

*Annual Report  
to the  
Florida Legislature  
For Calendar Year 2017*



*By the  
State of Florida  
Commission on Ethics*

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# *Message from the Chair*

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hen I first joined the Commission on Ethics, my then-11-year old son, Samuel, asked me what "ethics" meant. I gave him a too lengthy explanation of ethics, particularly as applied to public officials. After a pause, he said, "Mom, are ethics really just good manners for politicians?" The statutes and judicial decisions that interpret ethics do not always make it that simple, but I think there was some truth in Samuel's observation.

The legendary etiquette expert, Emily Post, has a grandson named Peter Post. Mr. Post has pointed out that ethics and manners do intersect in that both are considerate of others, both give us guideposts by which to operate, and both help us interact and make decisions. Good manners are optional, but ethical conduct is such a necessary component of government business that we have developed a Code of Ethics. We are not mandated to be polite, or to speak respectfully, or to be thoughtful of others. But our public officials and public employees are mandated to make choices, informed by the law, on whether to vote on certain issues, whether to disclose certain information, and whether to take on certain jobs. The decisions of these public officials have everything to do with consideration of others – the people of the State of Florida.

The Commission on Ethics is charged with determining whether those choices comply with the law. Sometimes the "spirit" of the law is not the "word" of the law. Sometimes the "word" of the law is not the "spirit" of the law. We are left to do our best with what we have – both with the law and with the resources we have available. Our best resource, in my opinion, is the staff of the Commission on Ethics. They are devoted, compassionate, fair, and experienced. My fellow Commissioners are also an incredible resource for me – they bring their own perspectives, analysis and vigor to the table. They also bring their civility, manners, and respect for each other and the process.

Each year, I bring Samuel to a meeting of the Commission on Ethics. As he has matured, he has come to appreciate more about both ethics and manners – how they can be so simple, and yet sometimes, so complex. I am glad he is growing up in a state that has chosen to prioritize the enforcement of ethics in government. Kids like him are watching (even if on their cell phones!), and I hope we can be proud of what they see.

Respectfully,



Michelle Anchors  
Chair, Florida Commission on Ethics

# *2017 Commission Members*

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**MICHELLE ANCHORS, *Chair***

Ft. Walton Beach - Attorney (D)

Term expired June 2016

Re-Appointed by Senate President Don Gaetz

**MICHAEL COX, *Vice Chair***

Trinity - Financial Planner (D)

Term expires June 2018

Re-Appointed by House Speaker Richard Corcoran

**JASON DAVID BERGER**

Palm City - Attorney (R)

Term expires June 2018

Appointed by Senate President Joe Negron

**DAN BRADY, Ph.D.**

Miami Shores - Retired Social Work and  
Community Mental Health Care Professional (D)

Term expired June 2017

Appointed by Governor Rick Scott

**MATTHEW J. CARSON**

Tallahassee - Attorney (R)

Term expires June 2018

Appointed by House Speaker Steve Crisafulli

**GUY NORRIS**

Lake City - Attorney (R)

Term expired June 2017

Appointed by Governor Rick Scott

**KIMBERLY BONDER REZANKA**


Cocoa - Attorney (R)

Term expired June 2017

Appointed by Governor Rick Scott

# *Introduction & History*

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ection 112.322(8), Florida Statutes, requires the Florida Commission on Ethics to "submit to the Legislature from time to time a report of its work and recommendations for legislation deemed necessary to improve the code of ethics and its enforcement." This report has been provided to the Legislature on an annual basis since 1974. The publication of this document is intended to inform the Legislature and the public of the Commission's work during the calendar year 2017.

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of her people to protect the public trust against abuse. In 1967, the Legislature enacted "a code of ethics setting forth standards of conduct to be observed by state officers and employees in the performance of their official duties." Chapter 67-469, Laws of Florida, declared it to be the policy of the Legislature that no state officer or employee, or member or employee of the Legislature, should have any direct or indirect business or professional interest that would "conflict with the proper discharge of his duties in the public interest." The code was amended to be applicable to officers and employees of political subdivisions of the state in 1969 (Chapter 69-335, Laws of Florida). Five years later, the Florida Commission on Ethics was statutorily created by Chapter 74-176, Laws of Florida (now Part III, Chapter 112, Florida Statutes), to "serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state...."

In late 1975 and 1976, Governor Reubin Askew led an initiative petition drive to amend the Constitution to provide more stringent requirements relating to ethics in government and to require certain public officials and candidates to file full and public disclosure of their financial interests and their campaign finances. The voters in Florida overwhelmingly approved this measure in the 1976 General Election, and the "Sunshine Amendment," Article II, Section 8, Florida Constitution, became part of the Constitution on January 4, 1977. The Amendment declares: "A public office is a public trust. The

people shall have the right to secure and sustain that trust against abuse." The Constitution provides for investigations of complaints concerning breaches of the public trust and provides that the Florida Commission on Ethics be the independent commission to conduct these investigations.

The "Code of Ethics for Public Officers and Employees" adopted by the Legislature is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people in their government. The Code is intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service. Criminal penalties which initially applied to violations of the Code were eliminated in 1974 in favor of administrative enforcement.

Duties statutorily assigned to the Commission on Ethics include investigating sworn complaints alleging violations of the ethics laws, making penalty recommendations for violations, maintaining a financial disclosure notification system totaling 38,909 reporting officials and employees this past year, and issuing advisory opinions regarding Part III of Chapter 112, Florida Statutes, and Article II, Section 8, Florida Constitution. The Commission also is charged with administering the Executive Branch Lobbyist Registration System and Trust Fund, which provides for registration of all Cabinet and executive agency lobbyists.

# *Organization*

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The Commission on Ethics is an appointive body consisting of nine members, none of whom may hold any public employment or be employed to lobby state or local government. Five of the members are appointed by the Governor and confirmed by the Senate. No more than three of the Governor's appointees may be of the same political party, and one must be a former city or county official. The Speaker of the House of Representatives and the President of the Senate each make two appointments to the Commission. The two appointments must be persons with different political party affiliations. The appointees of the President and Speaker are not subject to Senate confirmation. Any member of the Commission may be removed for cause by a majority vote of the Governor, the President of the Senate, the Speaker of the House, and the Chief Justice of the Florida Supreme Court.

Members of the Commission on Ethics serve two-year terms and may not serve more than two full terms in succession; however, members whose terms have expired continue to serve until they are replaced. A chair and vice-chair are selected by the members for one-year terms. Members of the Commission do not receive a salary but do receive reimbursement for travel and per diem expenses while on official Commission business.

## *Ethics Commission Staff*

Legal, investigative, and administrative functions of the Commission are performed by staff, consisting of 25.5 full-time equivalent positions.

Virlindia Doss, Executive Director

C. Christopher Anderson, III, General Counsel and Deputy Executive Director



## *Legal Section*

Under the supervision of the Executive Director and the General Counsel, the legal section drafts opinions, orders, rules, and proposed legislation for consideration by the Commission, teaches, and responds to inquires about the ethics laws. The legal staff also represents the Commission in litigation, and pursuant to Ch. 2013-36, Laws of Florida, attempts to make collections on automatic fines imposed for failing to timely file financial disclosure.

Commission staff does not prosecute complaints. Those services are provided by Assistant Attorneys General Melody Hadley and Elizabeth Miller, who have been assigned by the Attorney General to act as full-time Advocates for the Commission.

### *Legal Staff*

Betsy Daley, Senior Attorney

Grayden Schafer, Senior Attorney

Caroline Klancke, Attorney

John Knight, Attorney

Diana Westberry, Administrative Assistant

Vacant, Executive Secretary

## *Investigative Section*

The investigative staff, also supervised by the Executive Director, conducts investigations of violations of the ethics laws and writes narrative investigative reports.

### *Investigative Staff*

Robert G. Malone, Senior Investigator

A. Keith Powell, Senior Investigator

Tom W. Reaves, Investigator

Harry B. Jackson, Investigator

K. Travis Wade, Investigator

Ronald D. Moalli, Investigator

Roberto Anderson-Cordova, Investigator

## *Financial Disclosure Section*

The Program Administrator, under the supervision of the Executive Director, responds to questions about the disclosure laws, compiles a list of the persons statewide who are required to file either Form 1 or Form 6 financial disclosure, tracks late filers and automatic fines, and liaises with agency Financial Disclosure coordinators. Some 38,909 reporting officials and employees were notified of their filing requirements in 2017 by the Commission and by the Supervisors of Elections.

### *Financial Disclosure Staff*

Kimberly Holmes, Program Administrator

Emily Prine, Program Specialist

Carolyn Carbonell, Executive Secretary

Vacant, Executive Secretary

## *Operations and Communications*

Under the supervision of the Executive Director, this section provides information regarding Commission practices and procedures to other states, the press, and the public. The Director of Operations also prepares the agency budget and assists with legislative lobbying, oversees office efficiency initiatives, and conducts training and responds to general information inquiries about the ethics laws. The Complaint Coordinator serves as the liaison between the Commission and the Complainant and Respondent and, as the official Clerk of the Commission, is responsible for maintaining the complaint tracking system and files.

### *Operations and Communications Staff*

Kerrie J. Stillman, Director of Operations and Communications

Millie Fulford, Complaint Coordinator

## *Administrative and Clerical Section*

Under the supervision of the Executive Director, the administrative section provides administrative and clerical support services to the Commissioners and staff.

### *Administrative and Clerical Staff*

Lynn Blais, Assistant to the Executive Director

Frances Craft, Office Manager

Jason Arthmann, Clerk (half-time)

Zachary Turner, Clerk (half-time)

## *Executive Branch Lobbyist Registration*

The Commission is charged with administering the Executive Branch Lobby Registration Act and oversees the registration and compensation report filings of executive branch lobbyists.

### *Lobbyist Registration Staff*

Jackie McLemore, Registrar

Kathleen Wilcox, Administrative Assistant (half-time)

# Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2017.

## BUDGET AND ACTUAL - GENERAL REVENUE FUNDS For The Fiscal Year Ending June 30, 2017 (Amounts in dollars)

	Ethics General Revenue		Variance- Favorable (Unfavorable)
	Budget	Actual	
<b>Revenues:</b>			
Released General Revenue Appropriations	\$2,627,775	\$2,627,775	\$0
Fines*	0	67,723	\$67,723
Miscellaneous Receipts	0	0	\$0
<b>Total Revenues</b>	<b>2,627,775</b>	<b>2,695,498</b>	<b>67,723</b>
<b>Expenditures:</b>			
Salaries and Related Benefits	1,818,299	1,730,110	88,189
Other Personal Services	412,354	347,248	65,106
Expenses	259,934	218,610	41,324
Operating Capital Outlay	0	0	0
Ethics Commission Lump Sum	0	0	0
Transfers to Administrative Hearings	33,800	33,800	0
Risk management insurance	3,388	3,388	0
Legislative Carryforward **	1,277,266	0	1,277,266
Nonoperating***	100,000	0	100,000
<b>Total Expenditures</b>	<b>3,905,041</b>	<b>2,333,156</b>	<b>1,571,885</b>
Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures	(1,277,266)	362,342	<u>\$1,639,608</u>
<b>Budgetary Fund Balance, June 30, 2017</b>		<b>362,342</b>	
<b>Adjustment for Fines*</b>		<b>(67,723)</b>	
<b>Adjustment for Nonoperating***</b>		<b>(100,000)</b>	
<b>Adjustments for Carryforward Expenditures**</b>			
<b>Adjusted Budgetary Fund Balance, June 30, 2017</b>		<b>\$194,619</b>	

## EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES:           \$ 275,350  
FINES:                       \$ 1,650

\* Fines are recorded as Collection to General Revenue. They are not a revenue in the state's accounting system and are not an available resource to the fund.

