



IMPRESSIONS FROM THE PRESIDENT/CEO

Looking back at 2020 and 2021 while looking forward to 2022, I remain optimistic about the advancement of the outdoor advertising industry in Florida despite the turmoil of the COVID-19 pandemic. We are gradually emerging from this global crisis even stronger and together we have worked to recover and restart our economy.

During the 2021 legislative session, our industry saw success in modernizing and streamlining the metal tag post regulatory processes requiring the development of a publicly accessible database by FDOT and the elimination of metal permit tags. There was also success in our support of the Purple Bill, which requires the state to create an Emergency Alert System, identifying all available digital outdoor advertising structures capable of providing emergency messaging to the public – ensuring the outdoor advertising industry continues to be an imperative part of the emergency alert system throughout the state.

FOAA remains on the frontlines ensuring that our united and responsible industry voice is heard and seeking to strike a fair balance between public and private interests. This newsletter reflects some of the highlights of our achievements since the last time we were all together at the FOAA convention in 2019. As always, thank you for your support and membership!

IN THIS ISSUE YOU WILL FIND INFORMATION ON:

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American advertisers spent almost 3.5 billion U.S. dollars on digital out-of-home advertising, which includes digital billboards, in 2019. In 2023, they are projected to spend about \$5.2 billion.

COVID-19: FLORIDA OUTDOOR ADVERTISING & THE PANDEMIC

In consideration of the economic challenges our industry faced at the beginning of 2020 caused by the uncertainties related to the COVID-19 pandemic, our annual convention scheduled September 2020 was cancelled.

The health and safety of our members and their guests has been our No. 1 priority. Proactive measures are being taken during this convention to keep us all safe and healthy. FOAA and the Naples Grande Resort is adhering to guidelines from the CDC and continues to urge people to take health precautions including washing hands regularly and observing physical distancing when possible. FOAA staff has provided you with facemasks and social distancing stickers as reminders of the importance of protecting one another from serious illness. I commend our members who have continued doing what is necessary to protect their employees, customers, and families during this unprecedented time.

During the height of the pandemic in 2020, the Florida Outdoor Advertising Association worked closely and collaboratively with the Florida Department of Transportation's (FDOT) during the quarantine to exercise discretion in regard to tag posting violations. Our communications with the FDOT Office-of-Right-of-Way and Ken Pye, Manager, Outdoor Advertising, assured that Notices of Noncompliance (NNC) that were issued on or after February 10, 2020, were given an additional 30 days to come into compliance. The department did not issue any NNCs for tag posting violations in the months of April & May 2020. Beginning in June of 2020, they have resumed enforcement actions for tag posting violations, including the issuance of NNCs.

It is still just as important now to demonstrate the outdoor advertising industry's dedication to our communities and the people of Florida through public service messaging. Many of you have shared the public service messages you have posted relating to COVID-19. FOAA encourages members to continue the fight against COVID-19 by posting critical messages.



FLORIDA DEPARTMENT OF TRANSPORTATION UPDATES

VEGETATION RULE

In January 2021, the Vegetation Management Application and Permit Insurance rule was updated with new language and a revised mitigation formula ensuring more fair and reasonable regulation. After several years of working with FDOT in the rule making process, the proposed rule language making needed revisions to Chapter 14-10.057, F.A.C. has been implemented.

Changes to Chapter 14-10.057, F.A.C. became effective January 4, 2021. This is a great success for Florida's outdoor advertising industry and the ongoing effort to ensure fair and reasonable regulation of vegetation management. Thanks to those members that participated in the process to help bring this to fruition!

The full version of the new rule and its history can be viewed at www.flrules.org.

PERMIT TAGS

House Bill 57/Senate Bill 1194, which was approved by Governor DeSantis on June 29, 2021, includes language that modernizes the permit tag process. Metal permit tags will be a thing of the past with the new database that is currently being created by the Department of Transportation.

