

Chapter Law 2004-252 amends Section 106.143, Florida Statutes, effective July 1, 2004 to read:

106.143 Political advertisements circulated prior to election; requirements.--

(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 advertisement.

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.

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 for 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. 04-252.

Note.—Former s. 104.37.

SEE ATTACHMENT A FOR CANDIDATE DISCLAIMER EXAMPLES

ATTACHMENT A
Candidate Disclaimer Examples
(effective July 1, 2004)


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).”*

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 advertisement of the candidate must state that the candidate has no party affiliation. A candidate who is registered in a political party may run as a candidate with “no party affiliation” without changing his or her registration.

1. Non-incumbent, partisan candidate running for partisan office:

★ ★ ★ ★ ★ ★ ★




ELECT
JUDY DOMINGO
For State Representative
District 9

Political advertisement paid for and approved by Judy Domingo,
Republican, for State Representative, District 9

2. Incumbent, partisan candidate running for partisan office:

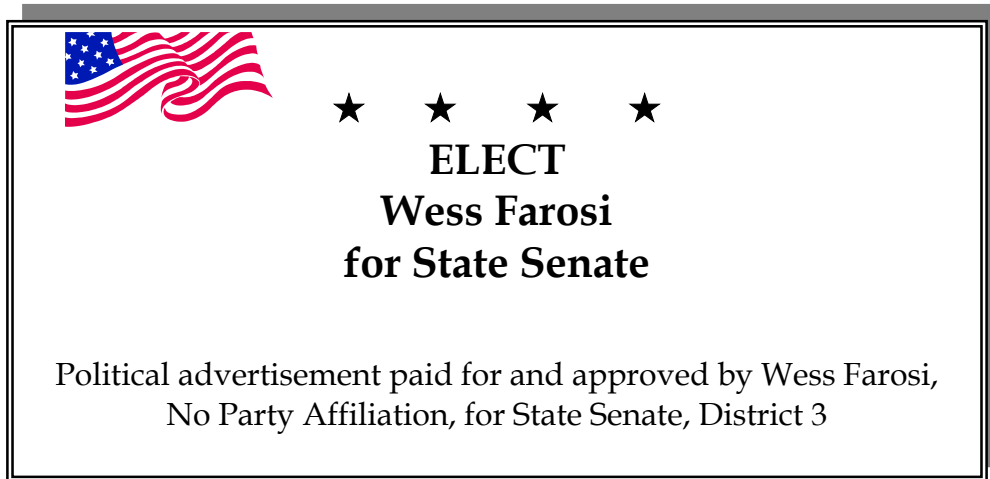
★ ★ ★ ★ ★ ★ ★

RE-ELECT
Mike Sharkey
Sheriff



Political advertisement paid for and approved by Mike Sharkey,
Democrat, for Sheriff

3. **Non-incumbent, no party affiliation candidate running for partisan office:**



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 with the abbreviation “*pd. pol. adv.*” and state the name and address of the persons sponsoring the advertisement.

The political advertisement must also 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; and state who provided or paid for the advertisement and cost of production, if different from the source of sponsorship. (This **paragraph** does not apply if the source of sponsorship is patently clear from the content or format of the political advertisement.)

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 **paragraph** does not apply to editorial endorsement by any newspaper, radio or television station, or other recognized news medium; and publication by a party committee advocating the candidacy of its nominees.

4. Political advertisement for a candidate representing that an organization supports him, paid for in-kind by the organization, with specific approval from the organization in writing:



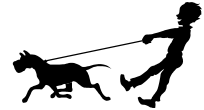
ELECT Joe Cool

**For County Commission, District 1
Democrat
Supported by Pup P. Dog Foundation**

Pd. Pol. Adv. sponsored and paid for in-kind by
Pup P. Dog Foundation, Zero Street, Jupiter, FL 32323
Approved by Joe Cool, Democrat,
for County Commission, District 1

Pup E. Dog Foundation

July 15, 2004



Dear Sir or Madam:

Please let this letter serve as our approval of the political advertisement supporting Joe Cool for County Commission, District 1.

The content of this advertisement was reviewed and approved in advance.

Sincerely,

Mr. Canine

Any political advertisement, including those paid for 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. **This paragraph 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. Political advertisement, not an independent expenditure, offered on behalf of a nonpartisan candidate:

★ ★ ★
**Ye Merry
POT O'GOLD ORGANIZATION
Supports the Re-Election of
Goldie Green
Nassau County Judge**



Pd. Pol. Adv. by Pot O'Gold Organization
111 Jewel Street, Tallahassee, FL 32333
Content approved in advance by Goldie Green,
for Nassau County Judge

July 15, 2004



Dear Sir or Madam:

Please let this letter serve as my approval of the political advertisement by the Pot O'Gold Organization supporting my candidacy for Nassau County Judge.

Sincerely,

Goldie Green

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. **This paragraph 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.**

6. Independent expenditure political advertisement supporting a partisan candidate running for a partisan office:

**Birds of a Feather Association
Supports**



**Tweety Bird
for Public Defender, Fourth Circuit
Democrat**

Birds of a Feather Association

July 15, 2004

Dear Sir or Madam:



The enclosed advertisement is an independent expenditure by the Birds of a Feather Association in support of Tweety Bird for Public Defender, Fourth Circuit.

This advertisement was not approved by any candidate.


Sincerely,

Gold Finch

Paid Political Advertisement paid for by
Birds of a Feather Association
444 Robin Lane, Jacksonville, FL 33433
independently of any candidate.

