



**ANNUAL REPORT
TO THE
FLORIDA LEGISLATURE
FOR
CALENDAR YEAR 2001**

**By the
STATE OF FLORIDA
COMMISSION ON ETHICS**

Table of Contents

THE CHAIRMAN'S MESSAGE	2
2001 FLORIDA COMMISSION ON ETHICS MEMBERSHIP	3
INTRODUCTION AND HISTORY	4
ORGANIZATION	6
Ethics Commission Staff	6
FISCAL REPORT	10
OPERATIONS	11
Complaints	11
Executive Branch Lobbyist Registration	18
Issuance of Advisory Opinions	20
Education	22
Financial Disclosure	24
LITIGATION	31
PROPOSED CHANGES TO ETHICS STATUTES	32

THE CHAIRMAN'S MESSAGE

I am proud to have served as Chairman of the Florida Commission on Ethics this year. In this capacity, I have had the opportunity to work with one of the finest staffs in State government and with a panel of dedicated Commissioners. We meet approximately every six weeks and spend many hours reading files and studying cases in preparation for those meetings. The time commitment is considerable, particularly for those Commissioners who must devote at least a day in travel to Tallahassee, and judging the conduct of others is seldom pleasurable. There is a sense of recognition on the part of Commissioners, however, that the work of this agency is vital in maintaining a degree of public trust.

As a result of legislation you passed in 2000, the Commission has assumed custody of all disclosure materials from the Department of State and has instituted automatic penalties for failure to file financial disclosure. This has involved the development of computer programs, the hiring of additional staff, and the leasing of warehouse space. I want to particularly applaud the efforts of Ms. Shirley Taylor, the Financial Disclosure Program Manager, and Mr. Phil Claypool, Deputy Executive Director and General Counsel, for their efforts in this regard.

The last section of this Annual Report, as required by Section 112.322, is the Commission's proposed changes to the ethics statutes. I hope you will review these proposals and support our efforts to strengthen the law in the noted areas. Our staff stands willing to respond to any questions you may have and to receive any additional suggestions for improvement.

On behalf of the Commission and staff, I want to thank the Legislature for its continuing support, without which we could not be one of the best ethics agencies in this country.

Sincerely,

Ronald S. Spencer, Jr.
Chairman

2001 FLORIDA COMMISSION ON ETHICS MEMBERSHIP

RONALD S. SPENCER, *Chair*
Tallahassee - Retired Bank Executive
Term expires June 2003
Appointed by Governor Bush (R)

PATRICK K. NEAL, *Vice-Chair*
Bradenton - Developer
Term expires June 2002
Appointed by Senate President Jennings (R)

PETER ANTONACCI
Tallahassee - Attorney
Term expires June 2003
Appointed by Governor Bush (D)

DEAN C. COLSON
Coral Gables - Attorney
Term expires June 2002
Appointed by Governor Bush (D)

JOEL K. GUSTAFSON
Ft. Lauderdale - Attorney
Term expires June 2003
Appointed by Governor Bush (R)

CAROL LICKO
Miami - Attorney
Term expires June 2002
Appointed by Speaker of the House Thrasher (D)

JOHN LINSTROTH
West Palm Beach - Land Developer
Term expires June 2003
Appointed by Governor Bush (R)

HOWARD MARKS
Winter Park - Attorney
Term expires June 2002
Appointed by Senate President Jennings (D)

RICHARD SPEARS
Orlando - Retired Business Executive
Partial term expires June 2002
Appointed by Speaker of the House Feeney (R)

INTRODUCTION AND HISTORY

Section 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 2001.

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 of 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 also 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 31,114 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 Lobby Registration System and Trust Fund which provides for registration of all cabinet and executive agency lobbyists.

ORGANIZATION

The Commission on Ethics is a non-paid, appointive body consisting of nine members, none of whom may hold any public employment. 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 on Ethics. 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 on Ethics 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. A chairman and vice-chairman 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 twenty full-time equivalent positions and one half-time position as follows:

Bonnie J. Williams, Executive Director

Philip C. Claypool, Deputy Executive Director
and General Counsel

*** Legal Section ***

Under the supervision of the Deputy Executive Director/General Counsel, the legal section drafts opinions, orders, rules, and proposed legislation for consideration by the Commission and responds to inquiries about the ethics laws. In addition, the legal staff represents the Commission in litigation.

Legal services are provided both by staff and by Assistant Attorneys General Virindia Doss and James H. “Pete” Peterson, who have been assigned by the Attorney General to act as full-time Advocates for the Commission.

Legal Staff

C. Christopher Anderson, III, Attorney

Julia Cobb Costas, Attorney

Peter D. Ostreich, Attorney

Millie Fulford, Executive Secretary

*** Public Information Section ***

Under the supervision of the Executive Director, the public information section provides information regarding Commission practices and procedures to other states, the press, and the public. This staff member also responds to general information inquiries about the Commission and the ethics laws.

Public Information Staff

Helen K. Jones, Public Information and Education

*** Investigative Section ***

The investigative staff, also supervised by the Executive Director, conducts investigations of violations of the ethics laws and writes narrative investigative reports. The Complaint Coordinator serves as the liaison between the Commission and the Complainant and Respondent and is responsible for maintaining the complaint log and files, as the official Clerk of the Commission.

