

*Annual Report
to the
Florida Legislature
for Calendar Year 2007*



*By the
State of Florida
Commission on Ethics*

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Chairman's Message

I have been honored to serve on the Commission on Ethics since 2005, as Vice Chairman last year and as Chairman for the 2007-08 term. I began my service with some concern about the extent to which the Ethics Commission and its members might serve a partisan, political agenda, but having reviewed every case that has come before the Commission during my service and having watched the members and staff of the Commission in action, I am proud to report that the Commission truly is unbiased and impartial. I am convinced that each public official who appears before the Commission can be assured that he or she will receive impartial and thorough consideration by the members and staff. I also believe that the citizens of our state should be pleased to have such a fair and non-partisan group keeping watch over the public trust.

The Commission's workload over the past twelve months has been substantial. The Commission received 256 new complaints in 2007, a record for a non-election year, and made final disposition of 233 complaints, rendered 25 advisory opinions, and ruled on 169 financial disclosure and lobbyist fine appeals. This requires significant preparation from our members, who have personal obligations of their own, but is matched by their high level of commitment. It has been my pleasure to serve with many of Florida's finest citizens.

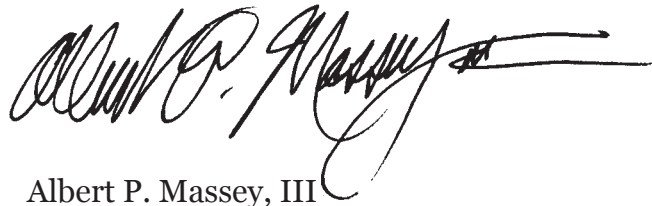
The Commission has continued its efforts to educate public officials and citizens of the State about Florida's ethics laws. In addition to our on-line training course and numerous speaking engagements, we sponsored a statewide ethics conference this past fall which drew over 200 registrants. Because of its popularity and high ratings by attendees, we intend to continue this as an annual event.

Finally, I ask each of you to become acquainted with the Commission's legislative proposals, summarized herein and available in detail from our office. We have a statutory obligation to propose changes which would strengthen and clarify the conflict of interest and financial disclosure laws. We need the support of the Legislature to keep those laws

current and workable and would welcome any assistance that individual members can provide.

I and my fellow Commissioners, along with the staff, thank you for the confidence you have placed in us over the years. You can be assured that your confidence has not been, and will not be, misplaced.

Sincerely,

A handwritten signature in black ink, appearing to read "Albert P. Massey, III", with a long horizontal flourish extending to the right.

Albert P. Massey, III

Chairman

2007 Commission Members

ALBERT P. MASSEY, III, Chair

Ft. Lauderdale - Attorney (R)
Term expires June 2009
Appointed by Governor Bush

CHARLES LYDECKER, Vice-Chair

Daytona Beach - Insurance Executive (D)
Term expires June 2008
Appointed by Senate President Lee

MICHAEL W. BROWN

Lynn Haven - Insurance Executive (R)
Term expires June 2008
Appointed by Speaker of the House Bense

LINDA D. CONAHAN

Boca Raton - Attorney (R)
Term expires June 2009
Appointed by Governor Crist

CHERYL FORCHILLI

Tampa - Attorney (D)
Term expires June 2008
Appointed by Governor Crist

LARRY R. HANDFIELD

Miami - Attorney (D)
Term expires June 2009
Appointed by Governor Crist

LATOUR "LT" LAFFERTY

Tampa - Attorney (R)
Term expires June 2008
Appointed by Senate President Lee

ROY ROGERS

Lighthouse Point - Business Executive (I)
Term expires June 2009
Appointed by Governor Crist

THOMAS P. SCARRITT, JR.

Tampa - Attorney (D)
Term expires June 2008
Appointed by Speaker of the House Bense

Introduction & 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 2007.

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 35,659 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 an appointive body consisting of nine members, none of whom may hold any public employment or 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 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 22 full-time equivalent positions.

Philip Claypool, Executive Director and General Counsel

Virhindia Doss, Deputy Executive Director and Assistant General Counsel

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Legal Section

Under the supervision of the Executive Director/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. In addition, the legal staff represents the Commission in litigation.

Legal Services are provided both by staff and by the Assistant Attorneys General James H. “Pete” Peterson and Jennifer Erlinger who have been assigned by the Attorney General to act as a full-time Advocate for the Commission.

Legal Staff

C. Christopher Anderson, III, Chief Assistant General Counsel

Julia Cobb Costas, Assistant General Counsel

Dan Carlton, Attorney

Millie Fulford, Executive Secretary

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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, as the official Clerk of the Commission, is responsible for maintaining the complaint tracking system and files.

