

*Annual Report  
to the  
Florida Legislature  
For Calendar Year 2014*



*By the  
State of Florida  
Commission on Ethics*

*Table of Contents*

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MESSAGE FROM THE CHAIR ..... ii

2014 COMMISSION MEMBERS ..... 1

INTRODUCTION & HISTORY ..... 2

ORGANIZATION..... 4

    Ethics Commission Staff ..... 4

FISCAL REPORT ..... 7

OPERATIONS..... 8

    Complaints ..... 8

    Executive Branch Lobbyist Registration..... 12

    Advisory Opinions ..... 13

    Education..... 14

    Financial Disclosure ..... 17

LEGISLATIVE RECOMMENDATIONS ..... 23

## *Message from the Chair*

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This past year, the Commission began implementing the changes to the ethics laws that were approved by the Legislature in its 2013 session in what some call the "first major overhaul of the State's ethics laws in more than three decades." Such changes (including the limited ability of the Commission to accept referrals for investigation of complaints, the requirement that state officials receive formal ethics training, the extension of the statute of limitations for seeking payment of assessed fines, and modifications of certain disclosure rules) were generally lauded as a big step in the right direction toward improving Florida's reputation in ethics reform and putting it back in a leadership role among the states. While it is clear that the recent changes in the law did not go far enough for some people, opinions on the changes were generally very favorable.

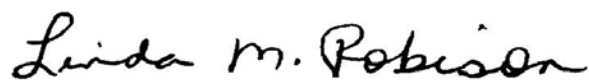
Thus, we began 2014 with optimism that ethics reform would continue and appreciation for the bipartisan support of the Legislature in implementing many of the proposals presented by the Commission. However, this optimism was apparently not shared with everyone, and unfortunately, from this perception of progress, others saw an opportunity to attempt to use the Commission to score political points or advance personal agenda. This is evident from recent public statements of respected members of the community and a past chair of this Commission questioning the usefulness of the Commission and the independence of its members.

In its September 12th meeting, the Commission honored the memory of Governor Reubin Askew, and presented Mrs. Askew with a proclamation of our thanks for his foresight over 40 years ago in the passage of the Sunshine Amendment, the placement of the Florida Commission on Ethics in the Constitution, and his commitment to fostering ethical behavior in public officeholders. The negative sentiments of some, which largely have gone unchallenged, are not only disrespectful to Commission Members and their dedicated staff of investigators, attorneys and other staff members who continually show their commitment to honoring the legacy of Governor Askew, but also display a general lack of knowledge of what the Commission does. While one can wonder about the motives of individuals making such negative statements, it is clear that none of such persons has seen the Commission in action in recent years. No one who has attended or listened to a public session of any Commission meeting could doubt the usefulness of the Commission or the independence of its members.

With respect to the foregoing, in addition to implementing changes in its forms and rules to reflect the recent changes in the law, the Commission continued its work in the establishing online educational programs and conducting seminars on the ethics laws for hundreds of attendees, posting disclosure filings, and addressing the 247 complaints brought before it. Also, the Commission has this year been asked to largely take over from the State's Chief Financial Officer fine collection responsibilities and the tracking of fines assessed and to investigate those who fail to file – an endeavor which will almost double the Commission's investigative workload. The Commission has also worked assiduously on a proposal to provide for the online filing of financial disclosure reports and has devoted a substantial portion of its resources to the creation of an online lobbyist registration system. These projects have required massive updates to the Commission's information technology, and the Commission is diligently working with the Office of Legislative Information Technology Services to rewrite and update the necessary systems. Finally, one of the most important duties of the Commission is to respond to citizens' requests for advisory opinions. These requests have significantly increased in recent years: the Commission addressed 23 advisory opinions in 2012, 28 in 2013, and 32 in 2014. The issuance of these opinions, which is of obvious and significant value to the citizens of Florida, involves substantial research and preparation by a dedicated group of attorneys who view their role as not just to provide a "yes" or "no" answer to an inquiry under the ethics laws (some of which are necessarily complex), but also to offer advice for future compliance. This, along with the Commission staff's 145 letter or email responses offering informal guidance is a service, the value of which few could deny.

On a personal note, the competence, professionalism, hard work and dedication of the 27 state employees at the Commission who diligently work to implement the disclosure rules and administer the ethics laws passed by the Legislature has been nothing short of inspirational. These individuals deserve the respect and support of all citizens of Florida, and I encourage each member of the Legislature to support the Commission and provide its staff with the means and resources to continue to serve at the highest levels. You will not be disappointed.