Investigative Staff

Robert G. Malone, Senior Investigator

Harry D. Jackson , Investigator

Wayne V. Maxwell, Investigator

A. Keith Powell, Investigator

Tom W. Reaves, Investigator

K. Travis Wade, Investigator

Kaye B. Starling, Complaint Coordinator

*** Financial Disclosure Section ***

The Program Manager, under the supervision of the Deputy Executive Director, responds to questions about the disclosure laws and compiles a list of the persons statewide who are required to file either Form 1 or Form 6 financial disclosure. These 31,114 reporting officials and employees were notified of their filing requirements in 2001 by the Commission on Ethics and Supervisors of Elections.

Financial Disclosure Staff

Shirley A. Taylor, Program Manager

Kimberly Holmes, Administrative Assistant

Sarah Jacoby, Clerk

*** 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

Kerrie J. Stillman, Assistant to the Executive Director

Frances Craft, Office Manager

Barbara W. Miller, Receptionist

Susan Eaton, Clerk (half-time)

Khamar Hussaini, Clerk (half-time)

Nicholas S. Rawls, Clerk (half-time)

FISCAL REPORT

The following is a chart reflecting revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2001.

FLORIDA COMMISSION ON ETHICS
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES

BUDGET AND ACTUAL - GENERAL REVENUE FUNDS
For The Fiscal Year Ending June 30, 2001
(Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>
REVENUES:		
Released General Revenue	1,737,475	1,737,475
Appropriations		
Miscellaneous Receipts	2,500	1,769
Total Revenues	1,739,975	1,739,244
	<u>Budget</u>	<u>Actual</u>
EXPENDITURES:		
Salaries and Related Benefits	1,241,300	1,234,229
Other Personal Services	202,534	201,942
Expenses	252,243	251,483
Operating Capital Outlay	13,000	10,739
Transfer to Div.of Admin.Hearings	30,898	30,898
Total Expenditures	1,739,975	1,729,291
Excess of Revenues over Expenditures	0	9,953
Budgetary Fund Balances June 30, 2001		9,953

OPERATIONS

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

Complaints

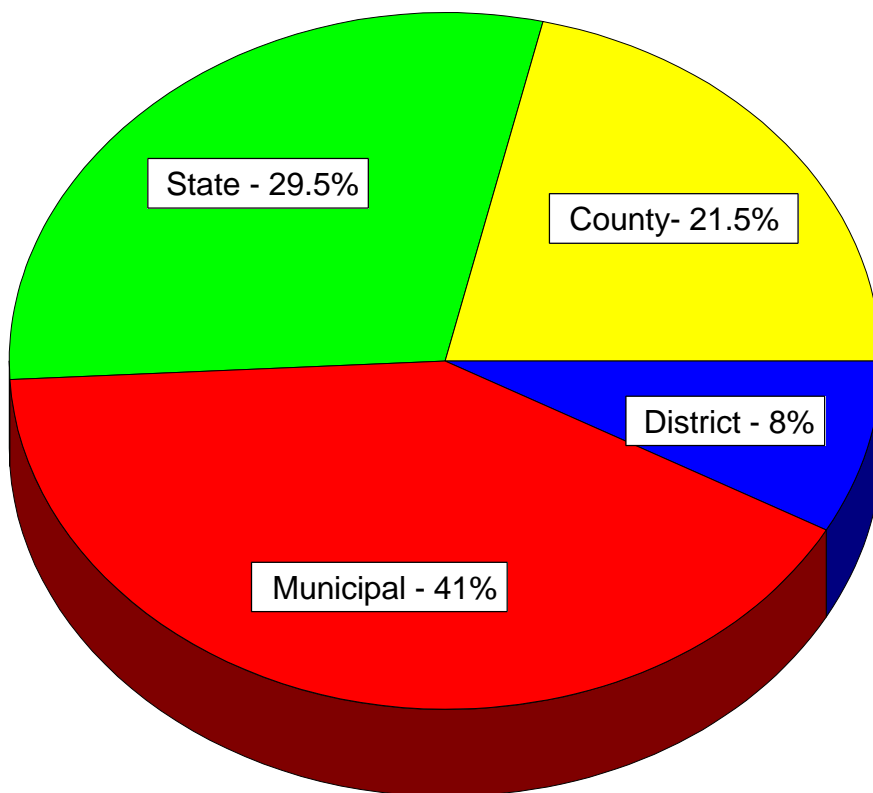
Statistical Summary
of Complaints Filed
January 1-December 31, 2001

Total number of complaints filed with the Commission in 2001 186

The 186 complaints filed in Calendar Year 2001 against public officers and employees in Florida are broken down by rounded percentages as follows:

Type of Position	Number of Complaints	Percentage of Total
State Elected Officers	7	3.8 %
State Appointed Officers	5	2.7 %
State Employees	43	23.1 %
District Elected Officers	4	2.2 %
District Appointed Officers	8	4.3 %
District Employees	3	1.6 %
County Elected Officers	32	17.2%
County Appointed Officers	1	.5 %
County Employees	7	3.8 %
Municipal Elected Officers	49	26.3 %
Municipal Appointed Officers	6	3.2 %
Municipal Employees	21	11.3 %
Total	186	100.0 %

Percentage Breakdown of Complaints Filed in 2001



A further breakdown of the 186 current or former officers, employees, and candidates against whom complaints were filed in 2001 is as follows:

State Elected Officers (7)

- 5 Members of FL House
- 1 Statewide Elected Officer
- 1 State Attorney

**State Appointed (5)
Officers**

- 5 State Appointed Officers

State Employees (43)

- 30 State Agency Employees
- 2 Asst. State Attorneys/
Asst.PublicDefenders
- 11 University Employees

County Elected Officers (32)

- 24 County Commissioners
- 2 Tax Collectors
- 2 Clerks of Court
- 2 School Board Members
- 1 Sheriff
- 1 Supervisor of Elections

**County Appointed
Officers (1)**

- 1 County Appointed Officer

County Employees (7)

- 4 County Employees
- 3 Deputy Sheriffs/Sheriff
Employees

Municipal Elected Officers (49)

- 32 Council Members
- 16 Mayors/Vice/Deputy Mayors
- 1 Town Marshall

**Municipal Appointed
Officers (6)**

- 1 Municipal Appt. Officer
- 3 Code Enf. Officers
- 2 Planning & Zoning Members

Municipal Employees (21)

- 15 City/Town Employees
- 1 Police Chief
- 4 City/Town Managers
- 1 City Attorney

District Elected Officers (4)

- 4 Fire District Commissioners

District Appointed Officers (8)

- 5 Charter School Bd.Members
- 1 Soil & Water Conservation Board
- 1 Port Authority Member
- 1 Airport Authority Member

District Employees (3)

- 3 District Employees

ALLEGATIONS

The following list is a breakdown of the actions taken on the 186 new complaints filed in 2001:

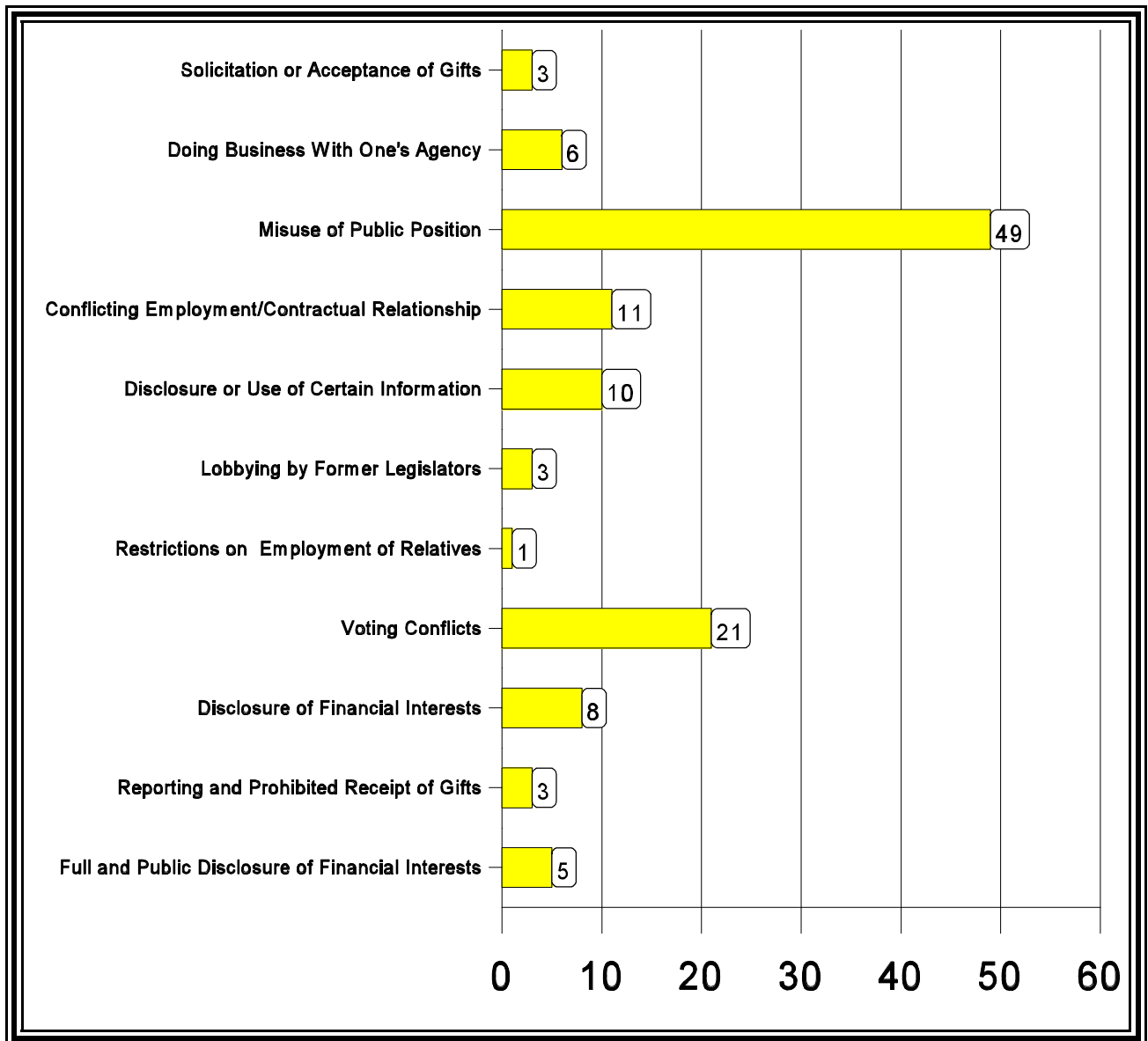
- 1 complaint was withdrawn for good cause shown.
- 3 complaints were dismissed upon recommendation of the Executive Director: 1 due to death of the Respondent; 1 due to ruling on identical case; 1 due to timely filing of disclosure by Respondent rendering allegations moot.
- 76 complaints were dismissed for lack of legal sufficiency.
- 31 complaints were pending legal sufficiency determination at the end of the calendar year.
- 75 complaints were found legally sufficient to warrant investigation.

