

Some local leaders feel muzzled by new Florida law

By JENNA BUZZACCO-FOERSTER

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NAPLES — Put a lid on it.

That's the gist of legislation signed into law earlier this year that restricts local governments' ability to spend money on advocating for or against ballot items.

The bill — signed into law June 10 — “prohibits local government, or any person on the local government’s behalf, from spending money to advocate for the passage of or defeat of any issue, referendum or amendment going to a public vote.”

The law applies to communications about constitutional amendments and any other item that goes before voters, and was opposed by the Florida League of Cities.

Michael Sittig, the league’s executive director, said in a May 13 letter to Crist that the law is “full of so many land mines for local governments and local government officials, citizen volunteers and local public employees that it is a clear recipe for a disaster.”

Naples City Council members in October had a brief discussion of the new law at the request of Councilwoman Teresa Heitmann.

Bonita Springs City Council also recently discussed the new law as part of charter discussions, City Manager Gary Price said.

Neither Price nor Naples City Manager Bill Moss oppose the law.

The law basically means local governments cannot spend money on political advertising. It does, however, allow local governments to put out factual, or objective, information about items up for a vote.

But Naples City Attorney Bob Pritt said last month the law shouldn't stop council members, nor any government official, from expressing their opinion. That just needs to happen off the clock, Pritt said.

"The city should not surrender its right and responsibility to provide factual (non-biased) information to the public on any public issue that is going to referendum," Pritt wrote in a Sept. 21 memo. "Likewise, council members and other government officials should feel free to express their opinions on any issue. As long as they put in their 'two cents worth' for free, this law would not apply."

That's still troublesome to some city leaders. Moss said.

"There are a lot of differences of opinion" when it comes to the law, but it still appears the overall goal is to curtail speech, he said.

"It seems to me that people elect officials to public office to keep track (of issues)," Moss said. "It seems to me that (the law) curtails people from commenting on issues that affect the people in each of the communities."

The new law will have a slight impact on Bonita Springs this election season.

The city, Price said, will have several changes to the city's charter on the ballot early next year. This law could potentially limit the type of advertising the city wants to do to garner support for the changes.

"I guess you can advertise something if it's totally objective, which has always been the goal of where I worked," Price said. "But I think it will cause a chilling effect, because one man's objectivity is another man's propaganda."

Moss said he was unsure why the law came up when it did, since it doesn't appear to "serve a good purpose, other than curtailing ways that local governments can express" themselves.

"I don't know what was driving this," Moss said.

John Hedrick, a spokesman for Florida Hometown Democracy, in June told the Associated Press the law should help his group pass a ballot initiative next year. The initiative, if approved, would give voters a say in how their communities are developed.

Many local governments have opposed the initiative.

Whatever the reason, both Price and Moss said they were not fans of the new law.

“It takes away our right to speak,” Price said.

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