Yours truly,



Linda M. Robison

Chairman Florida Commission on Ethics

## *2014 Commission Members*

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**LINDA M. ROBISON, *Chair***

Pompano Beach - Attorney (R)  
Term expires June 2015  
Reappointed by Governor Rick Scott

**STANLEY WESTON, *Vice Chair***

Jacksonville - Attorney (D)  
Term expires June 2015  
Reappointed by Governor Rick Scott

**MICHELLE ANCHORS**

Ft. Walton Beach - Attorney (D)  
Term expires June 2016  
Reappointed by Senate President Don Gaetz

**MATTHEW F. CARLUCCI**

Jacksonville - Insurance Agent (R)  
Term expires June 2014  
Reappointed by Governor Rick Scott

**MICHAEL COX**

Trinity - Financial Planner (D)  
Term expires June 2016  
Appointed by Speaker of the House Will Weatherford

**I. MARTIN FORD**

Vero Beach - Retired (R)  
Term expires June 2015  
Reappointed by Governor Rick Scott

**TOM FREEMAN**

DeBary - Retired Judge (R)  
Term expires June 2016  
Reappointed by Senate President Don Gaetz

**WILEY HORTON**


Tallahassee - Attorney (R)  
Term expires June 2016  
Appointed by Speaker of the House Will Weatherford

**SUSAN HOROVITZ MAURER**

Ft. Lauderdale - Attorney (D)  
Term expires June 2015  
Reappointed by Governor Rick Scott

# *Introduction & History*

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ection 112.322(8), Florida Statutes, requires the Florida Commission on Ethics to "submit to the Legislature from time to time a report of its work and recommendations for legislation deemed necessary to improve the code of ethics and its enforcement." This report has been provided to the Legislature on an annual basis since 1974. The publication of this document is intended to inform the Legislature and the public of the Commission's work during the calendar year 2014.

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 38,181 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*

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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 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 24 full-time equivalent positions.

Virindia Doss, Executive Director

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



## *Legal Section*

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

Legal services are provided both by staff and by Assistant Attorney General Melody Hadley, who has been assigned by the Attorney General to act as full-time Advocate for the Commission.

### *Legal Staff*

Betsy Daley, Senior Attorney  
Grayden Schafer, Senior Attorney  
Steven Zuilkowski, Attorney  
Caroline Klancke, Attorney  
Lindsey Smith, Administrative Assistant  
Diana Westberry, Executive Secretary

## *Investigative Section*

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

### *Investigative Staff*

Robert G. Malone, Senior Investigator  
A. Keith Powell, Senior Investigator  
Tom W. Reaves, Investigator  
Harry B. Jackson, Investigator  
K. Travis Wade, Investigator  
Ronald D. Moalli, Investigator  
Roberto Anderson-COrdova, Investigator

## *Financial Disclosure Section*

The Program Administrator, under the supervision of the Executive Director, responds to questions about the disclosure laws and compiles a list of the persons statewide who are required to file either Form 1 or Form 6 financial disclosure. These 38,181 reporting officials and employees were notified of their filing requirements in 2014 by the Commission and by the Supervisors of Elections.

### *Financial Disclosure Staff*

Shirley A. Taylor, Program Administrator

Kimberly Holmes, Program Specialist

Emily Prine, Executive Secretary

Carolyn Carbonell, Executive Secretary

## *Operations and Communications*

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

### *Operations and Communications Staff*

Kerrie J. Stillman, Director of Operations and Communications

Millie Fulford, Complaint Coordinator

## *Administrative and Clerical Section*

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

### *Administrative and Clerical Staff*

Lynn Blais, Assistant to the Executive Director

Frances Craft, Office Manager

Dianne Wilson, Clerk (half-time)

Corey Smith, Clerk (half-time)

# Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2014.

## BUDGET AND ACTUAL - GENERAL REVENUE FUNDS For The Fiscal Year Ending June 30, 2014 (Amounts in dollars)

	Ethics General Revenue		Variance- Favorable (Unfavorable)
	Budget	Actual	
<b>Revenues:</b>			
Released General Revenue Appropriations	\$2,590,545	\$2,590,545	\$0
Fines*	0	94,220	94,220
Miscellaneous Receipts	0	841	841
<b>Total Revenues</b>	<b>\$2,590,545</b>	<b>\$2,685,606</b>	<b>\$95,061</b>
<b>Expenditures:</b>			
Salaries and Related Benefits	\$1,854,949	\$1,782,495	\$72,454
Other Personal Services	340,103	285,728	54,375
Expenses	233,448	205,423	28,025
Operating Capital Outlay	0	0	0
Ethics Commission Lump Sum	5,943	0	5,943
Transfers to Administrative Hearings	52,991	52,991	0
Risk management insurance	3,111	3,111	0
Legislative Carryforward **	702,849	27	702,822
Nonoperating***	100,000	110	99,890
<b>Total Expenditures</b>	<b>\$3,293,394</b>	<b>\$2,329,885</b>	<b>\$963,509</b>
Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures	(\$702,849)	\$355,721	\$1,058,570
<b>Budgetary Fund Balance, June 30, 2014</b>		<b>\$355,721.00</b>	
<b>Adjustment for Fines*</b>		<b>(\$94,220.00)</b>	
<b>Adjustment for Nonoperating***</b>		<b>(\$99,890.00)</b>	
<b>Adjustments for Carryforward Expenditures**</b>		<b>\$27.00</b>	
<b>Adjusted Budgetary Fund Balance, June 30, 2014</b>		<b>\$161,638.00</b>	

### EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES: \$ 228,430  
FINES: \$ 7,100

\* Fines are recorded as Collection to General Revenue and 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 current appropriations.

