



CORRECTIVE ¹

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COPY

MEMORANDUM

Office of the City Attorney

Phone: 334-5011/Fax 334-2229
Box 46

TO: PEGEEN HANRAHAN, Mayor
FROM: CITY ATTORNEY
SUBJECT: FLORIDA CODE OF ETHICS OPINION

DATE: AUGUST 9, 2004

Question:

You have asked whether a Florida Code of Ethics prohibition occurs when the City Commission approves a contract with an engineering firm that employs your spouse. In this particular instance the contract would be the City's fourth (of fifth) extension to the existing agreement for civil engineering services by and between the City and Brown & Cullen, Inc. You commenced your term as Mayor in May 2004, and the contract has been in effect for several years prior to your taking office. Your spouse is an employee of the firm and not a partner in the firm.

Brief Answer:

No code of ethics prohibition exists in this scenario.

Analysis:

There are two subsections in the Code of Ethics for Public Officers and Employees that specifically address conflicts of interest arising out of the interests of the spouse of a local officer. They are Sections 112.313(3) and 112.313(4), Florida Statutes.

Subsection 112.313(3), F.S., DOING BUSINESS WITH ONE'S AGENCY, provides that: "No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators

¹ Corrective memo is issued for the purpose of correcting an error in the name of the firm who employs your spouse.