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 office for which the candidate is running, in order that incumbency is not implied. This paragraph does not apply to bumper stickers or items designed to be worn by a person.

7. Non-incumbent, partisan candidate running for a partisan office:




**A. Newguy
for
County Commission
District 5**

Political advertisement paid for and approved by
A. Newguy, Independent Party of Florida for
County Commission, District 5

8. Incumbent partisan candidate running for a partisan office:

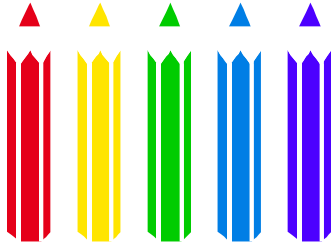
**Re-Elect
M.E. Too
For
County Commission, District 5**

★★★★★



Political advertisement paid for and approved by
M.E. Too, Republican for
County Commission, District 5

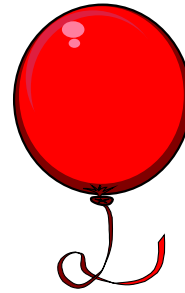
None of the requirements of Section 106.143, Florida Statutes, apply to **novelty items** having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.



Pens/Pencils



Golf Tees

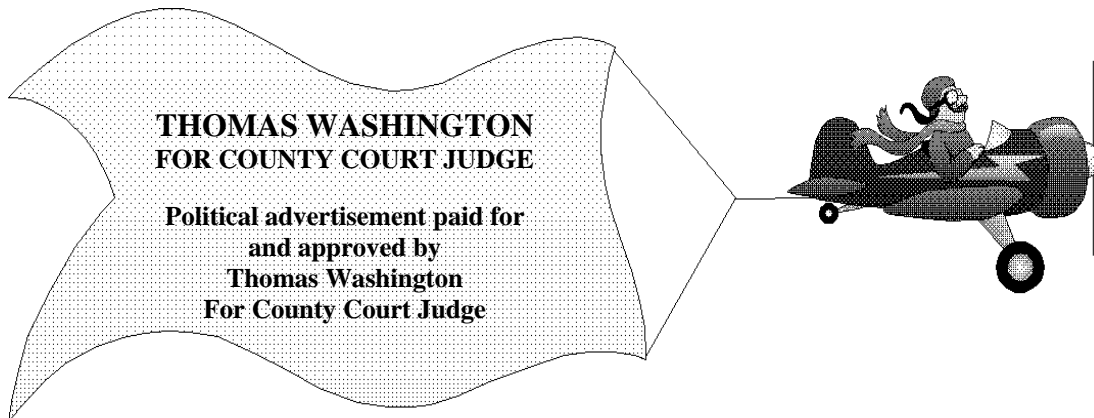


Balloons

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.

Other political advertisement examples are:

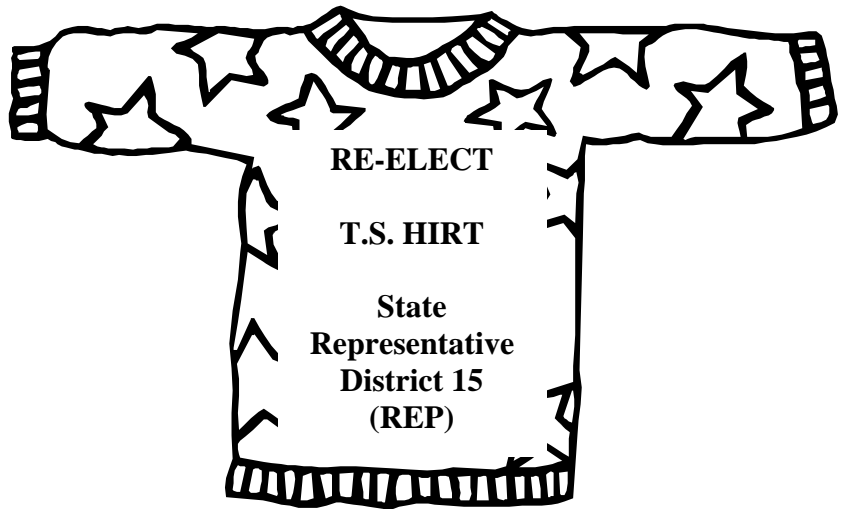
9. Non-incumbent judicial candidate:



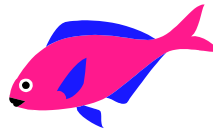
10. Billboards:



11. Items designed to be worn by a person:



12. Fund raiser mailouts:



COME ONE! COME ALL!

**FISH FRY
TO RAISE FUNDS FOR
FRANK JONES
(Adults \$10.00 – Kids Under 12 Free)**

Pd. Pol. Adv.
Paid for in-kind by ABC Committee,
Third Street, Miami, FL 32323
Approved by Frank Jones (NPA
For Dog Catcher

The purchase of a ticket for, or a contribution to, the
campaign fund raiser is a contribution to the
campaign of Frank Jones.



Mr. John Doe
333 Three Street
Miami, FL 32323



I'LL BE THERE!

Put me down for ___ tickets

Pd. Pol. Adv.
Paid for in-kind by ABC
Committee,
Third Street, Miami, FL 32323
Approved by Frank Jones (NPA
For Dog Catcher

The purchase of a ticket for, or a
contribution to, the campaign
fund raiser is a contribution to the
campaign of Frank Jones.

13. Bumper stickers:

