

*Annual Report
to the
Florida Legislature
For Calendar Year 2016*



*By the
State of Florida
Commission on Ethics*

Table of Contents

MESSAGE FROM THE CHAIR ii

2016 COMMISSION MEMBERS 1

INTRODUCTION & HISTORY 2

ORGANIZATION..... 4

 Ethics Commission Staff 4

FISCAL REPORT 8

OPERATIONS..... 9

 Complaints 9

 Executive Branch Lobbyist Registration..... 13

 Advisory Opinions 14

 Education..... 15

 Financial Disclosure 18

LEGISLATIVE RECOMMENDATIONS 24

Message from the Chair



want to take this opportunity to make a few observations. First, thank you to Governor Rick Scott for the appointment to the Florida Commission on Ethics. This has been, to me, a high honor. It has also been, and likewise, an honor to have learned from and served with some of the finest and most highly qualified public servants I have ever known, prior and present. We as a group are way more than fortunate to be served by an Executive Director who is second to none, Virilindia Doss, the distinguished General Counsel Chris Anderson, and tireless supporting attorneys, staff, and team members, including our Advocates, of true dedication and excellence to the noble purposes of ethical government.

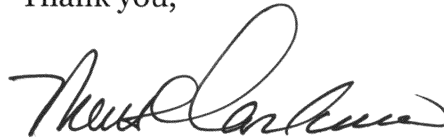
In 1976, then-Governor Reubin Askew reformed our state government with the goal of a new paradigm of integrity and high ethical standards. It was out with back room politics of the "pork chop gang" and in with the Sunshine Amendment—the foundation of Florida's open-government laws and the Florida Commission on Ethics, the very Commission of which we are the guardians, now 40 years later.

Over the holidays I was reminded of the lesson of the iconic movie, *It's a Wonderful Life*. You remember, it is the story of how the life of George Bailey really did matter, even though he thought it did not, and what would have happened to the sleepy town of Bedford Falls had he not lived. I now ask the question, based on the lesson of that story, what would the ethical condition and culture be of Florida's politics had the Florida Commission on Ethics not been made an independent Constitutional body by then-Governor Askew? What would the politics of Florida be, if we and others past, did not serve in our capacities as Commissioners? Before we attempt to answer, let me also ask, are we always right? Probably not. Do we always strive, even with our disagreements during discussions, to promote the expectation of ethics in our elected and appointed officials? We can easily answer this with a resounding yes. If this Commission did not exist, with its powers of

investigation, adjudication, and ever-present deterrence, thousands of ethical violations and trespasses of good government would have occurred and sapped any confidence the public has left in the political process. The Florida Commission on Ethics matters. It really matters.

To the next Chair, current members, and future members to come, I say this is not just an ordinary appointment, but a chance to participate in a cause to make our little slice of the union a little more perfect. That means being bold and working towards further reforms, because we are not yet perfect. It is my hope this simple little message reminds us in some way of our very large and noble responsibility to the people and future generations of the Great State of Florida. Lastly, thank you for indulging me to share this message and the honor to serve as Chair. So I finish with best wishes to all in our new year of 2017!

Thank you,

A handwritten signature in black ink, appearing to read "Matt Carlucci". The signature is fluid and cursive, with a large initial "M" and "C".

Matt Carlucci
Chairman, Florida Commission on Ethics

2016 Commission Members

MATTHEW F. CARLUCCI, *Chair*

Jacksonville - Insurance Agent (R)

Term expires June 2016

Appointed by Governor Rick Scott

MICHELLE ANCHORS, *Vice Chair*

Ft. Walton Beach - Attorney (D)

Term expires June 2016

Appointed by Senate President Don Gaetz

DAN BRADY, Ph.D.

Miami Shores - Retired Social Work &
Community Mental Health Care Professional (D)

Term expires June 2017

Appointed by Governor Rick Scott

MATTHEW J. CARSON

Tallahassee - Attorney (R)

Term expires June 2018

Appointed by Speaker of the House Steve Crisafulli

MICHAEL COX

Trinity - Financial Planner (D)

Term expires June 2016

Appointed by Speaker of the House Will Weatherford

TOM FREEMAN

DeBary - Retired Judge (R)

Term expires June 2016

Appointed by Senate President Don Gaetz

GUY NORRIS

Lake City - Attorney (R)

Term expires June 2017

Appointed by Governor Rick Scott

KIMBERLY BONDER REZANKA

Cocoa - Attorney (R)

Term expires June 2017

Appointed by Governor Rick Scott


STANLEY WESTON

Jacksonville - Attorney (D)

Term expires June 2017

Appointed by Governor Rick Scott

Introduction & History

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 2016.

