

IN THE DISTRICT COURT OF APPEAL OF THE STATE OF FLORIDA  
FIFTH DISTRICT

NOT FINAL UNTIL TIME EXPIRES TO  
FILE MOTION FOR REHEARING AND  
DISPOSITION THEREOF IF FILED

WILLIAM SPAUDE,

Appellant,

v.

Case No. 5D22-322

LT Case Nos. 19-174

21-2145EC

22-001

COMMISSION ON ETHICS,

Appellee.

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Opinion filed December 30, 2022

Administrative Appeal from the  
Commission on Ethics.

E. Dylan Rivers, and Kevin A. Forsthoefel,  
Tallahassee, for Appellant.

Melody A. Hadley, Advocate for the Florida  
Commission on Ethics, Tallahassee, and  
Steven J. Zuilkowski, and Grayden P.  
Schafer, and Suhail Chhabra, General  
Counsel, Florida Commission on Ethics,  
Tallahassee, for Appellee.

PER CURIAM.

William Spaude, Mayor of the City of Bushnell, appeals the Final Order of the Florida Commission on Ethics which determined that he violated section 112.313(6), Florida Statutes (2022). Spaude argues that the Commission failed to establish by clear and convincing proof that he acted corruptly as defined by sections 112.313 and 112.312(9). We agree that neither the facts nor the law support a finding that Spaude acted corruptly as that term is defined.

Accordingly, we reverse and quash the Commission's final order. Based on this ruling, we do not reach Spaude's remaining argument regarding the lack of proportionality of the penalty imposed to the violations found.

REVERSED. ORDER QUASHED.

EDWARDS and HARRIS, JJ., concur.  
EISNAUGLE, J., dissents, with opinion.

EISNAUGLE, J., dissenting.

I respectfully dissent because I conclude that the evidence was sufficient to support a finding that Mayor Spaude acted “corruptly.” Here, while the benefit obtained was arguably small, a reasonable finder of fact could conclude that Spaude acted “with a wrongful intent and for the purpose of obtaining . . . a[] benefit resulting from [the] act . . . which is inconsistent with the proper performance of [Spaude’s] public duties.” § 112.312(9), Fla. Stat. (2022).