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

Kaye B. Starling, Complaint Coordinator

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Financial Disclosure Section

The Program Manager, under the supervision of the 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 35,659 reporting officials and employees were notified of their filing requirements in 2007 by the Commission on Ethics and by the Supervisors of Elections.

Financial Disclosure Staff

Shirley A. Taylor, Program Administrator

Kimberly Holmes, Program Specialist

Connie Evans, Executive Secretary

Saralynn Brown, Executive Secretary

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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

Kerrie J. Stillman, Public Information Officer

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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

Dianne Wilson, Receptionist

Allison Trevathan, Clerk (half-time)

Collin Sprenker, Clerk (half-time)

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Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2007.

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, 2007
(Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>	<u>Variance - Favorable (Unfavorable)</u>
REVENUES:			
Released General Revenue Appropriations	2,670,706	2,670,706	0
Fines	0	142,985	142,985
Miscellaneous Receipts	0	1,419	1,419
	<hr/>	<hr/>	<hr/>
Total Revenues	2,670,706	2,815,110	144,404
EXPENDITURES:			
Salaries and Related Benefits	1,829,013	1,711,477	117,536
Other Personal Services	347,736	317,595	30,141
Expenses	297,280	287,447	9,833
Operating Capital Outlay	5,000	4,318	682
Transfers to Administrative Hearings	88,651	88,651	0
Risk Management Insurance	3,026	3,026	0
Nonoperating	100,000	1,552	98,448
	<hr/>	<hr/>	<hr/>
Total Expenditures	2,670,706	2,414,066	256,640
Excess of Revenues over Expenditures	0	401,044	401,044
Budgetary Fund Balances June 30, 2007		<hr/> <hr/>	<hr/> <hr/>

EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES: \$ 179,150

FINES: \$ 3,450

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.

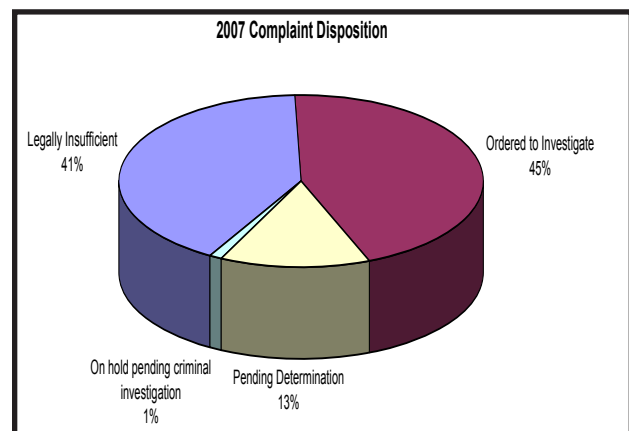
Complaints

Statistical Summary of Complaints Filed January 1, 2007 through December 31, 2007

Total number of complaints filed in 2007256

POSITION	NUMBER OF COMPLAINTS	PERCENT OF TOTAL
State Elected Officers	17	7%
State Appointed Officers	0	0%
State Employees	18	7%
State Candidates	0	0%
District Elected Officers	14	5%
District Appointed Officers	5	2%
District Employees	7	3%
District Candidates	0	0%
County Elected Officers	70	27%
County Candidates	0	0%
County Appointed Officers	6	2%
County Employees	25	10%
Municipal Elected Officers	68	27%
Municipal Candidates	0	0%
Municipal Appointed Officers	3	1%
Municipal Employees	23	9%
TOTAL	256	100%

