

*Annual Report  
to the  
Florida Legislature  
For Calendar Year 2020*



*By the  
State of Florida  
Commission on Ethics*

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# *Message from the Chair*

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When appointed to the Commission on Ethics in December of 2015 I had a vague understanding of the role of the Commission in providing an avenue for the people of Florida to bring to the attention of their government the conduct of public officials whose behavior they felt did not meet the standard of either good government or what was appropriate to a public office holder. I know that ethics are based on well-founded standards of right and wrong that prescribe what humans ought to do, in our case public officials, in terms of rights and obligations. As Ayn Rand had said, “Ethics is a code of values which guides our choices and actions and determines the purpose and course of our lives.” What I probably did not understand was both how important the Commission was in providing a process to allow average citizens this opportunity and how much time and energy the Commission invests in making this process work for everyone involved.

I have learned a number of things over my five years of service on the Commission. I learned that things are not always black or white and that an individual’s behavior is often viewed differently by the individuals engaged in the process. One person’s “outrageous” behavior is presented as normal and harmless by another. I have learned that in the process of both law and rulemaking, issues can become complicated, leaving individuals involved in the Commission’s processes occasionally disappointed in the outcomes.

I have learned that doing your job as a Commissioner requires time in preparing for the meetings. One must review a considerable amount of material provided by staff related to matters before the Commission. One needs to develop a basic understanding of Florida’s ethics laws and past Commission actions. One needs to develop patience and empathy towards both the respondent and the complainant to ensure that their case is heard and that their rights are protected. For those individuals who are employed or engaged in a law practice, you need to take at least a day off for Commission meetings. Above all else, one needs to always place the public good first and foremost in the Commission’s deliberations.

What has made my service on the Commission so interesting and rewarding has been the people I have served with and the staff I have worked with. I have never served with a group of individuals who were more committed to make the organization they were members of do its job well. They were smart, fair and open-minded, willing to express their observations and opinions, willing to listen to the observations and opinions

of others, well prepared for meetings, and considerate and understanding of all the parties to the process. Never, in my five years of service, can I remember a deliberation that was either derogatory or disingenuous among the members. It was both a pleasure and an honor to serve.

What made serving on the Commission so easy was the overall caliber of the staff. C. Chris Anderson III, the Commission's Executive Director and General Counsel, brings both a personal style and legal background that makes the Commission work like a well-oiled machine. The legal staff, including the two Advocates, provide clear and understandable legal advice and direction to the Commission. Their willingness to make certain the members understand the issues is commendable. The investigative staff does a great job of collecting the facts and bringing detailed reporting to the Commission. The administrative and clerical staff make certain that everything required is available and provided on a timely basis.

Before closing, I need to take a few moment to talk about the volume of work done by the Commission and COVID-19. It presented an unparalleled challenge to making things work after March of 2020. How we worked and traveled and how public business was conducted changed during that period. Since April 2020, the Commission has met six times, with five of the six meetings being held face to face in Tallahassee, in the Senate Office Building in a large room with proper social distancing. This effort in conducting the public's business reflects the Commission members' and staff's dedication to "getting the job done." During the 2020 calendar year, the Commission presented 13 legal opinions and took 235 actions on complaints at its meetings. Notably, staff processed 38,792 disclosure forms, the vast majority of which were filed with its office between May and September.

Commission staff continue to spend countless hours on the electronic filing system, preparing for the phased launch in January 2022. We hope the 2021 session will bring consideration and passage of some of our recommendations found in this report. The Legislature's policymaking and continued support of the Commission's independence plays a crucial part in the ability of the Commission to uphold its responsibility of upholding the public trust.

Respectfully submitted,

A handwritten signature in black ink that reads "Daniel Brady". The signature is written in a cursive, flowing style.

Daniel Brady  
Chair, Florida Commission on Ethics

# *2020 Commission Members*

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**DAN BRADY, Ph.D., Chair**

Miami Shores - Retired Social Work and  
Community Mental Health Care Professional (D)  
Appointed by Governor Rick Scott  
\*Commission Service ended December 2020

**JOANNE LEZNOFF, Vice Chair**

Fernandina Beach - Retired (R)  
Appointed by House Speaker Richard Corcoran

**MICHELLE ANCHORS**

Fort Walton Beach - Attorney (D)  
Appointed by Senate President Bill Galvano  
\* Appointed October 2020

**JASON DAVID BERGER**

Palm City - Attorney (R)  
Appointed by Senate President Joe Negron  
\* Commission service ended June 2020

**ANTONIO CARVAJAL**

Tallahassee - Public Interest Organization Executive (D)  
Appointed by House Speaker Richard Corcoran

**TRAVIS CUMMINGS**

Fleming Island - Insurance & Employee Benefits Services (R)  
Appointed by Governor Ron DeSantis  
\* Appointed December 2020

