ETHICS COMMISSION
(VOTING CONFLICT-CASE SUMMARIES ONLY)
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CASE NO.:	QUESTION	SUMMARY
CEO 23-3—April 26, 2023	Would a City Councilmember have a voting conflict under Section 112.3143(3)(a), Florida Statutes, if she voted on matters concerning a septic to sewer conversion project that would affect her residence?	A voting conflict would be created under Section 112.3143(3), Florida Statutes, where a City Councilmember votes on whether the City should proceed with a septic-to-sewer conversion project that would involve such a conversion for her residence because the Councilmember would receive guaranteed funds (gains) from the City and would have a mandatory outlay of funds she would personally incur if the project were underfunded (losses), thus, incurring a special private gain or loss. Guidance is also provided on related votes.
CEO 24-1—January 31, 2024	Will a voting conflict of interest under Section 112.3143, Florida Statutes, be negated when legislation expressly permits a board member of an independent special district to vote on converting the district to a nonprofit entity, even when the board member intends to serve the nonprofit entity as a compensated board member following the conversion?	Under the circumstances presented, the members of the Lee Memorial Health System Board of Directors will have a voting conflict if they vote to convert the independent special district to a nonprofit entity and intend to serve on the board of directors of that nonprofit entity, but they will be permitted to vote on the matter. Those System Board members will not violate the prohibition against abusing their positions to obtain a disproportionate benefit when they vote on the conversion.
CEO 21-2—March 5, 2021	Does Section 112.313(5), Florida Statutes, apply to negate a voting conflict of interest under Section 112.3143(3)(a), Florida Statutes, were a County Commission member to vote upon a retirement compensation resolution that he would be eligible to receive as a member of the affected class?	Under the circumstances presented, a County Commission member is not prohibited from voting upon a retirement compensation resolution he would be eligible to receive that provides lump-sum payments to all eligible elected public officers and Senior Management Services Class County employees who qualify, as Section 112.313(5), Florida Statutes, modifies the voting conflicts provision of Section 112.3143(3)(a), Florida Statutes. Section 112.313(5), Florida Statutes, permits a public officer to vote on a matter affecting his or her own salary, expenses, or other compensation as a public officer. Further, the Commissioner's participation in the matter would not constitute a misuse of public position under Section 112.313(6), Florida Statutes, or a disproportionate benefit through abuse of public position under Article II, Section 8(g)(2), Florida Constitution.
CEO 20-10—October 23, 2020	Would a voting conflict of interest be created were a county commissioner to vote on the rezoning application of the holding company that owns the corporation which is her employer?	A voting conflict of interest would be created under Section 112.3143(3)(a), Florida Statutes, were a county commissioner to vote on the rezoning request of the parent corporation and owner of the business entity which employs her. Under the statute, the vote/measure would inure to the special private gain or loss of a principal by whom the member is retained.
CEO 19-16—September 13, 2019	Does a voting conflict or a conflicting employment exist for a city commissioner where the commissioner's supervisor in the commissioner's federal employment is an applicant for, and could be hired to, the position of city manager?	Under the particular circumstances of this opinion, neither a voting conflict nor a conflicting employment exist for a city commissioner where he is employed by a federal government entity at which his supervisor also is an applicant for city manager.
CEO 18-14—August 1, 2018	Would a member of a city council be presented with a voting conflict under	A member of a city council is not presented with a voting conflict requiring her abstention and compliance with

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	Section 112.3143(3)(a), Florida Statutes, regarding measures concerning changes to the city's land development regulations relating to the city center zoning district wherein she and her spouse own property?	Section 112.3143(3)(a), Florida Statutes, regarding measures concerning changes to the city's land development regulations relating to the city center zoning district wherein herself and her spouse own property. Under these circumstances, the size of the class of affected properties is sufficiently large such that any gain or loss to the council member and/or her spouse is not "special.
CEO 17-07—June 14, 2017	Would a member of the Board of the Florida Housing Finance Corporation have a voting conflict of interest were a matter potentially affecting a client of his brother's firm to come before the Board?	A member of the Board of Directors of the Florida Housing Finance Corporation is not a "state public officer" subject to the requirements of Section 112.3143, Florida Statutes. Under the circumstances presented, no voting conflict would be created because Section 112.3143 does not apply. The Board member would be permitted to abstain from voting under Section 286.012, Florida Statutes.