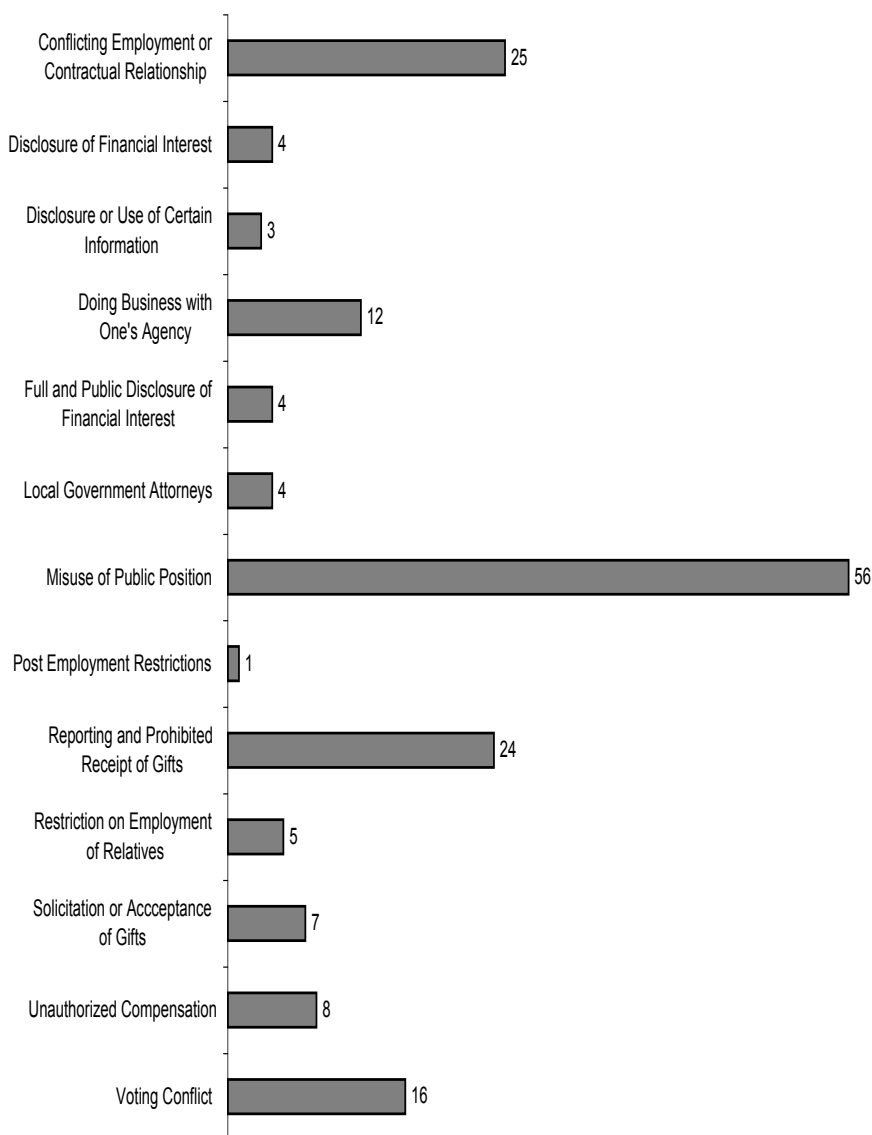
Of the 256 complaints received in 2007, 105 were dismissed for lack of legal sufficiency; 114 were ordered to be investigated; 34 were pending legal sufficiency determination at the end of the year; and 3 are on hold pending a criminal investigation.



Allegations

Of the 256 complaints received in 2007, the Commission's Executive Director ordered an investigation of 114 complaints as of December 31, 2007. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below.