\*\*\* Nonoperating Budget is budget set 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. The information below is offered to provide a profile of the Commission's workload.

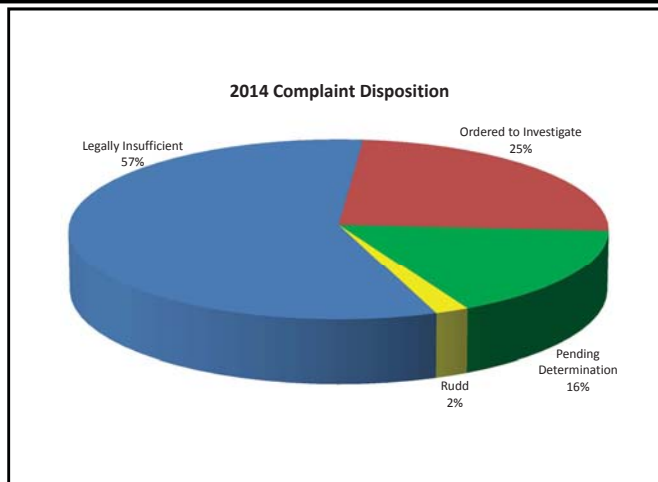
## Complaints

### Statistical Summary of Complaints and Referrals Filed January 1, 2014 through December 31, 2014

Total number of complaints and referrals filed in 2013 . . . . . 261

<b>POSITION</b>	<b>NUMBER OF COMPLAINTS</b>	<b>PERCENT OF TOTAL</b>
State Elected	22	8.4%
State Appointed	9	3.4%
State Employee	56	21.5%
District Elected	16	6.1%
District Appointed	1	0.4%
District Employee	14	5.4%
County Elected	41	15.7%
County Appointed	4	1.5%
County Employee	23	8.8%
Municipal Elected	46	17.6%
Municipal Appointed	8	3.1%
Municipal Employee	14	5.4%
Judicial Elected	1	0.4%
Judicial Employee	2	0.8%
Lobbyist	2	0.8%
Candidate	2	0.8%
<b>TOTAL</b>	<b>261</b>	<b>100.0%</b>

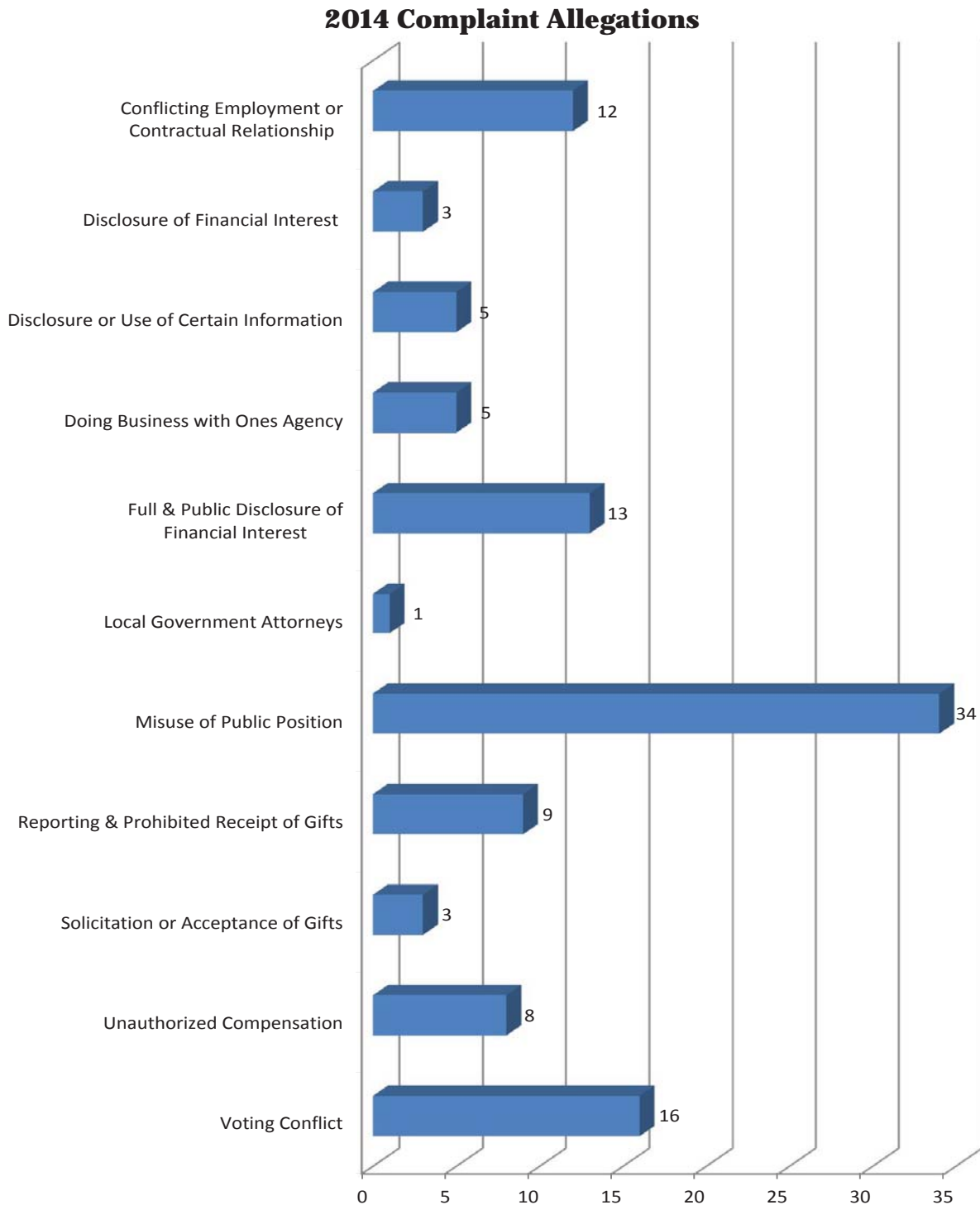
Of the 261 complaints and referrals received in 2014, 149 were dismissed for lack of legal sufficiency; 5 were dismissed because the public interest would not be served by proceeding further (Rudd Amendment); 64 were ordered to be investigated; and 43 were pending legal sufficiency determination.



