



Florida Department of Transportation

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GOVERNOR

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Tallahassee, FL 32399-0450

RACHEL D. CONE
INTERIM SECRETARY

May 30, 2017

Notice to candidates for election to offices in the State of Florida

The Department of Transportation's Office of Right of Way would like to remind you of State Law regarding political campaign signs:

- (1) Signs placed on the state rights of way – Political campaign signs may not be placed in the right of way of any state or national highway [Chapter 479.11(8), Florida Statutes]. A joint effort by the Florida Department of Transportation and the Florida Highway Patrol produced a brochure explaining that the unauthorized use of the public right of way is prohibited by Florida law. This brochure further outlines how the right of way is regulated and how to recognize the location of the right of way line. The brochure is available on our website, <http://www.fdot.gov/rightofway/> Please feel free to print and copy the brochure for distribution. We recommend campaigns make this brochure required reading for volunteers who post candidate signage.
- (2) Signs placed on private property – Temporary political campaign signs may be placed on private property with the permission of the owner. Such signs do not require a permit under state law.

Please advise your campaign workers to ensure that signs are placed on private property. Signs placed on the state rights of way must be picked up by Department staff and placed in one of the Department's maintenance yards. We will make every effort to place a courtesy call to your campaign office advising of sign removal and the location of the maintenance yard where the signs have been stored.

If you have any questions regarding this issue, please contact the Department's Outdoor Advertising Office in Tallahassee at (850) 414-4569.

Sincerely,

A handwritten signature in blue ink that reads "A.J. Spalla". The signature is written in a cursive style.

A.J. Jim Spalla, Director
Office of Right of Way

FOR THE USE OF FLORIDA TRANSPORTATION RIGHTS OF WAY



Unauthorized use of the public right of way is prohibited by Florida law. Illegal use of the right of way is a crime. Each day a violation continues is a separate offense.

Section 337.406, Florida Statutes

PROHIBITED USES OF THE RIGHTS OF WAY

Any use which interferes with the safety and efficiency of the road.

• Display of advertising of any sort.

• Solicitation, including for charitable purposes.

• Sale, display, or free distribution of any merchandise, goods, property or services.

• Storage, servicing or non-emergency repairing of vehicles.

USES OF THE RIGHTS OF WAY THAT MAY BE ALLOWED BY PERMIT

Note: None of these uses are allowed on Interstate Highways.

Art festivals, parades, fairs, or other special events. These may be allowed with a permit from the appropriate county or city government. Road closure by the county or city government requires FDOT approval. Temporary banners or similar devices may be allowed upon approval by local government and FDOT.

Temporary uses allowed by cities and counties. Cities and counties may issue permits within their limits to allow uses which are ordinarily prohibited if the use is of limited duration, will not interfere with the safe and efficient movement of traffic and will cause no danger to the public.

Sales from vehicles standing on the right of way to occupants of abutting properties. Such sales are permitted by persons holding valid peddlers' licenses issued by a county or city.

Solicitation for non-profit organizations. Permits for solicitation for non-profit organizations may be issued by local governments.

WHY IS THE USE OF THE PUBLIC RIGHT OF WAY REGULATED?

Regulation of activities occurring within the right of way is necessary to help prevent:

- Distractions to motorists
- Unsafe pedestrian movement within travel lanes
- Sudden stoppage or slowdown of traffic
- Rapid lane changing and other dangerous traffic movements
- Increased vehicular accidents
- Motorist and pedestrian injuries and fatalities

WHAT IS THE RIGHT OF WAY AND HOW DO I KNOW WHERE IT IS?

The right of way for a road or other transportation facility is the paved area of the road, the road shoulders, sidewalks, swales, and all the other property adjacent to the road owned by the government for the construction and operation of the road or other facility. It may extend far beyond the paved road surface and may or may not be mowed or fenced.

Maps showing the location of the right of way for state roads are available from the Florida Department of Transportation. Maps for local streets and roads are available from the appropriate county or city offices.

The Florida Highway Patrol, the Florida Department of Transportation, and local law enforcement agencies monitor the use of the public rights of way and may issue citations when unauthorized uses are found.

Courts may impose a fine of up to \$500 or imprisonment of up to 60 days or both for each offense. Local ordinances may impose additional fines.

Each day an unauthorized use continues is a separate offense.



To order more brochures please contact the FDOT Office of Right of Way at: (850) 414-4569



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(ver al reverso en Español)