



The Florida Bar

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September 21, 2015

Ms. Lynn-Marie Carty
6822 22nd Avenue North, #186
St. Petersburg, FL 33710

Re: Jeffrey Lee Ashton; RFA No. 16-4265

Dear Ms. Carty :

The Supreme Court of Florida has held that a person elected to a constitutionally created office who must be a lawyer to hold that office is not answerable to The Florida Bar while that person holds that office. Therefore, the Bar does not have jurisdiction over the elected State Attorney or elected Public Defender in any of our Judicial Circuits, nor do we have jurisdiction over the Attorney General of our state.

However, Section 7 of Article IV, of the Florida Constitution provides:

SECTION 7. Suspensions; filling office during suspensions. –

- a) By executive order stating the grounds and filed with the custodian of state records, the governor may suspend from office any state officer not subject to impeachment, any officer of the militia not in the active service of the United States, or any county officer, for malfeasance, misfeasance, neglect of duty, drunkenness, incompetence, permanent inability to perform official duties, or commission of a felony, and may fill the office by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the governor.
- b) The senate may, in proceedings prescribed by law, remove from office or reinstate the suspended official and for such purpose the senate may be convened in special session by its president or by a majority of its membership.