

Finally, it should be noted that the payrolls of the state attorneys' offices are handled through a central office maintained by the Judicial Administrative Commission. See §43.16, F. S. These payroll procedures are based upon information furnished by the state attorneys. It can thus be seen that the records of a state attorney's office concerning the salaries of assistant state attorneys are records made "pursuant to law" and consequently are public records within the meaning of §§119.01 and 119.011, F. S.

I am aware that the disclosure of information regarding salaries might prove embarrassing to some employees or have a detrimental effect on office morale. But these considerations cannot change the clear mandate of the Public Records Law. See AGO 072-356 in which it was noted that concern for the security of the state's highest officials could not overcome the requirement that advance itineraries of officials who use executive aircraft be open to public inspection pursuant to §119.01, F. S. The legislature must have believed the inconvenience which results from compliance with §§119.01 and 119.07(1), F. S., to be outweighed by the benefits which flow from free public access to public records. I am aware of no statutory or common-law provision which excepts records pertaining to salaries of public employees from the provisions of the public records law. Until such time as the legislature chooses to create such an exception, it is my opinion that the records of your office concerning the salaries of your assistants must be open to public inspection. See *Caswell v. Manhattan Fire & Marine Ins. Co.*, 399 F.2d 417(5th Cir. 1968); and *State ex. rel. Cummer v. Pace*, 159 So. 679 (Fla. 1935).

073-31—February 27, 1973

ANTINEPOTISM LAW

STEPDAUGHTER-IN-LAW NOT "RELATIVE"

To: *Curtis Beville, Sumter County Tax Collector, Bushnell*

Prepared by: *Stephen F. Dean, Assistant Attorney General*

QUESTION:

Would a stepdaughter-in-law be included within the definition of a relative for purposes of §116.111, F. S.?

SUMMARY:

A stepdaughter-in-law would not be included within the definition of a "relative" for purposes of §116.111, F. S.

The question as stated above arises because of the confusion generated by the relationship of a girl who is married to one's stepson. The specific relationship of a stepdaughter-in-law is not included within the definition of "relative" set forth in §116.111(1)(c), F. S. The aforementioned section does include within the definition of "relative," stepson, stepdaughter, and daughter-in-law. The legislature has defined "relative" in §116.111(1)(c), F. S., to include stepfather, stepmother, stepson, stepdaughter, stepbrother, and stepsister. Therefore, it must be presumed that the legislature did not desire to extend the prohibition to the specific relationship of stepdaughter-in-law. This interpretation is based upon the rule of statutory construction, *expressio unius est exclusio alterius*, which means that had the legislature intended to include other relationships, it would have listed them.

Not only is the relationship of a "stepdaughter-in-law" not mentioned in the statute, but it is not defined in any of the standard legal texts (see 40 Words and Phrases, "Stepchild," and "Stepchildren," and 82 C.J.S. *Step* p. 1066), nor is it defined in any of the decisional case law. This would appear reasonable since the law and the statute recognize only relationships by affinity or by blood.

A relationship by blood exists between one and all persons with whom one shares a common blood line. A relationship by affinity exists between one and the blood relatives of one's spouse. A step relationship is a particular type of relationship by affinity, which arises between children and the subsequent spouses of their natural or adoptive parents. With these definitions in mind and assuming no blood relationship other than the obvious one between the husband and his mother, one can see that no step relationship exists between a woman and her husband's stepfather because there is no relationship by affinity between the woman and her husband's stepfather because neither of them is related by blood to the other's spouse.

Since this relationship of a stepdaughter-in-law is unmentioned in the statute and undefined in the law, I must conclude the answer must be negative.