FDOT predicts that the new database will be fully operational by July 1, 2022. Until then, FOAA consultants met with the Office of Right of Way in August 2021 to discuss Notices of Non-Compliance ("NNC") and the best practice for our members to respond when they believe an NNC was sent in error.

If you believe you received a Notice of Non-Compliance in error you can contact the FDOT Right-of-Way office directly or reach out to FOAA for assistance.

Until the new database is up and running, we must continue to display the metal permit tags as usual. Be sure the tag is visible from the roadway to which the sign is permitted. FOAA will notify you when the new law has taken effect and the new FDOT database is up and running.

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2021 LEGISLATIVE SESSION RECAP



The Florida Legislative Regular Session began March 2, 2021. However, things looked different this year at the Capitol due to COVID-19 restrictions. The Capitol Complex was closed to the general public and only open to visitors participating in the legislative process. The Senate was closed to all members of the public, while the House had limited pre-approved access for visitors participating in the legislative process. Due to these restrictions, FOAA did not host a legislative fly-in this year.

Since last spring, the FOAA Board, Legislative Workgroup and Lobby Team have held multiple virtual meetings to establish industry priorities and to prepare for the 2021 and 2022 Legislative Sessions. Several bills were filed in 2021 that addressed the priorities identified by legislative team. FOAA was instrumental in the passing of legislation requiring the establishment and state inventory of available digital outdoor advertising structures capable of providing messaging to the public during declared states of emergency, the establishment of a publicly accessible database of each sign permit issued by the Department of Transportation and elimination of the requirement for a metal permit tag. In addition, FOAA advocated for the passage of E-Fairness (SB50) that will ultimately result in a reduction of the tax on commercial leases to 2%.

Every week during the legislative session, FOAA keeps members apprised of the work of our legislators and legislation impacting the outdoor advertising industry through our Capitol Updates. All previous Capitol Updates can be view on our website at www.foaa.org/membersonly.

**Photos from our last FOAA Legislative Fly-In, January 2020.*



2021 LEGISLATIVE BILLS RECAP



BILLBOARD PERMIT TAGS (SB 1670)

This industry specific legislation requires the development of a publicly accessible database as soon as practicable by FDOT and the elimination of metal permit tags. Metal permit tags will soon be a thing of the past. FOAA will notify you as soon as the new law has taken effect and the new FDOT permit database is operational and official.



PURPLE ALERT (SB 184)

FDEM and FDLE must identify and maintain an inventory of available digital structures to assist in providing critical information during times of emergency to help locate missing endangered persons. The Purple Alert system will dispatch alerts when an endangered adult goes missing with a mental or cognitive disability, a brain injury or another physical, mental or emotional disability. When a Purple Alert is issued, local law enforcement agencies will broadcast information to the media and subscribers in the area where the missing adult is believed to be located.



E-FAIRNESS (SB 50)

Requires out-of-state sellers to collect and remit taxes on Florida sales, removing a major competitive disadvantage for Florida retailers, transferring the burden to remit taxes from consumers to sellers, and protecting Floridians from collection actions, penalties, and interest.

Businesses making remote sales into Florida must now register and collect sales and use tax on transactions. After the initial revenues collected have replenished Florida's Unemployment Compensation Trust Fund, the E-Fairness revenue will be used to reduce the sales tax on commercial leases from 5.5% to 2% -- a significant savings for the outdoor advertising industry!



2021 PUBLIC SERVICE CAMPAIGNS

FOAA's public service program continues to set a high standard for the rest of the industry nationally. This initiative would not be successful without our members' remarkable support and generous donations of space, so we thank you for participating in our public service program that help set our organization as the shining example of cooperative public service. FOAA members donate hundreds of thousands of dollars worth of advertising space through the FOAA Public Service program to organizations throughout the state. This program provides advertising that supports civic, charitable, and government public service messages. Thanks to the generosity of our members who provide advertising space, our Public Service program continues to make our communities better. A few public service partnerships from 2020 and 2021 include:

A Safe Haven For Newborns®

The Gloria M. Silverio Foundation, 501(c)3
www.asafehavenfornewborns.com

Hiding your pregnancy or know someone who is?
We're here to help... Every Life is Precious.