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

# Allegations

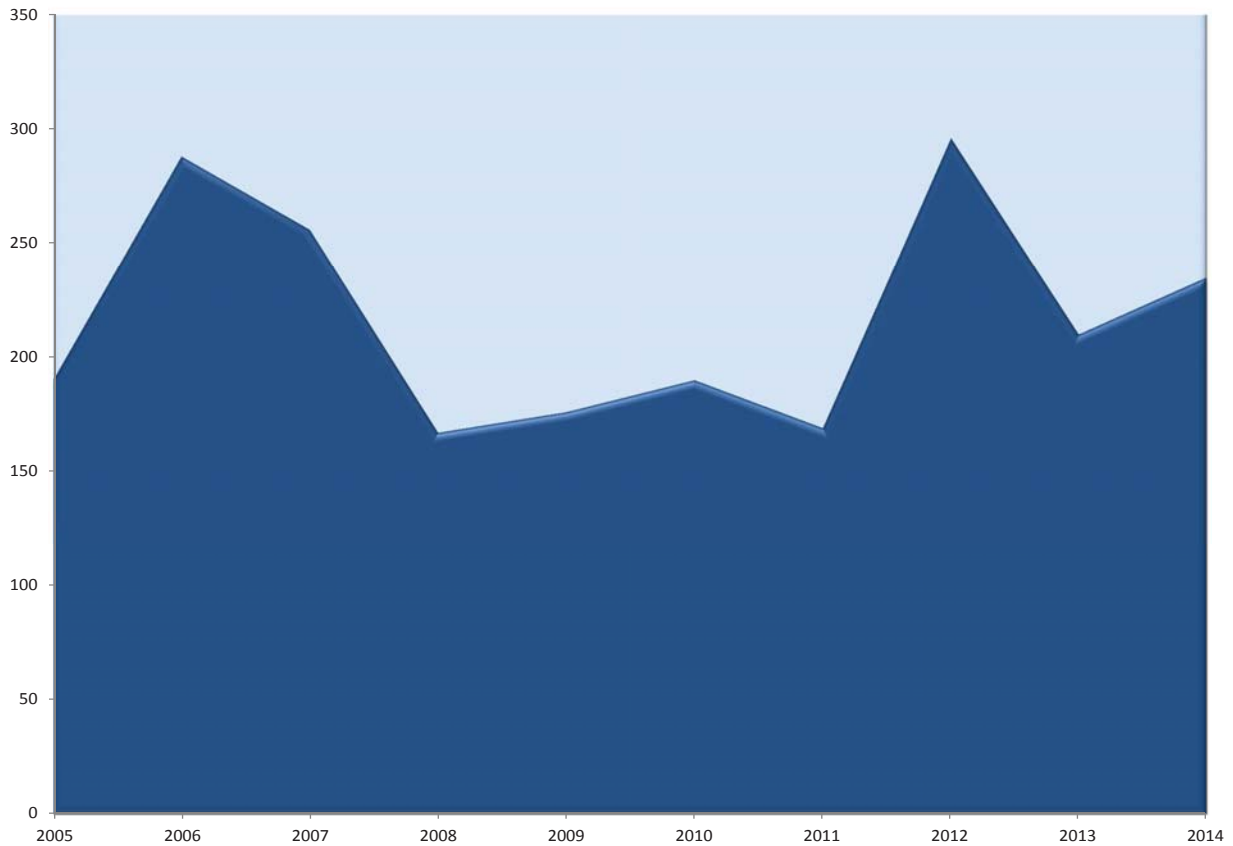
Of the 261 complaints and referrals received in 2014, 64 were ordered to be investigated as of December 31, 2014. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below.



Ten Year History of Complaints

2014.....	261
2013.....	210
2012.....	296
2011.....	169
2010.....	190
2009.....	176
2008.....	167
2007.....	256
2006.....	288
2005.....	190

*Complaint History*



## Actions Taken on Complaints in 2014

In addition to handling the 261 new complaints and referrals received in 2014, 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 2014 on all active complaints.