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 38,824 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 be employed to lobby state or local government. Five of the members are appointed by the Governor and confirmed by the Senate. No more than three of the Governor's appointees may be of the same political party, and one must be a former city or county official. The Speaker of the House of Representatives and the President of the Senate each make two appointments to the Commission. The two appointments must be persons with different political party affiliations. The appointees of the President and Speaker are not subject to Senate confirmation. Any member of the Commission may be removed for cause by a majority vote of the Governor, the President of the Senate, the Speaker of the House, and the Chief Justice of the Florida Supreme Court.

Members of the Commission on Ethics serve two-year terms and may not serve more than two full terms in succession; however, members whose terms have expired continue to serve until they are replaced. A chair and vice-chair are selected by the members for one-year terms. Members of the Commission do not receive a salary but do receive reimbursement for travel and per diem expenses while on official Commission business.

Ethics Commission Staff

Legal, investigative, and administrative functions of the Commission are performed by staff, consisting of 25.5 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.

Commission staff does not prosecute complaints. Those services are provided by Assistant Attorneys General Melody Hadley and Elizabeth Miller, who have been assigned by the Attorney General to act as full-time Advocates for the Commission.

Legal Staff

Betsy Daley, Senior Attorney

Grayden Schafer, Senior Attorney

Caroline Klancke, Attorney

John Knight, Attorney

Diana Westberry, Administrative Assistant

Vacant, 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, compiles a list of the persons statewide who are required to file either Form 1 or Form 6 financial disclosure, tracks late filers and automatic fines, and liaises with agency Financial Disclosure coordinators. Some 38,824 reporting officials and employees were notified of their filing requirements in 2016 by the Commission and by the Supervisors of Elections.

Financial Disclosure Staff

Kimberly Holmes, Program Administrator

Emily Prine, Program Specialist

Carolyn Carbonell, Executive Secretary

Azie Russell, 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 of Operations 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)

Jason Arthmann, Clerk (half-time)

Executive Branch Lobbyist Registration

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

Lobbyist Registration Staff

Jackie McLemore, Registrar

Kathleen Wilcox, Administrative Assistant (half-time)

Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2016.

BUDGET AND ACTUAL - GENERAL REVENUE FUNDS For The Fiscal Year Ending June 30, 2016 (Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>	<u>Variance- Favorable (Unfavorable)</u>
Revenues:			
Released General Revenue Appropriations	\$2,613,672	\$2,613,672	\$0
Fines*	0	52,925	52,925
Miscellaneous Receipts	0	0	0
Total Revenues	2,613,672	2,666,597	52,925
Expenditures:			
Salaries and Related Benefits	1,803,143	1,702,389	100,754
Other Personal Services	414,106	317,714	96,392
Expenses	250,306	206,035	44,271
Operating Capital Outlay	0	0	0
Ethics Commission Lump Sum	0	0	0
Transfers to Administrative Hearings	42,751	42,751	0
Risk management insurance	3,366	3,366	0
Legislative Carryforward **	1,035,571	0	1,035,571
Nonoperating***	100,000	0	100,000
Total Expenditures	3,649,243	2,272,255	1,376,989
Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures	(1,035,571)	394,342	<u>\$1,429,914</u>
Budgetary Fund Balance, June 30, 2016		394,342	
Adjustment for Fines*		(52,925)	
Adjustment for Nonoperating***		(100,000)	
Adjusted Budgetary Fund Balance, June 30, 2015		\$241,417	

EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES: \$ 251,500
FINES: \$ 2,650

* Fines are recorded as Collection to General Revenue. They are not a revenue in the state's accounting system and are not an available resource to the fund.

** Legislative Carryforward is prior years' unspent budget carried forward to the current year. It is treated as a current appropriation.

*** Nonoperating Budget is budget set up to refund fines and is not an available resource to the fund.

Operations

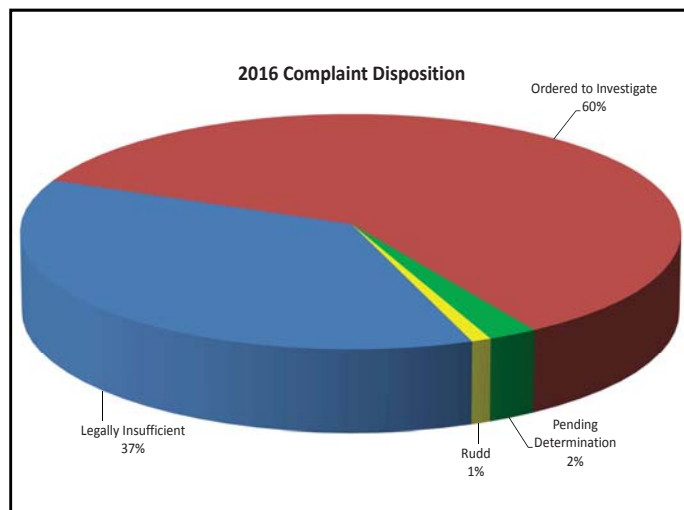
The major operational functions of the Commission on Ethics are the investigation of complaints and referrals,* management of the Executive Branch Lobbyist Registration Act, issuance of advisory opinions, provision of public information and education, and financial disclosure administration. Below is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

Complaints

Total number of complaints and referrals filed in 2016220

POSITION	NUMBER OF COMPLAINTS	PERCENT OF TOTAL
State Elected	19	8.6%
State Appointed	3	1.4%
State Employee	14	6.4%
District Elected	32	14.5%
District Appointed	11	5.0%
District Employee	6	2.7%
County Elected	20	9.1%
County Appointed	4	1.8%
County Employee	13	5.9%
Municipal Elected	38	17.3%
Municipal Appointed	8	3.6%
Municipal Employee	16	7.3%
Executive Branch Lobbying Firm	13	5.9%
Lobbyist	7	3.2%
Judicial	1	0.5%
Candidate	11	5.0%
Other	4	1.8%
TOTAL	220	100.0%

Of the 220 complaints and referrals received in 2016, 81 were dismissed for lack of legal sufficiency; 2 were dismissed because the public interest would not be served by proceeding further (Rudd Amendment); 132 were ordered to be investigated; and 5 were pending a legal sufficiency determination.

