

FILE 2824 – January 23, 2026

MISUSE OF PUBLIC POSITION

**COUNTY COMMISSIONER ENDORSING A CANDIDATE ON COMMISSION-
PROVIDED LETTERHEAD**

To: Dr. Robert McCann (Manatee County)

SUMMARY:

A County Commissioner's use of the resources of his or her position, such as County-provided letterhead, to endorse a candidate violates Section 112.313(6), Florida Statutes. However, a County Commissioner may endorse a candidate on self-created letterhead identifying himself as a County Commissioner without violating Section 112.313(6) as long as he or she makes clear that the endorsement is a private one. Referenced are CEO 23-5; CEO 22-3; CEO 19-23; CEO 19-13; CEO 16-2; CEO 13-25; CEO 11-23; CEO 08-20; CEO 02-13; CEO 91-38; CEO 90-15; CEO 81-47; CEO 79-72.

QUESTION 1:

Can a County Commissioner use County-provided Commissioner letterhead to endorse another candidate for County Commission without violating the Code of Ethics for Public Officers and Employees?

This question is answered as follows.

You are a Manatee County Commissioner. You inform that the County has created a letterhead template specific for each County Commissioner's use. It includes a header with the Commissioner's name and his or her designation as a Manatee County Commissioner, the County seal, and the Board of County Commissioners' address. It also includes a footer with all of the Commissioners' names and the Board of County Commissioners' address.

With this background, you ask how you may ethically express your preference for a candidate for County Commission in the upcoming election cycle. Specifically, you inquire whether you may endorse your preferred candidate on the County Commissioner letterhead provided by the County if no public funds are expended and the endorsement is written off-duty and with no compensation or assistance from other county employees. You also ask whether you need to place a disclaimer on the endorsement, and, if so, what that disclaimer should state.

Ultimately, you inquire as to whether your uses of County-provided Commissioner letterhead and your County Commissioner title amount to a prohibited misuse of your public position. Both Section 112.313(6), Florida Statutes, and Article II, Section 8(h)(2), Florida Constitution, prohibit public officials from misusing or abusing their public positions or the resources of their positions to benefit themselves or certain others.

Misuse of Public Position – Section 112.313(6), Florida Statutes

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 in order to secure a special privilege, benefit, or exemption for themselves or another:

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.

A misuse of one's public position pursuant to Section 112.313(6) requires three factors be present. First, the public officer must have either taken or attempted to take some action in his public capacity or used a public resource within his trust. Second, the public officer's action must have resulted in, or would have resulted in, an actual, non-speculative benefit to the public officer or someone else. And, third, importantly, the public officer must have taken the action at issue with the corrupt intent of obtaining the resulting benefit. To be corrupt, the public officer's intent must be "wrongful" and the action taken for the intended benefit must have been "inconsistent with the proper performance of his or her public duties." § 112.312(9), Fla. Stat.

Generally, we do not opine on intent in advisory opinions because intent is difficult to ascertain without knowing all of the circumstances of a situation:

[I]ntent generally is determined from an examination of all relevant circumstances. We are able to do this on the basis of evidence presented through investigation and hearing when a complaint is filed, but in rendering an advisory opinion we are [subject to] a lack of access to information concerning all circumstances of the situation as well as information concerning the credibility of the individuals involved.

CEO 22-3 (quoting CEO 81-47). Here, we do not have the benefit of an investigation and its accompanying report. Nor do we have crucial details including, for example, the content of your proposed endorsement. Without this information, it is impossible for us to ascertain intent with any certainty.

However, it is clear that your personal decision to support a certain candidate, without more, is necessarily a private action. Your right – and, pursuant to Section 104.31(1), Florida Statutes, it certainly is a right – to endorse and campaign for any candidate of your choosing is, likewise, necessarily a private right. This Commission cannot, and does not, regulate any action you choose to take in your private capacity, including supporting a particular candidate. Actions

taken in one's private capacity do not violate Section 112.313(6) because they are missing one of the three aforementioned elements: the use of either one's public position or the resources within one's trust as a public officer. CEO 16-2; CEO 90-15. In fact, we have previously explicitly held that the Code of Ethics for Public Officers and Employees contains no provision that would prohibit a public officer from, in his or her individual capacity, campaigning for another person who is seeking a seat on his board or commission "so long as you do not use or attempt to use your official position, or any property or resource within your trust, to perform your official duties in order to assist a candidate for the city commission." CEO 79-72.