**GLENTON "GLEN" GILZEAN, JR.**

Orlando - Non-profit Executive (R)  
Appointed by Governor Ron DeSantis

## 2020 Commission Members

**DON GAETZ**

Niceville (R)

Appointed by Senate President Bill Galvano

\* Appointed July 2020

**JOHN GRANT**

Tampa - Attorney (R)

Appointed by Governor Ron DeSantis

**WILLIAM "WILLIE" N. MEGGS**

Tallahassee - Former State Attorney (D)

Appointed by Governor Ron DeSantis

**F. SHIELDS MCMANUS**

Stuart - Attorney (D)

Appointed by Senate President Joe Negron

\* Commission service ended October 2020

**KIMBERLY BONDER REZANKA**

Cocoa - Attorney (R)

Appointed by Governor Rick Scott

\* Commission service ended December 2020

**JIM WALDMAN**


Fort Lauderdale - Attorney (D)

Appointed by Governor Ron DeSantis

\* Appointed December 2020

# *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 2020.

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 38,792 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 the Executive Branch Lobby Registration Trust Fund. Section 112.3215, Florida Statutes, provides registration requirements for persons wishing to lobby the Executive Office of the Governor, Governor and Cabinet and Subordinate Agencies, and the executive branch agencies. Additionally, Section 112.3215, Florida Statutes, directs the Commission to provide an electronic filing system for lobbying firm's to submit quarterly compensation reports. This information is accessible by visiting the Florida Lobbyist Registration and Compensation System home page at [www.floridalobbyist.gov](http://www.floridalobbyist.gov). In addition, the Commission will be administering State Constitution "Amendment 12" adopted by the voters in 2018, effective December 31, 2020.



# *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 23.5 full-time equivalent positions.

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

Kerrie J. Stillman, 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.

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*

Grayden Schafer, Senior Attorney

Caroline Klancke, Senior Attorney

Steven Zuilkowski, Attorney

Vacant, Attorney

## *Investigative Section*

The investigative staff, also supervised by the Executive Director, conducts investigations of alleged 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

Ronald D. Moalli, Investigator

Kathleen Mann, Investigator

Charlie Fields, Investigator

Charlie Shotwell, Investigator

Vacant, Investigator

## *Complaints*

Under the supervision of the Deputy Executive Director, 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.

Millie Fulford, Complaint Coordinator

## *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 interacts with agency Financial Disclosure coordinators. Some 39,433 reporting officials and employees were notified of their filing requirements in 2020 by the Commission and by the Supervisors of Elections.

### *Financial Disclosure Staff*

Kimberly Holmes, Program Administrator

Emily Prine, Program Specialist

Vacant, Executive Secretary

## *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, Chief Administrator

Diana Westberry, Office Manager

Kathy Steverson, Assistant to the Executive Director

Zachary Turner, Clerk (half-time)

Brian Lenberg, 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*

Karen Murphy-Bunton, Registrar

Vacant, Administrative Assistant (half-time)

# Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2020.

## BUDGET AND ACTUAL - GENERAL REVENUE FUNDS For The Fiscal Year Ending June 30, 2020 (Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>	<b>Variance- Favorable (Unfavorable)</b>
<b>Revenues:</b>			
Released General Revenue Appropriations	\$2,732,722	\$2,732,722	\$0
Fines*	0	38,265	\$38,265
Miscellaneous Receipts	0	0	\$0
<b>Total Revenues</b>	<b><u>2,732,722</u></b>	<b><u>2,770,987</u></b>	<b><u>38,265</u></b>
<b>Expenditures:</b>			
Salaries and Related Benefits	1,902,552	1,658,897	243,655
Other Personal Services	447,630	376,852	70,778
Expenses	260,114	202,529	57,585
Operating Capital Outlay	0	0	0
Ethics Commission Lump Sum	3,315	0	3,315
Transfers to Administrative Hearings	16,029	16,029	0
Risk management insurance	3,082	3,082	0
Legislative Carryforward **	1,795,517	18,020	1,777,497
Nonoperating***	100,000	0	100,000
<b>Total Expenditures</b>	<b><u>4,528,239</u></b>	<b><u>2,275,409</u></b>	<b><u>2,252,830</u></b>
Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures	(1,795,517)	495,578	<u>\$2,291,095</u>
<b>Budgetary Fund Balance, June 30, 2020</b>		<b><u>495,578</u></b>	
<b>Adjustment for Fines*</b>		<b>(38,265)</b>	
<b>Adjustment for Nonoperating***</b>		<b>(100,000)</b>	
<b>Adjustments for Carryforward Expenditures**</b>			
<b>Adjusted Budgetary Fund Balance, June 30, 2019</b>		<b><u>357,313</u></b>	

## EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES:           \$ 308,250  
FINES:                       \$    2,300

