

Karen Smith

From: Schafer, Grayden <SCHAFER.GRAYDEN@leg.state.fl.us>
Sent: Thursday, March 12, 2020 2:27 PM
To: Karen Smith
Cc: Holmes, Kim
Subject: [EXTERNAL] Financial Disclosure Filings

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Ms. Smith:

As we discussed today by telephone, it does appear the members of the Isles Canal Advisory Committee and the Burnt Store Isles Canal Advisory Committee are required to file financial disclosure (CE Form 1) pursuant to Section 112.3145.

Section 112.3145(1)(a)2.d., Florida Statutes, states the members of appointed bodies are considered “local officers” required to file a CE Form 1 if they have “the power to recommend, create, or modify land planning or zoning within the political subdivision[.]” However, the provision does exempt “citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards.”

Here, recent municipal resolutions grant both Committees the authority to hear and act upon applications for canal construction special permits under Chapter 6, Section 6-6 of the Punta Gorda Code. The Code states such canal construction special permits allow an individual owning land abutting a platted canal “to dredge or to construct or locate a structure[.]” presumably in or near the canal.

The ability to grant such special permits provides the Committees with at least some degree of land planning responsibility. Moreover, because the Committees have the authority—on their own—to grant or deny a permit application, they are no longer purely advisory in nature. For these reasons, it appears the Committees’ members qualify as “local officers” required to file a CE Form 1 under Section 12.3145(1)(a)2.d.

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