You inquire regarding the ethical boundaries of using your County-provided Commissioner letterhead to write a private endorsement of a particular candidate. You clarify you would not be expending any public funds for your endorsement; rather, you would simply use the personalized County Commissioner letterhead template provided by the County, write an endorsement in your private time, and disseminate the endorsement using your own funds.

We have previously held that "[t]he private use of public property is prima facie inconsistent with the proper performance of one's public duties." *In re: James K. Gordon*, 13 F.A.L.R. 1864 (Fla. Commission on Ethics, 1990) (aff'd in *Gordon v. State Com'n on Ethics*, 609 So. 2d 125, 126 (Fla. 4th DCA 1992)). In *In re: James K. Gordon*, we determined Mr. Gordon, a City Commissioner, violated Section 112.313(6) by using City Commission stationery and envelopes to send out letters promoting a symposium hosted by his private employer, a university.

Your use of the County-provided Commissioner letterhead for an endorsement would similarly amount to misuse of the public resources of your position, regardless of your assurance that no public funds would be used, because you would be using the resources of your public position for the solely private purpose of endorsing a candidate.

In a situation analogous to the one at hand, we found probable cause existed to determine a County Tax Collector violated Section 112.313(6) when he used his office's official letterhead to write an endorsement and authorized a newspaper to reprint his endorsement in full, including the letterhead. *In re Robert D. Moore*, Complaint No. 96-241. In line with this precedent, we determine that you may not use the public resource of County-provided Commissioner letterhead for the private endorsement of a candidate without violating Section 112.313(6), as that would amount to a prohibited use of the resources of your public position for a solely private benefit.

Your inquiry, however, is not limited to your use of County-provided letterhead. You ask, broadly, how you, a County Commissioner, can legally and ethically endorse another candidate for County Commission.

We have consistently opined that self-identification as a public officer, for autobiographical purposes, in and of itself, does not amount to a corrupt use of one's public position. CEO 08-20 (a Senator could identify himself as a senator on his private employer's website); CEO 19-13 (a police chief could wear his police uniform and identify his title while fundraising for his nonprofit organization); CEO 13-25 (a Senator could identify himself as such when providing a letter of support for a beautification grant application submitted by a city). Thus, you may identify yourself for autobiographical purposes as a City Commissioner in your endorsement without running afoul of Section 112.313(6), Florida Statutes.

We have also opined, on multiple occasions, that public officers may create their own letterhead identifying themselves as public officers, and use that letterhead for a private purpose, without violating Section 112.313(6), as long as the letterhead explicitly clarifies that the public officer is not speaking on behalf of his or her public body. The "controlling factor" is not whether the stationery is publicly purchased or whether it identifies the public officer as a public official,

but rather, whether the stationery is "used in a manner or in a context supportive of the wrongfulness or corruption required by the statute." CEO 02-13.

To avoid creating the appearance that the opinions expressed in your private endorsement are opinions being made on behalf of your public body, you should include in your endorsement a disclaimer that notes the opinions expressed within your endorsement are your own, private opinions.¹

For example, in *In re Ilene Lieberman*, Complaint No. 90-71, we determined probable cause did not exist to believe Ms. Lieberman had violated Section 112.313(6) where she created her own stationery and wrote letters to citizens recommending certain candidates. There, Ms. Lieberman's self-created stationery bore her name, her position, her city's seal, and a disclaimer at the bottom of the letterhead explicitly stating the document was a paid political advertisement.

Similarly, in CEO 91-38, we noted that Section 112.313(6) did not prohibit a city councilmember from using privately purchased stationery similar to her official stationery that bore her title, her name, the name of her City, the address and telephone number of City Hall, and a statement that the stationery was not paid for with City funds, for personal letters, campaign purposes, and fundraising purposes.

And in CEO 23-5, we determined that a member of the board of trustees for an institution within the State University System could write articles about higher education issues for the online service *Substack* without violating Section 112.313(6), but warned that when authoring articles or making comments on matters related to his own university, "he should emphasize he is sharing

¹ We lack the jurisdiction and expertise to opine on laws outside of the Code of Ethics for Public Officers and Employees. However, we encourage you to seek guidance regarding campaign and election laws to determine whether they require a disclaimer on a written endorsement made by a public officer or the inclusion of any specific language.

only his personal opinions and not the opinions of the university board on which he serves" in order to "clarify he is offering only his personal opinion and is not speaking for the university itself, which could be construed as a use of his public position."