\* 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

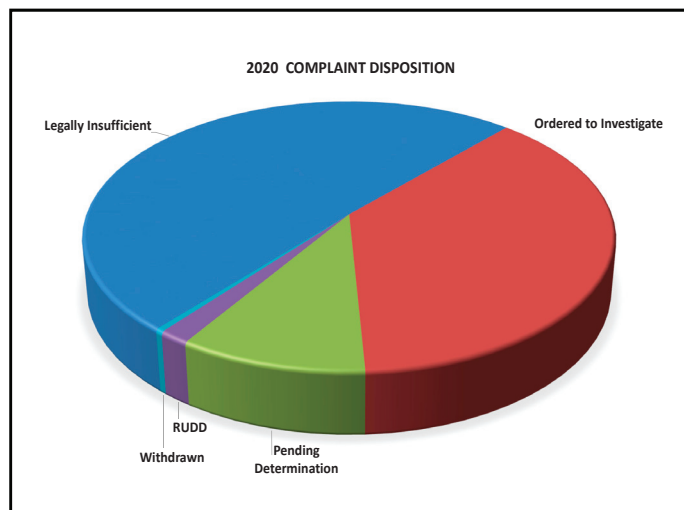
The major operational functions of the Commission on Ethics are the investigation of complaints and referrals,\* management of the Executive Branch Lobbyist Registration Act, issuance of advisory opinions, provision of public information and education, and financial disclosure administration. Below is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

## Complaints

Total number of complaints and referrals filed in 2020 .....243

<b>POSITION</b>	<b>NUMBER OF COMPLAINTS</b>	<b>PERCENT OF TOTAL</b>
State Elected	12	4.9%
State Appointed	2	0.8%
State Employee	7	2.9%
District Elected	28	11.5%
District Appointed	2	0.8%
District Employee	6	2.5%
County Elected	48	19.8%
County Appointed	2	0.8%
County Employee	28	11.5%
Municipal Elected	62	25.5%
Municipal Appointed	9	3.7%
Municipal Employee	7	2.9%
Candidate	19	7.8%
Lobbyist	4	1.6%
Other	7	2.9%
<b>TOTAL</b>	<b>243</b>	<b>100.0%</b>

Of the 243 complaints and referrals received in 2020, 123 were dismissed for lack of legal sufficiency; 4 were dismissed because the public interest would not be served by proceeding further ("Rudd Amendment"); 1 was withdrawn, 91 were ordered to be investigated; and 24 were pending a legal sufficiency determination.