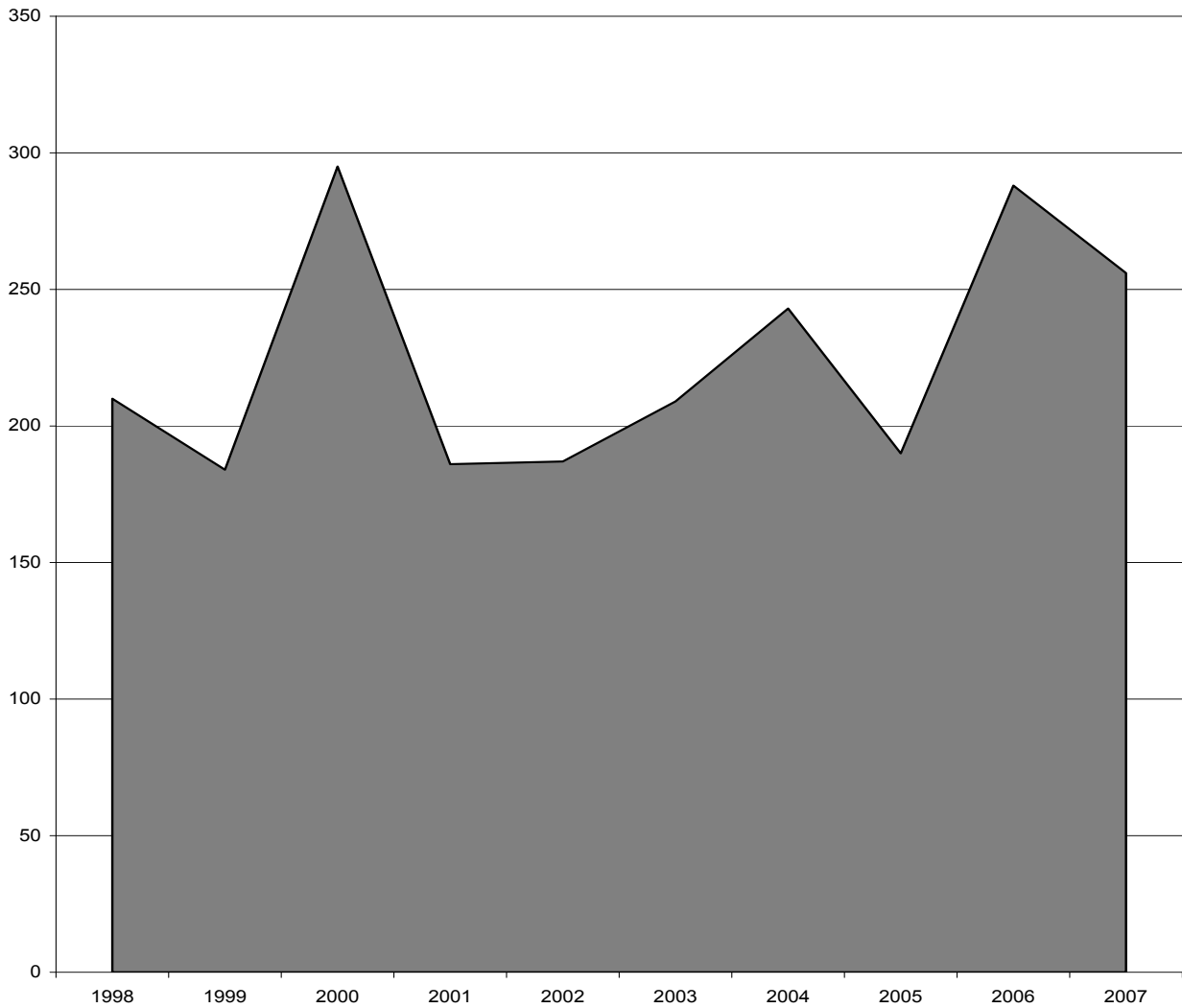
2007 Complaint Allegations



Ten Year History of Complaints

2007.....	256
2006.....	288
2005	190
2004	243
2003.....	209
2002.....	187
2001	186
2000	295
1999	184
1998	210

Complaint History



Actions Taken on Complaints in 2007

In addition to handling the 256 new complaints received in 2007, the Commission also took action during its eight regularly-scheduled Commission meetings on complaints filed in previous years. The following is a summary of action taken in 2007 on all active complaints.

Dismissed for lack of legal sufficiency.....	126
Probable cause hearings held.....	95
No probable cause - dismissed.....	70
Probable cause - pending public hearing or stipulation	21
Probable cause - no further action taken.....	4
Request for withdrawal of complaint - granted.....	1
Public hearings at Division of Administrative Hearings	3
Violation found.....	3
No violation found	0
Stipulated settlement agreements.....	25
Violation.....	22
Dismissed*	3
Costs and attorney's fees petitions - dismissed	3
Insufficient petition - dismissed	3
Hearing at Division of Administrative Hearings - dismissed	0
Dismissed on motion by Advocate under Section 112.324(11)*	1
TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS . . .	254

*Public interest not served by further proceedings.

Executive Branch Lobbyist Registration

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

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 being 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.”

