

AMENDMENT 1

FREQUENTLY ASKED QUESTIONS

This document is not designed to provide a legal opinion or analysis of any action taken by a city or city official. It is meant to provide direction and guidance. Please consult with an attorney if you have specific questions.

Q: Can a city enact a resolution that expressly advocates for or against an issue, referendum or amendment that is subject to a vote of the electors?

A: Yes. A city may adopt a resolution that expressly advocates for or against an issue, referendum or amendment that is subject to a vote of the electors.

Q: Can a city and city staff spend public funds on communication devoted to the constitutional amendment?

A: The answer is a qualified “yes”; however, public funds cannot be used for a communication that is a “political advertisement.” A political advertisement is defined in Florida law, Section 106.011 (15), Florida Statutes. A political advertisement “means a paid expression in a communications medium prescribed in subsection (4), 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.” (Emphasis added)

Section 106.011 (4), Florida Statutes, defines “communication media” very broadly as “broadcast stations, newspapers, magazines, outdoor advertising facilities, printers, direct mail, advertising agencies, the Internet, and telephone companies;...”

As long as you do not expressly advocate for or against a ballot issue, public funds can be spent on citizen communications.

Q: What are elected officials allowed to do?

A: Elected officials are allowed to talk with editorial boards, write a guest column for a local newspaper and meet with interest groups such as the Rotary, Kiwanis, Tiger Bay, League of Women Voters, community senior groups and neighborhood/homeowners associations. They may write letters to the editor and encourage others to do so. Most importantly, they may expressly advocate for or against an issue if they choose.

Q: What if my city did not adopt a resolution taking an official position on Amendment 1? What are we allowed to do?

A: Even if your city did not take a position on Amendment 1, you are allowed by law to designate someone from the city to be a primary point of contact on the issue for citizens and the media. You can ask staff to prepare a document on the potential impact the amendment may have to your city and its residents.

You may also put informational content on your city website, which could include links to various other sources. Information on the proposal can be included in regular communications with residents, i.e. the city newsletter, water insert. However, the communication cannot expressly advocate for or against the ballot measure.