



OFFICE OF THE ATTORNEY GENERAL

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050



americanpresidency.org

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

June 5, 2000

Department of State
Division of Elections
1801 The Capitol
Tallahassee, Florida 32399-0250

FILED
00 JUN -7 PM 1:28
SECRETARY OF STATE

Dear Sirs:

This office recently received a request from Mr. Dennis E. Lyles, the Fort Lauderdale City Attorney, as to whether the Florida Election Code preempted local regulation of campaign contributions.

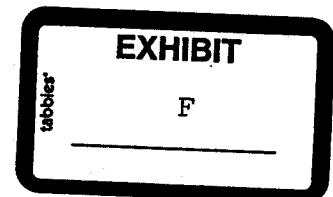
Since resolution of this issue necessarily involves the interpretation of the Florida Election Code, I am forwarding a copy of Mr. Lyles' letter for your review and consideration.

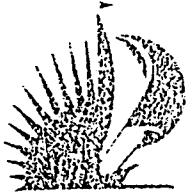
If this office can be of any assistance to you in resolving this issue, please let us know.

Sincerely,

Joslyn Wilson
Assistant Attorney General

Enclosure





CITY OF
FORT LAUDERDALE

OFFICE OF THE CITY ATTORNEY

100 N. ANDREWS AVENUE
FORT LAUDERDALE, FLORIDA 33301

TELEPHONE (954) 761-5940
FAX (954) 761-5915

Direct Line: (954) 761-5037

DEPARTMENT OF LEGAL AFFAIRS

00 MAY 26 AM 10:00

ATTORNEY GENERAL
TALLAHASSEE, FLORIDA

Sharon Miller
7/2/00
X
CH

May 24, 2000

Honorable Robert A. Butterworth
Attorney General
Department of Legal Affairs
The Capitol
Tallahassee, FL 32399-1050

THIS CORRESPONDENCE HAS BEEN
ASSIGNED TO YOUR SECTION PER
NOTIFICATION BY E-MAIL, PLEASE
ADVISE YOUR COORDINATOR OF
DISPOSITION.

Re: Request for Opinion

Dear Attorney General Butterworth:

This is to request that your office render an opinion regarding the following:

(1) In light of the recent decision in Claravella vs. Board of County Commissioners of Sarasota County, Florida, et al, 99-4201-CA, Div. C (Fla. 12th Cir.), copy attached, does the Attorney General's office continue to hold the opinion expressed in AGO 74-263 that Chapter 106, Florida Statutes, preempts the field of campaign contributions so that a municipality may not adopt an ordinance providing for the following with respect to candidates for municipal office: (a) limiting the maximum amount of an individual's campaign contribution to less than \$500.00, (b) prohibiting campaign contributions from sources located outside the municipality or the State; (c) regulating or eliminating campaign contributions from political action committees; and (d) prohibiting corporations from contributing to candidates?

(2) If the answer to the above question is in the affirmative, could these matters be addressed by the City through the adoption of a voluntary public campaign finance program? For example if a candidate for municipal office chose to participate in the public

IF AG
continued
74-263



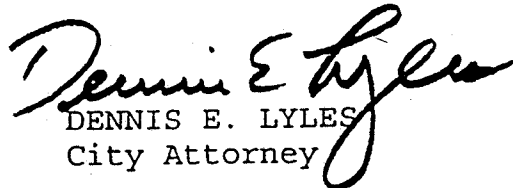
City Attorney Communication No. 00-715
May 24, 2000
Page 2

campaign finance program, then the candidate would have to agree to (a) not accept individual contributions over an amount that is less than \$500.00 as established by the City Commission, (b) not accept contributions from sources located outside the municipality or the State, and (c) not accept contributions from political action committees or corporations. In return for complying with these restrictions, the candidate would be entitled to receive publicly funded campaign assistance in amounts set out in the ordinance.

(3) Irrespective of the responses to the above questions, may the City develop an incentive program for candidates for municipal office which would include: (a) City sponsored debate forums which would only be open to candidates that choose to participate in a voluntary public campaign finance program established by the City; (b) City financed and prepared mailers which include information about the candidates participating in the voluntary public campaign finance program and their platforms; and (c) City financed publication of an accounting of the contributions received by candidates that have not chosen to participate in the voluntary public campaign finance program?

Thank you for your consideration.

Very truly yours,


DENNIS E. LYLES
City Attorney

DEL/SPM/1-00-715
Enclosure



THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

May 30, 2000

Mr. Frank Cuomo
1110 Southeast 8th Court
Deerfield Beach, Florida 33441

Dear Mr. Cuomo:

Attorney General Butterworth has asked me to respond to your recent correspondence requesting that this office place an injunction on a city election until certain alleged violations are investigated.