2007 Summary of Activity

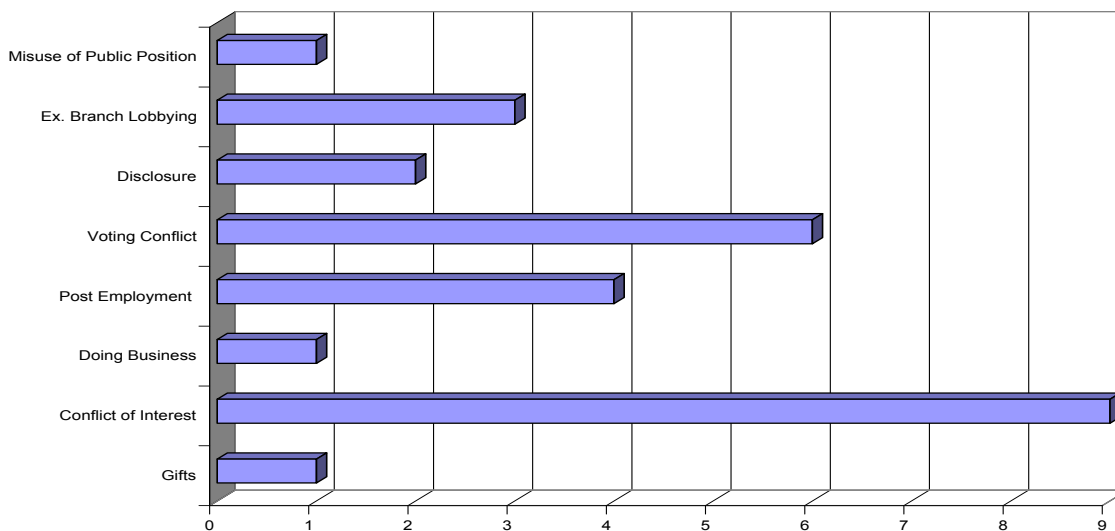
Total number of registered executive branch lobbyists.....	1,596
Total number of executive branch lobbying firms.....	1,438
Total number of principals represented by the lobbyists.....	7,516
Percent increase in number of principals from 2006 to 2007.....	22.3%
Total number of firms delinquent in filing their compensation reports	
January - March 2007.....	12
March - May 2007.....	29
July - September 2007.....	20
<i>(Filing deadline for fourth period is February 2008)</i>	
Total number of firms assessed a fine in 2007	
First quarter 2007.....	1
Second quarter 2007.....	8
Third quarter 2007.....	6
Number of appeals considered by the Commission in 2007.....	1
* appeal of 2003 fine for failure to timely file expenditure report	

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 2007, the Commission on Ethics issued 25 advisory opinions, bringing the total issued since 1974 to 2,388.

Seventeen of the opinions rendered in 2007 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.

Of the twenty-five total opinions rendered, conflicts of interest were addressed in nine opinions; doing business with one's own agency was addressed in one opinion; executive branch lobbying was addressed in three opinions; financial disclosure was addressed in two opinions; gifts were addressed in one opinion; misuse of public position was addressed in one opinion; post-employment/officeholding was addressed in four opinions; and voting conflicts questions were addressed in six opinions.



Printed volumes of past opinions through 1999 are available by writing the Commission, at a cost of \$4.00 per year. All Commission advisory opinions, from 1974 to present, can be accessed and researched without cost on our website: <http://www.ethics.state.fl.us>.

Education

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. In 2007, the Commission co-sponsored, with the Office of the Attorney General, The John Scott Dailey Florida Institute of Government at Florida State University, The Florida Association of Counties, and the Florida League of Cities, the Florida Ethics Conference and Attorney General's Sunshine Summit in Orlando, Florida. Many Commission staff members participated as speakers and panelists for the conference, which was attended by nearly 200 public officers and employees. Commission staff also presented educational programs to the following groups and organizations during 2007:

Speaking Engagements

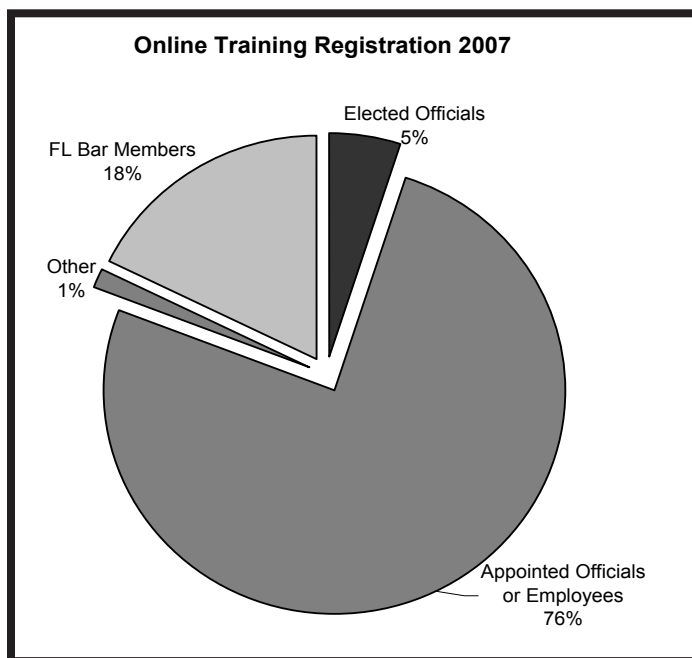
- Sarasota Tiger Bay
- 28th Annual Police Officers' and Firefighters' Pension Trustees' School
- County Commissioners Certification Program
- Taxation & Budget Reform Commission
- Government Lawyer Section of the Florida Bar
- City, County, and Local Government Law Section of the Florida Bar
- Department of Elder Affairs
- City of Jacksonville Orientation & Ethics Training for Elected Officials
- Florida Association of County Attorneys
- Florida Department of Health Annual Educational Conference
- 2007 Conference of the Florida Public Pension Trustees Association
- Florida School Board Attorneys Association
- Municipal Attorneys Association
- New Motor Vehicle Arbitration Board
- State and Federal Government and Administrative Practice Bar Certification Review
- Commission on Open Government Reform

