

Chapter 12: Political Advertising

A political advertisement is a paid expression in a communications medium prescribed in section 106.011(4) F.S., whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or 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.

(Section 106.011(15), F.S.)

Candidate Disclaimers

Except as noted below, any political advertisement that is paid for by a candidate (except a write-in candidate) and that is published, displayed, or circulated before, 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)” or “Paid by (name of candidate), (party affiliation), for (office sought).”

Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)” or “Paid by (name of candidate), write-in candidate, for (office sought).”

(Section 106.143(1), F.S.)

Also, the disclaimer language alternatives provided above must be verbatim as quoted in s. 106.143, F.S. Variations are prohibited by law.

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.

The candidate shall provide a ***written statement of authorization*** to the newspaper, radio station, television station, or other medium for each advertisement submitted for publication, display, broadcast, or other distribution.

Candidates running for ***non-partisan*** office may not state the candidate’s political party affiliation in the disclaimer, or in the body of the advertisement. Exception: The candidate is not prohibited from stating the candidate’s partisan related experience.

(Sections 106.143(3) and (5), F.S.)

Exceptions to Disclaimer Requirements

The disclaimer requirement in section 106.143(1), Florida Statutes, does not apply to any campaign message or political advertisement used by a candidate and the candidate’s supporters or by a political committee if the message or advertisement is:

- (a) Designed to be worn by a person.
- (b) Placed as a paid link on an Internet website provided the message or advertisement is no more than 200 characters in length and the link

directs the user to another Internet website that complies with the disclaimer requirements in section 106.143(1), Florida Statutes.

(c) Placed as a graphic or picture link where compliance with the requirements of this section is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with section 106.143(1), Florida Statutes.

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

(e) Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.

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

(g) Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with section 106.143(1), Florida Statutes.

(h) Sent by a third-party user from or through a campaign or committee's website, provided the website complies with section 106.143(1), Florida Statutes.

(i) Contained in or distributed through any other technology-related item, service, or device for which compliance with section 106.143(1), Florida Statutes, is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with section 106.143(1), Florida Statutes, impracticable

(Section 106.143(10), F.S.)

Disclaimer requirements do not apply to individuals seeking a publicly elected position on a political party executive committee.

Examples of advertisements with disclaimers:

Note: The word **"elect"** or **"re-elect"** is not required to be used in political advertisements. However, the word **"re-elect"** may not be used if the candidate is not the incumbent for the office sought.

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

**ELECT
JANE DOE
For State Representative
District 9**

Paid by Jane Doe, Rep., for State Representative

OR

**ELECT
JANE DOE
For State Representative
District 9**

Political advertisement paid for and approved by Jane Doe, Republican, for State Representative

2. Incumbent, partisan candidate running for partisan office:

**RE-ELECT
JOHN DOE
Sheriff**

Political advertisement paid for and approved by John Doe, Democrat, for Sheriff

OR

**RE-ELECT
John Doe
Sheriff**

Paid by John Doe, Democrat, for Sheriff

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

**ELECT
John Doe
For State Senate**

Political advertisement paid for and approved by John Doe, NPA, for State Senate

OR

**ELECT
Joe Doe
For State Senate**

Paid by John Doe, No Party Affiliation, for State Senate

4. Non-incumbent candidate running for nonpartisan office:



**ELECT
John Doe
For School Board**

Political advertisement paid for and approved by John Doe for School Board

OR



**ELECT
John Doe
For School Board**

Paid by John Doe for School Board

5. Incumbent candidate running for nonpartisan office:



**RE-ELECT
Jane Doe
School Board**

Political advertisement paid for and approved by Jane Doe for School Board

OR



**RE-ELECT
Jane Doe
School Board**

Paid by Jane Doe for School Board