⁰

- Any person or activity regulated under laws administered by the Office of Insurance Regulation or the Department of Financial Services; and
- Banks, credit unions, and savings and loan associations regulated by the Office of Financial Regulation or federal agencies.

The Department of State

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs, and Administration. The head of the department is the Secretary of State (Secretary).³¹ The Secretary is appointed by the Governor, subject to confirmation by the Senate, and serves at the pleasure of the Governor. Additionally, the Secretary serves as Florida's State Protocol Officer. Housed within the Division of Arts and Culture, the Office of International Affairs facilitates consular relations between the state and all foreign governments doing business in Florida.³²

III. Effect of Proposed Changes:

SB 898 creates s. 501.981, F.S., to be cited as the "Online Media Transparency Act," and provides that any content creator within Florida who is required to disclose a material connection to a person or an entity, pursuant to the most recent rule, regulation, or guidance from the Federal Trade Commission (FTC) must clearly and conspicuously disclose such material connection within any social media content disseminated in Florida.

The disclosure must:

- Identify any sponsorship and indicate that the content has been sponsored or materially supported;
- Use simple and clear language;
- Be in the same language as the sponsorship; and
- Use platform-specific standards so that the disclosure is visible on all devices and formats.

Failure to disclose such material connection constitutes an unfair or deceptive act or practice under part II of ch. 501, F.S.

The bill requires any content creator who has a material connection to a foreign principal of a foreign country to file a full and public disclosure of sponsorship with the DOS for any fiscal

²⁸ Section 501.208, F.S.

²⁹ Section 501.2075, F.S.

³⁰ Section 501.212(4), F.S.

³¹ Section 20.10, F.S.

³² The Florida Department of State, *Office of International Affairs*, available at <https://dos.fl.gov/cultural/about-us/office-of-international-affairs/> (last visited Jan. 12, 2026).

year he or she receives such sponsorship. Such disclosure must include the following information:

- The foreign principal’s name;
- The address of the content creator’s primary residence and all other addresses associated with the content creator;
- A detailed statement describing the nature of the content creator’s business;
- The total amount of such payments the content creator has received from all sponsorships from a foreign principal; and
- A detailed statement of the payments made by the foreign principal during the previous fiscal year in connection with actions taken by the content creator as an agent of, on behalf of, or in furtherance of the goals of a foreign country. The statement must identify the amount of the payment.

The bill creates the following definitions:

- “Content creator” means any individual, group, or entity that produces or disseminates digital media through social media platforms, blogs, video-sharing services, podcasts, or other Internet-based communication channels for the purpose of influencing public opinion or consumer behavior.
- “Foreign country” means a country other than the United States or any territory of the United States, including Guam, American Samoa, the Virgin Islands, and the Commonwealth of Puerto Rico.
- “Foreign principal” means any foreign government or foreign political party, or any person or entity that is established under the laws of a foreign country or has its principal place of business there. The term includes any individual who is not a United States citizen but is domiciled in the United States.
- “Material connection” means any financial, employment, personal, or family relationship with a person or an entity pursuant to the disclosure rules, regulations, and guides of the Federal Trade Commission.
- “Sponsorship” means any payment, gift, service, or other thing of value provided to a content creator in exchange for the promotion, endorsement, or favorable presentation of a product, service, organization, or idea.

The bill grants rulemaking authority to the “department,” however it is unclear if that authority extends to the DOS, the DLA, or to both the DOS and the DLA.

The bill takes effect July 1, 2026.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOS will presumably incur some costs in accepting and filing the public disclosures required by the bill.

VI. Technical Deficiencies:

The bill's provisions are placed in part VII of ch. 501, F.S., but might be better placed in part VI of ch. 501, F.S.

VII. Related Issues:

The bill grants rulemaking authority to the "department," however it is unclear if that authority extends to the DOS, the DLA, or to both the DOS and the DLA.

VIII. Statutes Affected:

This bill creates section 501.981 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