- Department of Corrections
- 2007 Florida Governmental Purchasing Conference
- Commission on Open Government
- Governor's Action Team on Energy and Climate Change
- 2007 Municipal Clerks Education Academy
- Recently Elected Clerks of Court and staff
- Tax Collector's Certification school
- Florida Association of Student Financial Aid Administrators
- Florida Commission on Human Relations
- 2007 Human Resources (HR) Management Conference
- Property Appraisers
- Division of Administrative Hearings Judges

Online Training

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.

Faced with the challenge of reaching as many people as possible with meaningful training, the Ethics Commission sought the advice of The John Scott Dailey 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 contains 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. The course is currently available for a small fee via the Commission's website www.ethics.state.fl.us or by visiting: www.iog.learnsomething.com.



In 2007, 469 individuals registered for the online training course, with 218 completing the training by the end of the year.* Of the registrants, 24 were elected officials, 355 were appointed officials or employees, and 84 of the registrants were members of the Florida Bar. A total of 1340 public officers and employees have completed the course since its inception in 2002.

* In addition, 1,243 people took an abbreviated version of the ethics course offered as a part of the Governor's ethics training.

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 1st of each year. The Commission on Ethics and Supervisors of Elections are required to certify after that time the names and positions held by persons who fail to file by the end of the grace period.

Because of recent changes in the financial disclosure laws, only those with the most 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, 2007, 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 98% overall compliance with the annual reporting requirement in 2007. On the local level, 20 counties reported 100% compliance in 2007.

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 1, 2007, the percentages of compliance, and comparable percentages from the previous year. Also listed is a chart which outlines filing compliance from 1985 to present.

FINANCIAL DISCLOSURE COMPLIANCE FIGURES

County	Timely Filers	Delinquent Filers	Total Filers	2007 Compliance Rate	2006 Compliance Rate
Alachua	308	8	316	97%	97%
Baker	51	0	51	100%	100%
Bay	302	2	304	99%	100%
Bradford	86	1	87	99%	100%
Brevard	904	20	924	98%	97%
Broward	2,123	52	2,175	98%	97%
Calhoun	30	0	30	100%	100%
Charlotte	168	0	168	100%	100%
Citrus	122	1	123	99%	100%
Clay	188	1	189	99%	99%
Collier	359	4	363	99%	99%
Columbia	92	0	92	100%	100%
Miami-Dade	1,497	91	1,588	94%	94%
Desoto	56	1	57	98%	96%
Dixie	38	2	40	95%	100%
Duval	369	7	376	98%	96%
Escambia	154	3	157	98%	99%
Flagler	189	5	194	97%	97%
Franklin	81	1	82	99%	100%
Gadsden	129	0	129	100%	99%
Gilchrist	41	0	41	100%	100%
Glades	43	0	43	100%	100%
Gulf	54	4	58	93%	100%
Hamilton	62	0	62	100%	100%
Hardee	74	0	74	100%	99%
Hendry	84	0	84	100%	100%
Hernando	109	5	114	96%	98%
Highlands	177	1	178	99%	99%
Hillsborough	1,128	77	1,205	94%	96%
Holmes	77	1	78	99%	99%
Indian River	223	1	224	100%	98%
Jackson	175	3	178	98%	100%
Jefferson	36	0	36	100%	100%
Lafayette	21	0	21	100%	100%
Lake	483	4	487	99%	99%
Lee	974	16	990	98%	98%
Leon	184	9	193	95%	96%
Levy	128	7	135	95%	94%
Liberty	15	0	15	100%	100%