As illustrated below and by the chart on the following page, the charges alleged in the 193 complaints sufficient for investigation were:

<u>ETHICS LAW CITED</u>	<u>TITLE OF LAW</u>	<u>NUMBER OF CHARGES</u>
Section 112.313(2), FS	Solicitation or Acceptance of Gifts	3
Section 112.313(3), FS	Doing Business with One's Agency	2
Section 112.313(6), FS	Misuse of Public Position	49
Section 112.313(7), FS	Conflicting Employment or Contractual Relationship	11
Section 112.313(8), FS	Disclosure or Use of Certain Information	10
Section 112.313(9), FS	Post-Employment Restrictions; Standards Of Conduct For Legislators and Legislative Employees	3
Section 112.3135, FS	Restriction on Employment of Relatives	1
Section 112.3143, FS	Voting Conflicts	21
Section 112.3145, FS	Disclosure of Financial Interests and Clients Represented Before Agencies	8
Section 112.3148, FS	Reporting and Prohibited Receipt of Gifts	3
Article II, Section 8, Florida Constitution	Full and Public Disclosure of Financial Interests	5

NOTE: Several complaints were found legally sufficient under more than one Section of the Code of Ethics.

Ethical Standards at Issue in the 75 Legally Sufficient Complaints Filed in 2001



Actions taken on complaints in 2001:

In addition to handling the 186 new complaints received in 2001, the Commission also took action on complaints filed in previous years during its seven regularly scheduled Commission meetings. The following is a summary of the cases decided upon by the Commission during calendar year 2001.

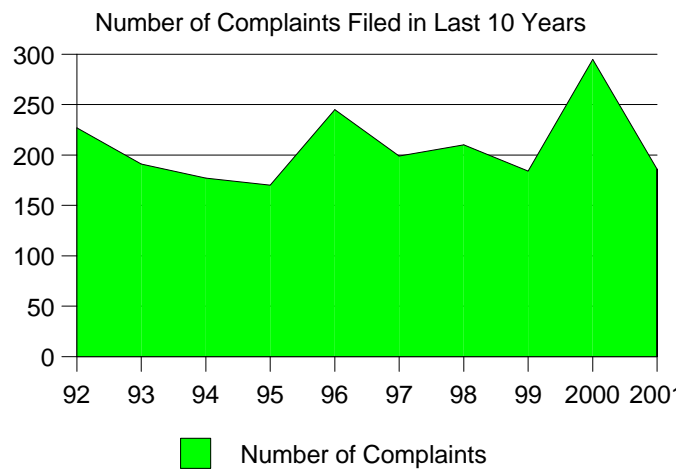
1. Total complaints dismissed for lack of legal sufficiency	101
2. Probable cause hearings held	140
A. Dismissed (no probable cause)	63
B. Probable cause found (pending public hearing or stipulation)	59
C. Probable cause found (no further action)	19
3. Violations found after public hearings	0 ¹
4. No violation found after public hearing	1
5. Violations found via stipulated settlement agreements	55
6. Costs and Attorney's Fees Petitions awarded	1
7. Costs and Attorney's Fees Petitions denied	1
8. Dismissal on Recommendation of Executive Director	3
• 1 due to death of Respondent	
• 1 due to no probable cause dismissal of identical case	
• 1 due to timely filing of disclosure by Respondent rendering allegations moot	
9. Dismissal on Motion of the Advocate	5
10. Dismissal on Respondent's Motion	1
11. Withdrawal for Good Cause shown	2
TOTAL CASES ACTION WAS TAKEN ON BY THE	
COMMISSION IN 2001	451

¹ At the time of publication, five cases were pending a public hearing at Division of Administrative Hearings (DOAH); Two cases had DOAH Recommended Orders pending consideration by the Commission in 2002.