\*\* Legislative Carryforward is prior years' unspent budget carried forward to the current year. It is treated as a current appropriation.

\*\*\* Nonoperating Budget is budget set up to refund fines and is not an available resource to the fund.

# Operations

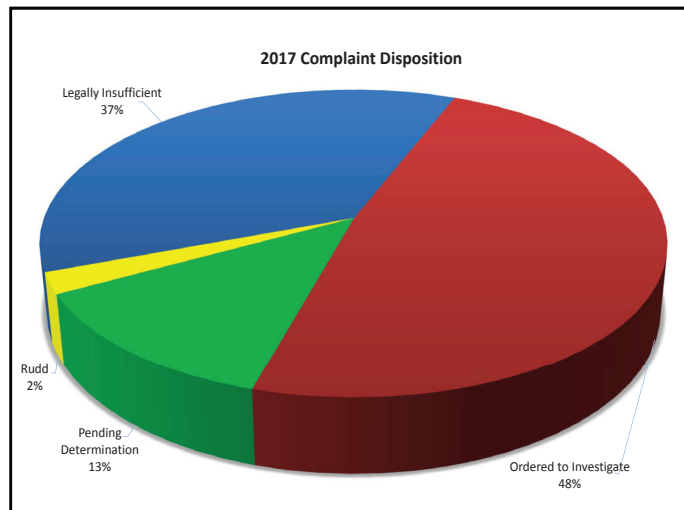
The major operational functions of the Commission on Ethics are the investigation of complaints and referrals,\* management of the Executive Branch Lobbyist Registration Act, issuance of advisory opinions, provision of public information and education, and financial disclosure administration. Below is a profile of the Commission's workload.

## Complaints

Total number of complaints and referrals filed in 2017 . . . . . 180

<b>POSITION</b>	<b>NUMBER OF COMPLAINTS</b>	<b>PERCENT OF TOTAL</b>
State Elected	9	5.0%
State Appointed	7	3.9%
State Employee	23	12.8%
District Elected	23	12.8%
District Appointed	6	3.3%
District Employee	6	3.3%
County Elected	26	14.4%
County Appointed	2	1.1%
County Employee	11	6.1%
Municipal Elected	46	25.6%
Municipal Appointed	7	3.9%
Municipal Employee	7	3.9%
Executive Branch Lobbying Firm	7	3.9%
<b>TOTAL</b>	<b>180</b>	<b>100.0%</b>

Of the 180 complaints and referrals received in 2017, 66 were dismissed for lack of legal sufficiency; 4 were dismissed because the public interest would not be served by proceeding further (Rudd Amendment); 87 were ordered to be investigated; and 23 were pending a legal sufficiency determination.