FINANCIAL DISCLOSURE COMPLIANCE FIGURES					
County	Timely Filers	Delinquent Filers	Total Filers	2007 Compliance Rate	2006 Compliance Rate
Madison	80	0	80	100%	100%
Manatee	476	4	480	99%	99%
Marion	238	3	241	99%	100%
Martin	182	4	186	98%	98%
Monroe	196	0	196	100%	100%
Nassau	137	0	137	100%	100%
Okaloosa	351	5	356	99%	99%
Okeechobee	95	0	95	100%	99%
Orange	727	17	744	98%	98%
Osceola	199	2	201	99%	99%
Palm Beach	1,453	67	1,520	96%	95%
Pasco	288	2	290	99%	96%
Pinellas	1,195	10	1,205	99%	98%
Polk	626	31	657	95%	96%
Putnam	157	4	161	98%	99%
Saint Johns	253	2	255	99%	96%
Saint Lucie	218	7	225	97%	97%
Santa Rosa	162	2	164	99%	98%
Sarasota	384	10	394	97%	98%
Seminole	398	7	405	98%	99%
Sumter	152	1	153	99%	100%
Suwannee	82	0	82	100%	100%
Taylor	57	0	57	100%	98%
Union	31	10	41	76%	100%
Volusia	676	14	690	98%	97%
Wakulla	42	1	43	98%	100%
Walton	119	1	120	99%	99%
Washington	79	1	80	99%	98%
Total-Form 1-Local	20,387	532	20,919	97%	98%
Total-Form1-State	12,622	142	12,764	99%	98%
Total-Form 6	1,349	17	1,366	99%	99%
Total - Judges	1,159	0	1,159	100%	99%
Total -Senior Judges	142	0	142	100%	97%
Overall Total	35,659	691	36,350	98%	98%

¹ The 2007 compliance rate reflects compliance for the 2006 Form 1's and 2006 Form 6's, which were due no later than September 1, 2007.

² The 2006 compliance rate reflects compliance for the 2005 Form 1's and 2005 Form 6's, which were due no later than September 2, 2006.

FINANCIAL DISCLOSURE FILING COMPLIANCE (1985 - 2007)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
1985	27,758	1,136	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	2,091	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%
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%

Financial Disclosure Compliance History



Summary of Local Level Form 1 Compliance

- Total compliance rate for Form 1 Statement of Financial Interests was 98%.
- Of the 20,919 individuals required to file, 532 were delinquent as of September 1, 2007.
- 20 counties reported 100% compliance in 2007. This is down from 26 in 2006.

Summary of State Level Form 1 Compliance

- The Form 1 compliance rate was 99%.
- Of the 12,764 individuals required to file, only 142 were delinquent as of September 1, 2007. This is a decrease from the previous year's total of 173 delinquent filers.

Summary of Full Disclosure (Form 6) Compliance

- Form 6 Full and Public Disclosure of Financial Interests compliance rate for elected, constitutional officers and employees was 99%.
- There were only 17 delinquencies out of a total of 1,366 individuals required to file Form 6 (excluding judges).

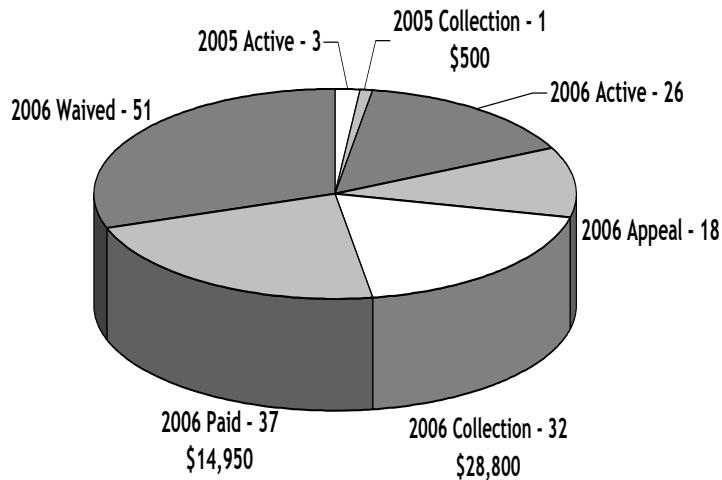
Summary of 2007 Overall Compliance

- As of September 1, 2007, out of the 35,659 individuals required to file disclosure, there were only 691 (2%) officers and employees who failed to do so.
- The 2007 total of 35,659 officials (including judges) required to file disclosure represents a decrease of 66 individuals from 2006.

Financial Disclosure Fine Appeals

Individuals who were delinquent in filing the 2006 disclosure form, which was due no later than September 1, 2007,* were fined \$25 per day for each day late, up to a statutory maximum of \$1,500. 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 appropriate disclosure form on time.

The Commission took action on 168 fines assessed in 2007. The following reflects disposition of the cases and includes fines handled under appeal; fines paid without filing an appeal; fines handled in 2007 for previous calendar years; and fines forwarded to the Department of Financial Services for collection:



Year 2006

- 51 Fines totaling \$54,225 waived by action of Commission on Ethics
- 37 Fines totaling \$14,950 paid in full
- 32 Fines totaling \$28,800 transmitted to DFS for collection
- 18 Appeals - Pending
- 26 Active (payment agreements, notice issues, etc.)