Ten Year History of Complaints Filed with the Commission on Ethics

<u>Calendar Year</u>	<u>Number of Complaints</u>
2001	186
2000	295
1999	184
1998	210
1997	199
1996	245
1995	170
1994	177
1993	191
1992	227

Complaint History



Executive Branch Lobby Registration

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

Executive branch lobbyists are required to file biannual expenditure reports whether or not reportable expenditures were made during the period. Penalties for failure to file these biannual reports by the deadline date are automatic and accrue at \$50 per report for each day late with a maximum penalty of \$5,000 per report.

Each lobbyist may receive a one-time fine waiver if he or she files the reports within 30 days after being notified of the failure to file. Otherwise, the lobbyist is assessed a fine at the time he or she files the delinquent report(s).

The Commission has the authority to waive the assessed fines in whole or in part for good cause, based on unusual circumstances, if an appeal is filed within 30 days after the registrant is noticed of assessed fine.

The following is a summary of the activity in the Executive Branch Lobbyist Registration program during 2001:

Total number of executive branch lobbyist registrants	1,284
Total number of principals represented by the registrants	4,260
Percent increase in number of principals from 2000 to 2001	23%
Total number of registrants delinquent in filing their expenditure reports:	
First Period 2001	58
Third Period 2000 (due February 15, 2001)	52
(Filings for the Second Half of 2001 are due February 14, 2002.)	

EXECUTIVE BRANCH LOBBYIST REGISTRATION PROGRAM SUMMARY (Continued)

Total number of registrants **assessed a fine in 2001** 38
 First Semi-Annual Period of 2001 16
 Third Period of 2000 (assessed in February 2001) 22

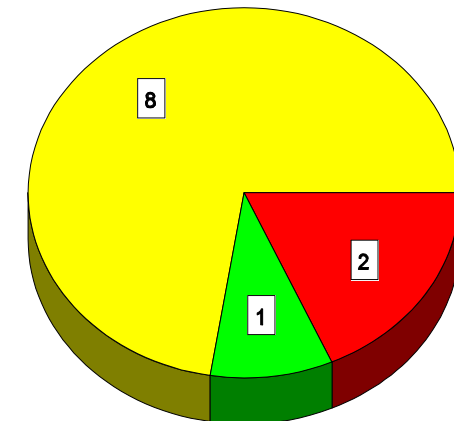
Number of appeals considered by the Commission in 2001 ('00 & '01 filings) .. 11

Of the 11 appeals considered by the Commission in 2001, the following action was taken:

Number of Fine Appeals Granted by the Commission 8
Number of Fine Appeals Amounts Reduced by the Commission 1
Number of Fine Appeals Denied by the Commission 2

Lobbyist Fine Appeals

Considered by Commission in 2001



- Fine Appeals Granted
- Fine Appeals Reduced
- Fine Appeals Denied

Issuance of 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 2001 the Commission on Ethics issued 20 advisory opinions, bringing the total issued since 1974 to 2,263.

Eleven (11) of the opinions rendered in 2001 were in response to requests by local officers, employees, or local government attorneys, and nine (9) of the opinions were issued regarding State level officers or employees.

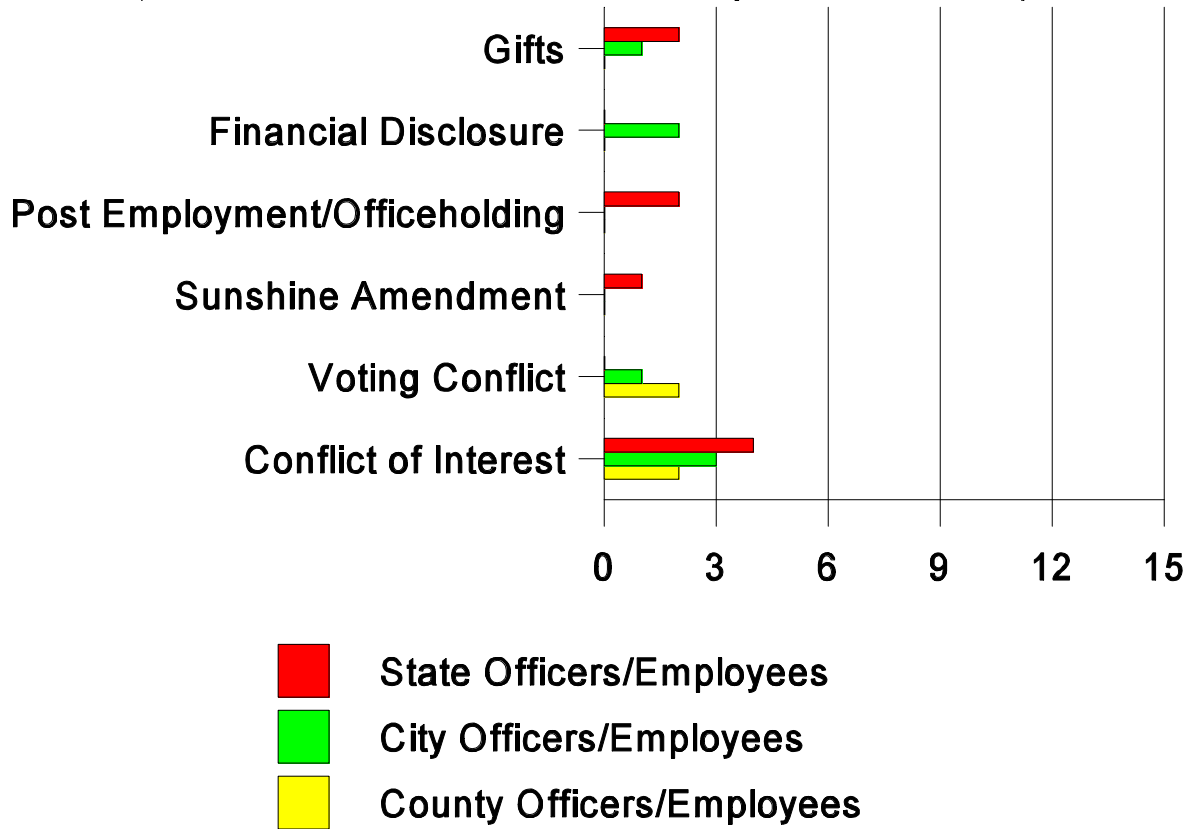
Of the twenty (20) total opinions rendered, post employment/post officeholding questions were addressed in two (2) opinions; conflict of interest questions were addressed in nine (9); voting conflicts in three (3); financial disclosure in two (2); Sunshine Amendment in one (1); and gifts in three (3). See the chart on following page.