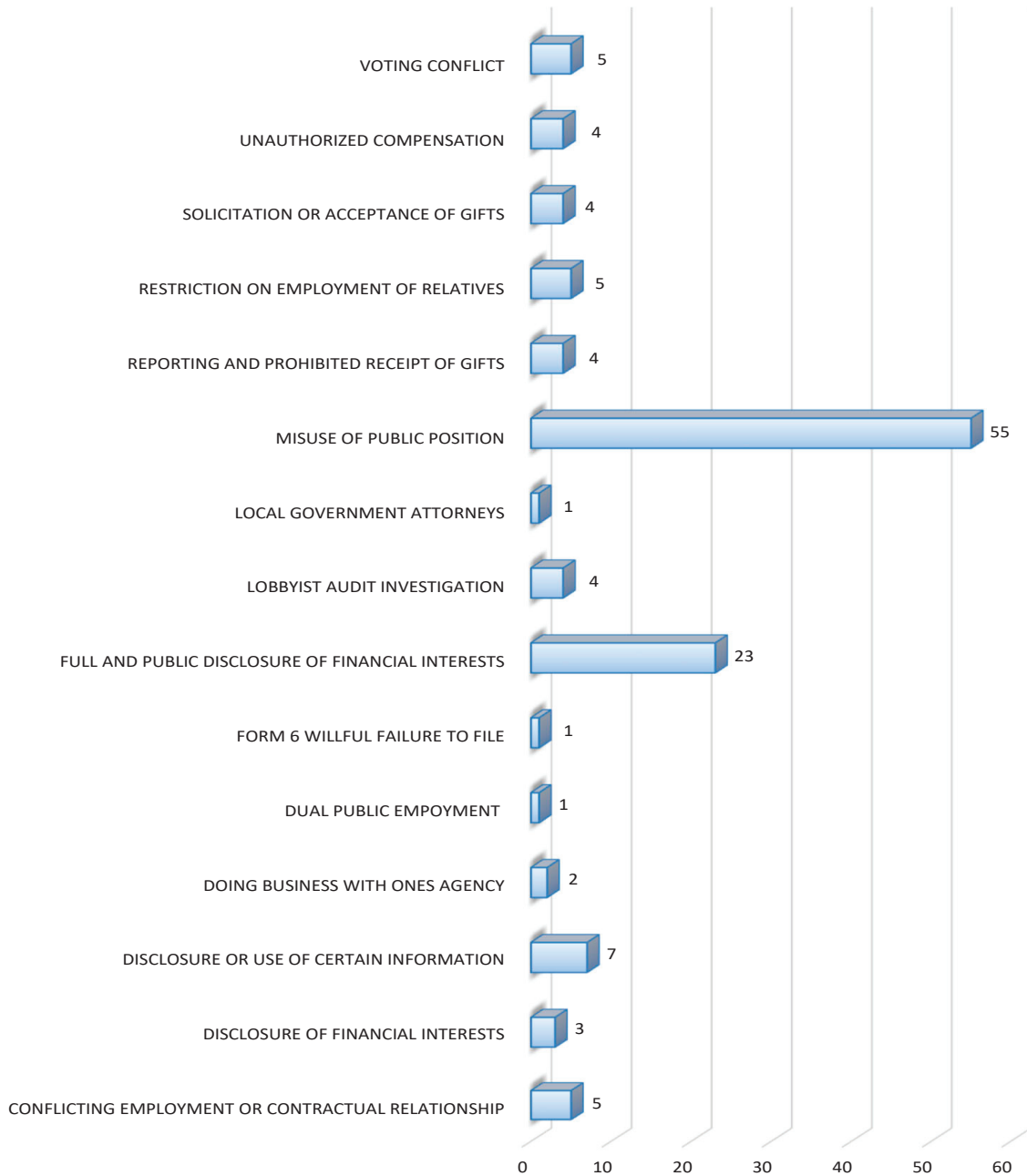


\* The Commission may accept referrals from the Governor, State Attorneys, U.S. Attorneys, and the Florida Department of Law Enforcement.

# Allegations

Of the 243 complaints and referrals received in 2020, 91 had been ordered to be investigated as of December 31, 2020. 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.

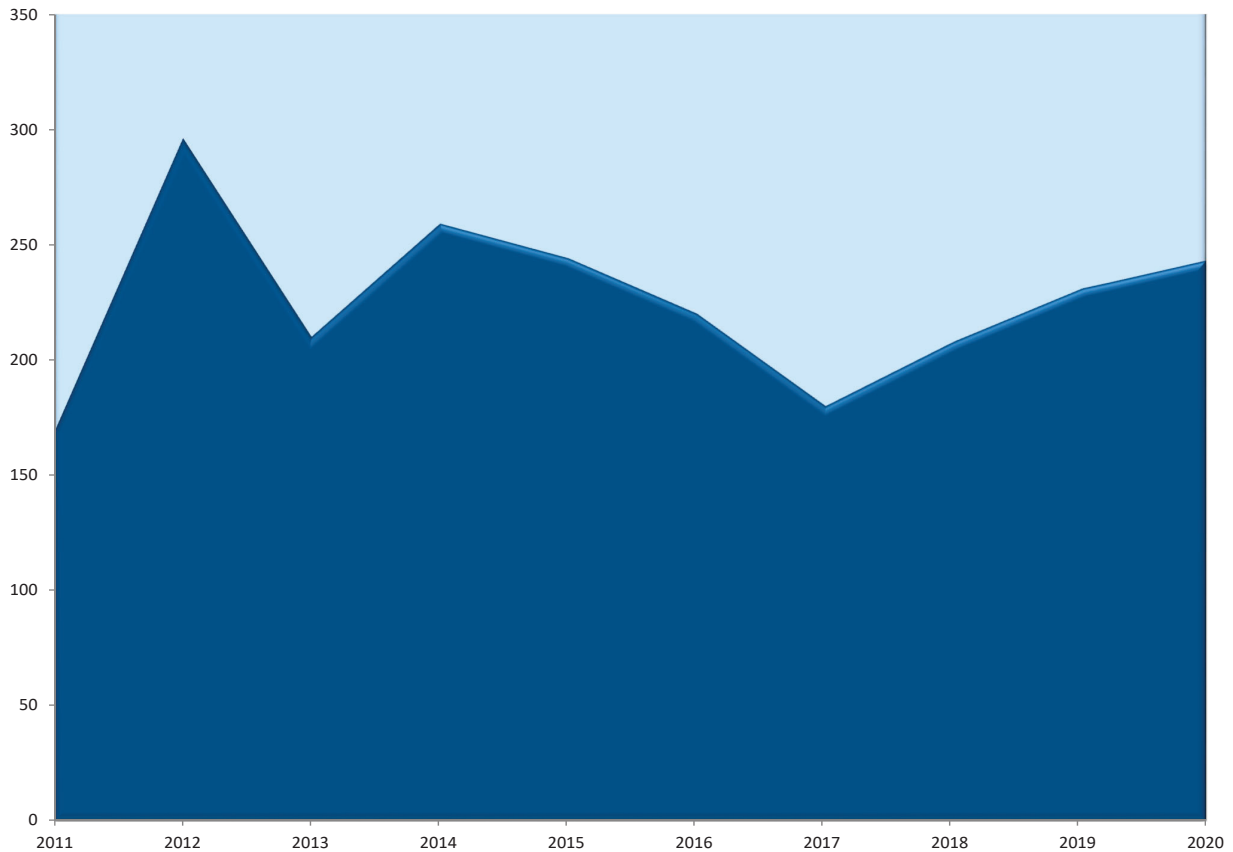
## 2020 Complaint Allegations



Ten Year History of Complaints

2020.....	243
2019 .....	231
2018.....	211
2017 .....	180
2016 .....	220
2015.....	244
2014.....	259
2013 .....	210
2012 .....	296
2011.....	169

