

DE 80-24 - July 31, 1980

**Municipalities Regulation of Employees
Section 104.31, Florida Statutes**

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Prepared by: Division of Elections

This is a response to request for a formal opinion pursuant to Section 106.23(2), F.S. Your question is:

What authority does a municipality have to regulate the political activities of its employees in light of Section 104.31, F.S. (1979)?

Section 104.31, F.S. (1979), commonly known as the Corrupt Practices Act, is applicable to municipalities. Op. Atty. Gen. Fla.64-3 (January 15, 1964)State v. Brown, 298 So. 2d. 487 (4th D.C. A. Fla. 1974). As to whether a municipality can impose more stringent standards than those imposed by Section 104.31, F.S., I refer you to Section 104.31(3), F.S., which states:

(3)"Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his opinion on any candidate or issue or from participating in any political campaign during his off-duty hours so long as such activities are not in conflict with the provisions of subsection (1) or Section 110.233, F.S."

Your inquiry is answered accordingly.