

## SUMMARY OF ETHICS REGULATIONS Part III, Chapter 112, Florida Statutes (the "Ethics Act")

City advisory board and committee members are subject to the ethics regulations set forth in Part III, Chapter 112, Florida Statutes (the "Ethics Act"). The Ethics Act includes the following prohibitions applicable to members of an advisory board or committee stemming from real or perceived conflicts of interest: (as used herein advisory board shall include committees)

- An advisory board member may not vote in an official capacity upon any measure which would inure to his or her special gain or loss. As a public officer, the board member shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the minutes.
- No appointed public officer shall participate in any matter that would inure to the officer's special private gain or loss.
- Such disclosure indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided at the next meeting held subsequent to the filing of this written memorandum.

In addition to the conflict of interest provisions in Section 112.3145, Florida Statutes, a member of the advisory board is also subject to the statutory prohibitions in Section 112.313, Florida Statutes, which establish "standards of conduct" for public officers. In particular, an advisory board member is subject to subsection (3) thereof prohibiting from "doing business with one's agency". In addition to the "doing business with one's agency" prohibition, an advisory board member is also subject to the prohibition on "conflicting employment or contractual relationships" in subsection (7).

The statutory Code of Ethics provides an exemption from these two provisions for advisory boards. The statutory exemption pertinent part reads as follows:

(12) EXEMPTION — The requirements of subsection (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure to the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of the waiver by two-thirds vote of that body.

Since the City Commission appoints board and committee members, the City Commission may exempt an individual member of an advisory board or committee from the two statutory prohibitions when there is an application for such an exemption that fully discloses the conflict of interest with specificity.