

073-371—October 2, 1973

## PUBLIC FUNDS

FURNISHING UNIFORMS FOR COUNTY COURTHOUSE  
NIGHT WATCHMEN*To: Thom Rumberger, Seminole County Attorney, Sanford**Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General*

## QUESTIONS:

1. May a board of county commissioners authorize a reimbursement to courthouse night watchmen who have purchased and are using uniform clothing?
2. May a board of county commissioners pay directly to the vendor or pay a flat allowance to its courthouse night watchmen for the purchase of uniforms for said watchmen?

## SUMMARY:

A county may lawfully underwrite the expense of uniforms for its night watchmen at the county courthouse.

Although you seem to attach some importance to how the county might relieve these employees of the expense of uniforms, I do not believe the means undertaken in accomplishing the stated objective are important. What is important is that the expenditures must directly and predominantly serve a county purpose under the constitutional mandate that county tax funds must be used for a county purpose. Article IX, §5, State Const. 1885; Art. VII, §9, State Const. 1968. *See also* Article VII, §10, State Const., which, among others, prohibits the expenditure of public funds for the benefit of private persons. As noted in AGO 072-129, "[i]f the paramount purpose is a public purpose, a project may, as an incident thereto, lawfully benefit private corporations or individuals."

My predecessors in office and I have consistently held that when the type of work requires special clothing or when the dignity of a public function is enhanced, it is proper for a public body to expend public funds on uniforms for its employees. Attorney General Opinions 062-18 (uniforms for deputy sheriffs), 065-101 (protective uniforms for mosquito sprayers), and 068-90 (athletic uniforms for school coaching staff), give a general review of the law. Here, it seems clear that a public purpose is served by the county's providing a uniformed night watchman for the courthouse, as the uniform would serve to distinguish him from prowlers and would serve the important purpose of immediately demonstrating his authority. It would also enhance the dignity of the courthouse.

In summary, therefore, assuming that the necessary funds are lawfully budgeted and appropriated, I believe that an expenditure of county funds for these uniforms is proper.

Your questions are answered in the affirmative.

073-372—October 3, 1973

## FLORIDA RETIREMENT SYSTEM

CREDIT FOR PAST SERVICE OF MUNICIPAL OR SPECIAL  
DISTRICT EMPLOYEE—PAYMENT THEREFOR*To: L. K. Ireland, Jr., Secretary, Department of Administration, Tallahassee**Prepared by: Sharyn Smith, Assistant Attorney General*