In summation, you may not use the resources of your public position, such as your County-provided letterhead, to write a private endorsement of a certain candidate for County Commissioner. You may, however, create your own letterhead for your endorsement in which you identify yourself as a County Commissioner, as long as your letterhead includes a disclaimer clarifying that the opinions expressed in the endorsement are your private opinions, as opposed to the opinions of your public body.

Should you choose to create your own letterhead indicating your position as a County Commissioner for your endorsement, we caution you to be aware of Section 165.043, Florida Statutes, which prohibits the reproduction of a county or municipal seal. That law had not yet been enacted when we considered *In re Ilene Lieberman*, Complaint No. 90-71, and it had only been recently enacted when we considered CEO 91-38, so the City in that case had not yet designated an official municipal seal. We encourage you to check your local ordinances to determine whether your seal has been designated an official municipal seal. The use of an official municipal seal in personal letterhead and in contravention of Section 165.043 could evince corrupt intent in violation of Section 112.313(6). Likewise, we also encourage you to familiarize yourself with your local ordinances to ensure you do not violate them by creating your own letterhead.

To the extent your inquiry mentions Section 104.31, Florida Statutes, otherwise known as Florida's Little Hatch Act, that statute is outside of our jurisdiction. Our jurisdiction is limited to the Code of Ethics for Public Officers and Employees and Article II, Section 8 of Florida's Constitution. § 112.322(3), Fla. Stat. (the Commission has jurisdiction as to the application of the

provisions of Chapter 112, Part 3, and Article II, Section 8 of Florida's Constitution). CEO 11-23.

We advise you to seek additional guidance regarding whether the use of your public title in an endorsement violates the Little Hatch Act.

Abuse of Public Position – Article II, Section 8(h)(2), Florida Constitution

Analysis must also be conducted pursuant to Article II, Section 8(h)(2), Florida Constitution, the sister provision of Section 112.313(6). Article II, Section 8(h)(2) forbids public officers and employees from abusing their public positions to obtain a disproportionate benefit for certain enumerated parties:

A public officer or public employee shall not abuse his or her public position in order 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.

The Commission has defined the term "disproportionate benefit" in Florida Administrative Code Rule 34-18.001(2)(a) to mean "a benefit, privilege, exemption or result arising from an act or omission by a public officer or public employee inconsistent with the proper performance of his or her public duties."

Some differences exist between Section 112.313(6) and Article II, Section 8(h)(2) of the Florida Constitution. For example, Section 112.313(6) is broader in that it applies when one's use of his or her public position results in a "special privilege, benefit, or exemption" to *anyone*; Article II, Section 8(h)(2) applies only if a "disproportionate benefit" is received by the public officer himself or herself, his or her spouse, children, or employer, or for any business in which he or she contracts, in which he or she is an officer, partner, director, or proprietor, or in which he or she owns an interest. CEO 19-23.

Here, you indicate that you do not have any relationships with any of the candidates you wish to endorse. One candidate has worked for you as a Commissioner Aide, but will leave county employment prior to running for the County Commission, and, regardless, was never your employer as required by Article II, Section 8(h)(2). Thus, it does not appear your endorsement of any of the candidates you currently wish to endorse could amount to a violation of Article II, Section 8(h)(2). However, should you wish to endorse any candidates with a relationship to you as specified above, we encourage you to reach back out to the Commission for additional analysis pursuant to Article II, Section 8(h)(2).

Additional Provisions

Finally, though nothing in your facts suggests the existence of a quid pro quo, we think it important to advise you that Section 112.313(2), Florida Statutes, prohibits a public officer from soliciting or accepting anything of value based upon an understanding that his or her official action will be influenced. And Section 112.313(4), Florida Statutes, prohibits a public officer from accepting anything of value where he or she knows, or should know with the exercise of reasonable care, that it is offered to influence his or her official actions. Again, there are no facts present in the instant request for guidance indicating that your endorsement would be given with the expectation of your receipt of something in return; however, such a quid pro quo could violate these provisions of the Code of Ethics.

