



POLITICAL ADVERTISING

Florida Department of Transportation

Notice to candidate for election to offices in the State of Florida

As you begin your official campaign for office, we would like to remind you of State law regarding political campaign signs:



- (1) **SIGNS PLACED ON THE STATE RIGHTS OF WAY**—Political campaign signs may not be placed in the right of way of any state or national highway (Chapter 479.11(8), Florida Statutes). Through a joint effort of the Florida Department of Transportation and the Florida Highway Patrol, a brochure explaining that the unauthorized use of the public rights of way is prohibited by Florida law and further outlining why the right of way is regulated and how to know the location of the right of way line is available through our office or from your local Supervisor of Election. We recommend this brochure be given to your campaign volunteers.
- (2) **SIGNS PLACED ON PRIVATE PROPERTY**—Temporary political campaign signs may be placed on private property with the permission of the owner, and such signs do not require a permit under stat law.

Please advise your campaign workers to ensure that signs are placed on private property. Signs placed on the State rights of way must be picked up by Department staff and placed in one of the Department's maintenance yards. We will make every effort to place a courtesy call to your campaign office advising of sign removal and the location of the maintenance yard where the signs have been stored, because we know your campaign signage is expensive.

If you have any questions regarding this issue, please contact the Department's Outdoor Advertising Office in Tallahassee at (850) 414-4545. If you would like copies of the encroachment brochure, please email your address and quantity needed to juanice.hagan@dot.state.fl.us.

Office of Right of Way

For additional information visit the website <http://www.dot.state.fl.us/>

USAGE AND REMOVAL OF POLITICAL CAMPAIGN ADVERTISEMENTS. (106.1435 F.S.)

- (1) Each candidate, whether for a federal, state, county, or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:
 - (a) Withdrawal of his or her candidacy;
 - (b) Having been eliminated as a candidate; or
 - (c) Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be won by persons.

- (2) If political campaign advertisements are not removed within the specified period, the political subdivision or governmental entity has the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the political subdivision.
- (3) Pursuant to chapter 479, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on or above any state or county road right-of-way.
- (4) The officer before whom a candidate qualifies for office shall notify the candidate, in writing, of the provisions in this section.
- (5) This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.



POLITICAL ADVERTISEMENTS CIRCULATED PRIOR TO ELECTION ~ REQUIREMENTS

Florida Statute 106.143

(1)(a) Any political advertisement that is paid for by a candidate and that is published, displayed, or circulated prior to, or on the day of, any election must prominently state: “Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought).”

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

1. Be marked “paid political advertisement” or with the abbreviation “pd. pol. adv.”
2. State the name and address of the persons sponsoring the advertisements.
3. a.(i) State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or

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

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

(c) Any political advertisement made pursuant to s. 106.021(3)(d) must be marked “paid political advertisement” or with the abbreviation “pd. pol. adv.” and must prominently state, “Paid for an sponsored by (name of person paying for political advertisement). Approved by (names of persons, party affiliation, and offices sought in the political advertisement).”

This subsection does not apply to campaign messages used by a candidate and the candidate’s supporters if those messages are designed to be worn by a person.

(2) Any political advertisement of a candidate running for partisan office shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as a candidate with no party affiliation, any political advertisement of the candidate must state that the candidate has no party affiliation.

(3) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this subsection does not apply to:

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominees.

(4)(a) Any political advertisement, including those paid by a political party other than an independent expenditure, offered by or on behalf of a candidate must be approved in advance



by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.

- (b) Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement.
- (c) This subsection does not apply to campaign messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.
- (5) No political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall use the word “re-elect.” Additionally, such advertisement must include the word “for” between the candidate’s name and the office for which the candidate is running, in order that incumbency is not implied. This subsection does not apply to bumper stickers or items designed to be worn by a person.
- (6) This section does not apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.
- (7) Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by this section in the language used in the advertisement.
- (8) Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s. 106.265.

History. --s. 8, ch. 26870, 1951; s. 1, ch. 61-145; s. 21, ch. 65-379; s. 57, ch. 71-136; s. 30, ch. 73-128; s. 52, ch. 77-175; s. 30, ch. 81-304; s. 16, ch. 89-256; s. 35, ch. 90-315; s. 16, ch. 91-107; s. 646, ch. 95-147; s. 17, ch. 97-13; s. 18, ch. 99-318; s. 5, ch. 2004-252; s. 46, ch. 2007-30.

Note. --Former s. 104.37.