The Commission continues to provide upon request a Digest of Advisory Opinions. Printed volumes of full opinions also are available at cost by writing the Commission. Published opinions may be obtained at a cost of \$4.00 per year. Binders for these loose-leaf opinions are available for purchase at a cost of \$4.00 each.

Commission opinions also can be accessed and researched via the Commission's web site at www.ethics.state.fl.us.

2001 Advisory Opinions

(Questions Addressed in 20 Opinions Issued)



Education

Speaking Engagements and Publications

As part of its public mission, the Commission feels that it is vital to educate public officers and employees regarding the standards of conduct and financial disclosure requirements of the Code of Ethics. Whenever possible, as personnel and resources are available, the Commission staff conducts training for public officials throughout the state. Public officials and groups receiving ethics training in 2001 included the following: Sarasota local officials; Clerks of Courts' auditors; Florida League of Cities; Florida Tax Collectors; Florida Association of City Clerks; Florida Association of Special Districts; Division of Administrative Hearings Administrative Law Judges; Florida Government Bar Association; Florida School Board Attorneys' Association; Florida Community College Attorneys' Association; Municipal Attorneys Association; Florida Property Appraisers; Police Officers' and Firefighters' Trustees' School Program; Florida Bar's City, County and Local Government Law Certification Exam Review Course; Department of Health; Florida Supervisors of Elections; and the Florida Association of Court Clerks.

Course of Study Regarding the Requirements of Florida's Code of Ethics, Sunshine Law and Public Records Act

In Section 13 of Chapter 2000-243, Laws of Florida, the Florida Legislature directed the Commission on Ethics to develop a plan for implementation of a study course on the Code of Ethics, public records, and public meeting laws. The course was to be made available to each elected public officer in the State (of which there are approximately 10,000) as well as to each person appointed to hold elective office.

Faced with the challenge of reaching as many people as possible with meaningful training, the Ethics Commission sought the advice of The Florida Institute of Government at Florida State University concerning how best to develop such a comprehensive course. The Institute proposed that it contract through the university with a private company to develop an Internet-based study. Staff of the Ethics Commission and Attorney General's office provided the company with guidance and written materials on the pertinent subject areas. The resulting course should be available the beginning of 2002. This joint effort promises to deliver a sophisticated product, complete with interactive elements, "Frequently Asked Questions," as well as testing for review purposes and tracking. It has the added advantage of being easily amended when changes in the law occur.

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(3), 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(6), 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 Secretary of State and Supervisors of Elections are required to certify after that time the names and positions held by persons who fail to file by the grace period.

There were significant changes that took effect in the financial disclosure laws in 2001. Beginning in 2001, full financial disclosure forms (Form 6) and the limited disclosure forms (Form 1) of state officers and specified state employees were filed with the Ethics Commission rather than with the Secretary of State.

In addition, the financial disclosure laws now require only those with the most meaningful positions to file annual financial disclosure. As a result, 9,357 individuals were removed from the list of those required to file disclosure, reducing the overall total of reporting individuals from 40,471 people to 31,114 people. Also beginning in 2001, persons who did not file their annual disclosure form (either Form 6 or Form 1) by September 4th were subject to automatic fines of \$25 for each late day, up to a cap of \$1,500. Modeled after the automatic fine system in place for campaign finance reports, the Ethics Commission will hear appeals and have the power to waive fines under limited circumstances.

Financial disclosure compliance rates are up significantly. There was a 97% overall compliance with the annual reporting requirement in 2001. This represents a 5% increase in overall compliance, compared to the 92% overall compliance in 2000. On the local level, twenty-four counties reported 100% compliance in 2001, up from only seven counties with 100% compliance in 2000. This substantially improved compliance, we believe, is attributable to the institution of automatic penalties and the requirement that fewer people file disclosure.

