

articles, reviewing new texts for consideration, and performing such other functions as may be requested or directed by the commission. In an effort to achieve uniformity and standardization in the educational courses so that all applicants will receive equal treatment, all instructors use standard manuals prepared by the commission's consultant, and all students use a text selected by the commission. The examinations to determine whether they passed the courses are administered centrally for the commission by the Division of Continuing Education of the university by which the proposed educational consultant is employed. However, the commission's *licensing* examination is prepared, administered, and graded by the commission through its education coordinator and his staff.

In these circumstances, I find no conflict of interest. Certainly, in the carrying out of its statutory responsibility to provide educational courses for applicants for registration in the field regulated by the commission, the commission may obtain the services of persons knowledgeable and expert in this field; and I can find no impropriety in the utilization of a university professor and the staff of the university's department of continuing education in administering its statutory duties in this respect.

The Standards of Conduct Law, §§112.311-112.318, F. S., was adopted by the legislature of this state to carry out its policy that no public officer or employee should have any "interest, financial or otherwise, direct or indirect, or engage in any business, transaction, or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of his duties in the public interest." Section 112.311. At the same time, it is declared that the law shall not be construed to prevent a public officer or employee "from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge" of his public duties. Section 112.316. The grading of the educational-course examination papers by the university's department of continuing education and the review by the educational consultant of the examination paper of a student who fails to pass by a narrow margin are in accordance with routine examining procedures; and, as the university department and the educational consultant have nothing whatsoever to do with the final licensing examination upon the basis of which the applicant's certificate of registration is issued—which, as noted above, is prepared, administered, and graded by the commission itself through its education coordinator and his staff—no conflict between the educational consultant's duties as a member of the university's staff and as a consultant to the commission is apparent. Nor would there appear to be any violation of the common-law rule of incompatibility—which, as noted in AGO 070-46, is still in force in this state—prohibiting an individual from holding two positions in the public service whose duties are incompatible, as where the duties clash or one is subordinate to the other. In this respect, it may appropriately be mentioned that the head of the department of the university in which the proposed educational consultant is presently serving has stated (apparently in response to the requirement of §216.262, F. S.) that "such employment will be in the interest of . . . education, of the industry, and of the people of the State of Florida."

073-436—November 27, 1973

#### SHERIFFS

#### APPOINTMENT OF SPECIAL DEPUTIES TO SERVE PROCESS

*To: E. Wilson Purdy, Director, Dade County Public Safety Department, Miami*

*Prepared by: Richard W. Prospect, Assistant Attorney General*

**QUESTION:**

Does a sheriff have the authority to appoint special deputy sheriffs whose authority and function are limited to the service of civil process, assuming that the normal bonding requirements of deputy sheriffs are met?

**SUMMARY:**

Nothing in §30.09(4), F. S., prohibits a sheriff from appointing special deputies for the sole purpose of serving civil process.

The answer to your question is in the affirmative.

I do not interpret §30.09(4), F. S., as limiting legislation relative to the appointment of special deputy sheriffs. Clearly, if the legislature intended to specifically control such appointments, it would have so allowed *only* in the situations embraced in §30.09(4)(a)-(f), F. S. This limitation not being present, the presumption follows that if the appointment for purposes mentioned in your letter is not proscribed, then the authority to do so is present.

While I find nothing irregular in these types of appointments, I might include the caveat that the function and authority of the special deputy sheriffs be restricted solely to the service of civil process and nothing more.

073-437—November 27, 1973

**TAXATION**

**ADVERTISEMENT OF EXEMPTED PROPERTY; FORM  
OF PAYMENT**

*To: Robert Grafton, District Counsel, Central and Southern Florida Flood Control  
District, West Palm Beach*

*Prepared by: Winifred L. Wentworth, Assistant Attorney General*

**QUESTIONS:**

1. Does §196.194, F. S., restrict required advertising to disputed or appealed applications for exemption?
2. Does a tax assessor have authority to demand payment on a pro rata basis from another agency or political entity?

**SUMMARY:**

The annual exemption publication requirement set forth in §196.194(2), F. S., does not apply to constitutionally mandated exemptions, or immunity for which no application is required. Property owned by the Central and Southern Florida Flood Control District, pursuant to Rule 12B-1.207, Rules and Regulations of the State of Florida, Department of Revenue, is included in the latter class of property, except for leasehold interests in such property which, when exempt, must be included in the annual publication of exemptions required by §196.194(2). The fact that an exemption application has not been disputed or appealed has no bearing upon the requirement that it be included on the published list of exemptions.

The questions should in my opinion be answered in the negative for reasons discussed below. A third issue not expressly stated in your letter but inherent in the subject matter of your inquiry concerns potential immunity of the district's real property from ad valorem taxation, which may exclude such properties from