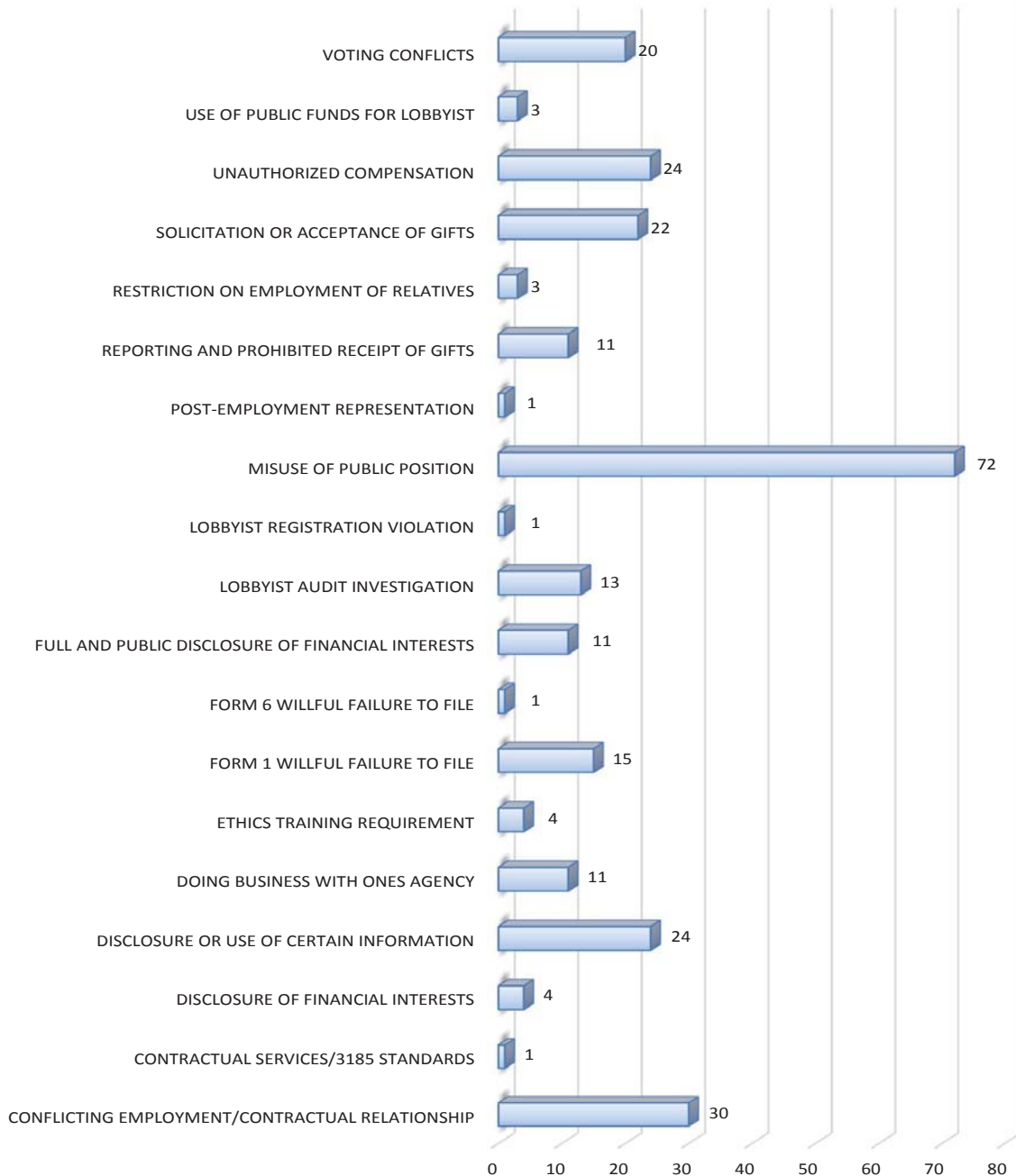


* Pursuant to Ch. law 2013-36, Laws of Florida, the Commission may accept referrals from the Governor, State Attorneys, U.S. Attorneys, and the Florida Department of Law Enforcement.

Allegations

Of the 220 complaints and referrals received in 2016, 132 had been ordered to be investigated as of December 31, 2016. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below. Many complaints contained allegations concerning more than one area of law.

2016 Complaint Allegations



Ten Year History of Complaints

2016.....	220
2015.....	244
2014.....	259
2013.....	210
2012.....	296
2011.....	169
2010.....	190
2009.....	176
2008.....	167
2007.....	256

Complaint History



Actions Taken on Complaints in 2016

The Commission took action during its eight regularly-scheduled meetings on complaints, referrals, statutorily mandated investigation to determine whether late-filed disclosure was "willful," and petitions for costs and attorney fees. The following is a summary of action taken in 2016.

Dismissed for lack of legal sufficiency.....	95
Dismiss (Public Interest Not Served by Further Proceedings)*	3
Probable cause hearings held.....	59
No probable cause - dismissed.....	47
Probable cause	8
Probable cause - no further action.....	4
Violation found after public hearings	1
Violation found via stipulation.....	3
Self-initiated complaints for willful failure to file disclosure	13
Dismissed for lack of jurisdiction.....	5
No probable cause - dismissed	1
Probable cause	2
Probable cause - no further action.....	3
Stipulation - Violation.....	1
Violation found after public hearings.....	1
Request for withdrawal of complaint - Denied.....	5
Costs and attorney's fees petitions	9
Insufficient petition - dismissed.....	4
Hearings ordered.....	5

TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS188

* Pursuant to 112.324(12), F.S. the Commission may dismiss any complaint or referral at any stage of disposition should it determine that the public interest would not be served by proceeding further.

Executive Branch Lobbyist Registration

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."

