

# A PENNY AT WORK

**HALF PENNY**  
(.5%)

To fund the countywide  
transportation system



**HALF PENNY**  
(.5%)

To fund your local  
improvement projects

**VOTE ON  
NOVEMBER 8**

Both must pass  
or both will fail.

## OVERVIEW:

There are two half percent sales tax questions on the November 8th ballot. One is to fund countywide transportation projects and the other is to fund infrastructure projects in Broward municipalities, including Fort Lauderdale. Together, the two proposals represent a one percent sales surtax, which is the equivalent of one penny per dollar spent. The proposed one-half percent sales surtax for infrastructure would be used to help Fort Lauderdale fund a public safety facility; bike, transit, and neighborhood mobility projects; the repair and replacement of roads, bridges, seawalls, and sidewalks; stormwater and drainage projects; pedestrian safety projects; and recreation and conservation projects. These two ballot questions are linked together, so both must pass or both will fail.

Please review the information below to ensure that you are following the rules and regulations related to this ballot measure.

## I. Actions by Governmental Entities

Section 106.113, Florida Statutes, (2016) provides that local governments **MAY NOT**:

- expend public funds; or
- authorize the expenditure of public funds

for political advertisement or electioneering communication concerning an issue, referendum, or amendment that is subject to the vote of the electors.

The statute does not apply to electioneering communication from local government or a person acting on behalf of the local government that is **limited to factual information** nor does it preclude elected officials of the local government from expressing an opinion on any issue.

The terms “electioneering communication” and “political advertisement” are defined in Section 106.011, Florida Statutes, but to simplify, the prohibited activity is express advocacy. In this context, “express advocacy” means any language that explicitly urges voters to support or oppose the referenda. If the communication includes words such as “vote for,” “vote against,” “support,” “cast your ballot for,” “defeat,” “oppose,” or “reject,” the communication constitutes express advocacy. Governmental entities **may** spend public money or resources (such as staff time or photocopier usage) to develop and disseminate **purely factual information** that does not “expressly advocate.”

Depending on specific facts, it is possible that websites and social media postings may be considered “paid political advertisements.” It is advised that all web content or postings to be published by the City on this issue be reviewed and cleared by the City Attorney’s Office **prior** to publication. Again such content and postings should be **limited to factual information**.

## II. Actions by Individual Municipal Officials and Employees

Section 104.31, Florida Statutes, (2016) provides that municipal officers and employees **MAY NOT**:

- use official authority or influence to coerce or influence another person's vote or affect the result of an election
- directly or indirectly coerce other officers or government employees into volunteering their personal time or money in connection with the referenda
- Directly or indirectly coerce or attempt to coerce, command, or advise other officers or government employees as to where to purchase commodities or interfere in any other way on their personal rights

Additionally, elected officials **MAY NOT** individually:

- suggest a *quid pro quo* while fundraising for private advocacy groups. For example, it is permissible to acknowledge that the public projects resulting from surtax passage would create economic opportunities for the community, but any implication that a vendor/donor would receive an advantage must be avoided
- use public funds or office account funds to expressly advocate
- conduct fundraising activities in a public building

An elected official **MAY** individually (not in coordination with other members of his or her board):

- spend time or personal money providing factual information, express advocacy, or both
- coordinate with an advocacy group and raise money for an advocacy campaign
- advocate regarding the referenda in media interviews, op-ed pieces, before clubs, etc. If, in connection with individual advocacy, an elected official desires assistance from governmental staff, or wishes to use other governmental resources that do not involve an affirmative expenditure of public funds, it is advised that the official discuss the matter with legal counsel prior to using staff time or other governmental resources
- if his or her governmental entity signed the surtax ILA, represent that the governmental entity supports the referenda

Elected officials may hold advocacy-related meetings in, or make advocacy-related calls from, their government offices. But this must be done with great care to avoid any aspect of fundraising (which may not lawfully occur in a public building). There is no obligation to disclose fundraising activities under the Broward County Elected Official Ethics Code. Disclosure would, however, be required under state law if, for example, elected officials are considered part of a fundraising committee under Chapter 106, Florida Statutes (Florida's campaign finance code).

This memorandum contains general guidelines. All questions and concerns should be raised with City Attorney's Office **prior to** taking the intended action.

**Get the facts on the proposed Penny Sales Tax**

**[www.APennyAtWork.com](http://www.APennyAtWork.com)**