After reviewing your correspondence, I regret to inform you that the Attorney General's Office does not have jurisdiction in this matter. I have taken the liberty, however, of forwarding your letter to the Department of State, Division of Elections, which appears to be the appropriate authority to review your concerns. The telephone number is (850)922-0234.

Regarding a criminal investigation, the elected state attorneys in each of the twenty judicial circuits are responsible for investigation and prosecution of criminal violations. The address for the Seventeenth Judicial State Attorney's Office is 201 Southeast Sixth Street, Suite 665, Fort Lauderdale, Florida 33301. The state attorneys operate independently and are not a part of the Attorney General's Office.

I hope you will understand the Attorney General's duties are prescribed by law.

Sincerely,

Paula Wood
Administrative Assistant

PW/fmh

cc: Florida Department of State
Division of Elections
PL-02, The Capitol
Tallahassee, Florida 32399-0250

RECEIVED
DEPARTMENT OF STATE
00 JUN -5 PM 3:37
DIVISION OF ELECTIONS
TALLAHASSEE, FL

May 4, 2,000

DEPARTMENT OF LEGAL AFFAIRS

00 MAY -8 AM 8: 53

ATTORNEY GENERAL
TALLAHASSEE FLORIDA

Mr.. Bob Butterworth
Attorney General
Department of Legal Affairs
The Capital
Tallahassee, Flor. 32399-1050

Dear Mr. Butterworth:

About two weeks before the last election in Deerfield Beach on November 2, 1999, The Taxpayers Against Bonds, The Committee to Keep Term Limits, and the opposition, Save Our City, received from the city clerk of Deerfield Beach a copy of the laws and rules pertaining to election sign that we were urged to obey before any sign were placed throughout the city. Our two committees, The Taxpayers Against Bonds, and the Keep Term Limits obeyed every letter of the law, but our city manager Mr. Deetjen and the Save Our City completely ignored them. At that time I went to the city manager and the city attorney Mr. Maurdos to make a formal complaint that the 16 large signs from S.O.C. were in gross violation, and according to the sign law should be removed immediately. The city manager, who's duty was to see that the proper affidavits were filed with him before any signs were placed, ignored our complaint because Mr. Deetjen, the city commissioners, and the S.O.C. wanted want4d to pass the bond issue and to change Term Limits to their advantage. Right after election, a committee of five citizens went to see Sgt. Swift who is head of the code enforcement department, to ask why he had not enforced the election sign laws. He had no answer. We requested he investigate our complaint. A month later Sgt. Swift informed me in writting he found no violations and he was dropping the case. I then informed him again by letter, that he did a bad job in his investigation and I requested he reinvestigate all parts of the law that was violated and not the one part that did not apply to this complaint. A month later in his second letter to me, Sgt. Swift admits that S.O.C. had indeed not complied with any of the sign law. I then requested a meetin with his superior officer. After mush delay, we got a meeting with a Lt. Varona in Deerfield Beach. Our committee went to that meeting, but at the last minute Lt. Varona refused to see us saying he had made an appointment to see me alone and not with a committee of five taxpayers. He was very insultig and adamant and we had to leave. After I complained to his superior officer a Capt. Breener, Lt. Varona agreed to see us. At that meeting Lt. Varona gave us the third degree like we were the violators, but after he saw all our evidence he agreed to investigate. About three weeks later I called Lt. Verona but he did show me the courtesy to call me back. A week later I call him again and he said he had finished his investigation and had sent it up the chain of command. I asked for a copy of his report, but he refused to give it to me.

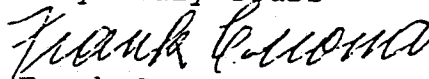
Altogether it's been over six months since we made our original complaint and we keep getting the run around. We are now

Requesting that the state attorney investigate to see why the city manager, Mr Deetjen, who's responsibility it was to see that all parts of the sign laws were obeyed and the proper affidavits were in his possession before any signs were placed. Why he disregarded our complaint and have the signs removed immediately according to the law? Why he made promisses to certain parts of the city in order to coerce them to vote to change Term Limits? Why Sgt. Swift tried to white wash the investigation, and the obnoxious treatment we got from Lt. Varona. Why S.O.C was allowed to ignore the law.

Enclosed is a copy of the sign laws that should have have been followed and registered with the city manager before any signs were placed. It is my honest opinion there was fraud, deception, and violations of the sign and election laws, that the city manager intentionally neglected to enforce, even after we brought it to his attention, in order to take advantage of the sixteen large signs that were placed around the city. About eight years ago, when Term Limits was first approved by the voters, it was approved by 87% of the voters. This time it was changed by 147 votes.

We are therefore asking your office to place an injuction on this election until these violations are investigated.

Very Truly Yours



Frank Cuomo
1110 S.E. 8th Court
Deerfield Beach, Flor. 33441