*Complaint History*





## Actions Taken on Complaints in 2020

The Commission took action during its regularly-scheduled meetings on complaints, referrals, statutorily-mandated investigations concerning lobbyist compensation reports, determination as to whether late-filed disclosure was "willful," and petitions for costs and attorney fees. The following is a summary of action taken in 2020.

Complaints & Mandatory Willfulness Investigations.....	234
Dismissed for lack of legal sufficiency .....	144
Dismissed as public interest not served by further proceedings* .....	9
Dismissed for lack of jurisdiction .....	4
Dismissed due to death of respondent .....	1
Probable cause hearings held .....	66
No probable cause - dismissed.....	42
Probable cause .....	16
Probable cause - no further action .....	8
Stipulations .....	8
Violation .....	8
Public hearings at the Division of Administrative Hearings.....	2
Violation .....	1
No Violation .....	1
Costs and attorney's fees petitions .....	1
Awarded .....	0
Insufficient petition - dismissed .....	1
 <b>TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS .....</b>	<b>235</b>

\* Pursuant to Section 112.324(12), F.S. ("Rudd Amendment") 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*

A person who is a "lobbyist" as defined in Section 112.3215(1)(h), F.S., may not lobby an Executive branch agency until he or she has registered as a lobbyist with the Commission. Executive branch lobbyist registration may be made by electronic means via the Lobbyist Registration and Compensation Reporting system located at [www.floridalobbyist.gov](http://www.floridalobbyist.gov). Lobbyist registrants are required to pay an annual registration fee of \$25 for each principal represented, which is deposited into the Executive Branch Lobby Registration Trust Fund. The fee is payable on a calendar year basis and there is no charge if a lobbyist amends his or her registration to lobby additional agencies on behalf of the same principal.

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."

### *2020 Summary of Activity*

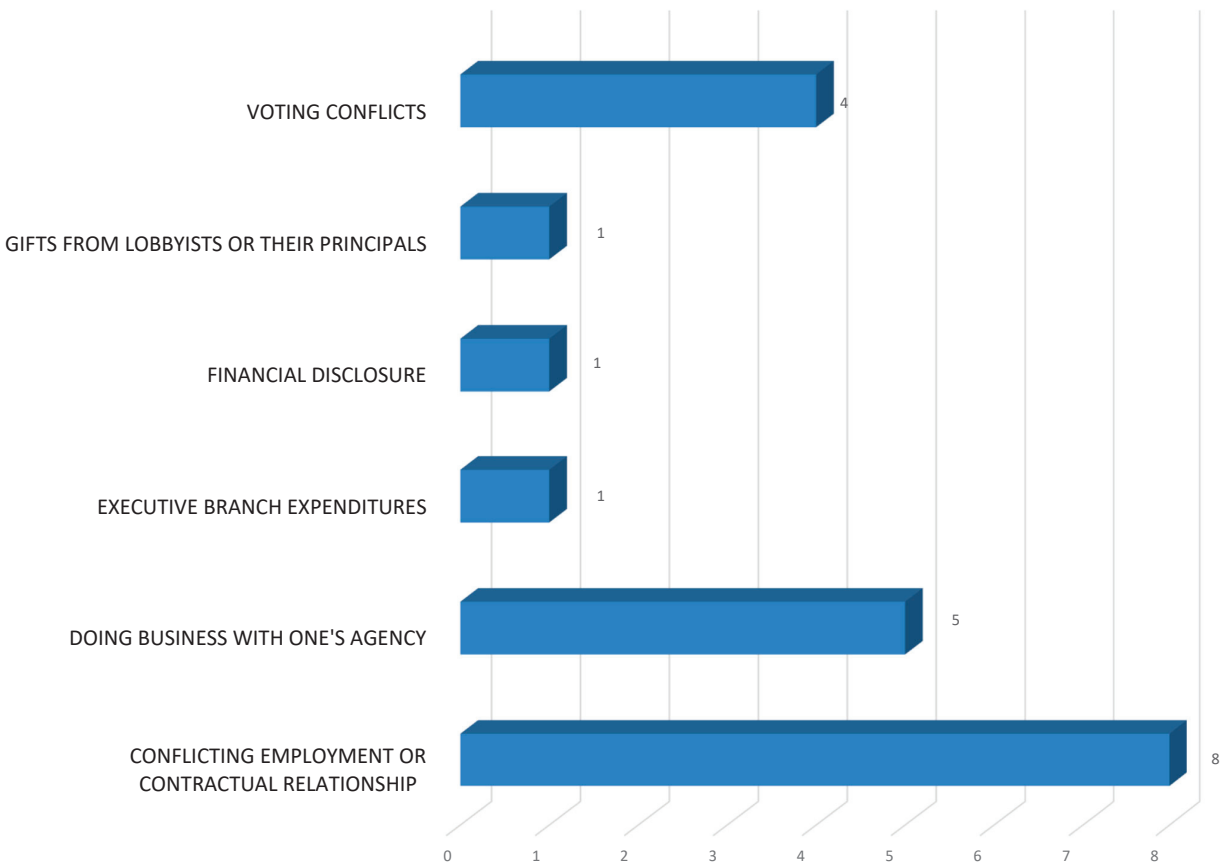
Total number of registered executive branch lobbyists .....	1,488
Total number of executive branch lobbying firms .....	342
Total number of principals represented by the lobbyists .....	11,624
Percent <i>increase</i> in number of principals from 2019 to 2020 .....	1%
Total number of firms delinquent in filing their compensation reports	
October - December 2019 .....	17
<i>(Filing deadline for fourth quarter 2019 was February 14, 2020)</i>	
January - March 2020 .....	19
April - June 2020 .....	17
July - September 2020 .....	9
Total number of firms assessed a fine in 2020	
Fourth quarter 2019 .....	10
<i>(Filing deadline for fourth quarter 2019 was February 14, 2020)</i>	
First quarter 2020 .....	12
Second quarter 2020 .....	14
Third quarter 2020 .....	9
Number of appeals considered by the Commission in 2020.....	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 2020, the Commission on Ethics issued thirteen advisory opinions, bringing the total issued since 1974 to 2,680.

