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MEMORANDUM

TO: All Interested Persons

FROM: Chris Anderson, Executive Director 

SUBJECT: Proposed Legislation for 2020

DATE: October 4, 2019

For 2020, the Commission on Ethics makes the following recommendations regarding legislative changes to the Code of Ethics:

1. 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.

2. 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 don't 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.

3. Enhanced Financial Disclosure for Elected Municipal Officers

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.*

4. Representing Clients Before One's Own Board

The Commission has opinions as early as 1977 and even since 2014 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.