

Florida Statute 106.1435

Usage and Removal of Political Campaign Advertisements

- (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 worn 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. History.—s. 1, ch. 84-221; s. 20, ch. 84-302; s. 14, ch. 87-224; s. 647, ch. 95-147.

Reference: Florida Statute 106.1435

Municipalities

When placing signs within a municipality, check with the respective City Clerk for information pertaining to municipal ordinances.

Unincorporated Miami-Dade County Areas

Questions and complaints pertaining to Signs on Private and Public Property (Right of Ways) should be directed to Team Metro at 305-468-5900 for enforcement.



Illegal Signs in the Right-of-Way

To Residents in Unincorporated Miami-Dade County

The Code of Miami-Dade County prohibits any person to erect any sign within the limits of any County right-of-way (Sec. 2-103.15 of the Code of Miami-Dade County).

The right-of-way includes, but is not limited to, all roadsides, sidewalks, utility poles, and highway median strips. In other words, all roads and the land immediately next to them are considered rights-of-way unless they are in privately-owned developments where the land is not dedicated to Miami-Dade County.

Any person who places a sign in the right-of-way shall be subject to an immediate fine in the form of a civil citation. Garage sale signs are the most commonly found and cited. The schedule of fines is listed below.

(Chapter 33 of the Miami-Dade County Code regulates signs on private property.)

Description	Fine
Illegal signs in right-of-way which penetrate or injure a tree, first offense	\$50
Illegal signs in right-of-way which penetrate or injure a tree, second offense	\$200
Illegal signs in right-of-way which penetrate or injure a tree, third or subsequent offense	\$500
Illegal signs in right-of-way equal to or less than 22 x 28 inches overall secured by any non-adhesive means including but not limited to a stake, metal rod, rope, nails, thumb tacks, bricks, or boulders in the right-of-way	\$50
Illegal signs in right-of-way equal to or less than 22 x 28 inches overall secured with any adhesive type of material including but not limited to material such as tape, glue, duct tape, or paste	\$50
Illegal signs in right-of-way of a size greater than 22 x 28 inches overall regardless of sign material or method of posting or attachment	\$150
Illegal banners, pennants or streamers in the right-of-way	\$200
Failure of sign retailer to post advisory notice	\$500

Signs create visual obstructions for motorists and are a form of pollution. In an effort to maintain and improve the quality and appearance of your community, Team Metro Neighborhood Compliance Officers regularly patrol your area to ensure compliance with county rules and regulations. For additional questions you may call

(305) 468-5900

Political Advertising

A political advertisement is a paid expression in any communications media by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

The exceptions are:

1. A Statement by an organization, in existence prior to the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or opposition to a candidate or issue, in that organization's newsletter which is distributed only to the members of that organization.
2. Editorial endorsements by any newspaper, radio or television station, or other recognized news medium

Section 106.011(17), F.S.

Candidate Disclaimers

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)." - Section 106.143 F.S.

Any political advertisement, including those paid for by a political party, other than an independent expenditure 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 Section 106.143 (4)(a).

Other Disclaimers

Any other political advertisement published, displayed, or circulated prior to, or on the day of any election must prominently be marked "paid political advertisement" or "pd. pol. adv." The advertisement must state the name and address of the persons sponsoring the advertisement. It also must state whether the advertisement and 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. – Section 106.143(2) F.S.

Disclaimers on Novelty Items

None of the requirements of Section 106.143, F.S., apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

Language other than English

Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required in the language used in the advertisement.

Electioneering Communications Disclaimers

Any electioneering communication shall prominently state “Paid electioneering communication paid for by (Name and address of person paying for the communication)...” – Section 106.1439 F.S.

Miscellaneous Advertisements

Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, it shall also contain a verbal statement of sponsorship. This section shall not apply to an editorial endorsement. – Section 106.1437 F.S.

See Chapter 12 of the 2006 Candidate and Campaign Treasurer Handbook:

<http://election.dos.state.fl.us/publications/pdf/2006ComCampTreasHandbook.pdf>

VOTER SOLICITATION/ ELECTIONEERING INFORMATION

(Section 102.031, F.S., effective January 1, 2006)

"Voter Solicitation" is also referred to as "Electioneering" or "Campaigning".

POLLING PLACE: A polling place is defined as the building which contains the polling room where ballots are cast.

SOLICITATION: Solicitation includes, but it is not limited to, seeking or attempting to seek any vote, fact, opinion, or contribution; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a survey or a poll; seeking or attempting to seek a signature on any petition; and selling or attempting to sell any item, holding up signs, using loudspeakers.

RESTRICTIONS: No person may solicit voters within **100** feet of the entrance to any *POLLING PLACE*, on the day of any election. **NO EXCEPTIONS.**

Note: Elections Department has authority to enforce the area within the 100-ft. zone only).

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WEARING OF CAMPAIGN ITEMS INSIDE THE POLLING PLACE
(Attorney General Opinion 076-44)

Attorney General Opinion 076-44 prohibits only three specific activities within the restricted zone, namely:

- (1) the solicitation of votes,
- (2) the attempted solicitation of votes, and
- (3) the distribution of any political pamphlets, cards or literature of any kind.

Attorney General Opinion 076-74 outlines that except for the specifically enumerated activities in AGO 076-44, the act of an elector going to and from a polling place while wearing articles of personal apparel that are construed as campaign items does not constitute a violation to the voter solicitation laws.

Examples of articles of personal apparel:

- Buttons
- Hats
- T-shirts
- Bumper stickers attached to clothing

Poll workers and Poll watchers, however, are not permitted to wear any articles of personal apparel which may identify them with any candidate or issue.

In addition, electors are permitted to enter the polling place carrying campaign literature and/or a marked sample ballot (also known as a "palm card") so long as it is for the only purpose of assisting him/her in casting his/her vote and not for distribution or to be left at the polling place.