Eleven of the opinions rendered in 2020 were in response to requests by local officers, employees, or local government attorneys, and another two 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 2020. 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*

Pursuant to Section 112.3142, Florida Statutes, Florida's Constitutional officers (including the Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools), elected municipal officers, and CRA members are required to complete four hours of ethics training each calendar year.

The training must include:

- Article II, Section 8 of the Florida Constitution
- Part III, Chapter 112, Florida Statutes (Code of Ethics)
- Public Records
- Public Meetings (Sunshine Law)

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.

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.

## *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 2020:

- Judges of Compensation Claims
- Florida Public Pension Trustees Association (FPPTA)
- Property Appraiser Association of Florida
- Duties and Responsibilities of Florida Tax Collectors,  
Florida Department of Revenue
- Tax Collectors Continuing Education Course,  
Florida Department of Revenue
- 2020 Ethics, Public Records, & Sunshine Law for County Commissioners  
put on by the Florida Association of Counties
- Sunshine Law, Public Records, & Ethics Seminar sponsored by The Florida  
Bar & the Bar's City, County, & Local Government Law Section
- City, County, and Local Government Law Section
- Escambia County Employees
- Florida Public Pension Trustees Association's Virtual Summit
- Florida Sheriffs' Association's Sheriff's Academy
- Florida Court Clerks and Comptrollers Association
- District School Board of Broward County
- Florida School Board Attorneys Association
- Florida Association of Counties' Institute for County Government
- New Court Clerk's Academy

## *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.

Those who did not file their annual disclosure form (either Form 6 or Form 1) by September 1, 2020, 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 2020. On the local level, 31 counties reported 100% compliance in 2020. 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 1990 to present.

## 2020 Financial Disclosure Compliance Figures

County	Delinquent Filers	Timely Filers	Total Filers	Compliance Rate
Alachua	3	316	319	99.1%
Baker	0	43	43	100.0%
Bay	0	272	272	100.0%
Bradford	0	65	65	100.0%
Brevard	6	781	787	99.2%
Broward	67	2364	2431	97.2%
Calhoun	0	33	33	100.0%
Charlotte	0	159	159	100.0%
Citrus	1	115	116	99.1%
Clay	0	204	204	100.0%
Collier	0	383	383	100.0%
Columbia	0	98	98	100.0%
Miami-Dade	109	2220	2329	95.3%
Desoto	1	62	63	98.4%
Dixie	0	35	35	100.0%
Duval	3	360	363	99.2%
Escambia	5	160	165	97.0%
Flagler	1	178	179	99.4%
Franklin	0	79	79	100.0%
Gadsden	2	101	103	98.1%
Gilchrist	0	41	41	100.0%
Glades	0	42	42	100.0%
Gulf	0	58	58	100.0%
Hamilton	1	49	50	98.0%
Hardee	0	57	57	100.0%
Hendry	0	99	99	100.0%
Hernando	0	97	97	100.0%
Highlands	1	152	153	99.3%
Hillsborough	27	1347	1374	98.0%
Holmes	1	72	73	98.6%
Indian River	0	246	246	100.0%
Jackson	2	166	168	98.8%
Jefferson	0	42	42	100.0%
Lafayette	0	20	20	100.0%
Lake	11	468	479	97.7%
Lee	15	957	972	98.5%
Leon	2	231	233	99.1%
Levy	1	131	132	99.2%
Liberty	0	24	24	100.0%
Madison	2	79	81	97.5%