1.877.767-2229 (BABY)

Ocultar su embarazo o sabe de alguien que lo haga?
Estamos aquí para ayudar... Cada Vida es Preciosa.

All calls are confidential.
Todas las llamadas son confidenciales.

FOAA

"Safe Haven for Newborns 2020/2021" *The Gloria Silverio Foundation*
Promoting a toll-free helpline and message providing alternative safe havens to leave newborns rather than abandonment.

FLHSMV
FLORIDA TRUCKING ASSOCIATION

TAKE A BREAK
Don't drive drowsy.

Public Service provided by the Florida Outdoor Advertising Association

"Drowsy Driving 2021" *Florida Department of Highway Safety and Motor Vehicles*
To educate English and Spanish-speaking motorists, including Commercial Motor Vehicle (CMV) drivers, to always drive alert by getting adequate rest and taking frequent breaks when driving, including the importance of Commercial Motor Vehicle (CMV) hours-of-service regulations.

DEPRESSION
Is Not a Normal Part of Growing Older

TEXT HOME TO **741741**
talk it out

ELDER AFFAIRS Florida HEALTH FOAA

"Suicide Prevention Month & Mental Health Wellbeing" *Florida Department of Health*
In reference to violence and injury prevention; to share the Suicide Prevention Month and Mental Health Wellbeing national hotline numbers.



COVID HAS MADE HER FEEL ISOLATED
800-273-TALK
TEXT "HOME" TO 741741

Florida HEALTH | FOAA | CRISIS CENTER OF TAMPA BAY

"Superbowl - Domestic/Sexual Violence and Human Trafficking Prevention/Hotlines" Florida Department of Health Reference to a new project on Domestic/Sexual Violence and Human Trafficking Prevention/Hotlines and maybe a Suicide Billboard. All of it leading up to the Superbowl in February.

"Adolescent Health/Maternal Child Health Billboards" Florida Department of Health

Many of the most important physical, emotional and social developmental milestones occur during adolescence. This includes habit formation that can contribute to health outcomes in early, middle and late adulthood. Exercise, hydration, stress management, and balanced eating are just some of the habits that can allow for optimal health in the future. This campaign would encourage adolescents to make current decisions with their future health in mind.



MOM: Your eyebrows are on fleek!

TEEN: That's so cheugy.

Talk about not cheugy things: [CDC.gov/HealthyYouth](https://www.cdc.gov/HealthyYouth)

Public Service Provided by the Florida Outdoor Advertising Association FOAA

3 formas SEGURAS y PROTEGIDAS para votar en Florida.

- ✓ Vote el **DÍA DE LAS ELECCIONES**
- ✓ Vote por **CORREO**
- ✓ Vote **ANTES**

[FloridaElection2020.gov](https://www.FloridaElection2020.gov)

ELECTION 2020
Protecting You and Your VOTE

"Voter Education 2020 Spanish & English" Florida Department of State Office of External Affairs

An effort to encourage voter participation and awareness. We're looking to encourage voters to check their voter registration, or to register to vote, to update their signature, to know become familiar with their ballot, and the ways in which they can vote.

"Family & Friends" Al-Anon Family Groups' North Florida Area 9

To provide education and awareness about Al-Anon. Al-Anon is the support group for friends and family members of alcoholics. Many don't realize that alcoholism doesn't just affect the drinker; it's a family disease, in that it affects the whole family. For the whole family to get well, the whole family needs recovery. Their Public Outreach efforts are directed at letting family members know there is help for them, too, and that things can better, even if the alcoholic is still drinking.



Worried about someone's drinking?

You're not alone.