Your question is answered accordingly.

cc: Dr. Robert McCann

JMP/sen/ks

Westberry, Diana

2824

From: Naomi, Amelia
Sent: Wednesday, October 8, 2025 10:17 AM
To: Westberry, Diana
Subject: FW: Inquiry

Importance: High

From: Stillman, Kerrie <STILLMAN.KERRIE@leg.state.fl.us>
Sent: Tuesday, October 7, 2025 9:47 AM
To: Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>
Cc: Zuilkowski, Steven <ZUULKOWSKI.STEVEN@leg.state.fl.us>; Steverson, Kathryn <STEVERSON.KATHRYN@leg.state.fl.us>
Subject: FW: Inquiry
Importance: High

Good morning, Amelia.

The following opinion request has been assigned to you. Please handle.

Thank you.

From: Robert McCann <DrBob.McCann@mymanatee.org>
Sent: Tuesday, October 7, 2025 7:33 AM
To: Stillman, Kerrie <STILLMAN.KERRIE@leg.state.fl.us>
Subject: Inquiry
Importance: High

Dear Ms. Stillman:

How can I legally and ethically endorse (express my opinion for) another candidate for County Commission in the upcoming 2026 Election Cycle? Pursuant to FL Statutes 104.31, and in light of a previous ethics opinion where a mayor was found not to have an ethics violation for endorsing candidates on Letterhead with no expense to the municipality, can I use my County Commissioner letterhead so long as no public funds are expended and is done off duty and for no compensation? Also, do I need to put any disclaimer on the endorsement?

Dr. Bob McCann
Manatee County Commissioner
District 5
1112 Manatee Ave West
Bradenton, FL 34205
DrBob.McCann@mymanatee.org

Westberry, Diana

From: Novenario, Stephanie
Sent: Wednesday, October 8, 2025 9:07 AM
To: Robert McCann
Cc: Naomi, Amelia; Westberry, Diana
Subject: RE: Your ethics inquiry

Hi Dr. McCann,

I'm looking forward to working on your ethics inquiry! I will be in touch shortly if I have any additional questions for you, and, if you have any questions for me about the formal opinion process, please don't hesitate to reach out.

Thank you!

Stephanie Novenario

Staff Attorney

Florida Commission on Ethics

850.488.7864 | 850.488.3077 (fax)

novenario.stephanie@leg.state.fl.us

From: Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>
Sent: Wednesday, October 8, 2025 8:57 AM
To: Robert McCann <DrBob.McCann@mymanatee.org>
Cc: Novenario, Stephanie <NOVENARIO.STEPHANIE@leg.state.fl.us>
Subject: RE: Your ethics inquiry

Dr. McCann,

Thank you for your confirmation. I have CC'ed Stephanie Novenario, who is another attorney in our office. She will be taking over your request as I have a different formal opinion already in the works for that same meeting.

Best,
Amelia Naomi

From: Robert McCann <DrBob.McCann@mymanatee.org>
Sent: Tuesday, October 7, 2025 4:26 PM
To: Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>
Subject: Re: Your ethics inquiry

Dear Ms. Naomi:

Yes, a formal opinion would be greatly appreciated. Thank you for your valuable time and for your help.

Dr. Bob McCann

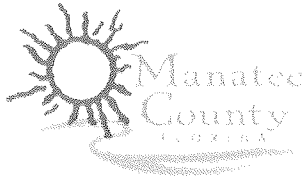
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Subject: RE: Your ethics inquiry

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Dr. McCann,

It was great talking to you on the phone. I just wanted to confirm that you are okay with this being a formal opinion, to be considered at our December 5 Commission meeting.

Best,

Amelia

From: Robert McCann <DrBob.McCann@mymanatee.org>
Sent: Tuesday, October 7, 2025 9:54 AM

To: Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>

Subject: Re: Your ethics inquiry

Thank you! Have a wonderful day.

Dr. Bob McCann

Manatee County Commissioner

District 5

1112 Manatee Ave West

Bradenton, FL 34205

DrBob.McCann@mymanatee.org



From: Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>

Sent: Tuesday, October 7, 2025 9:52 AM

To: Robert McCann <DrBob.McCann@mymanatee.org>

Cc: Westberry, Diana <WESTBERRY.DIANA@leg.state.fl.us>

Subject: RE: Your ethics inquiry

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Dr. McCann,

I hope you are well. I am the attorney who has been assigned your ethics request. I will let you know if I have any follow-up questions as I begin to draft your letter.