CEO 15-12—December 16, 2015	For purposes of the voting conflicts law, Section 112.3143(3)(a), Florida Statutes, is a person or entity from whom a mayor/commissioner purchases personal website hosting and management a “business associate” of the mayor/commissioner?	For purposes of the voting conflicts law, a mayor/commissioner is not a “business associate” of a person or entity performing the service of hosting and managing the mayor/commissioner's personal website.
CEO 09-12 – June 17, 2009	Would you, a school board member, be presented with a voting conflict of interest under Section 112.3143(3)(a), Florida Statutes, regarding measures affecting the candidacy for school board attorney of a lawyer with whose firm you previously held a relationship and who is a member of the governing board of a public health trust which currently employs you as a lawyer-lobbyist?	A school board member would not be presented with a voting conflict regarding measures concerning a lawyer's seeking the position of school board attorney where the lawyer and the member formerly were in the same law firm and where the lawyer currently is a board member of a public health trust for which the member is a lawyer-lobbyist. Neither the member nor any person or entity standing in a statutorily-enumerated voting conflict relationship to the member would be affected by the measures.
CEO 09-9 April 27, 2009	Would a city commissioner be presented with a voting conflict regarding measures affecting a company which formerly employed him?	A city commissioner is not presented with a voting conflict under Section 112.3143(3)(a), Florida Statutes, regarding measures affecting his former employer because the statute is phrased in the present tense. However, the commissioner may choose to abstain from voting under Section 286.012, Florida Statutes.
CEO 08-11 -- June 11, 2008	Does a voting conflict exist under Section 112.3143(3)(a), Florida Statutes, regarding city council measures affecting clients of an attorney against whom a city councilmember has made a criminal complaint?	A voting conflict does not exist under Section 112.3143(3)(a), Florida Statutes, regarding city council measures affecting clients of an attorney against whom a city councilmember has made a criminal complaint and, under the facts presented, it appears that the member would not be permitted to abstain from voting under Section 286.012, Florida Statutes. Neither the attorney nor her clients (the persons or entities affected by the measures) would stand in a relationship to the councilmember enumerated under Section 112.3143(3)(a), or in a similar relationship to the councilmember, and the councilmember's economic, financial, or similar interests would not be affected.
CEO 06-8 -- June 14, 2006	Would a city councilman be presented with a voting conflict under Section 112.3143(3)(a), Florida Statutes, regarding measures concerning redevelopment of a city-owned parcel	A city councilman is not presented with a voting conflict requiring his abstention and compliance with Section 112.3143(3)(a), Florida Statutes, regarding measures concerning redevelopment of a city-owned parcel located near properties owned by the councilman or his father. Under the circumstances presented, any gain or loss to

	located near properties owned by the commissioner or his father?	the councilman or his father (relative) would be "remote or speculative" or would not be "special."
CEO 06-5 -- April 26, 2006	Would a city commissioner be presented with a voting conflict regarding measures affecting a company which has seasonally employed him, where the votes occur when he is not employed by the company?	A city commissioner seasonally employed in a company's horsetrack operations is not subject to the voting conflicts law regarding city commission votes/measures affecting a development proposed by the company, where the votes/measures are considered at times outside his seasonal employment. The voting conflicts law addresses present (not past or future) employment.
CEO 05-2 -- February 1, 2005	Would a village advisory committee member who operates a mobile home park be presented with a voting conflict regarding a measure to recommend that the village council change zoning requirements for the village's mobile home district, where the member's park is not located in the district?	A workforce/affordable housing committee member would not be presented with a voting conflict under Section 112.3143, Florida Statutes, regarding various mobile home park issues, where she operates a mobile home park. Any gain or loss resulting to the member or her relatives would be remote and speculative or would not be special.