Dismissed for lack of legal sufficiency.....	165
Motions to Dismiss (Rudd Amendment) * .....	7
Insufficient/Rudd Amendment* .....	2
Probable cause hearings held.....	51
No probable cause - dismissed.....	36
Probable cause - pending public hearing or stipulation .....	12
Probable cause - no further action taken.....	3
Request for withdrawal of complaint.....	1
Request granted.....	0
Request denied.....	1
Public hearings at Division of Administrative Hearings .....	3
Violation.....	1
No violation.....	2
Remand to Division of Administrative Hearings.....	1
Stipulated settlement agreements.....	14
Violation.....	14
Costs and attorney's fees petitions .....	3
Insufficient petition - dismissed.....	3
Hearing at Division of Administrative Hearings.....	0
<b>TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS .....</b>	<b>247</b>

\* 112.324(12), F.S. the commission may, at its discretion, 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*

The Commission is charged with administering the Executive Branch Lobby Registration Act and oversees the registration and compensation report filings of executive branch lobbyists. Jackie McLemore serves as the Registrar, with Kathleen Wilcox serving as a part-time administrative assistant.

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."

### *2014 Summary of Activity*

Total number of registered executive branch lobbyists .....	1,579
Total number of executive branch lobbying firms .....	380
Total number of principals represented by the lobbyists.....	9,104
Percent <i>increase</i> in number of principals from 2013 to 2014.....	8.9%
Total number of firms delinquent in filing their compensation reports	
January - March 2014.....	7
March - May 2014 .....	10
July - September 2014 .....	10
<i>(Filing deadline for fourth period is February 2015)</i>	
Total number of firms assessed a fine in 2014	
First quarter 2014 .....	2
Second quarter 2014.....	6
Third quarter 2014.....	4
Number of appeals considered by the Commission in 2014 .....	0

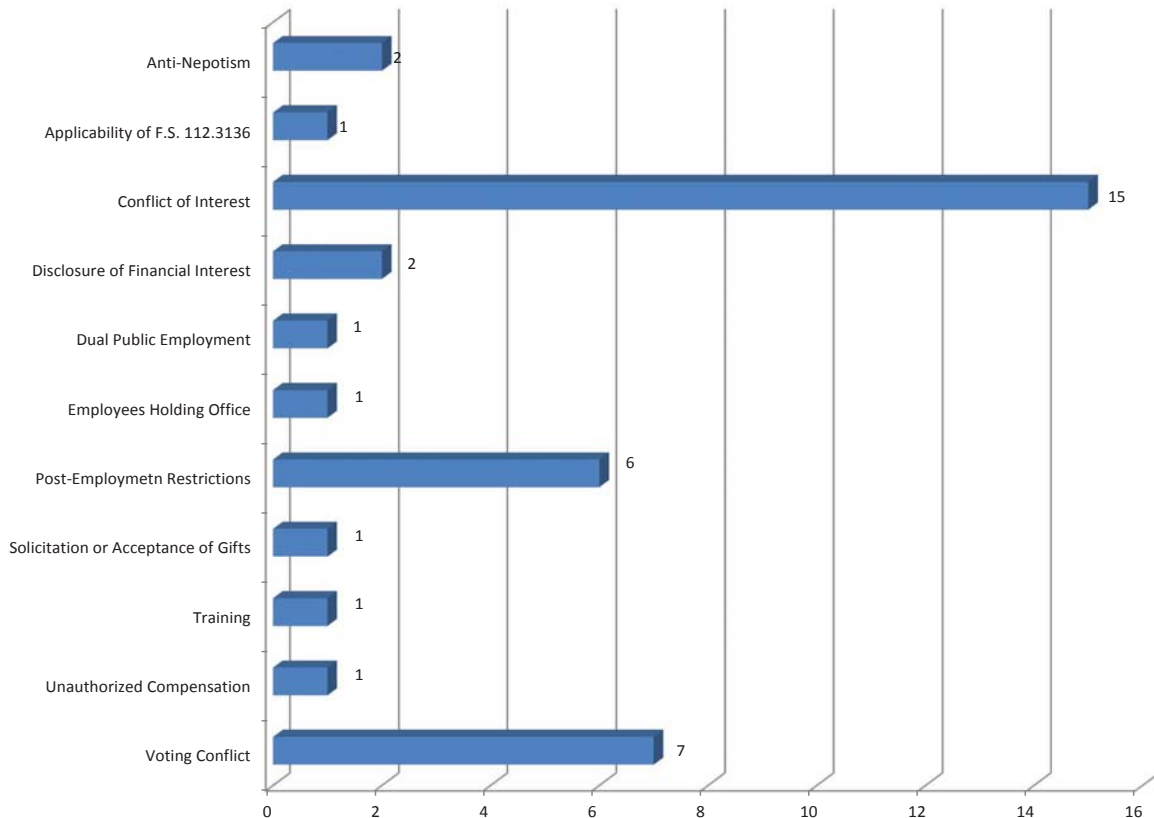


## *Advisory Opinions*

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 2014, the Commission on Ethics issued 32 advisory opinions, bringing the total issued since 1974 to 2,571.

