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January 13, 2010

Mr. David Gregory
P.O. Box 2284
Homosassa Springs, Florida 34447

Re: Ethics Inquiry

Dear Mr. Gregory:

I have been assigned to respond to your inquiry dated January 8, 2010. In your inquiry you advise that you are an employee of the Citrus County Property Appraiser's Office. You inquire whether Section 112.313(10)(a), Florida Statutes, prohibits your running for a seat on the Citrus County Board of County Commissioners. You advise that, if elected, you will resign from the Property Appraiser's Office. Section 112.313(10)(a), Florida Statutes, states:

No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

Section 112.313(10)(a) prohibits an employee of the Property Appraiser's Office from holding office as a member of the governing board, council, commission, or authority, which is his employer while continuing as an employee. The Property Appraiser is a separate and distinct Constitutional office from the Citrus County Board of County Commissioners. Therefore, you would not be prohibited by Section 112.313(10)(a) from running for the County Commission while employed with the Property Appraiser's Office.

If you have not already done so, you will want to check with the Division of Elections to ascertain whether or not you would be subject to the "Resign to Run" law in Section 99.012, Florida Statutes, or any other provision of the Elections Code.

Should you have any additional questions, please do not hesitate to contact the Commission.

Sincerely,

Daniel A. Carlton, Jr.
Staff Attorney