Best,

Amelia L. Naomi

Attorney

Florida Commission on Ethics

NAOMI.AMELIA@leg.state.fl.us

Telephone: 850-488-7864 | Fax: 850-488-3077

Novenario, Stephanie

From: Robert McCann <DrBob.McCann@mymanatee.org>
Sent: Wednesday, October 22, 2025 1:44 PM
To: Novenario, Stephanie
Subject: Re: Your ethics inquiry
Attachments: Dr. Bob McCann Letterhead 2024.docx

Importance: High

Dear Ms. Novenario:

Thank you for your valuable time. The County has a snapshot that we place on the either regular paper or stationary paper for use as letterhead, or attached is the most recent form given should the Commissioner choose to use a template. It clearly is letterhead for a specific Commissioner and does not imply endorsement from Manatee County or the County Commission. If a disclaimer is needed, I would gladly include any disclaimer in the text of my letter.

The provided documents on the Clerk's website where the ordinances and resolutions are publicly displayed does not contain any information about ordinances or resolutions in Manatee County specifically regarding the use of letterhead. The documents cover topics such as child support, board records, land development codes, property maintenance standards, noise regulations, and code enforcement, but none mention letterhead usage. Therefore, based on the available information, there is no indication that Manatee County has ordinances or resolutions addressing this matter.

I do not have any relationships financial or otherwise with any of the candidates that I wish to endorse. One candidate, Edward Bailey has worked with me as a Commissioner Aide but will leave county employment prior to filing to run for the Commission. His endorsement, if given, will be much later in the cycle, after he is no longer employed.

If I can provide any further information, please do not hesitate to contact me.

Dr. Bob McCann
Manatee County Commissioner
District 5
1112 Manatee Ave West
Bradenton, FL 34205
DrBob.McCann@mymanatee.org



From: Novenario, Stephanie <NOVENARIO.STEPHANIE@leg.state.fl.us>
Sent: Wednesday, October 22, 2025 12:38 PM
To: Robert McCann <drbob.mccann@mymanatee.org>
Cc: Steversen, Kathryn <STEVERSON.KATHRYN@leg.state.fl.us>
Subject: Your ethics inquiry

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Hi Dr. McCann,

I am working on analyzing your ethics inquiry, and I have a few additional requests of you that will help me with the analysis:

1. Could you share a copy or screenshot of the letterhead?
 1. Is this letterhead that the County has created, or that you have created?
2. Does Manatee County have any specific codes/ordinances regarding the use of County letterhead or County imagery (if any is used on the letterhead)?
3. Are you in any way related to, or in any type of business relationship with, the candidate you wish to endorse in the upcoming 2026 Election Cycle?

Thank you!

Stephanie Novenario

Staff Attorney

Florida Commission on Ethics

850.488.7864 | 850.488.3077 (fax)

novenario.stephanie@leg.state.fl.us

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Stephanie Novenario

Staff Attorney

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Dr. McCann,

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Best,

Amelia L. Naomi

Attorney

Florida Commission on Ethics

NAOMI.AMELIA@leg.state.fl.us

Telephone: 850-488-7864 | Fax: 850-488-3077



Manatee County Commissioner
Dr. Bob McCann, District 5

Board of County Commissioners
1112 Manatee Avenue West
Ste 300
Bradenton, FL 34205
Phone (941) 748 – 4501

Month DD, YYYY

Revised BCC Letterhead

Summary of Revisions

Welcome to the revised departmental letterhead. This template adheres to the requirements of the Americans with Disabilities Act (ADA) and is accessible to all users, regardless of ability. Some of the new accessibility features include:

- Built in formatting styles
- Standard, easy-to-read fonts
 1. Trebuchet font for headings, department/division info and footer content
 2. Arial for paragraph text
- Uniform spacing and alignment of content

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On the subsequent pages, you may remove the page number and/or date from the header if you don't need it.

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- If converting to a PDF, go to **File > Save As** and select PDF from the dropdown (make sure "Best for electronic distribution and accessibility" is selected)
 - **DO NOT PRINT TO A PDF** – This loses all the behind-the-scenes accessibility settings from this template

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Board of County Commissioners
1112 Manatee Avenue West, Bradenton, FL 34205
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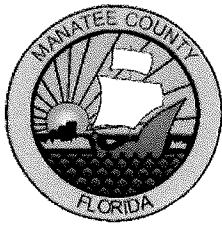
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RAHN
District 4

DR. BOB
McCANN
District 5

JASON
BEARDEN
At Large

GEORGE W.
KRUSE
At Large

20



Manatee County Commissioner

Dr. Bob McCann, District 5

Month DD, YYYY

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This correspondence is being sent from Dr. Bob McCann as an individual County Commissioner.