CEO 05-3 – March 15, 2005	Is a voting conflict of interest created where a county commissioner votes on matters involving a proposed road and a large commercial development where the commissioner and relatives own property in the same general vicinity of the proposed road and development?	A county commissioner would not be presented with a voting conflict under Section 112.3143, Florida Statutes, regarding a proposed new road and a developer's plan to develop a large tract of land he owns adjacent to the road, where she and family members own property in the same general vicinity. None of the property owned by the commissioner and her family members is adjacent to the developer's property or the proposed roadway. Any possibility of gain from the measures would be remote and speculative, and any actual gain would not be "special" within the meaning of the voting conflicts law.
CEO 05-17 -- December 7, 2005	Would a member of an airport authority be presented with a voting conflict regarding a measure to allow a developer to build a road through authority property?	An airport authority member would not be presented with a voting conflict regarding a measure to allow a developer to build a road through authority property resulting in an extension of an existing road alongside property of a business owned by the member and her husband, where the business has existing road frontage, where its products are sold to the particular described clientele and not to the general public, and where its property is restricted to uses that would not benefit from increased traffic. Under the circumstances, any gain or loss to the business from the new road would be remote and speculative.
CEO 03-13 -- September 9, 2003	Is a corporation which wholly owns a corporation which wholly owns another corporation which employs a city council member a "parent organization of a corporate principal" by whom the member is retained for purposes of Section 112.3143(3)(a), Florida Statutes, thus requiring the member's abstention from voting and other compliance with the statute regarding measures inuring to the special private gain or loss of the corporation?	A voting conflict of interest would be created under Section 112.3143(3)(a), Florida Statutes, were a city council member to vote on measures concerning expansion of a medical center owned by a corporation that is owned by another corporation which owns yet another corporation which owns still another corporation which employs the member. Expansion of the medical center would inure to the special private gain or loss of the corporation which owns the medical center and to the special private gain or loss of its parent organization, which also is the parent organization of a corporate principal (employer) by whom the member is retained (employed).
CEO 01-17 -- September 11, 2001	Are members of an educational/networking forum organized as a nonprofit corporation "business associates" of a county commissioner who also is a member of the forum, such that the commissioner	A county commissioner who also is a member of an educational/networking forum organized as a nonprofit corporation is not subject to the voting conflicts law codified at Section 112.3143(3)(a), Florida Statutes, regarding measures inuring to the special private gain or loss of other members of the forum. By virtue of forum

	is required to abstain from voting and otherwise comply with the voting conflicts law [Section 112.3143(3)(a), Florida Statutes] regarding county commission measures inuring to the special private gain or loss of the other members?	membership, the other members are not "business associates" of the commissioner.
CEO 01-8 -- June 12, 2001	Would measures related to the siting of a governmental center on a tract of land which is adjacent to a parcel of land owned by a member of the Village Council inure to the special gain or loss of the Village Council member, thereby precluding him from voting on such measures pursuant to Section 112.3143(3)(a), Florida Statutes?	A Village Council member may be prohibited by Section 112.3143(3)(a), Florida Statutes, from voting on the siting of a governmental center on a tract of land adjacent to which the Village Council member owns property. Because of the size of the Council member's adjoining parcel of land and the fact that it remains essentially undeveloped, it appears that any benefit inuring to the Village Council member as a result of the vote of the siting of the governmental center would not be remote or speculative. There are circumstances present here which are unique to the Village Council member and to his adjoining property by which he could stand to gain or lose more than any of the other owners of property in the vicinity of the proposed governmental center by the Council's voting on the siting of the governmental center.
CEO 94-13 -- March 10, 1994	Would Section 112.3143(3)(a), Florida Statutes, prohibit a city councilman from voting on a measure to rezone property, where the property is near a business with which he is involved, his residential property, and a school attended by his child?	Section 112.3143(3)(a), Florida Statutes, does not prohibit a city councilman from voting on a measure to rezone property to allow for a shopping center where the property is located near a business with which the councilman, his relative, or his business associate is involved, near the councilman's residential property, and near a school attended by the councilman's child. Any possibility of gain from the measure would be remote and speculative, and any actual gain would not be "special" within the meaning of the voting conflicts law.
