



Florida Elections Commission

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August 10, 2026

Sara Marie Baxter
13617 43rd N
West Palm Beach, FL 33411

RE: Case No.: FEC 26-170; Respondent: Elizabeth Accomando

Dear Ms. Baxter:

The Florida Elections Commission received your complaint alleging a violation of Section 104.271(2) Florida Statutes. Pursuant to Rule 2B-1.0041, Florida Administrative Code, this allegation requires an expedited review process. Other allegations, if any, are processed as a separate complaint and do not require an expedited process.

Complainant alleged that Respondent made false, malicious statements against Complainant. Section 104.271(2), F.S., prohibits a candidate from making or causing to be made any statement about an opposing candidate which is false. Such statements must be made with actual malice. Complainant and Respondent are both 2026 candidates for Palm Beach County Commissioner, District 6.

The United States Supreme Court established the standard that a candidate for public office must meet before her opposing candidate can be held accountable for making a false statement against her in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964). The Court stressed the "profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open, and that it may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials." *Id.* at 270. The Court said that neither erroneous statements nor statements injuring an official's reputation forfeit the First Amendment protection, which should provide "breathing space" for freedom of expression. The Court held that "actual malice" requires a showing that the person making the defamatory statement made it with knowledge that the statement was false or with reckless disregard of whether the statement was true or false.

The statements at issue were allegedly made by Respondent in a Facebook post on an unspecified date. Complainant provided a copy of the post, which stated, "I learned something regarding one of my supporters, who just happens to work at the county, and put up my sign. Last week it was overheard that a supervisor was told by 'our' commissioner that 'Someone who works for the county has my opponents sign in his yard, He isn't allowed to do that. I am going to speak to his boss'. Not verbatim.."

After the statements at issue, the post stated, "Another powerful point of why I am running – for PEOPLE over power and privilege! Let's COVER District 6 with these signs!" Beneath the post

was a graphic of Respondent's campaign sign, which stated, "Elizabeth ACCOMMANDO For County Commission District 6," and included a disclaimer stating, "PAID BY ELIZABETH ACCOMANDO REPUBLICAN FOR COUNTY COMMISSION DISTRICT 6."

Complainant alleged the post "falsely attributed a direct quotation to opposing candidate and incumbent Commissioner [Complainant]. The quoted statement accused [Complainant] of threatening to use her official authority as a county commissioner to retaliate against a county employee for displaying an opponent's campaign yard sign on his personal property. If true, the conduct described would constitute a criminal violation of §104.31, Florida Statutes. [Complainant] denies making any such statement. [Respondent] published the accusation using direct quotation marks while simultaneously acknowledging in the same post that the quote was not verbatim. This combination of a false criminal accusation, formatted as a direct quote, and disavowed as inaccurate by the author herself, constitutes a willful false and malicious charge against an opposing candidate in violation of §104.271(1), Florida Statutes, a third-degree felony, and/or a false statement made with actual malice in violation of §104.271(2), Florida Statutes...The post attributes the quoted statement directly to [Complainant], describes conduct that would constitute a statutory criminal offense, and was published on a page bearing a paid campaign disclaimer, establishing it as an official campaign communication...[Complainant] denies making any such statement. There is no corroborating evidence. The post attributes the alleged statement to an unnamed supporter who 'overheard' an unidentified supervisor being told something by [Complainant], making it triple hearsay, with no named witness, no documented source, and no supporting record of any kind." Complainant asserted that by using quotation marks, Respondent "presented the accusation not as rumor, speculation, or paraphrase, but as an account of what [Complainant] specifically said." Complainant also asserted that by stating, "Not verbatim" after the quotation Respondent essentially acknowledged that the statement attributed to Complainant "was not an accurate account of what [Complainant] said. Publishing a direct quotation of a criminal accusation while simultaneously knowing the quote is inaccurate is not good-faith reporting, it is reckless disregard for the truth, which satisfies the actual malice standard under §104.271(2), and supports the element of willfulness under §104.271(1)."

Section 104.271(1), F.S., states, "Any candidate who, in a primary election or other election, willfully charges an opposing candidate participating in such election with a violation of any provision of this code, which charge is known by the candidate making such charge to be false or malicious, is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083 and, in addition, after conviction shall be disqualified to hold office."

In response to the complaint, Respondent stated, "The complaint is clearly legally deficient...Complainant's theory is that by falsely accusing the Complainant of a violation of F.S. §104.31, the Respondent violated F.S. §104.27[1], which prohibits a candidate from making a false statement with 'actual malice'. However, as the complaint notes, Respondent's statement was simply that she was told by a third party that the Complainant believed that an employee was violating some rule or law by placing a sign in his yard and was going to speak to the employee's supervisor. [emphasis in original]. There is no evidence that Respondent was lying about being told of the Complainant's behavior or that the Respondent was misrepresenting what she had been told." Thus, as a matter of law there is nothing in the complaint that suggests that the Respondent

Sara Marie Baxter
August 10, 2026
Page 3
FEC 26-170

violated either subsection (1) of F.S. §104.271 (because there is no statement by the Respondent which would constitute an accusation that the Complainant committed a violation of F.S. Chap. 104) nor does the complaint show a violation of (2) of F.S. §104.271 (Because the statement made was that the Respondent was told something and there is no evidence or assertion that the Respondent was not in fact given that information)."

Despite Complainant's interpretation of the post and import of punctuation marks used, Respondent pointed out to the reader that the statements in quotation marks were not intended to be a direct quotation of something Respondent allegedly said. Rather they appear to paraphrase remarks that an unidentified individual allegedly overheard. As presented, Respondent's comments were more akin to a restatement of a rumor. The complaint provided no evidence to support that Respondent fabricated the information she posted, or was given a reason to suspect that it was false.

For these reasons, I find this complaint to be Legally Insufficient.

If you have additional information to correct the stated ground(s) of insufficiency, please submit it within 14 days of the date of this letter. If no additional information is received correcting the stated grounds of insufficiency, this case will be closed. Enclosed is the form for submitting additional information. Should you submit an additional statement containing facts, your statement must contain your notarized signature. Any additional facts submitted to the Commission must be based on either personal information or information other than hearsay.

If you have any questions concerning the complaint, please contact us at fec@myfloridalegal.com.

Sincerely,



Tim Vaccaro
Executive Director

TV/jd

Enclosure: Additional Complaint Information Form 2
cc: Bernard A. Lebedeker, Attorney Respondent w/out Enclosure