



ANDREW J. MEYERS, County Attorney

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MEMORANDUM

TO: Board of County Commissioners

FROM: Andrew J. Meyers, County Attorney /s/ *Andrew J. Meyers*

DATE: June 1, 2026

RE: **Communications Regarding Ballot Proposals to Amend the Florida Constitution**

As you are aware, the Florida Legislature has proposed a joint resolution that, if approved, would place before voters a proposed amendment to the Florida Constitution that would substantially impact the amount of property tax revenue received and may prohibit or severely restrict the County's use of property tax revenue to fund certain essential government services. If the Legislature approves the joint resolution, state law significantly limits, **commencing at the time of such approval**, the expenditure of local government funds to communicate with the public about the item. See [Section 106.113](#), Florida Statutes.

While such limitations are in place, local governments **may**:

- Report on official actions of the local government's governing body **in an accurate, fair, and impartial manner**;
- Post **factual information** on a government website or in printed materials (e.g., materials available on the County's website or at its government offices);
- Host or provide **information** at a public forum; or
- Provide **factual information in response to an inquiry**.

While such limitations are in place, local governments **may not**:

- **Engage in any political advertising**, i.e., disseminating through the media any message that expressly advocates for the approval or rejection of the proposed constitutional amendment; or
- **Initiate any communication to voters concerning the issue** (outside of a public forum as referenced above) regardless of whether it is limited to factual information or advocates for or against the proposed constitutional amendment.

Broward County Board of County Commissioners

Mark D. Bogen • Alexandra P. Davis • Lamar P. Fisher • Beam Furr • Steve Geller • Robert McKinzie • Nan H. Rich • Hazelle P. Rogers • Michael Udine
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Although Section 106.113 lacks clarity and no court has construed its limitations, we believe the County **may** provide certain communications concerning the proposed constitutional amendment if the communications (1) are limited to providing factual information; (2) do not expressly advocate for or against the proposed constitutional amendment; and (3) are made in a venue or medium expressly exempted by the statute, e.g., through a County website, at a public forum (such as at a County Commission meeting, workshop, or County-sponsored town hall), or in response to an inquiry. Similarly, the County could communicate the projected impacts on property taxes for non-homestead property owners. Examples of permitted and prohibited communications include:

Examples of Permitted Statements	Examples of Prohibited Statements
The Joint Resolution would severely limit or prohibit the County’s ability to fund County parks with property tax dollars.	The Joint Resolution would likely close County parks.
Property taxes could likely no longer be used for veterans, elder, and children’s services.	Because the County believes in funding veterans, elder, and children’s services, people should vote against the ballot item.
County services for animal care, libraries, museums, and cultural events would likely not be able to be funded with property tax dollars.	It would likely cost money to check out a book at the library, and the County would not be able to properly enforce dangerous dog protections.
Affordable housing assistance would no longer be able to be funded with property taxes.	The Joint Resolution will hurt Broward County residents and visitors.

Whether Section 106.113 prohibits Commissioners and staff from engaging in express advocacy at a County Commission meeting or workshop is unclear. This statute has never been construed by a court and could be interpreted to prohibit such advocacy.¹ As such, while we anticipate a desire by Commissioners to speak candidly on this matter, we recommend that all statements made from the dais be previewed with us before the meeting and be limited to **factual information** as described above.

¹ Although Section 106.113, Florida Statutes, provides that elected officials are not precluded from expressing an opinion on any issue at any time, this protection attaches to the official, not to the County itself. Commission meetings are recorded and broadcast to the public through County-funded platforms, and when a Commissioner engages in advocacy at a public meeting, the County’s act of transmitting that speech to an audience of electors may itself constitute a prohibited expenditure.

Elected officials and **employees** may use their **personal** time and money to advocate for or against the proposed constitutional amendment so long as no County money or resources are used. They must not engage in any advocacy while “on the clock,” and no use may be made of County facilities (e.g., buildings, parks), equipment (e.g., computers, printers, email), or County employees (e.g., OPC, ETS, CAO) in connection with advocacy regarding the proposed constitutional amendment.

Finally, these prohibitions only apply **after** any approval of the joint resolution by both legislative chambers. As such, the County is not prohibited from expressly advocating against the joint resolution before its passage by the Legislature.

Considering the significant risks involved, which include civil penalties imposed by the Florida Elections Commission or potential prosecution as a first-degree misdemeanor, our Office recommends that County Commissioners and County staff preview all communications pertaining to this issue with us (this includes statements intended to be made from the dais). Please contact Joe Jarone (x7620), Brandon Butterworth (x7586), René Harrod (x7618), or me with any questions or to discuss any proposed communications.

- c: Monica Cepero, County Administrator
 Bob Melton, County Auditor
 René D. Harrod, Chief Deputy County Attorney
 Joseph K. Jarone, Senior Assistant County Attorney
 Brandon R. Butterworth, Assistant County Attorney