2016 Summary of Activity

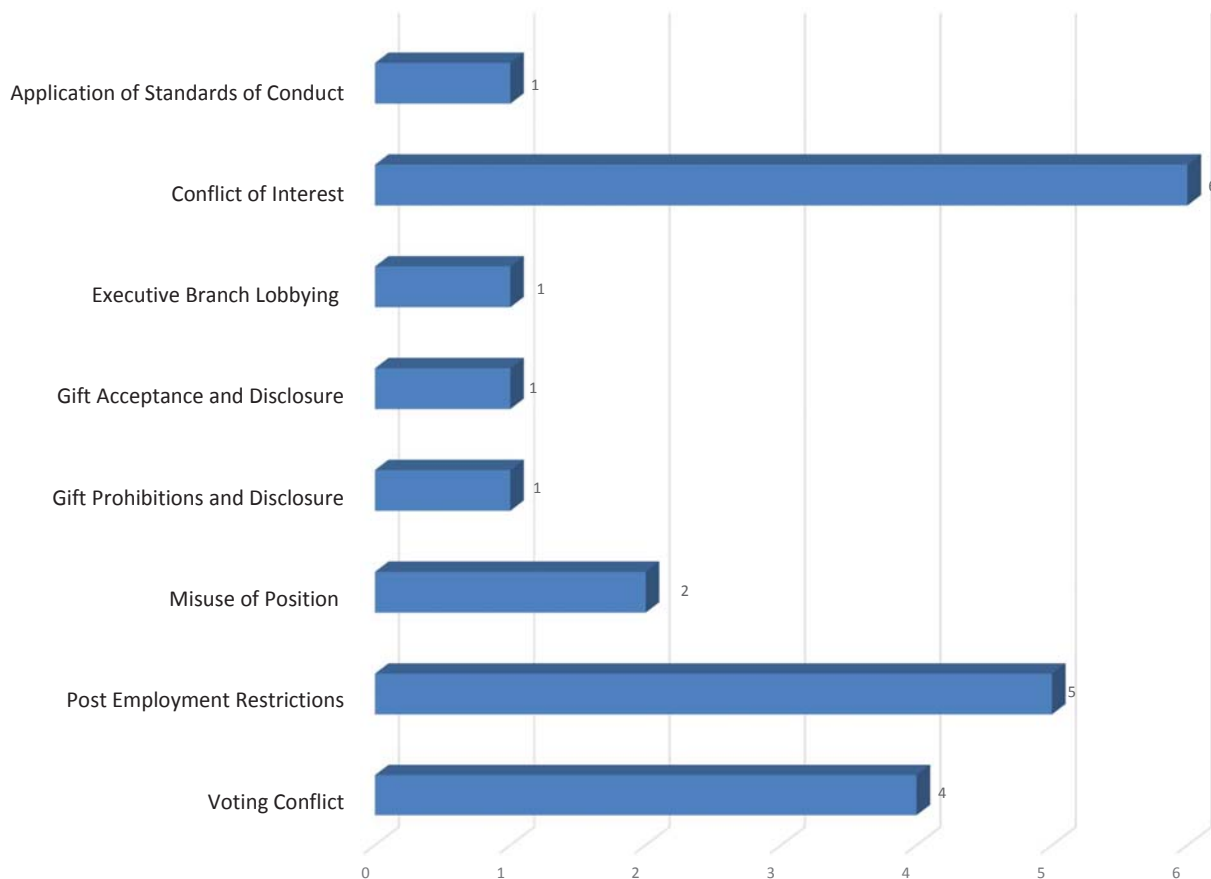
Total number of registered executive branch lobbyists	1,517
Total number of executive branch lobbying firms	367
Total number of principals represented by the lobbyists.....	9,852
Percent <i>decrease</i> in number of principals from 2015 to 2016	0.97%
Total number of firms delinquent in filing their compensation reports	
January - March 2016.....	14
March - May 2016	17
July - September 2016	5
<i>(Filing deadline for fourth quarter is February 2017)</i>	
Total number of firms assessed a fine in 2016	
First quarter 2016	6
Second quarter 2016	10
Third quarter 2016.....	2
Number of appeals considered by the Commission in 2016	3

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 2016, the Commission on Ethics issued fifteen advisory opinions, bringing the total issued since 1974 to 2,606.