CEO 94-10 -- March 10, 1994	Would a prohibited conflict of interest be created were a county commissioner's insurance client to do business with the county?	A prohibited conflict of interest would be created under Section 112.313(7)(a), Florida Statutes, absent the applicability of an exemption under Section 112.313(12), Florida Statutes, were businesses which are insurance clients of a county commissioner's insurance agency to contract with the county commission to provide goods or services to the county. Under the facts of this opinion, the commissioner would hold a contractual relationship with business entities doing business with his agency. In addition, the commissioner would be prohibited from voting and be subject to the other requirements of Section 112.3143(3)(a), Florida Statutes, regarding measures that would inure to the special private gain of insurance clients or of persons with whom the commissioner jointly owns an office building. His insurance clients would constitute "principals by whom he is retained" and co-owners of an office building would come within the definition of "business associate."
CEO 93-4 -- March 11, 1993	Are you, a city commissioner, prohibited by Section 112.3143(3), Florida Statutes, from voting on rent	No voting conflict of interest is created where a city commissioner votes to increase the rent at a city-owned mobile home park located across the

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	increases for a mobile home park owned by the city located near a proposed recreational vehicle park owned by you?	street from property owned by the commissioner which he proposes to develop into an r.v. park. Inasmuch as the commissioner's property has not yet been developed for r.v. use, it is remote and speculative to assume that by raising the rent at the city-owned park he would be able to justify charging a higher rent at his r.v. park.
CEO 93-7 -- April 22, 1993	Are you, a city commissioner, prohibited from voting by Section 112.3143(3), Florida Statutes, on rent increases for a mobile home park owned by the city when you are also the owner of a mobile home park and may be able to justify raising rents at your park if the City raises theirs?	No voting conflict of interest is created where a city commissioner votes to increase the rent at a city-owned mobile home park located approximately four miles from a mobile home park owned by the commissioner. It is remote and speculative to assume that by raising the rent at the city-owned park he would be able to justify charging a higher rent at his park, which is much smaller and has no amenities.
CEO 93-21 -- July 15, 1993	Is a city planning and zoning commissioner prohibited by Sections 112.3143(3) and 112.3143(4), Florida Statutes, from voting and participating on a developer's special zoning exception request to change the designated uses on two lots a city block apart from lots owned by the commissioner and her husband from Riverfront District to Multi-family Residential?	A city planning and zoning commissioner is not prohibited by Sections 112.3143(3) and 112.3143(4), Florida Statutes, from voting and participating on a developer's special exception request to change the designated uses of two lots located a city block apart from lots owned by the commissioner and her husband, because there is no indication that she would be voting on a measure that inured either to her or to her husband's special private gain. Any benefit to the property would be too remote and speculative to constitute special gain.
CEO 91-16 -- March 7, 1991	Are you, a member of a city council, prohibited by Section 112.3143(3), Florida Statutes, from voting on matters concerning a road project, when one of the configurations being considered will not directly affect property owned by you, but may increase property values in the area?	A city council member is not prohibited by Section 112.3143(3), Florida Statutes, from voting on the alignment of proposed road project, where the member owns property in the area and would not be directly affected by the configuration of roads. Although property values in the area may increase as a result of the project, any gain resulting from the project would be too remote and speculative to constitute "special private gain" requiring the council member to abstain from voting.
CEO 90-71 -- October 19, 1990	Are you, a town commissioner, prohibited from voting on various issues relating to a dredging and improvement project which would benefit the neighborhood in which you reside, where the cost of the project would be assessed against you and the other owners of property in the area?	A town commissioner is not prohibited by Section 112.3143(3), Florida Statutes, from voting on a dredging and improvement project which would benefit property in which he owns an interest, where the cost of the project would be assessed against the owners of property in the area. The commissioner jointly owns with his spouse one of 83 parcels which would be affected by the assessment. Therefore, the measures under consideration would not inure to the special private gain of the Commissioner.