HELP AND HOPE
1-888-4AL-ANON
[al-anon.org](https://www.al-anon.org)

It is vital that we keep track of your public service posting data. FOAA uses this information to share with government officials to show our value to the public, displaying the ways in which our industry has helped our communities. In an effort to ensure that we keep up with this data, please expect an email from our Public Service Director, Angie Herron, frequently following up.

FEDERAL BILLBOARD TAX FAIRNESS

The Ohio Supreme Court ruled against Cincinnati's targeted billboard tax as an unconstitutional burden on the First Amendment, earlier this month, September 2021. The City of Cincinnati passed a 10% tax on billboard revenues as part of the city's 2019 budget. The tax was passed over the mayor's veto with just two days public notice and no hearings. An injunction to stop the tax was put in place and later made permanent, predominantly on a free speech argument.

Here is a brief history of the case:

- Norton Outdoor Advertising and Lamar Advertising challenged Cincinnati's billboard tax in on constitutional grounds.
- The trial judge ruled in favor of Norton and Lamar; a State appellate court ruled for the City (the Ohio Supreme Court reversed the First District Court of Appeals).
- On behalf of the industry, OAAA submitted an amicus brief in the Ohio case and Ken Klein testified at trial court in Cincinnati, along with Norton, Lamar, advertisers, and public-service partners.
- The Cincinnati billboard tax was inspired by a similar targeted tax in Baltimore (imposed in 2013.) Clear Channel Outdoor challenged the Baltimore tax; however, courts in Maryland have ruled in favor of the City. Clear Channel has asked the US Supreme Court to take the Baltimore case.
- The Ohio Supreme Court (on September 16) specifically rejected the legal reasoning of the highest court in Maryland: "We do not find its analysis to be persuasive."

"Included in the guarantee of free speech and a free press is the prohibition against selective taxation that is designed to suppress, control, or punish speech or that is structured in such a way that the tax creates an unacceptable potential for censorship by the government or self-censorship by speakers and publishers.

The city of Cincinnati has imposed such a discriminatory tax, singling out members of the press and placing the tax's burden on a small group of speakers and publishers in a way that both directly limits the circulation of protected speech and creates the danger that speech will be added or removed based on a desire to please, or avoid the wrath of, city council. That the tax involves billboards rather than the institutional press is of no consequence, and strict scrutiny applies. And because the city's need to raise revenue does not justify its selective tax on speech and the press, the tax does not survive strict scrutiny and therefore impermissibly infringes on the rights to free speech and a free press enshrined in the First Amendment to the United States Constitution."

Highlights from the Ohio Supreme Court

In 2013, the City of Baltimore imposed a "tax on the privilege of exhibiting outdoor advertising displays" (\$15 per square foot for digital displays and \$5 per square foot for non-digital). Clear Channel Outdoor has asked the US Supreme Court to accept the Baltimore case arguing that it was unfair and unconstitutional to single out one form of media for disparate tax treatment. (Maryland courts have ruled in favor of the City).

FOAA commends Norton Outdoor Advertising and our members, Lamar Advertising and Clear Channel Outdoor, for continuing to fight for successful outcomes to establish case law barriers protecting the out the out of home industry. It is important that we keep an eye out for similar situations in your local cities and in our state. Remember, FOAA along with the OAAA will be your advocate for the industry if you need assistance.

RETIREMENTS TO RECOGNIZE

Let us all join Lamar Advertising in saying goodbye to two longtime employees as they move on to greener, retired pastures. We also congratulate Lamar's replacements in both regions. Tom Traylor has assumed the role of Lamar's Gulf Coast Regional Manager and Charlie Furman is Lamar's new Atlantic Regional Manager.



Robert Campbell joined Lamar in 1972 as a posting manager in Mobile, Alabama. He went on to serve a sales manager, general manager, and regional manager. For nearly 40 years, Robert oversaw the integration of numerous acquisitions, and hired and trained dozens of managers. He has served on the national legislative committee for the OAAA for two decades and was inducted into the OAAA Hall of Fame in 2007. The "A" is for Alabama ... and (effective!) advocate.