Contact Information: drbob.mccann@mymanatee.org • Phone: (941) 745-3773
1112 Manatee Avenue West, Bradenton, FL 34205
Website: www.mymanatee.org

Novenario, Stephanie

From: Robert McCann <DrBob.McCann@mymanatee.org>
Sent: Tuesday, November 25, 2025 10:22 AM
To: Novenario, Stephanie
Subject: Re: Your ethics inquiry
Attachments: Letterhead McCann 4.2025.docx

Importance: High

Here is another example: Note the bottom disclaimer "as an individual"

Dr. Bob McCann
Manatee County Commissioner
District 5
1112 Manatee Ave West
Bradenton, FL 34205
DrBob.McCann@mymanatee.org



From: Novenario, Stephanie <NOVENARIO.STEPHANIE@leg.state.fl.us>
Sent: Wednesday, October 22, 2025 12:38 PM
To: Robert McCann <drbob.mccann@mymanatee.org>
Cc: Steverson, Kathryn <STEVERSON.KATHRYN@leg.state.fl.us>
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Thank you!

Stephanie Novenario*Staff Attorney*

Florida Commission on Ethics

850.488.7864 | 850.488.3077 (fax)

novenario.stephanie@leg.state.fl.us**From:** Novenario, Stephanie**Sent:** Wednesday, October 8, 2025 9:07 AM**To:** Robert McCann <DrBob.McCann@mymanatee.org>**Cc:** Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>; Westberry, Diana <WESTBERRY.DIANA@leg.state.fl.us>**Subject:** RE: Your ethics inquiry

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Best,
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From: Robert McCann <DrBob.McCann@mymanatee.org>**Sent:** Tuesday, October 7, 2025 4:26 PM**To:** Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>**Subject:** Re: Your ethics inquiry

Dear Ms. Naomi:

Yes, a formal opinion would be greatly appreciated. Thank you for your valuable time and for your help.

Dr. Bob McCann
Manatee County Commissioner
District 5
1112 Manatee Ave West
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Dr. McCann,

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Best,

Amelia L. Naomi

Attorney

Florida Commission on Ethics

NAOMI.AMELIA@leg.state.fl.us

Telephone: 850-488-7864 | Fax: 850-488-3077

Novenario, Stephanie

From: Robert McCann <DrBob.McCann@mymanatee.org>
Sent: Thursday, November 20, 2025 10:14 AM
To: Novenario, Stephanie
Subject: Re: Your ethics inquiry
Attachments: R09-234.pdf

Importance: High

Maybe this resolution would help. Especially 4 & 5 concerning use of letterhead. Please acknowledge receipt. Thanks!

Dr. Bob McCann
Manatee County Commissioner
District 5
1112 Manatee Ave West
Bradenton, FL 34205
DrBob.McCann@mymanatee.org



From: Novenario, Stephanie <NOVENARIO.STEPHANIE@leg.state.fl.us>
Sent: Wednesday, November 19, 2025 11:08 AM
To: Robert McCann <DrBob.McCann@mymanatee.org>
Subject: RE: Your ethics inquiry

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Hi Dr. McCann,

My General Counsel and I have a few questions for you regarding your recent ethics opinion request. We left a voicemail for you, but I know you might be more accessible via e-mail than via a landline. Is there a good number we can reach you on, and a good time after 1:00pm we might be able to call you today?

Thank you!

Stephanie Novenario

Staff Attorney

Florida Commission on Ethics

850.488.7864 | 850.488.3077 (fax)

novenario.stephanie@leg.state.fl.us

RESOLUTION R-09-234

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA AMENDING AND RESTATING RESOLUTION NO. R-09-061 REGARDING NONINTERFERENCE IN ADMINISTRATIVE MATTERS BY MEMBERS OF THE BOARD OF COUNTY COMMISSIONERS; ADDING PROVISIONS GOVERNING ISSUANCE AND USE OF LETTERHEAD; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners is the legislative and governing body of Manatee County, a non-charter county and political subdivision of the State of Florida authorized to exercise governmental powers pursuant to Article VIII of the Constitution of the State of Florida and Section 125.01, Florida Statutes (2008); and