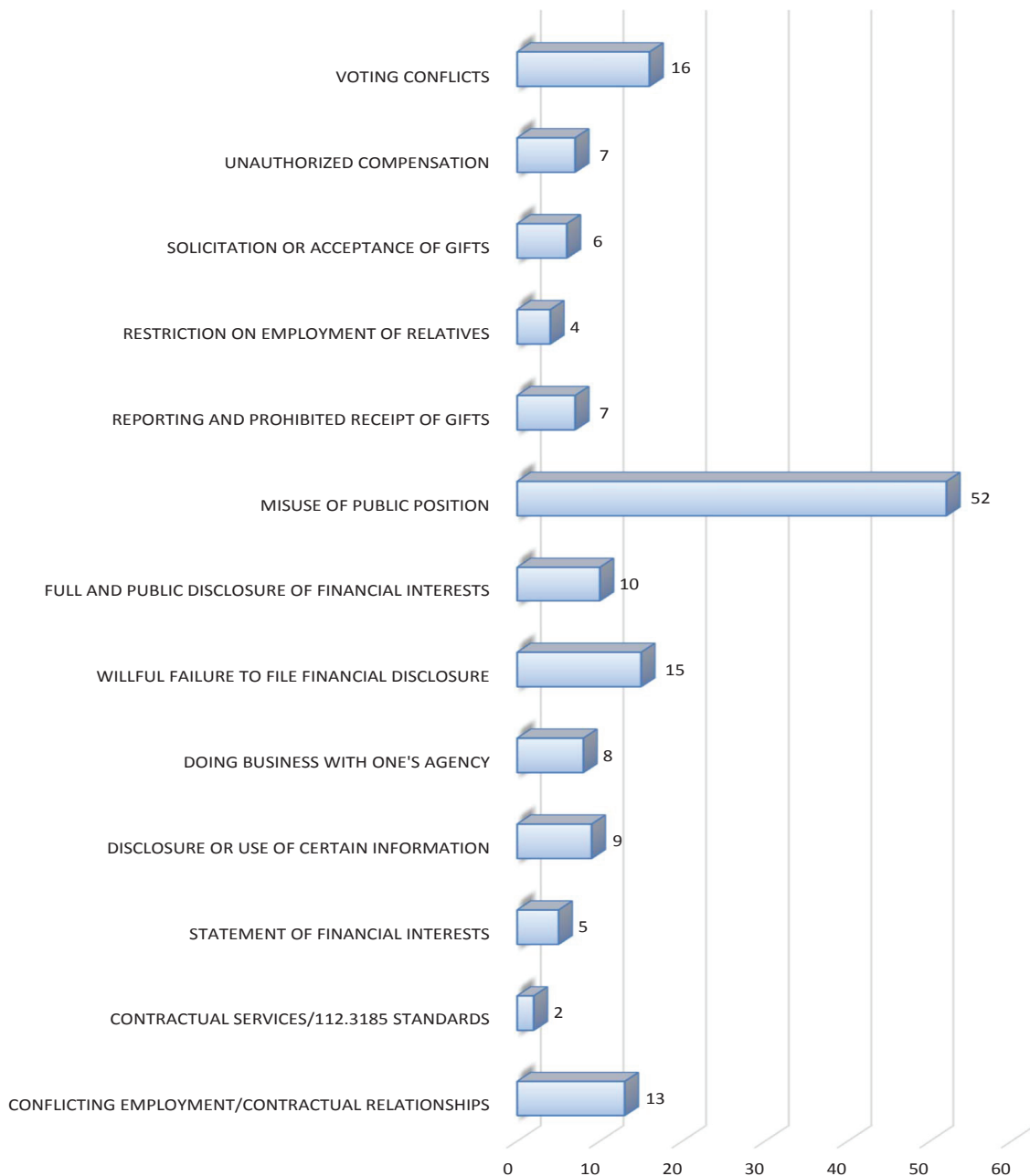


\* Pursuant to Ch. 2013-36, Laws of Florida, the Commission may accept referrals from the Governor, State Attorneys, U.S. Attorneys, and the Florida Department of Law Enforcement.

# Allegations

Of the 180 complaints and referrals received in 2017, 87 had been ordered to be investigated as of December 31, 2017. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below. Many complaints contained allegations concerning more than one area of law.

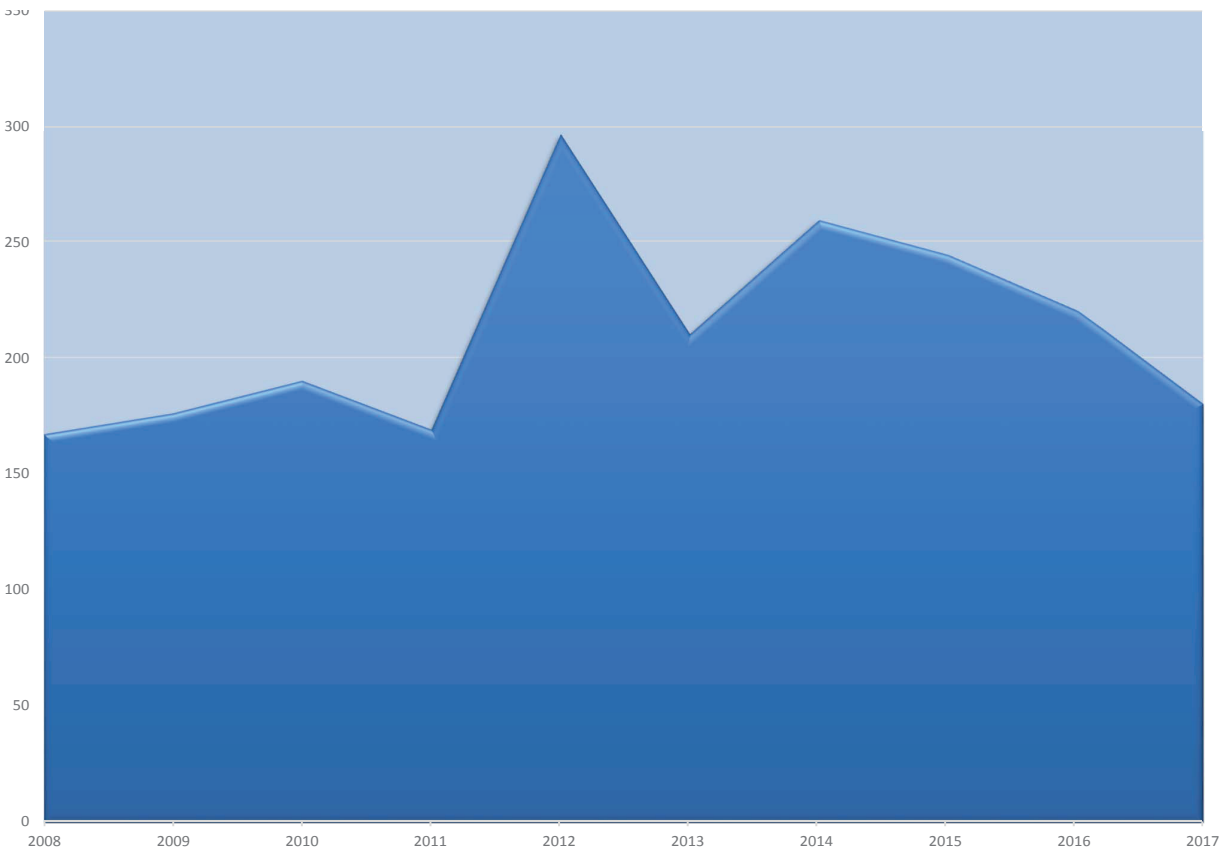
## 2017 Complaint Allegations



Ten Year History of Complaints

2017 .....	180
2016 .....	220
2015.....	244
2014 .....	259
2013 .....	210
2012 .....	296
2011 .....	169
2010 .....	190
2009.....	176
2008 .....	167

*Complaint History*



## Actions Taken on Complaints in 2017

The Commission took action during its seven regularly-scheduled meetings on complaints, referrals, statutorily mandated investigations to determine whether late-filed disclosure was "willful," mandated investigations concerning lobbyist compensation reports, and petitions for costs and attorney fees. The following is a summary of action taken in 2017.

Dismissed for lack of legal sufficiency.....	69
Dismissed as public interest not served by further proceedings* .....	6
Probable cause hearings held.....	52
No probable cause - dismissed.....	41
Probable cause .....	5
Probable cause - no further action.....	6
Public hearings at the Division of Administrative Hearings .....	4
Violation .....	3
No Violation .....	1
Violation found via stipulation.....	11
Statutorily-required investigations for willful failure to file disclosure .....	24
Dismissed for lack of jurisdiction.....	12
Probable cause .....	7
Probable cause - no further action.....	5
Statutorily-required investigation of lobbying firm compensation audits.....	13
Probable cause .....	7
No probable cause.....	6
Costs and attorney's fees petitions .....	7
Awarded.....	5
Insufficient petition - dismissed.....	1
Hearings ordered.....	1
<b>TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS .....</b>	<b>186</b>

\* Pursuant to Section 112.324(12), F.S. the Commission may dismiss any complaint or referral at any stage of disposition should it determine that the public interest would not be served by proceeding further.



