



Lewis, Longman & Walker, P.A.
Attorneys at Law

**ETHICAL CONSIDERATIONS
FOR SPECIAL DISTRICT
PUBLIC OFFICIALS**

By: Maggie D. Mooney-Portale, Esquire

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**Top Ten Signs
You May Have an Ethics
Violation to Deal With!**

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- 10. Your Chairman begins every public meeting with, “We’ll start the bribing at ten thousand.”**
- 9. All resolutions include mention of the thirst-quenching taste of Mountain Dew.**
- 8. The Board regularly convenes the public meeting at the dog track.**
- 7. The Commissioner asks, “Does any one presenting at the upcoming meeting plan on inviting me on any hunting trips?”**
- 6. Your Chairman is mentioned on “The Sopranos”...and he is mentioned A LOT.**

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- 5. All the bling bling.**
- 4. The Chairman inquires about the need to solicit bids for a “good fence” for stolen goods.**
- 3. When you have a meeting with him in his office, he frisks you for a wire.**
- 2. The public official is on the Forbes 500 List between Bill Gates and Oprah.**

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**And the number 1 sign
that you may have an
ethics violation to
deal with...**

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The Commissioner's top advisor is a guy named Ray Sansom.

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Top Ten Ethical Requirements For Special Districts

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Don't use public office for private gain or benefit.

- **Public Officers and Employees must be independent, impartial, and cannot use public office for private gain.**
 - *See, Article 2, § 8(1)(c) and Florida Constitution.*
 - *See, Part III, Chapter 112, Florida Statutes.*
 - *Ray Samson example.*



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Don't accept or solicit gifts for a vote.

- *See, Florida Statutes §112.313(2).*
- Applies to all public officers, candidates for public office, employees, and local government attorneys.
- “Gifts” include goods or services with an attributable value (i.e., lodging, food and beverage, admission fees, etc.), loans or loan forgiveness, rewards, promises of future employment.
- *See, CEO 08-29 (December 10, 2008).*



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Don't permit spouse or children to accept or solicit gifts or compensation for a vote.

- *See, Florida Statutes § 112.313(4)*
- **They can not accept anything of value when they know or should know that the item is given for purposes of influencing vote.**



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Don't disclose or use information not available to the general public that was obtained because of your official position.

- *See, Florida Statutes § 112.313(8).*

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Don't employ, appoint, promote or advance relatives into a position in the District.

- *See, Florida Statutes § 112.3135(2)(a).*
- “Relatives” include father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, in-laws (father, mother, son, daughter, brother, sister), steps (father, mother, son, daughter, brother, sister), and half-brother or half-sister.
- Does not apply to volunteers.
- *See, CEO 08-22 (September 10, 2008).*

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Don't do business with the Special District.

- *See, Florida Statutes § 112.313(3).*
- **Cannot directly or indirectly purchase, rent, or lease any realty, goods or services from a business entity in which the officer, employer, or spouse, or child has a material interest.**
- **Cannot act as an “agent” for a business entity when a material interest exists.**
- **Special districts are not exempt from this provision.**
- *See, CEO 07-23 (September 12, 2007, CEO 08-5 (March 5, 2008), & CEO 08-6 (March 5, 2008).*

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CAUTION:

Employment and Contractual Relationship Conflicts

- **Generally, public officer and employees are prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his/her public agency. *See, Fla. Stat. § 112.313(7).***
 - **Examples:**
 - *CEO 07-23 (September 12, 2007);*
 - *CEO 08-06 (March 5, 2008); and*
 - *CEO 09-03 (January 28, 2009).*
- **Special Districts are partially exempted from this provision as long as the conflict does not frustrate “intent” of provision. *See, Fla. Stat. § 112.313(7)(a)(1).***



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Don't appear before the special district governing board you served on for compensation for 2 years unless you have confirmed post-office restriction policy.

- *See, Florida Statutes § 112.313(4).*
- *You may appear if employed by another agency of state government. See, Fla. Stat § 112.313(4).*
- *See, CEO 07-19 (August 1, 2007).*

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Don't vote on measures that would benefit your private gain or loss, or the private gain of an employer, relative, or relative's employer.

- *Examples:*
 - CEO 08-24 (October 22, 2008).



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Don't forget obligation to submit disclosure forms.

- **Submit forms for financial disclosures and voting conflicts.**
- **Disclosure forms available on Ethic Commissions' website.**
- **Disclosure forms are public records and subject to Sunshine Law (Chapter 119, Florida Statutes).**

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Don't take action when in doubt about whether an inappropriate conflict exists.

- Obtain advice before acting from the Florida Ethics Commission or the special district's legal counsel.
- Consequences for ethics violations are unpleasant (ethics complaints, administrative review by Ethics Commission, Civil penalties).

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Questions or Comments

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Thank You

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