The following table reflects on a county-by-county basis the number of officials and employees subject to disclosure, the number delinquent as of September 4, 2001, the percentages of compliance, and comparable percentages from the previous year. Also listed is a chart which outlines filing compliance from 1984 to the present.

FINANCIAL DISCLOSURE				
COMPLIANCE FIGURES				
COUNTY	NUMBER OF OFFICIALS SUBJECT TO DISCLOSURE	NUMBER OF OFFICIALS DELINQUENT	COMPLIANCE RATE 2001	COMPLIANCE RATE 2000
Alachua	364	11	97%	90%
Baker	54	1	98%	97%
Bay	288	8	97%	91%
Bradford	98	0	100%	82%
Brevard	897	54	94%	88%
Broward	1,896	44	98%	92%
Calhoun	37	0	100%	100%
Charlotte	185	5	97%	95%
Citrus	148	0	100%	97%
Clay	175	5	97%	90%

FINANCIAL DISCLOSURE

COMPLIANCE FIGURES

COUNTY	NUMBER OF OFFICIALS SUBJECT TO DISCLOSURE	NUMBER OF OFFICIALS DELINQUENT	COMPLIANCE RATE 2001	COMPLIANCE RATE 2000
Collier	276	5	98%	96%
Columbia	76	0	100%	100%
Dade	1,034	123	88%	79%
DeSoto	55	1	98%	94%
Dixie	41	0	100%	100%
Duval	318	8	97%	86%
Escambia	154	1	99%	98%
Flagler	117	4	97%	99%
Franklin	76	0	100%	91%
Gadsden	138	3	98%	87%
Gilchrist	61	1	98%	94%
Glades	46	0	100%	100%
Gulf	36	0	100%	99%
Hamilton	65	0	100%	99%
Hardee	71	2	97%	83%
Hendry	107	0	100%	100%
Hernando	102	2	98%	92%
Highlands	181	2	99%	93%
Hillsborough	707	6	99%	86%
Holmes	82	0	100%	98%
Indian River	266	0	100%	97%
Jackson	180	0	100%	99%
Jefferson	36	0	100%	87%
Lafayette	27	0	100%	92%

FINANCIAL DISCLOSURE

COMPLIANCE FIGURES

COUNTY	NUMBER OF OFFICIALS SUBJECT TO DISCLOSURE	NUMBER OF OFFICIALS DELINQUENT	COMPLIANCE RATE 2001	COMPLIANCE RATE 2000
Lake	460	13	97%	95%
Lee	712	21	97%	94%
Leon	239	32	87%	81%
Levy	150	5	97%	93%
Liberty	17	0	100%	100%
Madison	91	0	100%	97%
Manatee	375	11	97%	92%
Marion	225	7	97%	90%
Martin	186	1	99%	94%
Monroe	197	00	100%	92%
Nassau	113	2	98%	90%
Okaloosa	381	8	98%	93%
Okeechobee	106	0	100%	96%
Orange	749	64	91%	87%
Osceola	168	3	98%	89%
Palm Beach	1,566	91	94%	88%
Pasco	258	5	98%	94%
Pinellas	1,174	49	96%	92%
Polk	703	52	93%	87%
Putnam	171	17	90%	91%
St. Johns	183	4	98%	96%
St. Lucie	253	6	98%	88%
Santa Rosa	141	4	97%	94%
Sarasota	321	7	98%	95%

FINANCIAL DISCLOSURE				
COMPLIANCE FIGURES				
COUNTY	NUMBER OF OFFICIALS SUBJECT TO DISCLOSURE	NUMBER OF OFFICIALS DELINQUENT	COMPLIANCE RATE 2001	COMPLIANCE RATE 2000
Seminole	413	20	95%	88%
Sumter	152	2	99%	97%
Suwannee	84	0	100%	89%
Taylor	60	2	97%	93%
Union	43	0	100%	100%
Volusia	683	16	98%	89%
Wakulla	45	0	100%	90%
Walton	109	0	100%	100%
Washington	85	0	100%	95%
TOTALS- FORM 1 (LOCAL)	19,007	728	96%	90%
TOTALS- FORM 1 (STATE)	9,940	284	97%	95%
TOTALS- FORM 6	1,078	31	97%	99%
JUDGES	1,089			
OVERALL	30,025*	1,043	97%	92%

* Overall total does not include 1,089 judges required to file annual disclosure.

SUMMARY OF LOCAL LEVEL FORM 1 COMPLIANCE:

- Total compliance rate for Form 1, Statement of Financial Interests, was 96%.
- Of 19,007 persons required to file, 728 were delinquent as of September 4, 2001.
- Twenty-four counties reported 100% compliance in 2001, compared to only seven in 2000.

SUMMARY OF STATE LEVEL FORM 1 COMPLIANCE:

- The Form 1 compliance rate at the State level was 97%, an increase of 2% over 2000.
- Of 9,940 persons required to file, 284 were delinquent as of September 4, 2001.