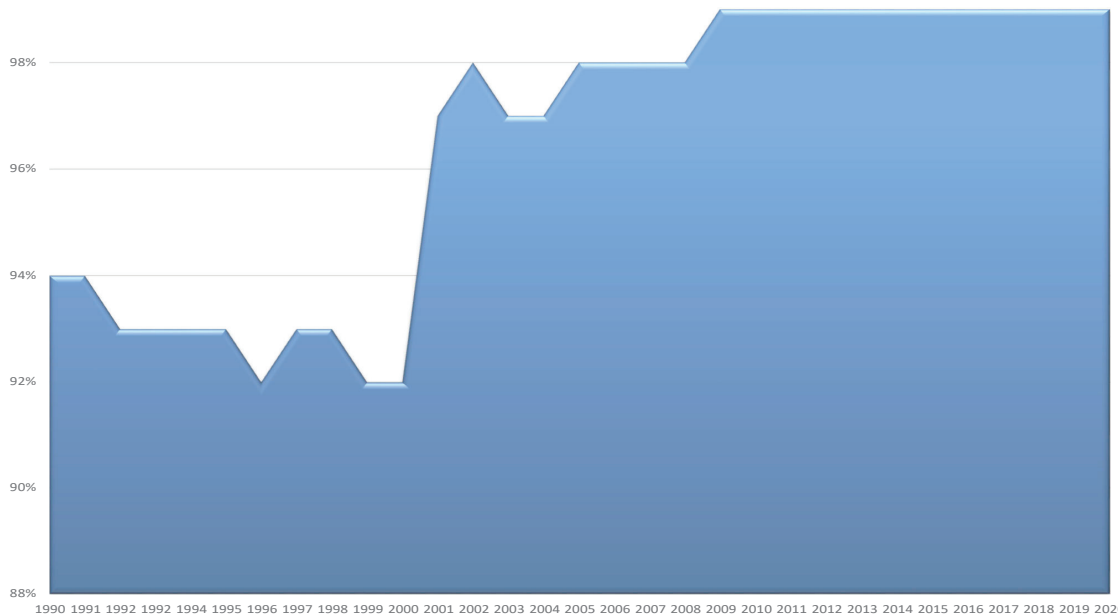
## 2020 Financial Disclosure Compliance Figures

County	Delinquent Filers	Timely Filers	Total Filers	Compliance Rate
Manatee	2	547	549	99.6%
Marion	1	219	220	99.5%
Martin	0	204	204	100.0%
Monroe	1	214	215	99.5%
Nassau	0	188	188	100.0%
Okaloosa	2	351	353	99.4%
Okeechobee	0	76	76	100.0%
Orange	13	876	889	98.5%
Osceola	0	257	257	100.0%
Palm Beach	58	1611	1669	96.5%
Pasco	2	437	439	99.5%
Pinellas	8	1205	1213	99.3%
Polk	18	630	648	97.2%
Putnam	1	140	141	99.3%
Saint Johns	0	325	325	100.0%
Saint Lucie	2	262	264	99.2%
Santa Rosa	0	213	213	100.0%
Sarasota	2	385	387	99.5%
Seminole	3	426	429	99.3%
Sumter	0	150	150	100.0%
Suwannee	0	57	57	100.0%
Taylor	2	54	56	96.4%
Union	2	38	40	95.0%
Volusia	3	602	605	99.5%
Wakulla	0	70	70	100.0%
Walton	0	135	135	100.0%
Washington	0	70	70	100.0%
<b>TOTAL-FORM 1 LOCAL</b>	<b>381</b>	<b>22148</b>	<b>22529</b>	<b>98.3%</b>
<b>TOTAL-FORM 1 STATE</b>	<b>72</b>	<b>13593</b>	<b>13665</b>	<b>99.5%</b>
<b>TOTAL-FORM 6 (NOT JUDGES)</b>	<b>3</b>	<b>1381</b>	<b>1384</b>	<b>99.8%</b>
<b>TOTAL-JUDGES (ACTIVE)</b>	<b>0</b>	<b>1010</b>	<b>1010</b>	<b>100.0%</b>
<b>TOTAL-JUDGES (SENIOR)</b>	<b>0</b>	<b>204</b>	<b>204</b>	<b>100.0%</b>
<b>OVERALL TOTAL</b>	<b>456</b>	<b>38336</b>	<b>38792</b>	<b>99.0%</b>



FINANCIAL DISCLOSURE FILING COMPLIANCE (1990 - 2020)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
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%
2018	39,402	326	99%
2019	39,433	412	99%
2020	38,792	456	99%

Financial Disclosure Compliance History



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

- Total compliance rate for Form 1 Statement of Financial Interests was 98.3%. 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 22,529 individuals required to file, 381 were delinquent.
- 31 counties reported 100% compliance in 2020.