Collectively, Robert and Tom were dedicated Lamar employees for more than 90 years. Congratulations to you both on your retirement! FOAA will miss you both dearly and wish you all the best for these new chapters in your lives.

Tom Sirmon was with Lamar for 42 years, starting in a sales position in 1979. During his career, Tom held just about every job there is at the company. He quickly moved up the ladder from sales manager (Mobile, AL) to general manager (Augusta, GA) to territory manager (Florida Gulf Coast) and ultimately to regional manager, where he oversaw offices from Ohio South to Florida and Virginia West to Louisiana over the past three decades.



FOAA also said farewell to several staff members this year. Administrative Assistants, Emmy Kyllonen and Alicia Osborne. We are so sad to see them go but wish them both well! Emmy has accepted a full-time position with the Florida Department of Fish and Wildlife Commission. Alicia is focusing on her photography business while being a stay at home mom.





The Florida Chamber of Commerce awarded Senate President Wilton Simpson with the 2021 Most Valuable Legislator (MVL) award. Outfront Media was generous enough to post the Legislator of the Year Billboard at a location close to Senator Simpson's hometown, Trilby, Florida. Senate President Simpson was very grateful for the public recognition along I-75!

MEMBERS STAYING INVOLVED



Clear Channel Orlando President Craig Swygert recently made front-page news in his new volunteer role as president of The University Club of Orlando. Craig and the club's Board recently acknowledged the club's past racial and gender exclusion, honoring those who were barred from club membership decades ago (a judge, newscaster, and cameraman) with honorary lifetime memberships.

"The University Club's membership and leadership have been diverse for decades, but that wasn't enough," said Swygert. "Yes, we can say, 'look at our board because our board is very diverse,' but to actually acknowledge it and not ignore it (the past), to me sends the signal that we're doing the right thing."

The Club's restrictions were revised long ago but, "leadership felt taking this action and being intentional was the right thing to do during these challenging times. We want to do our part and are proud to be inclusive."

FOAA is proud to know a friend and industry leader such as Craig, who has always personified community-civic involvement. You can read the full article online at the OrlandoSentinel.com.



Graduation for the Class of 2020 looked a lot different in the wake of the coronavirus pandemic, but some people are embracing it. Across Florida, you may have seen graduating seniors snapping photos of billboards, as school districts celebrate their accomplishments with their communities.

The billboards helped seniors feel celebrated during the time had to go without proms, grad bash, senior send-offs, and other special events.

Students said that although the screen only lasts a few seconds, the memory will last a lifetime. FOAA members throughout the state have participated in honoring graduates.

Many FOAA members also took the initiative to pay tribute to prominent figures who have passed, including Florida State University Coach Bobby Bowden. Joe Garner, Clear Channel Outdoor Senior VP of Real Estate and Public Affairs, told WPTV.com that the Bowden billboard campaign is something that the company has historically done after the deaths of other prominent figures. Clear Channel also did something similar after Burt Reynolds died in 2018.



LOCAL & STATEWIDE



For more than 12 years, the FDLE Missing and Endangered Persons Information Clearinghouse has partnered for FOAA in producing and distributing billboards statewide featuring Florida's missing children. Each year parents, children, law enforcement officers and citizens gather to remember Florida's missing children who are still missing and those who will never come home again. The objective of this day is to raise awareness of Florida's currently missing children, to educate the public on child safety and abduction prevention, and to recognize those individuals and law enforcement officers who have made outstanding contributions in the missing children issue. Once again, Lamar Advertising donated the large vinyl banner of the 2021 winning artwork at the September 13th, 2021 Florida Missing Children's Day. This yearly event is open to the public and is held Tallahassee Capitol Courtyard.



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