## *Executive Branch Lobbyist Registration*

Executive branch lobbying firms are required to electronically file quarterly compensation reports disclosing compensation received from their principals. Penalties for failure to file these quarterly reports by the deadline are automatic and accrue at \$50 for each day late, with a maximum penalty of \$5,000.

Each lobbying firm is entitled to receive a one-time fine waiver if the report is filed within 30 days after the firm is notified of the failure to file. Otherwise, the lobbying firm is assessed a fine at the time the delinquent report is filed. If an appeal is filed within 30 days after the lobbying firm is noticed of the assessed fine, the Commission has the authority to waive the assessed fines in whole or in part for good cause, based on "unusual circumstances."

### *2017 Summary of Activity*

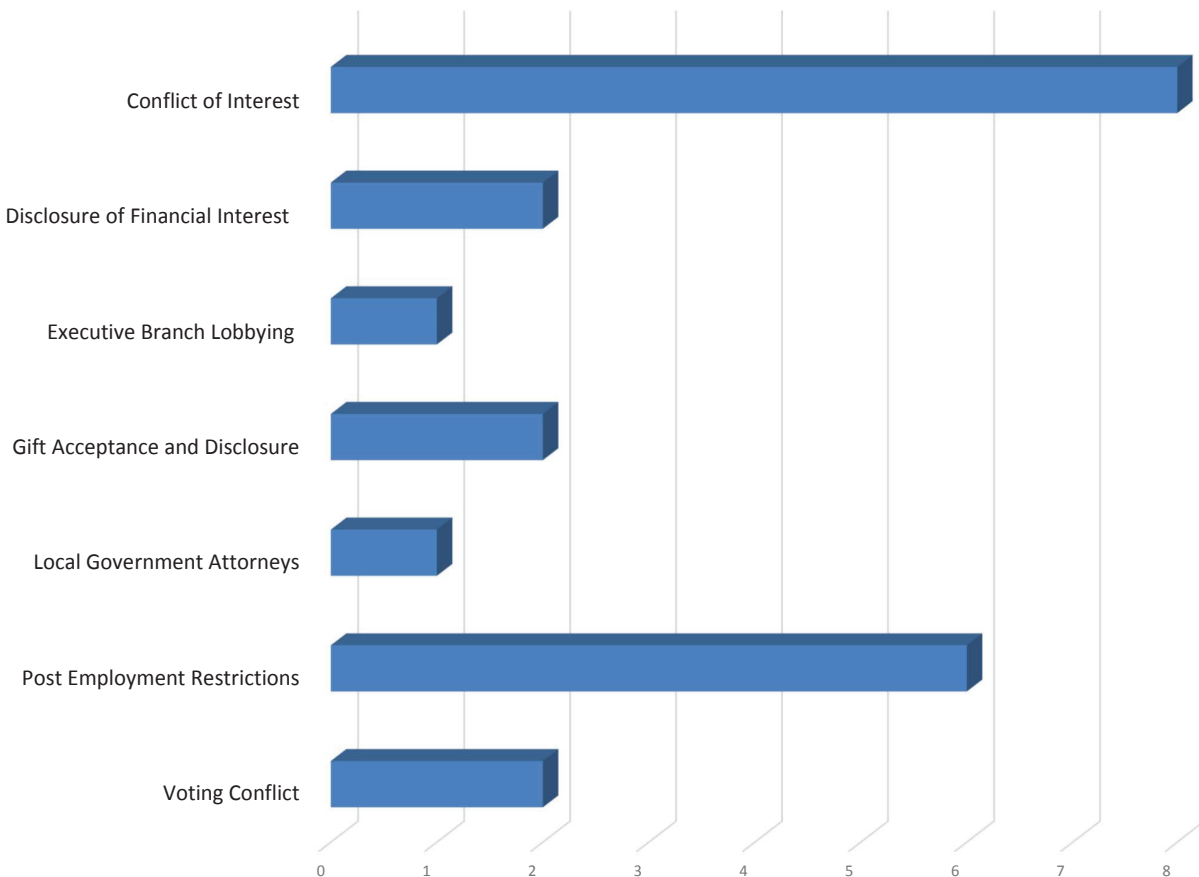
Total number of registered executive branch lobbyists .....	1,587
Total number of executive branch lobbying firms .....	364
Total number of principals represented by the lobbyists .....	11,289
Percent <i>increase</i> in number of principals from 2016 to 2017 .....	14.6%
Total number of firms delinquent in filing their compensation reports	
October - December 2016 .....	11
<i>(Filing deadline for fourth quarter 2016 was February 14, 2017)</i>	
January - March 2017 .....	15
March - May 2017 .....	13
July - September 2017 .....	12
Total number of firms assessed a fine in 2017	
Fourth quarter 2016 .....	5
<i>(Filing deadline for fourth quarter 2016 was February 14, 2017)</i>	
First quarter 2017 .....	5
Second quarter 2017 .....	5
Third quarter 2017 .....	8
Number of appeals considered by the Commission in 2017 .....	0

## *Advisory Opinions*

The Commission issues advisory opinions to public officers, candidates, and public employees who are in doubt about the applicability of the standards of conduct or disclosure laws to themselves or to anyone they have the power to hire or terminate. During 2017, the Commission on Ethics issued eighteen advisory opinions, bringing the total issued since 1974 to 2,624.

Ten of the opinions rendered in 2017 were in response to requests by local officers, employees, or local government attorneys, and another eight opinions were issued regarding state level officers or employees.

The bar graph illustrates the number of instances in which a provision of the ethics code was addressed in a formal opinion of the Commission in 2017. A number of opinions addressed more than one aspect of the ethics laws.

