

• 073-75—March 22, 1973

ANTINEPOTISM LAW

EMPLOYMENT OF RELATIVE OF COUNTY COMMISSIONER BY AGENCY PARTLY FUNDED BY COUNTY COMMISSION

To: Jack Faircloth, Clerk, Circuit Court, Bonifay

Prepared by: Halley B. Lewis, Assistant Attorney General

QUESTION:

In a county wherein the county commissioners directly fund 50 percent of the cost of mosquito control and garbage disposal, may a brother of a member of the board of county commissioners be hired by the agency in charge of such work without violating the Antinepotism Law?

SUMMARY:

Section 116.111(2)(a) and (3), F. S., is applicable if the board of county commissioners is vested with, and actually exercises, jurisdiction or control with respect to employment, promotion, or advancement of employees engaged in mosquito control and garbage disposal work.

Section 116.111(2)(a) and (3), F. S., is not applicable if the authority of the board of county commissioners is merely that of approving the budget or approving the appointment or employment made by another official vested by law with the authority to appoint or employ.

Your concern relates to whether or not the Board of County Commissioners of Holmes County is vested with authority to employ or advance employees assigned to mosquito control and garbage disposal work partially funded by, and partially under the supervision of, the board of county commissioners. You state that the board is directly involved in this work and program as it is a part of its budget and partially under its supervision. A determination of this question is essential to proper guidance in the performance of your duties as ex officio auditor of the county in light of the provisions of §116.111(3), F. S.

If the board of county commissioners is vested with, and actually exercises, jurisdiction or control with respect to the employment, promotion, or advancement of employees engaged in such work, §116.111(2)(a) and (3), F. S., is applicable and would direct that such employees so employed who are related to the degree specified shall not be paid.

If the authority of the Board of County Commissioners of Holmes County is merely that of approving the budget or approving the appointment or employment made by another official vested by law with the authority to appoint or employ, then the Antinepotism Law above referred to would not be applicable. See AGO's 070-15 and 071-158.

073-76—March 22, 1973

TAXATION

TAX LIABILITY FOR COSTS OF INSTALLATION OR ERECTION OF TANGIBLE PERSONAL PROPERTY

To: Ford S. Hausman, Orange County Tax Assessor, Orlando

Prepared by: William R. Cave, Assistant Attorney General and James D. Whisenand, Legal Intern