

**DE 86-14 - August 12, 1986**

**Campaign Finances; Political Advertisements; Media  
Sections 106.021(3) AND 106.11, Florida Statutes**

*To: Mr. K. Patrick Meehan, Leibowitz and Spencer, Suite 501, 3050 Biscayne Boulevard, Miami, Florida 33137*

*Prepared by: Division of Elections*

Your request for an opinion under Section 106.23(2), Florida Statutes, represents one of many questions regarding the use of the mass media and the obligations imposed upon candidates and political committees in using the services of the media consistent with the requirements of the Campaign Finance Law, Chapter 106, Florida Statutes.

Section 106.021(3), Florida Statutes, provides that, with the exception of independent expenditures, no contributions or expenditures (including those of a candidate and his or her family) shall be directly or indirectly made or received in furtherance of his or her candidacy for nomination or election to political office in the state, or on behalf of any political committee except through the duly appointed treasurer of the candidate or political committee. Certain expenditures may be made directly by a political committee or political party regulated by Chapter 103, Florida Statutes, for obtaining time, space, or services in or by any communications media endorsing six or more candidates. Thus, all contributions as well as expenditures must be made through the campaign treasurer.

Section 106.11(1), Florida Statutes, provides that

(1) The campaign treasurer or deputy campaign treasurer of a candidate or political committee shall make expenditures from funds on deposit in the primary campaign depository only by means of a bank check drawn upon the campaign account of the candidate or political committee. The campaign account shall be separate from any personal or other account and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or political committee. The checks for such account shall contain, as a minimum, the following information:

- (a) The state "Campaign Account of (name of candidate or political committee.)"
- (b) The account number and the name of the bank.
- (c) The exact amount of the expenditure.
- (d) The signature of the campaign treasurer or deputy treasurer.
- (e) The exact purpose for which the expenditure is authorized.
- (f) The name of the payee.

Based on the above statutory language, all advertising expenditures, whether television, radio, newspaper, magazine, must be paid by the campaign treasurer or deputy campaign treasurer on a check drawn on the account of the candidate or political committee. This does not preclude candidates

or political committees from using advertising agencies or other publicity intermediaries in conducting their campaigns; however, it does require that each vendor of services be paid by a check drawn on the campaign account of the candidate or political committee.

A suggested method of handling advertising through an advertising agency or other media representative is to have vendors of services identified and checks drawn on the campaign account to each vendor along with a check to the advertising agency covering their services.