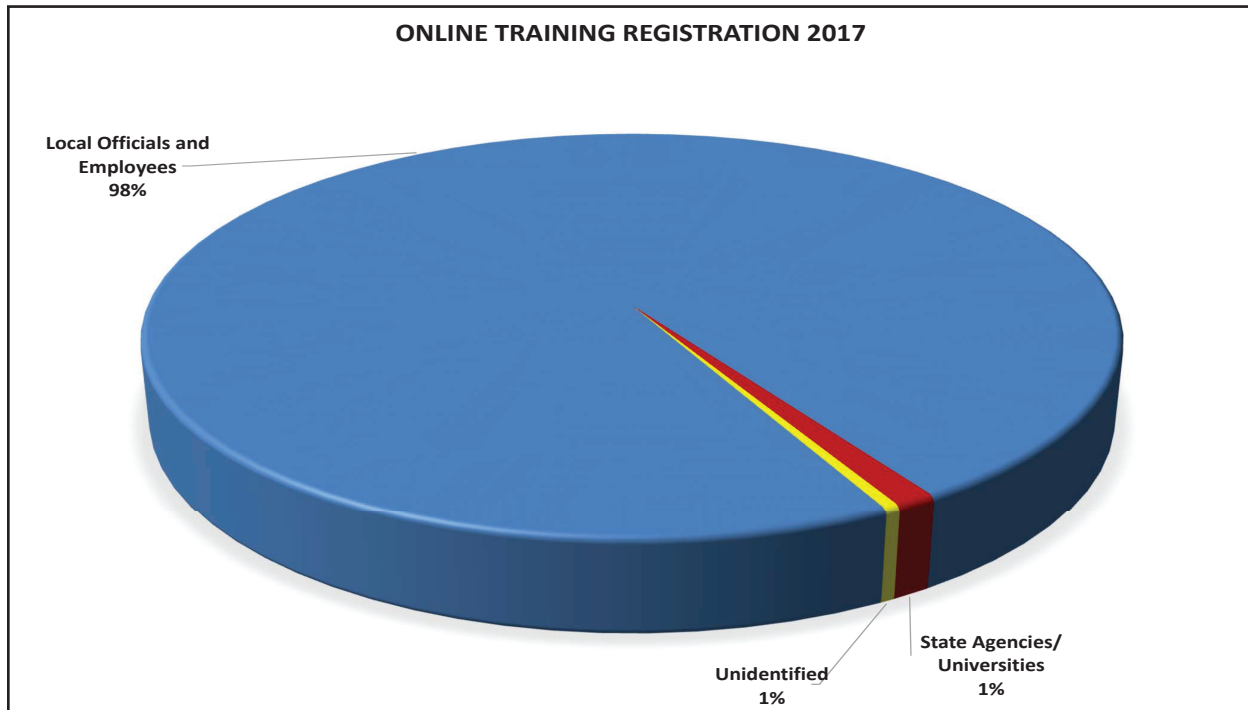


All Commission advisory opinions, from 1974 to present, can be accessed and researched without cost on our website: <http://www.ethics.state.fl.us>.

## *Training & Education*

Four hours of ethics training is required for all Constitutional officers, and beginning in 2017 elected municipal officers also were required to have training each calendar year.

The Commission has a training page on its website that features the latest administrative rules and ethics opinions on the mandatory training requirements. From that page, individuals can access free training audio and video of the Commission's staff, as well as a listing of live training opportunities conducted by staff at various locations around the state. Since 2000, a comprehensive online training course on ethics, sunshine law, and public records is available through a partnership with The John Scott Dailey Florida Institute of Government at Florida State University. The institute also offers a four hour video course from our successful multi-day ethics conference held in 2014.



In 2017, 670 individuals registered for and completed the online training courses: 233 individuals completed all or part of the comprehensive 12-hour online course, and 437 completed the 4-hour video-based course. Of the registrants, 659 were local officials and employees, 8 were State agency/University personnel, and 3 were unidentified (or private sector). A total of 5,025 public officers and employees have completed the course since its inception.

## *Speaking Engagements*

A vital part of the Commission's mission is to educate public officers and employees regarding the standards of conduct and financial disclosure requirements of the Code of Ethics. As personnel and resources are available, members of the Commission's staff conduct training for public officials throughout the state. Commission staff presented educational programs to the following groups and organizations during 2017:

- Department of Revenue continuing education for Tax Collectors
- Newly-elected Supervisors of Elections
- Florida Association of Property Appraisers
- Property Appraiser's Association of Florida
- Florida Association of Counties County Commission training
- Judges of Compensation Claims
- Employees of the Office of the Orange County Comptroller
- The Florida Bar's City, County, and Local Government Law Section's Certification Exam Review Course
- The Florida Bar's Local Government Law in Florida course
- Meeting of Attorneys of the Department of Health
- Department of Revenue continuing education workshop for Property Appraisers
- Department of Revenue's certification course for Tax Collectors and staff
- State Attorney for the 16th Judicial Circuit. and Monroe County
- City of Haines City-sponsored gathering of public officers and employees from several cities and other jurisdictions in central Florida
- Police Officers' and Firefighters' Pension Trustees' School
- Florida School Board Association
- Jacksonville local appointed and elected officials
- Florida Association of Counties Conference
- Florida School Board Attorneys Association
- Escambia County officers and employees
- City of Marianna officers and employees
- Florida Pension Plan Trustees Association

- Broward County School Board
- 2017 Trustee Summit
- Florida Association of Counties
- Association of Government Accountants
- Institute of Internal Auditors and Association of Certified Fraud Examiners
- University of North Florida Board of Trustees

## *Financial Disclosure*

The Florida Commission on Ethics is required by statute to compile an annual mailing list of elected and appointed officials and employees subject to filing annual financial disclosure.

Section 112.3144, Florida Statutes, applies to persons subject to the annual filing of full and public disclosure under Section 8, Article II of the State Constitution or other state law. These individuals file Commission on Ethics Form 6, Full and Public Disclosure of Financial Interests.