SUMMARY OF FULL DISCLOSURE (FORM 6) COMPLIANCE:

- Form 6, Full and Public Disclosure of Financial Interests, compliance rate was 97%.
- There were 31 delinquencies out of a total of 1,078 persons required to file.

SUMMARY OF OVERALL 2001 FILING COMPLIANCE:

- As of September 4, 2001, there were 1,043 officers and employees out of 30,025 persons (excluding judges) subject to financial disclosure who had failed to file.
- The overall compliance rate for 2001 was 97%.
- The 2001 total of 31,114 officials (including judges) required statewide to file disclosure represents a decrease of 9,357 from the 2000 total of 40,471. Upon institution of automatic penalties, a significantly smaller pool of persons was required to file.

FINANCIAL DISCLOSURE FILING COMPLIANCE (1984 THROUGH 2001)

YEAR	OFFICIALS REQUIRED TO FILE FORMS 1 AND 6	OFFICIALS <u>DELINQUENT IN</u> FILING FORMS 1 AND 6	OVERALL COMPLIANCE RATE
1984	26,670	2,903	90%
1985	27,758	2,136	92%
1986	29,384	2,126	93%
1987	29,631	2,183	93%
1988	30,559	1,794	94%
1989	33,541	1,815	95%
1990	34,828	2,092	94%
1991	35,845	2,120	94%
1992	37,631	2,564	93%
1993	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%

* Overall total does not include 1,089 judges required to file annual disclosure.

**PENDING LITIGATION CONCERNING
THE SUNSHINE AMENDMENT
AND THE CODE OF ETHICS**

Hameetman v. State Commission on Ethics, Third District Court of Appeal. The Commission adopted the Division of Administrative Hearings Administrative Law Judge’s recommendation concluding that the mayor of the City of Hialeah Gardens violated the ethics code. The District Court affirmed the Commission’s final order, issuing a *Per Curiam Affirmed* (PCA) decision with no written opinion.

Ramiccio v. State Commission on Ethics, Fourth District Court of Appeal. The Commission adopted the Division of Administrative Hearings Administrative Law Judge’s recommended order finding a violation when the Respondent threatened to withhold City business from a flower shop owner who had an opponent’s campaign sign in her window. The District Court affirmed the Commission’s decision, issuing a PCA decision without an opinion.

Baker v. Chandler and Commission on Ethics, Fifth District Court of Appeal. This is the appeal of a final order denying an award of attorney's fees. The District Court affirmed the Commission’s decision, issuing a PCA decision without an opinion.

Speas v. Sands and Commission on Ethics, First District Court of Appeal. This is a pending appeal of the Commission's final order granting attorney's fees in a complaint proceeding.

Commission on Ethics v. MacNamara, First District Court of Appeal. This is an “interlocutory” (not final) appeal by the Commission Advocate from discovery rulings made by the Administrative Law Judge in the DOAH case concluding that Mr. MacNamara’s retainer agreement, billings, and related information were privileged under the attorney-client privilege and therefore not discoverable.

COMMISSION ON ETHICS
2002 LEGISLATIVE RECOMMENDATIONS

BULLET POINTS

Gifts

- Would change the primary method of valuing a gift to "fair market value" from "cost to the donor."
- Would require gift and honorarium-expense disclosure forms to be filed for the last portion of one's term of office or employment.

Penalties for Violations

- Would allow restitution to be paid by the violator to an agency that was damaged by the violation, rather than just to the State.
- Would allow, when the Attorney General is required to collect a penalty through a civil action in court, the Attorney General's costs and fees of collecting the penalty to be assessed against the violator.

Post-Officeholding and Post-Employment Restrictions

- Would amend the two-year "revolving door" prohibition against representing a client before one's former agency to "grandfather-in" agency employees whose positions were transferred to the Selected Exempt Service from Career Service System under last year's "Service First" law.
- Would apply the two-year prohibition for local elected officials to representations before the entire government body or agency they served (which would include staff), rather than just the body of which they were a member.
- Would ease existing post-employment restrictions for State employees whose jobs are privatized and who then go to work for the private entity.
- Would add a prohibition to keep State executive branch employees from leaving government and then switching sides to represent a client before their former agency in connection with the same matter in which they participated while an agency employee.

Disclosure or Use of Inside Information

- Would amend this prohibition against using "inside" information gained while in a public position to benefit oneself or another to clarify that it applies to former employees and officers--except for information relating exclusively to governmental practices or procedures.

Commission Investigations

- Would allow the Commission to investigate based on the receipt of evidence which it deems sufficient to indicate a breach of the public trust, provided that the information is “reliable and publicly disseminated.”
- Would allow the Commission to investigate based on a written referral from the Governor, the Comptroller, FDLE, a State Attorney, or the Statewide Prosecutor, provided at least 7 members of the Commission agree.

Anti-Nepotism Law

- Would amend the law to prohibit a public officer or employee from hiring or promoting not just close relatives, but also persons in intimate personal relationships who would be categorized as a "fiancé," "significant other," or "paramour." [See SB 1400.]

Witness Tampering

- Would make it a crime to tamper with witnesses in an Ethics Commission proceeding.