
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, May 28, 2015 10:22 AM
To: Sanchez, Rodzandra (COE)
Subject: Linda Miller, Town Attorney, Town of Surfside (voting conflict) INQ 15-95

INQ 15-95 Miller

From: Centorino, Joseph (COE)
Sent: Thursday, May 28, 2015 10:14 AM
To: Diaz-Greco, Gilma M. (COE)
Subject: INQ 15-95 Linda Miller, Town Attorney, Town of Surfside

Linda Miller, Town Attorney for the town of Surfside, inquired regarding the obligation of a Commissioner to file a report regarding his or her absence at a vote. An elected official is required to absent himself or herself when there is a voting conflict pursuant to Section 2-11.1(d) of the Ethics Code. Florida law requires also that the individual announce the conflict publicly prior to the vote and file a report with the Clerk of the Board documenting the conflict within 15 days of the vote, per Section 112.3143(3), Florida Statutes. However, there is no requirement under either County Ordinance or State law for an elected official to file such a form for a mere absence. Unless the absence is caused by a conflict, the voting official does not need to document the reason for the absence, although no elected official should intentionally absent himself or herself from a vote unless there is a good faith belief that there is a voting conflict. Pursuant to Section 112.012, Florida Statutes, every elected official is required to vote on matters coming before the board when they are present on the dais, unless there is a conflict. Ms. Miller was advised accordingly.

Joseph M. Centorino

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