

4. The Commission on Ethics has jurisdiction to investigate only those allegations "based upon personal knowledge or information other than hearsay." See Chapter 2024-53, Laws of Florida (amending Section 112.324(1)(a), Florida Statutes, to require an allegation to be

"based upon personal knowledge or information other than hearsay" to be sufficient for investigation). Here, it does appear that Complainant has personal knowledge or bases the allegations on information other than hearsay. Complainant points to public records such as meeting minutes from CDD Meetings and on invoices from the Board Attorney.

5. Section 112.313(6), Florida Statutes, is relevant to the allegations in the complaint. Section 112.313(6) states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another, it is not enough that a *detriment* to a complainant or another is alleged.

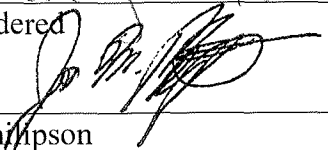
6. While the complaint alleges that A benefit may have been received by Respondent in the form of legal counsel and that the Board Attorney may have also benefited from the work created by Respondent, The complaint fails to indicate how this is corrupt within the meaning of the statute. Despite the alleged objections of his peers, it is not clear how a CDD

supervisor seeking clarification or advice from the Board Attorney on matters relevant to his public position is inconsistent with the proper performance of his public duties. Without more, this allegation cannot form the basis for an investigation by the Commission into an alleged violation of Section 112.313(6).

7. Further, Article II, Section 8(h)(2), Florida Constitution, prohibits a public officer or employee from abusing their position to obtain a disproportionate benefit for himself or herself; his or her spouse, children, or employer; or for any business with which he or she contracts; in which he or she is an officer, a partner, a director, or a proprietor; or in which he or she owns an interest. As noted above, the complaint does not indicate that Respondent used or abused his office to achieve a benefit for himself or another enumerated party. Therefore, the complaint fails to indicate a violation of Article II, Section 8(h)(2), Florida Constitution.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session
on Friday, January 23, 2026.

January 28, 2026
Date Rendered


Jon M. Philpson
Chair, Florida Commission on Ethics

JMP/mdt

cc: Mr. Edward L. Blair, IV, Attorney for Respondent
Mr. George E. Smith Jr., Complainant