

DE 79-02 - August 20, 1979

**Political Advertising; Rates Charged Candidates
ss. 106.142,106.16, P.S.**

To: Mr. Dean Bunch, Esq., Ervin, Yarn, Jacobs, Odom & Kitchen, P.O. Box 1170, Tallahassee, Florida 32302

Prepared by: Division of Elections

This is in response to your letter on behalf of the Florida Association of Broadcasters, in which you requested an advisory opinion of this office in answer to the following question:

"If a particular advertising rate is charged during the 45 day period prior to an election, as mandated by federal law, does state law require that this charge be held throughout the remainder of the year?"

As discussed below, your question is answered in the negative.

The Florida legislature has seen fit to enact certain laws regulating political advertising. It has defined this to be:

". . .a paid expression in any mass medium, whether radio, television, newspaper. . ., which shall support or oppose any candidate or issue. . . ." ss. 106.142, F.S.

The rates charged for such advertising by radio or television stations and by newspaper or periodicals have been limited by law. It states:

"No person or corporation within the state publishing a newspaper or other periodical or operating a radio or television station or network of stations in Florida shall charge one candidate for state or county public office for political advertising in a county, or for political broadcasts in a county, at a rate in excess of that charged another political candidate."

Section 106.16, F.S., compels the charging of the same rates for all political candidates for similar advertising. The clear intent of this statutory provision is to equalize charges for political advertisements so that a candidate would not have a favored advantage over an opponent. So long as the intent of the law is not mitigated or compromised, then it is my opinion that ss. 106.16, F.S., does not necessarily in every instance require that a particular advertising rate charged during the 45 day period, prior to an election, be charged throughout the remainder of the year.