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January 7, 2026

Mr. Martin Shelby

Transmitted by email to: martin.shelby@tampagov.net

Re: Your Ethics Inquiry

Dear Mr. Shelby,

This email is sent to you in response to your recent ethics inquiry on behalf of a Councilmember of the Tampa City Council. You describe a proposed redevelopment project that will be up for a vote by the Council on February 12, 2026. Three ordinances will be before the Council: (1) a Comprehensive Plan Future Land Use Amendment; (2) a rezoning of the assemblage of multiple parcels into one Planned Development (PD); and (3) a vacation of a right-of-way interior to the proposed project. And if the rezoning ordinance is adopted, a resolution will be required to approve the development agreement associated with the project.

You note that the proposed site for the redevelopment project is currently developed with offices interspersed with surface parking area, curb cuts, and 71 allowable dwelling units. The redevelopment proposes a mixed-use project including 122 hotel rooms, 29 dwelling units, an ancillary restaurant, and amenities. Parking will be provided in a structured garage that will be entirely internal and wrapped within the site, but will not be available to nearby residents like the Councilmember and his son.

You inform that the proposed site is located at the northwest corner of W. Swann Avenue and S. Magnolia Avenue in Tampa. You indicate that a Tampa City Councilmember owns a townhome, which is his homestead residence, in a townhome development in the immediate vicinity of the proposed development site, with a 50-foot right-of-way and a two-way street with sidewalks separating the two. You further advise that the Councilmember's son owns a second townhome in the same development.

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With these facts in mind, you inquire on behalf of the Councilmember as to whether a conflict of interest would prohibit him from voting on any of the upcoming ordinances where his homestead residence is directly across the street from the subject property in a proposed rezoning and redevelopment venture. Specifically, you ask whether proximity alone creates a voting conflict.

Pertinent to your inquiry is what is known as the voting conflict statute, which is found in Section 112.3143(3)(a), Florida Statutes, and states:

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer.

This provision prohibits a public officer from voting on any measure that will inure to his "special private gain or loss," or that the public officer knows would inure to the special private gain or loss of a principal by whom he is retained, his relative, or his business associate. A "[s]pecial private gain or loss" means an economic benefit or harm that would inure to the officer, his relative, business associate, or principal. § 112.3143(1)(d). And a "[p]rincipal by whom retained" means an individual or entity that, for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity. § 112.3143(1)(a).

Here, you advise that neither the Councilmember nor any of his relatives, business associates, or principals has any financial or contractual relationship of any sort with any person or legal entity associated with the redevelopment project. Per your inquiry, you note that the Councilmember's only relationship to the project is the fact that his homestead, and that of his son, are directly adjacent to the proposed redevelopment site.

We have consistently opined that where the impact of a vote on the public officer's interest is uncertain at the time of the vote, the impact of the vote would be too "remote and speculative" to create a conflict of interest. CEO 05-3, CEO 06-8. In CEO 86-44, we opined that a city council member was not prohibited from voting on a site plan for a shopping center that would be adjacent to the florist store that he owned and operated because any impact the proposed mall would have would be remote and speculative. And in CEO 88-31, we advised that a city council member was not prohibited from voting on the annexation of property that adjoined property in which she owned an interest because any gain or loss resulting to the city council member from the annexation of the subject property would be too remote and speculative to conclude that the annexation would inure to her "special private gain." See also CEO 14-19 (noting there is no special private gain or loss present "when there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer from the vote.").

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Likewise, it appears that the adjacency of the Councilmember's (and his son's) homesteads to the proposed development do not, standing alone, create a prohibited conflict of interest pursuant to Section 112.3143(3)(a), Florida Statutes. Mere vicinity, without more, does not support determination that a development would inure to the Councilmember's, or any other enumerated party's, special private gain or loss.

In summation, the Councilmember's and his son's ownership of townhomes adjacent to the proposed development does not, in and of itself, create a conflict of interest pursuant to Section 112.3143(3)(a), Florida Statutes,

The guidance provided in this letter is limited to the facts that have been provided. If there are additional material facts, or if I have misstated them in this letter, please contact me again. If you have any other questions about the guidance contained in this letter, please send me an email at [novenario.stephanie@leg.state.fl.us](mailto:novenario.stephanie@leg.state.fl.us).

Sincerely,

*Stephanie Novenario*

Stephanie Novenario

Attorney, Florida Commission on Ethics