Section 112.3145, Florida Statutes, applies to local officers, state officers, and specified state employees subject to the annual filing of a more limited statement of financial interests. These individuals file Commission on Ethics Form 1, Statement of Financial Interests.

The deadline for filing disclosure is July 1 of each year. A grace period is provided until September 1 of each year. The Commission on Ethics and Supervisors of Elections are required to certify after that time the names of, and positions held by, persons who fail to file by the end of the grace period.

Only persons with more meaningful positions are required to file annual disclosure. Those who did not file their annual disclosure form (either Form 6 or Form 1) by September 1, 2017, were subject to automatic fines of \$25 for each late day, up to a maximum of \$1,500. Modeled after the automatic fine system in place for campaign finance reports, the law allows the Ethics Commission to hear appeals and to waive fines under limited circumstances. Information on the following pages reflects compliance rates and disposition of appeals.

## *Compliance*

There was more than a 99% overall compliance with the annual reporting requirement in 2017. On the local level, 37 counties reported 100% compliance in 2017. The following table reflects on a county-by-county basis the number of officials and employees subject to disclosure, the number delinquent, and the percentages of compliance. Also provided is a chart which outlines filing compliance from 1987 to present.

2017 Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	Compliance Rate
Alachua	3	322	325	99.1%
Baker	0	50	50	100.0%
Bay	0	265	265	100.0%
Bradford	0	67	67	100.0%
Brevard	3	915	918	99.7%
Broward	32	2339	2371	98.7%
Calhoun	1	37	38	97.4%
Charlotte	0	151	151	100.0%
Citrus	0	123	123	100.0%
Clay	0	215	215	100.0%
Collier	1	371	372	99.7%
Columbia	0	95	95	100.0%
Miami-Dade	70	2186	2256	96.9%
Desoto	1	61	62	98.4%
Dixie	0	37	37	100.0%
Duval	0	350	350	100.0%
Escambia	1	170	171	99.4%
Flagler	0	177	177	100.0%
Franklin	1	68	69	98.6%
Gadsden	2	105	107	98.1%
Gilchrist	0	41	41	100.0%
Glades	0	44	44	100.0%
Gulf	0	62	62	100.0%
Hamilton	0	62	62	100.0%
Hardee	1	60	61	98.4%
Hendry	0	92	92	100.0%
Hernando	0	111	111	100.0%
Highlands	2	163	165	98.8%
Hillsborough	16	1527	1543	99.0%
Holmes	0	71	71	100.0%
Indian River	0	249	249	100.0%
Jackson	1	173	174	99.4%
Jefferson	0	43	43	100.0%
Lafayette	0	20	20	100.0%
Lake	4	456	460	99.1%
Lee	10	994	1004	99.0%
Leon	1	247	248	99.6%
Levy	2	130	132	98.5%
Liberty	0	25	25	100.0%
Madison	0	90	90	100.0%

2017 Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	Compliance Rate
Manatee	2	521	523	99.6%
Marion	0	223	223	100.0%
Martin	2	178	180	98.9%
Monroe	0	223	223	100.0%
Nassau	0	146	146	100.0%
Okaloosa	4	329	333	98.8%
Okeechobee	0	97	97	100.0%
Orange	18	943	961	98.1%
Osceola	1	252	253	99.6%
Palm Beach	33	1419	1452	97.7%
Pasco	1	450	451	99.8%
Pinellas	9	1172	1181	99.2%
Polk	17	651	668	97.5%
Putnam	0	145	145	100.0%
Saint Johns	0	292	292	100.0%
Saint Lucie	6	263	269	97.8%
Santa Rosa	0	198	198	100.0%
Sarasota	0	393	393	100.0%
Seminole	2	465	467	99.6%
Sumter	0	160	160	100.0%
Suwannee	0	54	54	100.0%
Taylor	0	56	56	100.0%
Union	0	46	46	100.0%
Volusia	3	636	639	99.5%
Wakulla	0	65	65	100.0%
Walton	0	145	145	100.0%
Washington	0	72	72	100.0%
TOTAL-FORM 1 LOCAL	250	22358	22608	98.9%
TOTAL-FORM 1 STATE	58	13822	13880	99.6%
TOTAL-FORM 6 (NOT JUDGES)	6	1487	1493	99.6%
TOTAL-Non-Judicial Filers	314	37667	37981	99.2%
TOTAL-JUDGES (ACTIVE)	0	1032	1032	100.0%
TOTAL-JUDGES (SENIOR)	0	210	210	100.0%
OVERALL TOTAL	314	38909	39223	99.2%



FINANCIAL DISCLOSURE FILING COMPLIANCE (1987 - 2017)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
1987	29,631	2,183	93%
1988	30,559	1,794	94%
1989	33,541	1,815	95%
1990	34,828	2,091	94%
1991	35,845	2,120	94%
1992	37,631	2,564	93%
1992	37,863	2,576	93%
1994	38,711	2,810	93%
1995	39,165	2,791	93%
1996	40,529	3,188	92%
1997	41,345	3,030	93%
1998	41,996	3,116	93%
1999	42,185	3,278	92%
2000	40,471	3,368	92%
2001	30,025	1,043	97%
2002	27,206	911	98%
2003	34,298	878	97%
2004	35,984	1,124	97%
2005	36,504	723	98%
2006	35,725	724	98%
2007	35,659	691	98%
2008	36,092	767	98%
2009	37,077	353	99%
2010	36,961	340	99%
2011	37,686	361	99%
2012	37,306	356	99%
2013	37,890	309	99%
2014	38,181	249	99%
2015	38,613	291	99%
2016	38,824	289	99%
2017	38,909	314	99%

Financial Disclosure Compliance History



### **Summary of Local Level Form 1 Compliance**

- Total compliance rate for Form 1 Statement of Financial Interests was 98.9%. As in previous years, disclosure staff sent reminder postcards to delinquent filers immediately prior to the start of the statutory fining period. Commission staff also telephones filers to remind them to file. These reminders are not required by statute, but are part of the Commission's efforts to encourage compliance.
- Of the 22,608 individuals required to file, 250 were delinquent.
- 37 counties reported 100% compliance in 2017.

