

Participating governmental units may designate to membership ex officio *and without vote* their chief planning officer and engineer, or either of them. (Emphasis supplied.)

Accordingly, your questions are answered in the negative.

073-403—November 5, 1973

ELECTION

PROVISION OF SPACE FOR WRITE-IN VOTE, WHEN NO WRITE-IN CANDIDATE QUALIFIED, UNNECESSARY

To: Hal Roberts, City Attorney, Lakeland

Prepared by: Michael Parrish, Assistant Attorney General

QUESTION:

Must a municipality provide a space for write-in votes on a ballot when the time for qualifying as a write-in candidate under general law has expired without anyone so qualifying when the municipality's charter act contains no provision for write-in candidates and adopts the general law of this state relating to elections except as otherwise specified in its charter act?

SUMMARY:

In the absence of any controlling charter act provisions, a municipality which has adopted the general election law is not required to include a space for write-in votes on its ballots when the time for write-in candidates to qualify under §99.023, F. S., has expired without anyone having so qualified.

Section 101.151(5)(a), F. S., provides that "[a] blank line shall be left at the bottom of the list of the candidates *in races where write-in candidates have qualified under §99.023.*" (Emphasis supplied.) Thus, when no write-in candidate has qualified under §99.023, the statute does not require that the ballot contain a space for write-in votes. It should also be noted that pursuant to §99.023, a write-in candidate is not entitled to have votes counted for him unless he has complied with the requirements of that section. Therefore, when no write-in candidate has qualified under §99.023 and there is no charter act provision establishing any other method of qualification as a write-in candidate, no useful purpose would be served by including a space for write-in votes on the ballots. *Accord:* Attorney General Opinion 073-137, holding, in similar circumstances, that a municipality is not required to hold an election when only one candidate has qualified for each vacant office and the time for qualifying as a write-in candidate has expired.

Your question is, therefore, answered in the negative.

073-404—November 6, 1973

STANDARDS OF CONDUCT LAW

SALES TO COUNTY WHEN COMPANY OFFICER SERVING TEMPORARILY AS COUNTY COMMISSIONER

To: Temporary County Commissioner

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTION:

May a business entity sell tires and other motor vehicle accessories to the county on state contract prices, during the period when a salaried officer of the business entity is serving temporarily as a member of the board of county commissioners of the county?

SUMMARY:

Under §112.314(1), F. S., a board of county commissioners may not transact business with a business entity whose officer is serving temporarily as a member of the board.

Section 112.314(1), F. S., provides as follows:

(1) No officer or employee of a state agency or of a county, city, or other political subdivision of the state shall transact any business in his official capacity with any business entity of which he is an officer, director, agent, or member or in which he owns a controlling interest.

As noted in AGO 073-328, this statute has been uniformly interpreted by my predecessor and me as prohibiting the public body of which an interested official is a member from transacting business with the business entity in which he has the described interest.

The purpose of the provision in question is to forestall any possibility of favoritism in the county's business transactions, including the purchase of goods and materials; thus, even though you are serving only temporarily as a member of the board and the equipment would be purchased at state contract prices, your position as an officer of the corporation would bring you within the purview of the law. Section 839.091, F. S., provides certain exceptions to the prohibition against the purchase of goods, supplies, or materials from any business entity in which a member of a city's or county's governing body is either directly or indirectly interested, in counties having a population of less than 100,000. However, no such exceptions nor any others are contained in §112.314(1), *supra*. Thus, so long as you are serving as a member of the board of county commissioners, the county should not enter into any business transactions with the business entity which you serve as a salaried officer.

Accordingly, your question is answered in the negative.

073-405—November 6, 1973

CENTREX TELEPHONE SYSTEM**USE OF CENTREX TELEPHONE SYSTEM BY COUNTY OFFICES**

To: Jack D. Kane, Executive Director, Department of General Services,
Tallahassee

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTION:

May county offices validly be included in the state Centrex telephone system under §287.25, F. S.

SUMMARY:

Under §287.25, F. S., the state's Capital Center Centrex telephone system may be utilized by Leon County for its county offices.

Pursuant to the authority of §287.25, F. S. (§22, Ch. 69-106, Laws of Florida,