CEO 90-46 -- June 14, 1990	Would a prohibited conflict of interest or a voting conflict be created were you, a City Councilman, to be retained by a company doing business with companies doing business with the City?	No prohibited conflict of interest would be created under Section 112.313(7), Florida Statutes, were a city council member to be retained by a real estate firm, a principal of which is personally retained by a company owning a proposed landfill site, and by a waste management company seeking approval to construct a landfill. In addition, no voting conflict of interest would be created under

		Section 112.3143, Florida Statutes, were the council member to vote to waive certain requirements in the city's purchasing code to accelerate the landfill siting process. Under the circumstances, the vote would not personally benefit the council member or the firm which retains him. Also, the vote may be preliminary or procedural in its effect on the companies involved rather than representing any special private gain. Whether other votes involving the companies retaining the president of the council member's employing company would create voting conflicts would depend on the measure considered and whether it would inure to the special private gain of the firm employing the council member rather than benefiting the president of the firm personally.
CEO 89-32 -- July 27, 1989	Are you, a city commissioner, prohibited from voting on a measure which could re-configure, decrease, or re-align available parking spaces, or to improve the public right of way on which the spaces are located by landscaping and repaving, when the parking spaces may be used by customers of your nearby restaurant?	A city commissioner is not prohibited by Section 112.3143(3), Florida Statutes, from voting on a measure concerning the re-alignment or reconfiguring of the number of parking spaces in or landscaping and repaving of a public right of way, when customers of the commissioner's nearby restaurant sometimes use the available parking in the right of way. He would be prohibited from voting on a measure involving a decrease in available parking.
CEO 88-51 -- July 28, 1988	Would a prohibited conflict of interest be created were you, a county commissioner, to sell land to the county for use as a landfill?	Under Section 112.313(3), Florida Statutes, a county commissioner is prohibited from acting in a private capacity to sell any realty to the county. However, certain exemptions to this prohibition have been created in Section 112.313(12), Florida Statutes. Under the circumstances presented, the exemption for sealed competitive bidding contained in Section 112.313(12)(b) would not be applicable as the county commissioner participated in determining the bid specifications. However, the exemption for a sole source of supply contained in Section 112.313(12)(e) could be applicable where the county sought bids for landfill property once, receiving no eligible bids, if the county sought bids a second time, the commissioner submits a bid to sell his property to the county, and his bid is the only one which meets the necessary criteria for use as a landfill. Alternatively, as noted in CEO's 76-7 and 78-8, the county could condemn the commissioner's property through eminent domain proceedings. The commissioner should abstain from voting and follow the requirements of Section 112.3143(3), Florida Statutes, if his property is under consideration for purchase or condemnation.

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CEO 88-31 -- April 28, 1988	Are you, a city council member, prohibited by Section 112.3143, Florida Statutes, from voting on the annexation of property which adjoins property in which you own an interest?	A city council member is not prohibited by Section 112.3143, Florida Statutes, from voting on the annexation of property which adjoins property in which she owns an interest. Any gain or loss resulting from the annexation of the property would be too remote and speculative to constitute "special private gain" requiring the council member to abstain from voting.
CEO 88-27 -- April 28, 1988	Is a city commissioner prohibited by Section 112.3143, Florida Statutes, from voting on the rezoning of property where his employer has contracted to purchase the property contingent upon its receiving a particular zoning designation from the city?	A city commissioner is prohibited by Section 112.3143, Florida Statutes, from voting on the rezoning of property where the company which employs him has entered into a contract to purchase the property contingent upon rezoning. A commissioner who is employed by a wholly-owned subsidiary of that company which operates on the premises of the parent company and which receives 40 percent to 50 percent of its business from the parent company also would be prohibited from voting on the zoning amendment. However, another commissioner who is a building contractor would not be prohibited from voting on the rezoning of the property, where he probably would be the building contractor for construction on the property if rezoning is denied and if another group of purchasers is able to buy the property from the existing owner.
CEO 87-95 -- December 10, 1987	Is a member of an expressway authority prohibited by Section 112.3143, Florida Statutes, from voting on the corridor of a proposed 11 mile long expressway where the member owns a 10 percent interest in a 30 acre parcel of land and where either the parcel would be located close to the right-of-way of the expressway or a portion of the parcel would be required to be taken for the right-of-way?	An expressway authority member is not prohibited by Section 112.3143, Florida Statutes, from voting on the corridor of a proposed 11 mile long expressway, where the member owns a 10 percent interest in a 30 acre parcel of land and where the parcel would be located close to the right-of-way of the expressway or a portion of the parcel would be required to be taken for the right-of-way. As the effect of the proposed corridor on the property is not clear and as construction of the expressway will require the acquisition of property from 650 owners, the proposed corridor cannot be said to inure to the "special" gain or loss of the authority member.