Twenty of the opinions rendered in 2014 were in response to requests by local officers, employees, or local government attorneys, and another twelve 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 2014. A number of opinions addressed more than one aspect of the ethics laws.

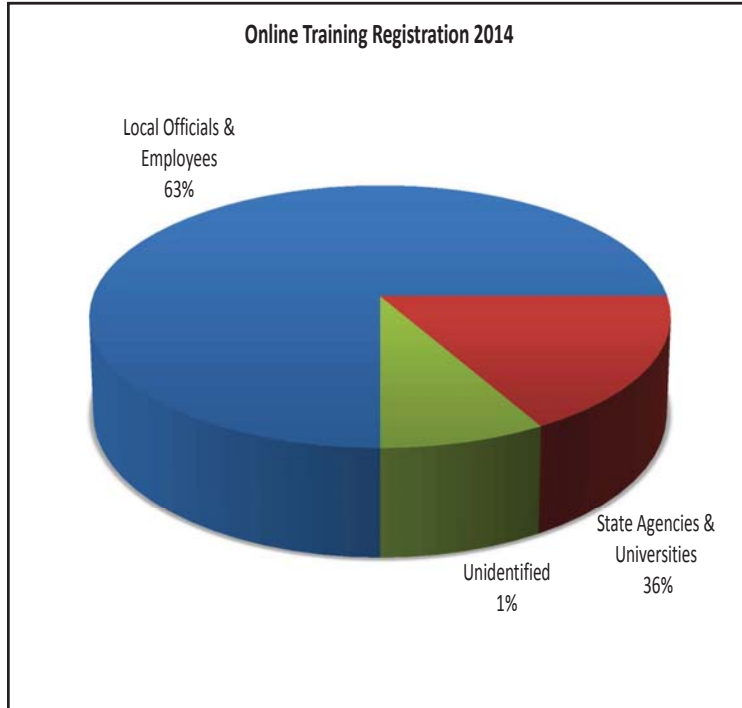


All Commission advisory opinions, from 1974 to present, can be accessed and researched without cost on our website: <http://www.ethics.state.fl.us>.

## *Training & Education*

Four hours of ethics training is required for all Constitutional officers and beginning in 2015 elected municipal officers also will be required to have training each year. The Ethics Commission staff held a successful two-day conference in September that was attended by public officers and employees from all over the state. Attendees were able to participate in interactive, in-depth sessions on the Code of Ethics, public records and open meetings.

Also available from the training page of the Commission's website are the latest administrative rules and formal ethics opinions issued on the recently enacted mandatory training requirements. From that page, individuals can access free training audio and video, as well as a listing of live training opportunities conducted by a member of the Commission's staff. Since 2000, a comprehensive online training course on ethics, sunshine law, and public records is available through a partnership with The John Scott Dailey Florida Institute of Government at Florida State University.



In 2014, 177 individuals registered for the online training course, with 177 completing the training by the end of the year. Of the registrants, 133 were local officials and employees, 30 were State agencies/Universities personnel, and 14 were unidentified (or private sector). A total of 3,940 public officers and employees have completed the course since its inception in 2002.

## *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. Whenever possible, as personnel and resources are available, the Commission staff conducts training for public officials throughout the state. Commission staff presented educational programs to the following groups and organizations during 2014:

- Department of Children and Families Attorneys
- Tax Collectors continuing education hosted by the Department of Revenue
- Florida Bar's Sunshine Law, Public Records and Ethics Seminar
- Department of Revenue Education for Tax Collectors
- Florida Association of Property Appraisers
- Osceola County Tax Collectors Employees
- Florida Public Pension Trustees Association
- Florida Bar Administrative Law Section's webcast series
- Property Appraisers Association
- Association of Government Accountants Conference
- Florida Government General Counsels Association
- Florida Association of Counties
- Advanced Government and Administrative Practice CLE
- City, County, and Local Government Law Section
- Police and Firefighters' Pension Trustee School
- Continuing Education Workshop for Property Appraisers
- City and County Management Association
- Florida Sheriffs Association Commander's Academy
- Florida Association of Special Districts Conference
- Florida Association of County Attorneys Conference
- Florida Association of Counties Conference
- Department of Revenue's Tax Collectors Certification Course

- Attorneys and Employees of the Department of Revenue
- Florida Association of Professional Lobbyist
- New Motor Vehicle Arbitration Board
- 2014 Pat Dore Administrative Law Conference
- Broward County School Board
- 2014 Ethics Conference
- Escambia County Employees
- Leon County Employees' Leadership Team
- Florida Association of Counties
- 40th Annual Public Employment Labor Relations Forum
- The Florida Bar's Education Law Committee Webinar
- Young African Leaders
- Office of Financial Regulation

## *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(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.

Only those persons with more meaningful positions are required to file annual disclosure. Those who did not file their annual disclosure form (either Form 6 or Form 1) by September 2, 2014, 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*

