

SUMMARY:

Under the Standards of Conduct Law, §§112.311-112.318, F. S., a public relations firm of which a legislator is a member may contract with a municipality to handle its public relations and advertising matters, excluding lobbying.

As noted in AGO 073-258, there is nothing in the Standards of Conduct Law, §§112.311-112.318, F. S., nor in any other statute, which prohibits a legislator—or a firm in which he has an interest as officer, director, agent, member, or owner of a controlling interest—from contracting to perform public works. It was there ruled that the professional firm of which a legislator is a member could enter into a contract with the state for professional services. *Accord:* Attorney General Opinion 071-264, holding that the construction firm of which a legislator is president may engage in a business transaction with a housing authority. *Cf.* AGO 071-137, holding that a legislator may serve as a consultant to an island authority.

Accordingly, your question is answered in the affirmative.

073-393—October 22, 1973

PUBLIC OFFICERS**COMPENSATION OF COUNTY FEE OFFICERS**

To: Irvin S. Cowie, Office of Polk County Attorney, Bartow

Prepared by: Stephen F. Dean, Assistant Attorney General

QUESTIONS:

1. Do the provisions of §145.141, F. S., apply to the office of judge of the Claims Court of Polk County?
2. If the answer to question 1 is in the affirmative, is ten thousand dollars this judge's "total annual salary" within the meaning of §145.141, F. S.?

SUMMARY:

A former judge of the claims court who had no annual salary fixed by law and who was entitled only to retain as his compensation his fees, after deducting costs, but not to exceed ten thousand dollars, is not entitled to the benefits of §145.141, F. S.

Although the provisions of Ch. 145, F. S., are generally applicable to all county officials except those officials whose salaries are not subject to being set by the legislature because of the provisions of a county home rule charter or consolidation charter, the provisions of §145.141 relate only to those county officials on an annual salary. As stated by my predecessor in his letter of July 1, 1970, the provisions of §145.141 have no application to compensation of county officers who are on a fee system. Chapter 69-656, Laws of Florida, provides with respect to the former judge of the Claims Court of Polk County as follows:

- (1) All fees collected by the judge as authorized by Section 9, after deducting costs, shall be retained by him as his sole remuneration, but in no event shall the sum to be retained exceed ten thousand dollars (\$10,000.00) per annum.

It can thus be seen that the former judge of the claims court had no annual salary fixed by law but was entitled only to the fees and commissions of the office, under §145.14(1), F. S., providing that a county official whose compensation was not provided for in Ch. 145, *id.*

... shall receive as his yearly compensation for his official services from the whole or part of the fees or commissions so collected, the following sum only: all the net income from his office not to exceed seven thousand five hundred dollars *unless otherwise provided by law.* (Emphasis supplied.)

The special act increased the maximum amount of the net income which could be retained by him as his annual compensation, but it did not have the effect of awarding to him a fixed annual salary within the purview of §145.141, *supra*.

The resolution of deficiencies in fee officers' office income and compensation is outlined in 8 Fla. Jur. *Counties* §33.

073-394—October 24, 1973

MUNICIPALITIES

PURCHASING ADVERTISING SPACE IN TOUR BROCHURES

To: Allen Clements, Jr., Attorney for Miami Beach Tourist Development Authority, Miami Beach

Prepared by: Sharyn Smith, Assistant Attorney General

QUESTION:

May the Miami Beach Tourist Development Authority advertise the virtues of Miami Beach as a tourist area in package tour brochures which feature certain named hotels selected by the tour operators?

SUMMARY:

The Miami Beach Tourist Development Authority may advertise Miami Beach as a tourist area in package tours, and such advertising is a statutorily authorized "municipal purpose." Further, such advertisements only incidentally benefit private financial interests and, therefore, do not violate Art. VII, §10, State Const.

According to your letter, the Tourist Development Authority (hereafter referred to as the authority) is contemplating the purchase of advertising space in brochures formulated by tour operators in order to induce the tour operators to package group travel plans to Miami Beach. The tour operators who package group travel plans make arrangements for accommodations with certain hotels of their own choosing and these hotels in turn are listed and publicized in travel brochures. The hotels so selected receive direct benefit from the activities of the tour operators. The authority would have no part in the selection of the hotels featured in the travel brochures in which a cross-section of hotels of varying sizes and price structures would be featured. The advertising space bought by the authority is intended solely to extol the virtues of Miami Beach as a tourist center and *none* of the hotels featured in the brochures would be mentioned in any such advertising. The advertising space purchased in the tour brochures would be highly selective, based upon a determination by the authority that the package tours to be offered would be successful and that the resulting tax revenues generated by the tours would be considerably greater than the expenditure for advertising.

Chapter 67-930, Laws of Florida, which authorized, *inter alia*, the creation by the City of Miami Beach of the authority, provides, at §6, that municipal resort tax funds collected under Ch. 67-930, *supra*, may be used solely for certain specified purposes, among which are the enhancement of tourism and publicity and advertising.

Section 43 1/2, Miami Beach City Charter, further provides that the municipal