Year 2005

- 3 Active
- 1 Fine totaling \$500 transmitted to DFS

* 2006 disclosure forms were due no later than September 1, 2007. Appeals for those delinquencies will be filed in 2007 and reported in the Annual Report for calendar year 2008.

2008 Legislative Recommendations

Blind Trusts

- The Commission recommends that the Legislature allow personal investments made by the Governor, Lt. Governor, or a Cabinet member be held in a blind trust that cannot be controlled by the official and provide that interests held in a blind trust will not create conflicts of interest prohibited under the ethics laws.

Business Entities Serving as the Chief Executive Officer of a Political Subdivision

- Officers and employees of business entities that have contracted to serve as the chief executive officer of a political subdivision are not subject to any of the ethical standards that apply to public officers and employees, even though they are acting in a public capacity and exercising governmental authority. Therefore, the Commission recommends that the Legislature apply the standards of conduct set by Section 112.313, Florida Statutes, the limited financial disclosure law created in Section 112.3145, Florida Statutes, and the gift and honoraria laws provided in Sections 112.3148 and 112.3149, Florida Statutes, to the business entity's officers, directors, chief executive officer, and any other employee who is acting as the chief administrative or executive officer or employee of the political subdivision.

Financial Disclosure

- The Commission recommends that the following local government officials be required to file limited financial disclosure under Section 112.3145, Florida Statutes: members of community redevelopment agency boards and finance directors of cities, counties, and other political subdivisions.
- Also, for purposes of the limited financial disclosure under Section 112.3145, the Commission recommends that the Legislature require that the filing persons specifically designate on the form which method of reporting they are using.

Executive Branch Lobbyist Registration and Reporting

- Currently, the penalties and prohibitions applicable to Legislative lobbyists are not identical to those which are applicable to Executive Branch lobbyists. Therefore, the Commission recommends that the Legislature amend Section 112.3215, Florida Statutes, to track the language provided in Section 11.045, Florida Statutes.

Gift Law

- The gift and honoraria laws contained in Sections 112.3148 and 112.3149, Florida Statutes, apply to executive and judicial branch employees who fall within the category of “procurement employees.” The definition of “procurement employee” is very broad and has proven difficult to apply over the years, so the Commission recommends that the Legislature amend this definition to clarify and make more specific the employees who are subject to these laws.
- Under the gift law, a reporting individual or procurement employee is prohibited from taking most gifts worth over \$100 from someone who has lobbied their agency within the past 12 months or from the employer or principal of such a lobbyist. In the executive branch, however, many agencies think in terms of who is a “vendor” doing business with their agency, rather than who is a “lobbyist.” Therefore, the Commission recommends that the Legislature apply the gift and honoraria laws to vendors as well as to the employers and principals of lobbyists.

Voting Conflicts Law

- Currently, the voting conflicts law in Section 112.3143, Florida Statutes, allows elected and appointed local government officials to participate in trying to influence their agency’s decision, even though they have a voting conflict of interest that requires them to abstain from voting on the issue. The Commission recommends that the Legislature amend the law to require these officials to clearly disclose their conflicts before they can make any attempt to influence the matter, if they have a voting conflict sufficient to require them to abstain from voting on the matter.
- Also, the Commission recommends that the statute be amended to make it clear that the official who is faced with a voting conflict of interest disclose to the public all of his or her conflicting interests in the matter.

Definition of “Business Entity”

- New forms of business entities are allowed by the Legislature from time to time. Currently, the definition of “business entity” used in the Code of Ethics does not specifically include a “limited liability company.” Although the definition may be broad enough to encompass such vehicles, the Commission recommends that the definition of “business entity” in Section 112.312(5), Florida Statutes, be amended to include any “company.”

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Anti-Nepotism Law

- The anti-nepotism law, in Section 112.3135, Florida Statutes, prohibits a relative of a public official from being appointed, employed, promoted, or advanced by the public official or by the collegial body of which the official is a member. Currently, the public official can be sanctioned under the Code of Ethics if this occurs. The Commission recommends that both the relative and the official be held responsible, unless the action is taken by the collegial body of which the official is a member and the official does not participate in the matter.

Local Government Attorneys

- Over the past several years, the Commission has reviewed situations where local public officials acted on erroneous advice from their local government attorneys. The Commission is very concerned that officials may believe that they can rely on legal advice about their obligations under the ethics laws even though the attorney’s client is the governmental agency and not the individual public official. To make this as clear as possible to agency officials and employees, the Commission proposes that the law require a local government attorney to warn the official or employee that one may be penalized even if relying on the advice of the local government attorney on an ethics matter.