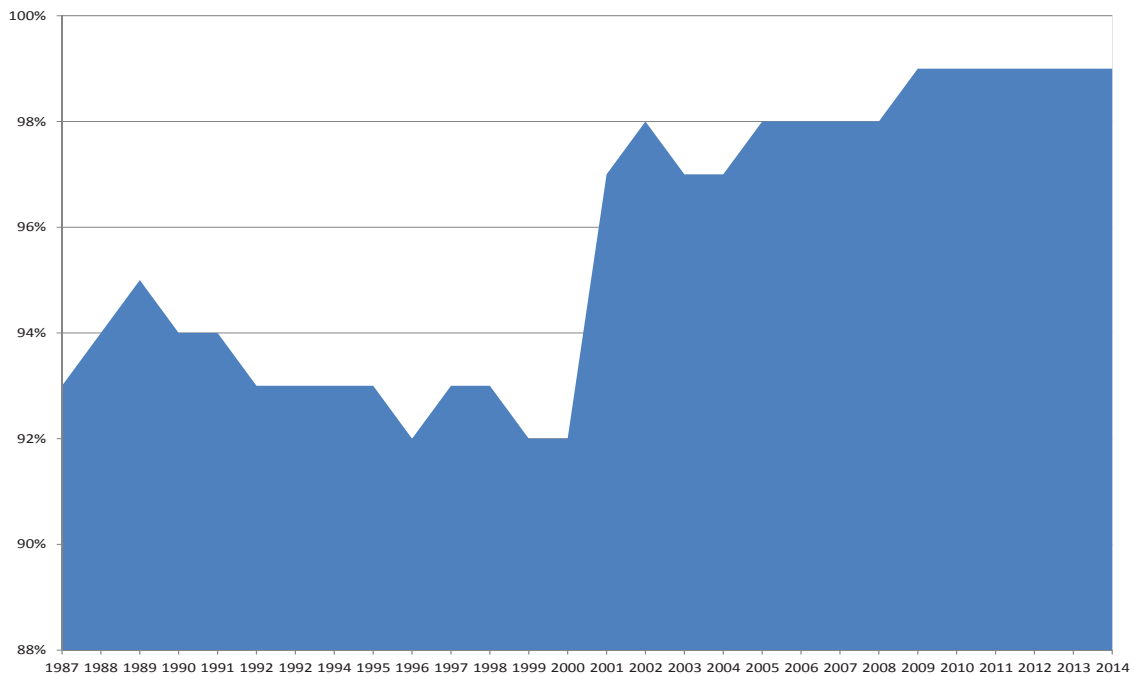
There was 99% overall compliance with the annual reporting requirement in 2014. On the local level, 29 counties reported 100% compliance in 2014. The following table reflects on a county-by-county basis the number of officials and employees subject to disclosure, the number delinquent, and the percentages of compliance. Also provided is a chart which outlines filing compliance from 1987 to present.

Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	2014 Compliance Rate
Alachua	5	332	337	98.5%
Baker	0	49	49	100.0%
Bay	2	277	279	99.3%
Bradford	0	70	70	100.0%
Brevard	7	947	954	99.3%
Broward	29	2221	2250	98.7%
Calhoun	0	44	44	100.0%
Charlotte	1	147	148	99.3%
Citrus	1	119	120	99.2%
Clay	0	214	214	100.0%
Collier	2	365	367	99.5%
Columbia	0	106	106	100.0%
Desoto	1	60	61	98.4%
Dixie	0	39	39	100.0%
Duval	0	351	351	100.0%
Escambia	2	162	164	98.8%
Flagler	1	173	174	99.4%
Franklin	0	77	77	100.0%
Gadsden	3	120	123	97.6%
Gilchrist	0	38	38	100.0%
Glades	0	37	37	100.0%
Gulf	0	63	63	100.0%
Hamilton	1	60	61	98.4%
Hardee	0	67	67	100.0%
Hendry	0	99	99	100.0%
Hernando	0	103	103	100.0%
Highlands	0	161	161	100.0%
Hillsborough	6	1240	1246	99.5%
Holmes	0	66	66	100.0%
Indian River	2	237	239	99.2%
Jackson	1	191	192	99.5%
Jefferson	0	42	42	100.0%
Lafayette	0	15	15	100.0%
Lake	3	471	474	99.4%
Lee	10	1022	1032	99.0%
Leon	4	237	241	98.3%
Levy	1	118	119	99.2%
Liberty	0	21	21	100.0%
Madison	3	86	89	96.6%
Manatee	3	514	517	99.4%

Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	2014 Compliance Rate
Marion	3	228	231	98.7%
Martin	0	179	179	100.0%
Miami-Dade	49	2169	2218	97.8%
Monroe	0	205	205	100.0%
Nassau	0	142	142	100.0%
Okaloosa	2	336	338	99.4%
Okeechobee	0	72	72	100.0%
Orange	8	885	893	99.1%
Osceola	1	253	254	99.6%
Palm Beach	15	1451	1466	99.0%
Pasco	1	365	366	99.7%
Pinellas	2	1181	1183	99.8%
Polk	7	657	664	98.9%
Putnam	0	144	144	100.0%
Saint Johns	0	258	258	100.0%
Saint Lucie	0	256	256	100.0%
Santa Rosa	0	210	210	100.0%
Sarasota	6	394	400	98.5%
Seminole	0	467	467	100.0%
Sumter	1	158	159	99.4%
Suwannee	0	56	56	100.0%
Taylor	1	59	60	98.3%
Union	1	43	44	97.7%
Volusia	0	641	641	100.0%
Wakulla	0	54	54	100.0%
Walton	1	132	133	99.2%
Washington	1	79	80	98.8%
TOTAL-Form 1 Local	187	21,835	22,022	99.2%
TOTAL-Form 1 State	50	13,522	13,572	99.6%
TOTAL-Form 6 (Not Judges)	8	1,397	1,405	99.4%
TOTAL-Non-Judicial Filers	245	36,754	36,999	99.3%
TOTAL-Judges (Active)	1	986	987	99.9%
TOTAL-Judges (Senior)	3	192	195	98.5%
OVERALL TOTAL	249	37,932	38,181	99.3%

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

Financial Disclosure Compliance History





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

- Total compliance rate for Form 1 Statement of Financial Interests was 99%. 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 22,022 individuals required to file, 187 were delinquent.
- 29 counties reported 100% compliance in 2014.

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

- The Form 1 compliance rate was 99.6%. Postcard and telephone reminders also were used with these filers.
- Of the 13,572 individuals required to file, 50 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 99.4%. Postcard and telephone reminders also were used with these filers.
- There were only 8 delinquencies out of a total of 1,405 individuals (excluding judges) required to file Form 6.

### **Summary of 2014 Overall Compliance**

- Out of the 38,181 individuals non-judicial financial disclosure filers, there were only 249 (less than 1%) officers and employees who failed to do so.

## *Financial Disclosure Fine Appeals*

Individuals who were 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 date 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 eight regularly scheduled meetings held during calendar year 2014. (The fines for late filings in 2014 recently have been assessed and will be reported in 2015).

<b>Financial Disclosure Appeals 2014 Actions of Commission on Ethics</b>				
<b>COMMISSION MEETING</b>	<b>WAIVED</b>	<b>DENIED</b>	<b>DEFAULT ORDERS APPROVED</b>	<b>UNCOLLECTIBLE WRITE-OFFS</b>
January 24, 2014	21	6	0	4
March 7, 2014	16	3	12	1
April 25, 2014	30	3	0	0
June 6, 2014	3	0	18	0
July 25, 2014	3	1	0	0
September 12, 2014	3	3	32	0
October 24, 2014	0	0	0	1
December 12, 2014	5	0	0	0

# *2014 Legislative Recommendations*

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## Conflicts of Interest

- Section 112.313(7)(a), the conflict of interest law, prohibits an official from having certain contractual relationships. But corporations and various other entities are viewed as separate legal persons from those who own or control them. This creates a loophole which may allow an official's wholly-owned, one-man corporate entity to do things the official himself could not—such as have a contractual relationship with a company doing business with his agency. To close this loophole, the Commission recommends changing the law to apply the prohibition not only to officials, but to any legal entity the official controls.

## Recovery of Fines

- The problem of officials who fail to pay the automatic fines they receive for failing to make financial disclosure is well-documented. The 2013 Legislature gave the Commission the ability to make salary withholdings and garnish wages, and extended the statute of limitations to 20 years. As a complement to these tools, the Commission proposes further amending the law to allow it to record its final orders in these matters as liens on the debtor's real and personal property.

## Increase Penalties & Change Standard for Awarding Attorney's Fees against Complainants

- A 2013 change to the law allows filers 30 days to correct a "de minimis" error or omission, but it is not clear what is to be considered "de minimis" and what is not. The Commission recommends the Legislature specify what is meant by "de minimis" to aid the Commission in implementing this section.
- Section 112.3145 provides two ways in which Form 1 filers can disclose their income, intangible personal property, and liabilities. The "dollar value threshold" method requires reporting based on a fixed threshold; for example, an official reports the source of gross income over \$2,500. The "comparative (percentage) threshold" method requires reporting based on a calculation; for example, an official reports the source of income which exceeded 5% of his gross income.

The comparative percentage threshold method is complicated and confusing to users, requires a great deal of explanation in the instructions and by staff, and in most cases is less informative to the public than the dollar value threshold method. As such, the Commission recommends eliminating the percentage threshold method.

#### Voting Conflicts Law

- The Commission recommends the law regarding voting conflicts be changed to prohibit local officials from making any attempt to influence a decision in which they have a conflict, including making any attempt to influence staff about the matter, or to use staff members to influence the outcome of that matter. This would address situations in which local officials participate in discussions and attempt to influence agency decisions even though they have a voting conflict that precludes them from later voting on the matter.
- The Commission also recommends that the voting conflict standard for appointed State officials be changed to mirror the standard for local officials.

#### Anti-Nepotism Law

- The Commission has seen situations where a public official's relative was appointed or hired to a position by the board on which the official served, with the official abstaining from voting. It recommended that the law be amended to hold the relative who was improperly appointed or hired responsible under these circumstances.