WHEREAS, pursuant to Section 125.74, Florida Statutes (2008) (the "County Administration Act") the County has adopted a form of county administration that best assures an adequate and efficient provision of services to the citizens in this county and that provides for coordinated administration of county departments to better protect the health, welfare, safety, and quality of life of the residents in Manatee County; and

WHEREAS, pursuant to the County Administration Act, the County Administrator is responsible for the administration of all departments responsible to the Board of County Commissioners and for the proper administration of all affairs under the jurisdiction of the Board; and

WHEREAS, the Board of County Commissioners is the policy making authority for the County with the powers and duties specified in Section 125.01, Florida Statutes (2008); and

WHEREAS, it is in the best interests of the citizens of Manatee County for county government to be managed efficiently and effectively through the establishment by the Board of a policy of noninterference by county commissioners in the day-to-day administration of the County by the County Administrator;

WHEREAS, the Board has adopted Resolution No. R-09-061 to establish this policy and wishes to amend and restate the Resolution in its entirety in this Resolution to add provisions governing the issuance and use of letterhead.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of

Manatee County, Florida, that the operative provisions of Resolution R-09-061 are amended and restated in their entirety as follows:

1. The Board of County Commissioners hereby reaffirms its role as the governing body of Manatee County, responsible for establishing fiscal and legislative policy for the County. The Board shall do so only when acting as a deliberative and collegial body, and not through the acts or communications of individual commissioners.
2. All direction of the Board to County staff shall be made through the County Administrator. Except for purposes of inquiry and information, individual commissioners shall not interfere with or issue direction to employees, officers, or agents under the direct or indirect supervision of the County Administrator.
3. Individual members of the Board of County Commissioners represent the Board only when authorized to do so pursuant to motion, resolution, ordinance or other formal action of the Board. In all other circumstances, each individual commissioner is presumed to speak in his or her individual capacity, as one voting member of a collegial governing body.
4. Correspondence representing the policy of the Board shall be signed by the Chairman or Vice Chairman (in the absence of the Chairman) and shall reference that the signatory is speaking on behalf of the Board. The letterhead of the Board shall be issued to only the Chairman and Vice Chairman and used by them only as authorized pursuant to this paragraph.
5. Correspondence signed by an individual commissioner in his or her individual capacity shall clearly reflect that the commissioner is not communicating on behalf of the Board. All commissioners shall be issued separate letterhead reflecting their individual offices which shall be used as authorized pursuant to this paragraph.

BE IT FURTHER RESOLVED that this Resolution shall be effective upon adoption.

BE IT FURTHER RESOLVED that any existing Resolution or portion thereof of the Manatee County Board of County Commissioners, which contains terms or provisions, which are in direct conflict with and cannot be harmonized with the provisions of this Resolution shall, as to such terms or provisions, be deemed as superseded by this Resolution.

BE IT FURTHER RESOLVED that the provisions of this Resolution are severable such that the invalidity of any one provision shall not operate to invalidate any other provision.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, this 20th day of October, 2009.

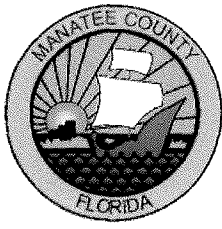
ATTEST:
R.B. SHORE
CLERK OF THE CIRCUIT COURT

By: Diane E. Vollmer
Deputy Clerk

**BOARD OF COUNTY COMMISSIONERS,
MANATEE COUNTY, FLORIDA**

By: Dr. Gwendolyn Y. Brown
Dr. Gwendolyn Y. Brown, Chairman





Manatee County Commissioner

Dr. Bob McCann, District 5

Month DD, YYYY

Revised BCC Letterhead

Summary of Revisions

Welcome to the revised departmental letterhead. This template adheres to the requirements of the Americans with Disabilities Act (ADA) and is accessible to all users, regardless of ability. Some of the new accessibility features include:

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This correspondence is being sent from Dr. Bob McCann as an individual County Commissioner.