CEO 86-44 -- June 19, 1986	Are you, a city council member, prohibited from voting by Section 112.3143, Florida Statutes, on a site plan for a shopping center to be located adjacent to the florist store which you own and operate?	A city council member is not prohibited from voting by Section 112.3143, Florida Statutes, on a site plan for a shopping center to be located adjacent to the florist store which he owns and operates, where any parking spaces or land lost because of the nature of the final plan would be replaced and where any impact the proposed mall would have on the florist business in the future is remote and speculative.
CEO 85-5 -- January 24, 1985	Are you, a town commission and zoning board member, prohibited from voting on the rezoning of a mobile home park, where you reside in the park and work for an owner of the park as park director?	A town commissioner and zoning board member is prohibited by Section 112.3143, Florida Statutes (Supp. 1984), from voting on the rezoning of a mobile home park, where the commissioner is employed by an owner of the park as park director. However, the commissioner would not be prohibited from voting on the matter because of residing in the park, as the rezoning would affect all park residents, who comprise approximately 90% of the town's population.
CEO 85-17 -- March 6, 1985	Are a city mayor and a city commissioner prohibited by Section 112.3143, Florida Statutes, from voting on a petition for annexation of property	The city mayor and a city commissioner are prohibited by Section 112.3143, Florida Statutes (Supp. 1984), from voting on a petition for annexation of property owned by the developer

	owned by the developer who employs them?	who employs them. Here, it appears that the annexation petition would inure to the special gain of the developer.
CEO 85-46 -- July 11, 198	Is a city commissioner prohibited by Section 112.3143, Florida Statutes, from voting on a petition for annexation of property, where the developer which employs the commissioner has sold the property but retains a mortgage on the property?	A city commissioner is not prohibited by Section 112.3143, Florida Statutes, from voting on a petition for annexation of property, where the developer which employs the commissioner has sold the property but retains a mortgage on the property and in addition owns adjoining property. Under the circumstances presented, any gain or loss derived by the commissioner's employer from the annexation would be too remote and speculative to "inure to the special gain" of the employer.
CEO 85-62 -- September 3, 1985	Are you, a city council member, prohibited by Section 112.3143, Florida Statutes, from voting on the rezoning of property within a redevelopment area, where a corporation in which you own an interest owns a parcel of land within the redevelopment area?	A city council member is not prohibited by Section 112.3143, Florida Statutes, from voting on an ordinance which would provide for site-specific zoning for a redevelopment area, where the council member's corporation owns a one-acre parcel of property within the several square miles included in the redevelopment area. Nor would the council member be prohibited from voting on all rezoning applications for property within the area, although he may be prohibited from voting on matters affecting property located near the corporation's property.
CEO 85-77 -- October 24, 1985	Is a school board member who owns a retail clothing business near the site of a proposed school district administrative complex prohibited by Section 112.3143, Florida Statutes, from voting on matters relating to the use of the school district's property?	A school board member who owns a retail clothing business near the site of a proposed school district administrative complex is not prohibited by Section 112.3143, Florida Statutes, from voting on matters relating to the use of the school district's property. Given the particular nature of the board member's business any gain or loss resulting from measures relating to the use of the school district's property would be too speculative and remote to constitute "special gain" requiring the board member to abstain from voting.
CEO 85-87 -- November 26, 1985	Is a city council member who is a vice president of a bank prohibited by Section 112.3143, Florida Statutes, from voting on the sale and redevelopment of property located one block from the main office of the bank?	A city council member who is a vice president of a bank is not prohibited by Section 112.3143, Florida Statutes, from voting on the sale and redevelopment of property located one block from the main office of the bank. Under the circumstances presented, any gain or loss resulting to the bank from the redevelopment project would be too speculative and remote to conclude that the bank would receive any "special" gain as a result of the redevelopment project.