073-32—February 27, 1973

PUBLIC OFFICERS AND EMPLOYEES

APPLICABILITY OF STATE CAREER SERVICE SYSTEM AND STATE OFFICERS' AND EMPLOYEES' GROUP INSURANCE PROGRAM TO EMPLOYEES OF SPECIAL DISTRICTS OR AUTHORITIES

To: L. K. Ireland, Jr., Secretary, Department of Administration, Tallahassee

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTIONS:

1. Are employees of the Jacksonville Transportation Authority, the Tampa-Hillsborough County Expressway Authority, the Orlando-Orange County Expressway Authority, the Pinellas County Transportation Authority, or the Inter-American Cultural and Trade Center, eligible for participation in the State Officers' and Employees' Group Insurance Program as contemplated by §112.075, F. S.?

2. Are such employees subject to the State Career Service System as provided by Ch. 110, *id*?

SUMMARY:

Pending legislative or judicial clarification, neither the State Career Service System nor the State Officers' and Employees' Group Insurance Program should be extended to cover employees of special statutory entities such as the various county expressway authorities or the Inter-American Cultural and Trade Center.

Your questions are answered in the negative.

Section 112.075, F. S. (adopted by Ch. 72-399, Laws of Florida), was enacted for the purpose of authorizing a statewide group health insurance benefit program for all state officers and all full-time state employees holding salaried positions. While your questions are directed specifically to employees of the agencies named therein, it is worthy of note that the members of the governing bodies of special statutory entities such as those here in question are not ordinarily thought of as state "officers." For example, both my predecessor in office and I have ruled that officers of a special district or authority are not within the purview of the dual-office prohibition of the Constitution (Art. II, §5, State Const.). See AGO's 069-49, 071-324, and 071-328. And it has long been settled that the constitutional provisions requiring the election by the people or appointment by the governor of state and county officers (Art. III, §27, State Const. 1885, omitted in the 1968

purposes. Similarly, the statutory entities here in question are agents of the state for the purpose of carrying out the limited powers and authority conferred upon them by statute within their respective territorial jurisdictions; however, in the absence of anything to indicate, either expressly or by necessary implication, that the legislature intended to extend its insurance program to this type of statutory entity, I can only advise that the decision to do so be postponed pending judicial or legislative clarification of the question.

Answering your second question: The State Career Service System prescribed by Ch. 110, *supra*, is applicable to all positions in state government, except as specifically exempted therein. Section 110.042(1), F. S., defines "state agency" or "agency" to mean "any official, officer, commission, board, authority, council, committee, or department of the executive branch or the judicial branch of state government as defined in chapter 216." (Emphasis supplied.) Section 216.011(1)(cc), *id.*, defines the judicial branch of state government to include all judicial offices, courts, or other units of the judicial branch of state government which are "supported in whole or in part by appropriations made by the legislature." And it seems to me that this definition is indicative of an intention to include within the state's compulsory career service system only those agencies supported in whole or in part by appropriations made by the legislature—whether executive or judicial—and which are part and parcel of the executive and judicial branches of state government, as distinguished from special statutory entities that may perform a county or district purpose as well as, in some sense, a state purpose. This conclusion is confirmed by the fact that §110.071, F. S., expressly provides that:

The department of administration may enter into agreements with any municipality or political subdivision of the state to furnish services and facilities in the administration of its personnel program. . . .

Accordingly, pending legislative or judicial clarification, it is suggested that the State Career Service System not be extended to special statutory entities such as those referred to in your letter.

073-33—February 27, 1973

PUBLIC DEFENDER

DISPOSITION OF FUNDS COLLECTED FROM DEFENDANTS FOR PUBLIC DEFENDERS' SERVICES IN MISDEMEANOR CASES

To: Irvin Frank, Jr., Public Defender, Stuart

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTION:

When the reasonable value of the services of a public defender in a misdemeanor case has been assessed by the court and collected from the defendant, should these funds be remitted to the county?

SUMMARY:

When the reasonable value of the services of a public defender in a misdemeanor case has been assessed by the court and collected from the defendant, such funds must be remitted to the state under §27.56, F. S., even though the county may have contributed funds toward the payment of the cost of defending misdemeanors or violations of county ordinances.