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

- The Form 1 compliance rate was 99.5%. Postcard and telephone reminders also were used with these filers.
- Of the 13,665 individuals required to file, only 72 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 99.8%. Postcard and telephone reminders also were used with these filers.
- There were only 3 delinquencies out of a total of 1384 individuals (excluding judges) required to file Form 6.

### **Summary of 2020 Overall Compliance**

- Out of the 37,578 individuals who were non-judicial financial disclosure filers, there were only 456 (approximately 1%) officers and employees who failed to do so.

## *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 regularly scheduled meetings held during calendar year 2020. (The fines for late filings in 2020 recently have been assessed and will be reported in 2021).

<b>Financial Disclosure Appeals 2020 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 24, 2020	4	0	1	0	0
March 6, 2020	6	0	1	0	1
June 5, 2020	49	0	1	0	0
July 24, 2020	4	0	1	0	0
September 11, 2020	5	0	1	22	0
October 23, 2020	0	0	0	0	0
December 4, 2020	5	0	0	0	0

# *2020 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 the official's own agency. So City Councilman A cannot contract with Business B, if Business B 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 has seen this as thwarting the underlying goal of the law, which is to prevent officials from having relationships with companies doing business with their agencies.

## 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. Elected officials should have to adhere to the same standard.

In addition, state officers only have to abstain if the measure helps or hurts them personally. Unlike local officials, they do not have to abstain when the measure benefits their employer, relative, etc.

The Commission has expressed that the voting conflict standard should be the same for everyone, whether the official is appointed or elected and whether the official is a state or local official; and that the exemption from using the Commission's conflict disclosure form applicable only to Legislators be eliminated.

## Enhanced Financial Disclosure for Local Elected Officials

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population of the municipality.

### Representing Clients Before One's Own Board

The Commission has opinions as early as 1977 and even since 2020 interpreting Section 112.313(7), Florida Statutes, to say, in essence, that if a person serves on a board, he cannot represent clients before that board, and neither can other members of his professional firm. This interpretation is similar to the Rules of Professional Conduct of the Florida Bar, which impute the conflict of one lawyer to all lawyers in the firm. The Commission views this as an important public protection, and opposes any relaxation of this standard.

### Gifts, Expenditures, or Compensation from Lobbyists

The Commission opposed HB 1435 and SB 1490 in the 2020 session. These bills, which did not pass, would have allowed donations from lobbyists or their principals, *unlimited in amount*, to certain public employees and appointed public officials if the donations were used toward costs associated with serious injury, disease, or illness of the employee, appointed officer, or his or her child. Such a vast exemption to the gift and expenditure laws, aimed at public officials when they are most vulnerable to undue influence from special interests, would seriously undermine effective restrictions and prohibitions which have protected the public trust for many years. The Commission continues to oppose an unlimited exemption to the gift and expenditure laws.

### Dismissal of Complaints Alleging de minimis Financial Disclosure Violations

Section 112.324(11), Florida Statutes, currently allows the Commission to dismiss complaints alleging de minimis violations attributable to inadvertent or unintentional error, except for financial disclosure complaints. The Commission believes the statute should be amended to allow for dismissal of financial disclosure complaints, too.

### Dismissal of Lobbying Firm Audit matters

Section 112.324(12), Florida Statutes, which allows the Commission to dismiss complaints when it finds that the public interest would not be served by proceeding further on the complaint, currently is not available for dismissal of lobbying firm audit matters under Section 112.3215, Florida Statutes, even when circumstances justify such a dismissal. The Commission recommends amending Section 112.324(12) to allow for dismissal of audit matters.

### Increase of Civil Fine Penalties

Currently, the law provides for a maximum fine of \$10,000 for a violation of the ethics laws. This amount has not been increased since 1994. Due to inflation and seriousness of ethics offenses, the Commission believes the maximum fine amount should be increased.

### Whistle Blower-like Protection for Ethics Complainants

The Commission believes that the threat of adverse employment or personnel actions in retaliation for a person's filing of an ethics complaint discourages the filing of valid complaints. Thus, the Commission seeks the enactment of protections or remedies, akin to those in the "Whistle-blower's Act," Sections 112.3187-112.31895, Florida Statutes, for the benefit of ethics complainants.