CEO 84-80 -- August 9, 1984	Would a voting conflict of interest be created were you, a member of a city-county planning commission, to vote on a down-zoning proposal encompassing the neighborhood in which you reside, where the proposal was prepared by a neighborhood association of which you are a member?	No voting conflict of interest would be created under Section 112.3143, Florida Statutes, were a member of a city-county planning commission to vote on a down-zoning proposal encompassing the neighborhood in which he resides, when the proposal was prepared by a neighborhood association of which he is a member. The down-zoning proposal would not inure to his special private gain, or to the special gain of any principal by whom he is retained.

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CEO 85-90 -- December 11, 1985	Is a county commissioner who owns an interest in property upon which is located an eagle's nest prohibited by Section 112.3143, Florida Statutes, from voting on a proposed ordinance which would protect eagle habitats by restricting development activities within a specified radius from their nests?	A county commissioner who owns an interest in property upon which is located an eagle's nest is not prohibited by Section 112.3143, Florida Statutes, from voting on a proposed ordinance which would protect eagle habitats by restricting development activities within a specified radius from their nests. Here, there are 16 parcels of property within the county upon which eagle nests are located, and the proposed ordinance would be generally applicable to all property within the county. Therefore, the proposed ordinance would not inure to the "special" gain of the county commissioner. However, were the county commission to vote on the application of the ordinance to the commissioner's property, Section 112.3143(3), Florida Statutes, would apply, and the commissioner would be required to abstain and to follow the disclosure requirements of that provision.
CEO 83-50 -- July 28, 1983	Was a voting conflict of interest created where a metropolitan planning organization member voted to amend a motion concerning the scheduling of the extension of a road, where part of property owned by him would have to be acquired as right-of-way for the proposed road?	No voting conflict of interest was created where a metropolitan planning organization member voted to amend a motion concerning the scheduling of the extension of a road, where part of property owned by him would have to be acquired as right-of-way for the proposed road. Under the circumstances, the motion was preliminary in nature and did not inure to his gain. Nor was a voting conflict of interest created where the member voted on a motion regarding acceleration of design and production efforts for the planned extension of the road, where the effect of the motion was neither to alter the priorities for expending funds already available nor to speed up the right-of-way acquisition for the project.
CEO 79-31 -- May 17, 1979	Does a voting conflict of interest exist when a planning commission member votes on a rezoning measure requested by a person with whom he occasionally subcontracts?	Section 112.3143, F. S. 1977, requires a public officer to file a memorandum of voting conflict when he has voted upon a measure in which he has a personal, private, or professional interest and which inures to his special private gain or the special gain of any principal by whom he is retained. When a planning commission member votes on a rezoning measure requested by a person with whom he occasionally subcontracts, such disclosure is not required because the zoning change would not have inured to the commissioner's special private gain or that of a principal by whom he was retained, as there was no contract between the commissioner and the subcontractor at the time of the vote. Even if there had been such a contract at the time of the vote, the commission member, as a general contractor, would not have been retained as an agent by the subcontractor. However, the planning commission member was justified in abstaining from voting on the request for consideration, in light of his anticipation of using the subcontractor's services in the future.
CEO 77-61 -- April 21, 1977	Is a voting conflict of interest requiring disclosure constituted where I, a	Although a public officer may not be prohibited from voting on any matter, where he elects to

	member of a local expressway authority, am majority stockholder in a corporation owning property which would be condemned were two of several route alternatives to be adopted by the authority?	vote on a measure in which he has a personal, private, or professional interest which inures to his special private gain, he is required to disclose such conflict via the filing of a Memorandum of Voting Conflict. Section 112.3143, F. S. 1975. A member of a local expressway authority who is majority stockholder in a corporation owning property which would be condemned were two of several route alternatives to be adopted by the authority has a professional interest in the measure which stands to be affected by the outcome of the vote. Accordingly, were the expressway authority member to exercise his right to vote on the measure, he would have a voting conflict of interest requiring disclosure on CE Form 4, Memorandum of Voting Conflict.

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