Contact Information: drbob.mccann@mymanatee.org • Phone: (941) 745-3773
1112 Manatee Avenue West, Bradenton, FL 34205
Website: www.mymanatee.org

From: Robert McCann <DrBob.McCann@mymanatee.org>
Sent: Wednesday, October 22, 2025 1:44 PM
To: Novenario, Stephanie <NOVENARIO.STEPHANIE@leg.state.fl.us>
Subject: Re: Your ethics inquiry
Importance: High

Dear Ms. Novenario:

Thank you for your valuable time. The County has a snapshot that we place on the either regular paper or stationary paper for use as letterhead, or attached is the most recent form given should the Commissioner choose to use a template. It clearly is letterhead for a specific Commissioner and does not imply endorsement from Manatee County or the County Commission. If a disclaimer is needed, I would gladly include any disclaimer in the text of my letter.

The provided documents on the Clerk's website where the ordinances and resolutions are publicly displayed does not contain any information about ordinances or resolutions in Manatee County specifically regarding the use of letterhead. The documents cover topics such as child support, board records, land development codes, property maintenance standards, noise regulations, and code enforcement, but none mention letterhead usage. Therefore, based on the available information, there is no indication that Manatee County has ordinances or resolutions addressing this matter.

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If I can provide any further information, please do not hesitate to contact me.

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Bradenton, FL 34205
DrBob.McCann@mymanatee.org



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Subject: Your ethics inquiry

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Thank you!

Stephanie Novenario

Staff Attorney

Florida Commission on Ethics

850.488.7864 | 850.488.3077 (fax)

novenario.stephanie@leg.state.fl.us

From: Novenario, Stephanie

Sent: Wednesday, October 8, 2025 9:07 AM

To: Robert McCann <DrBob.McCann@mymanatee.org>

Cc: Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>; Westberry, Diana <WESTBERRY.DIANA@leg.state.fl.us>

Subject: RE: Your ethics inquiry

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Bradenton, FL 34205

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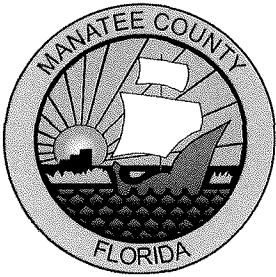
Amelia L. Naomi

Attorney

Florida Commission on Ethics

NAOMI.AMELIA@leg.state.fl.us

Telephone: 850-488-7864 | Fax: 850-488-3077



Manatee County Commissioner
Dr. Bob McCann, District 5

Board of County Commissioners
1112 Manatee Avenue West
Ste 300
Bradenton, FL 34205
Phone (941) 748 – 4501

Month DD, YYYY

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1112 Manatee Avenue West, Bradenton, FL 34205
www.mymanatee.org • Phone: (941) 745-3700 • Fax: (941) 745-3790

CAROL ANN
FELTS
District 1

AMANDA
BALLARD
District 2

TAL
SIDDIQUE
District 3

MIKE
RAHN
District 4

DR. BOB
McCANN
District 5

JASON
BEARDEN
At Large

GEORGE W.
KRUSE
At Large 36

Novenario, Stephanie

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Sent: Wednesday, October 22, 2025 1:44 PM
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Sent: Tuesday, October 7, 2025 4:07 PM
To: Robert McCann <DrBob.McCann@mymanatee.org>
Cc: Westberry, Diana <WESTBERRY.DIANA@leg.state.fl.us>
Subject: RE: Your ethics inquiry

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Dr. McCann,

It was great talking to you on the phone. I just wanted to confirm that you are okay with this being a formal opinion, to be considered at our December 5 Commission meeting.

Best,

Amelia

From: Robert McCann <DrBob.McCann@mymanatee.org>
Sent: Tuesday, October 7, 2025 9:54 AM
To: Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>
Subject: Re: Your ethics inquiry

Thank you! Have a wonderful day.

Dr. Bob McCann

Manatee County Commissioner

District 5

1112 Manatee Ave West

Bradenton, FL 34205

DrBob.McCann@mymanatee.org



From: Naomi, Amelia <NAOMI.AMELIA@leg.state.fl.us>
Sent: Tuesday, October 7, 2025 9:52 AM
To: Robert McCann <DrBob.McCann@mymanatee.org>
Cc: Westberry, Diana <WESTBERRY.DIANA@leg.state.fl.us>
Subject: RE: Your ethics inquiry

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Dr. McCann,

I hope you are well. I am the attorney who has been assigned your ethics request. I will let you know if I have any follow-up questions as I begin to draft your letter.

Best,

Amelia L. Naomi

Attorney

Florida Commission on Ethics

NAOMI.AMELIA@leg.state.fl.us

Telephone: 850-488-7864 | Fax: 850-488-3077