

VOTING CONFLICTS OF INTEREST

Florida Statute 112.3143 Voting conflicts

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate.

“Public officer” includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B with the meeting’s recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. However, members of community redevelopment agencies and district officers elected on a one-acre, one-vote basis are not required to abstain when voting in that capacity. No appointed state or local officer shall participate in any matter which would inure to the officer’s special private gain or loss, the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission Form 8A or 8B) must be filed with the meeting’s recording officer, be provided to the other members of the agency, and be read publicly at the next meeting. If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting’s recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.] A qualified blind trust established pursuant to Sec. 112.31425, Fla. Stat., may afford an official protection from voting conflicts of interest arising from assets placed in the trust.

Monroe Count Code Section 2-429 Voting conflicts: members of advisory and quasi-judicial boards.

No members of any board performing quasi-judicial functions and/or members of an advisory board shall vote on any matter presented to an advisory board or quasi-judicial board on which the person sits if the board member will be directly affected by the action of the board on which the member serves or the board member has any of the following relationships with any of the persons or entities appearing before the board: i) officer, director, partner, of counsel, consultant, employee, fiduciary or beneficiary; or ii) stockholder, bondholder, debtor or creditor.

Any such contract, agreement or business engagement entered in violation of section 2-429 shall render the transaction voidable at the election of the Monroe County Board of County Commissioners