### **Summary of State Level Form 1 Compliance**

- The Form 1 compliance rate was 99.6%. Postcard and telephone reminders also were used with these filers.
- Of the 13,880 individuals required to file, only 58 were delinquent.

### **Summary of Full Disclosure (Form 6) Compliance**

- Form 6 Full and Public Disclosure of Financial Interests compliance rate for elected constitutional officers and employees other than judges was 99.6%. Postcard and telephone reminders also were used with these filers.
- There were only 6 delinquencies out of a total of 1,493 individuals (excluding judges) required to file Form 6.

### **Summary of 2017 Overall Compliance**

- Of the 37,981 non-judicial financial disclosure filers, only 314 (less than 1%) failed to file on time.

## *Financial Disclosure Fine Appeals*

Individuals delinquent in filing the annual financial disclosure form, (those who did not file by the end of the September 1 grace period provided by law), are fined \$25 per day for each day late, up to a statutory maximum of \$1,500.

Individuals may opt to pay the assessed fine or may appeal the assessed fine. Under the law, the Commission has the authority to waive or reduce an assessed fine if an appeal is filed reflecting that "unusual circumstances" caused the failure to file the form on time.

For fines where there is no appeal and no payment, a Default Final Order is rendered and the cases are either transmitted to private collection agencies for collection, or the Commission attempts to make collections.

The following reflects the Commission's actions taken on appeals of assessed fines at its seven regularly scheduled meetings held during calendar year 2017. (The fines for late filings in 2017 recently have been assessed and will be reported in 2018).

<b>Financial Disclosure Appeals 2017 Actions of Commission on Ethics</b>					
<b>COMMISSION MEETING</b>	<b>WAIVED</b>	<b>REDUCED</b>	<b>DENIED</b>	<b>DEFAULT ORDERS APPROVED</b>	<b>UNCOLLECTIBLE</b>
January 27, 2017	2	0	0	0	1
March 10, 2017	11	0	4	0	1
April 21, 2017	19	0	11	0	0
June 9, 2017	19	1	2	52	0
July 28, 2017	13	0	3	24	0
October 20, 2017	8	1	7	0	0
December 8, 2017	3	0	2	24	0

# *2017 Legislative Recommendations*

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## Conflicts of Interest

- The law prohibits an official from having a contractual relationship with a company doing business with his or her own agency. So City Councilman A could not contract with Business B, if that company is doing business with his City. But if Councilman A creates "A, Inc.," that corporation can do business with Business B without violating the law, even if "A, Inc.," is solely owned by Councilman A. The Commission sees this as thwarting the underlying goal of the law, which is to prevent officials from having relationships with companies doing business with their agencies.

## Attorney Fees

- Persons against whom complaints have been filed can seek to recover costs and attorney fees from their accuser, in what can be expensive and protracted litigation. But if the complainant successfully defends against a fees petition, current law does not allow the recovery of the complainant's own costs and fees. The Commission proposes addressing this imbalance by allowing the prevailing party in a fees petition—whether it be the respondent or the complainant—to recover costs and fees incurred both in the fees petition and the underlying complaint proceeding.

## Enhanced Financial Disclosure for Local Elected Officials

- All elected Constitutional officers must file Form 6—Full and Public Disclosure of Financial Interests, while municipal governing board members are only required to file the less-informative Form 1—Statement of Financial Interests. The Commission believes that anyone asking for the citizens' votes should be willing to make full disclosure, and should be required to file the Form 6, and that this standard should apply uniformly to all municipalities, large or small.

## Voting Conflicts Law

- Under current law, local elected officials can participate in the discussion of a measure in which they have a conflict, without revealing the existence of that conflict until the vote is actually taken. This means the official can make every effort to persuade his or her colleagues without telling them (and the public) about the conflict. Appointed officials, in contrast, must declare their conflict before participating in the discussion of the measure. The Commission believes this restriction should apply equally to elected officers.

The Commission also believes the voting conflict standard for state officials should mirror the standard for local officials. This would mean state officials would be required to abstain from voting not only on those matters which would inure to their own special gain or loss, but also on matters which would inure to the special private gain or loss of a relative, principal, or business associate.

#### Representing Clients Before One's Own Board

- The Commission has consistently advised in its opinions that a conflict would be created were a member of a collegial body, or his or her professional firm partners or associates, to represent clients before that board. The Commission views this as an important public protection, and opposes any relaxation of this standard.

#### Burden of Proof

- From its inception in 1974, until 1997, the Commission applied the "preponderance of evidence" as its standard of proof in evidentiary hearings. That changed when the First District Court of Appeal ruled in *Latham v. Florida Comm'n on Ethics*, 694 So. 2d 83 (Fla. 1st DCA 1997) that the standard should be "clear and convincing" evidence. The Commission sees this as making the law less enforceable by making cases harder to prove, and recommends a return to the preponderance of evidence standard.

#### Interim Project on "Privatized" Functions

- In addition to the foregoing, the Commission has considered the potential for applying the Ethics laws to entities performing "privatized" government functions. Florida has privatized many historically government functions, including foster care services, community mental health, and aging and adult care. While a great deal of public money is involved, the Code of Ethics does not apply to the owners, directors, or employees of the companies now providing the services. The Commission believes that whether part or all of the Code should apply, and if so, to which entities and which individuals within those entities, are questions worthy of thoughtful examination, but the number and variety of privatized functions and the array of interests affected make the scope of this issue too large for an agency of this size and resources to address with specific recommendations. To deal with these important questions in a comprehensive, fair, and well-informed way, the Commission suggests that the potential for applying the Code of Ethics to privatized government functions be the subject of an Interim Project following the 2018 legislative session.