

By the Committee on Ethics and Elections; and Senators Crist, Aronberg, and Haridopolos

582-04693-10

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1 A bill to be entitled

2 An act relating to political advertisements; providing
3 a short title; amending s. 106.143, F.S.; providing an
4 alternative statement that may be used to identify a
5 candidate as the sponsor of a political advertisement
6 under certain circumstances; providing circumstances
7 under which certain campaign messages and political
8 advertisements are not required to state or display
9 specific information regarding the identity of the
10 candidate, his or her party affiliation, and the
11 office sought in the message or advertisement;
12 authorizing a candidate or political committee to
13 place a statement on a social networking website or
14 account indicating that the site or account is an
15 official site or account approved by the candidate or
16 political committee; prohibiting an official
17 designation without the prior approval by the
18 candidate or political committee; providing an
19 effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. This act may be cited as the "Technology in
24 Elections Act."

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

29 106.143 Political advertisements circulated prior to

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30 election; requirements.-

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

34 1. "Political advertisement paid for and approved by
35 ...(name of candidate)...., ...(party affiliation)...., for
36 ...(office sought)...."; or

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

39 (b) Any other political advertisement published, displayed,
40 or circulated prior to, or on the day of, any election must
41 prominently:

42 1. Be marked "paid political advertisement" or with the
43 abbreviation "pd. pol. adv."

44 2. State the name and address of the persons sponsoring the
45 advertisement.

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

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

52 b. This subparagraph does not apply if the source of the
53 sponsorship is patently clear from the content or format of the
54 political advertisement.

55 (c) Any political advertisement made pursuant to s.
56 106.021(3) (d) must be marked "paid political advertisement" or
57 with the abbreviation "pd. pol. adv." and must prominently
58 state, "Paid for and sponsored by ...(name of person paying for

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59 political advertisement).... Approved by ... (names of persons,
60 party affiliation, and offices sought in the political
61 advertisement)....”

62
63 ~~This subsection does not apply to campaign messages used by a~~
64 ~~candidate and the candidate's supporters if those messages are~~
65 ~~designed to be worn by a person.~~

66 (8) This section does not apply to any campaign message or
67 political advertisement used by a candidate and the candidate's
68 supporters or by a political committee if the message or
69 advertisement is:

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

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

75 (c) Placed as a graphic or picture link where compliance
76 with the requirements of this section is not reasonably
77 practical due to the size of the graphic or picture link and the
78 link directs the user to another Internet website that complies
79 with subsection (1).

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

82 (e) Placed or distributed on an unpaid profile or account
83 which is available to the public without charge or on a social
84 networking Internet website, as long as the source of the
85 message or advertisement is patently clear from the content or
86 format of the message or advertisement. A candidate or political
87 committee may prominently display a statement indicating that

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88 the website or account is an official website or account of the
89 candidate or political committee and is approved by the
90 candidate or political committee. A website or account may not
91 be marked as official without prior approval by the candidate or
92 political committee.

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

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

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

104 (i) Contained in or distributed through any other
105 technology-related item, service, or device for which compliance
106 with subsection (1) is not reasonably practical due to the size
107 or nature of such item, service, or device as available, or the
108 means of displaying the message or advertisement makes
109 compliance with subsection (1) impracticable.

110 (9)~~(8)~~ Any person who willfully violates any provision of
111 this section is subject to the civil penalties prescribed in s.
112 106.265.

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