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Randy Fine
Florida House of Representatives
State Representative, District 53

July 30, 2018

The Honorable Phil Archer
Office of State Attorney
2725 Judge Fran Jamieson Way
Building D,
Melbourne, FL 32940

Dear State Attorney Archer,

I hereby request that the State Attorney's Office for the 18th Judicial Circuit investigate Brevard County Commissioner Curt Smith for violating Florida Statute by engaging in political campaigning while acting in his official capacity. In short, I believe Commissioner Curt Smith may be criminally using his office for political gain.

On July 10th, during a publicly advertised and televised formal Board meeting, Commissioner Smith lauded his personal success in winning a political straw poll at a political event. After thanking his political supporters, he continued to shamelessly engage in political campaigning by saying that he received "more votes than anybody else in the entire room."

Fla. Stat. Sec. 104.31(2) states that

An employee of the state or any political subdivision may not participate in any political campaign for an elective office while on duty

If found guilty, this is criminal conduct punishable by up to a year in jail and a \$1,000 fine.

Brevard County itself has disciplined rank-and-file employees for engaging in political activities while on duty, and local politicians like Curt Smith must be held to the same standard. Regardless of one's political views, no taxpayer should be forced to subsidize a political campaign.

Commissioner Smith is paid a salary just as every other County employee. There can be no question he was "on-duty," as the statements were made in his official Board Report at a formal meeting. Even more concerning, in doing so, he co-opted taxpayer resources by taking advantage of the TV broadcast

Committees and Subcommittees:

Vice Chairman, Careers & Competition Subcommittee -- Commerce Committee -- Joint Legislative Auditing Committee
Natural Resources & Public Lands Subcommittee -- Transportation & Tourism Appropriation Subcommittee
Tourism & Gaming Control Subcommittee
Chairman, Brevard County Delegation

July 30, 2018

The Honorable Phil Archer

to reach a television audience provided as a public service. He continues to do so each day that broadcast is accessible on demand.

There can be no question Commissioner Smith was participating in a political campaign through his comments. He was, literally, talking about wining votes at an event designed for candidates to campaign for an upcoming election. His comments had nothing to do with his official duties. Short of showing up to a Board meeting with a sign reading "Vote for Curt Smith," it is hard to imagine a more obvious case of an employee campaigning while on duty.

As such, I respectfully request that the State Attorney's Office for the 18th Judicial Circuit open a criminal investigation into the conduct of Curt Smith during the Board meeting of the Brevard County Board of County Commissioners which took place on July 10th, 2018.

MEETING OF THE BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS
JULY 10TH, 2018
DISTRICT 4 BOARD REPORT
TRANSCRIPT:

Commissioner Curt Smith:

I want to thank all of my supporters for coming out to the Brevard Republican Picnic this past Sunday and voting me as the Brevard Republican District 4 straw poll winner and in fact I [*sic*] they did such a good job I got more votes than anybody else in the entire room.

Regards,



Randy Fine
State Representative, District 53