Ten of the opinions rendered in 2016 were in response to requests by local officers, employees, or local government attorneys, and another five opinions were issued regarding state level officers or employees.

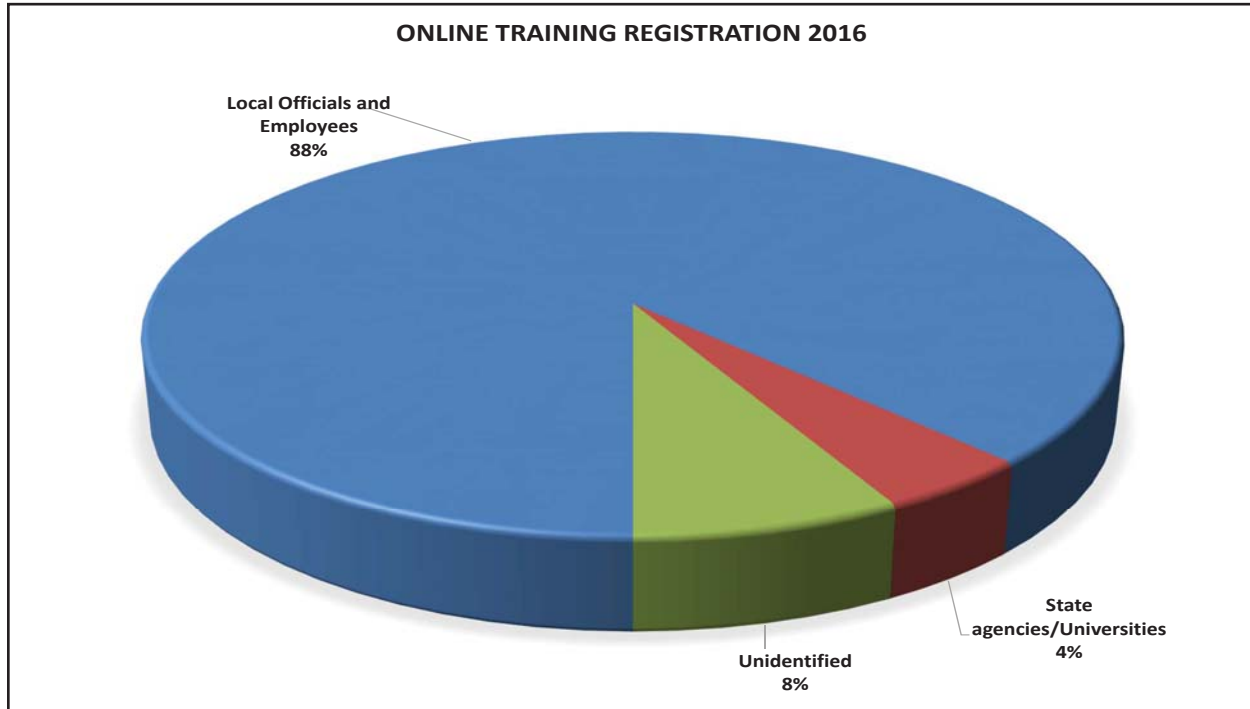
The bar graph illustrates the number of instances in which a provision of the ethics code was addressed in a formal opinion of the Commission in 2016. A number of opinions addressed more than one aspect of the ethics laws.



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 2016 elected municipal officers also were required to have training each calendar year. The Commission now has a training page on its website that features the latest administrative rules and ethics opinions on the mandatory training requirements. From that page, individuals can access free training audio and video of the Commission's staff, as well as a listing of live training opportunities conducted by staff at various locations around the state. 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. The institute also offers a four hour video course from our successful multi-day ethics conference held in 2014.



In 2016, 355 individuals registered for, and completed the online training courses: 176 registrants completed all or part of the comprehensive 12-hour online course, and 159 completed the newly designed 4-hour video-based course. Of the registrants, 294 were local officials and employees, 15 were State agencies/Universities personnel, and 26 were unidentified (or private sector). A total of 4,690 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, members of the Commission's staff conduct training for public officials throughout the state. Commission staff presented educational programs to the following groups and organizations during 2016:

- Department of Revenue
- 2016 Mid-Winter Conference of the Property Appraisers Association
- Florida Association of Counties
- Florida Public Pension Trustees Association Conference
- Department of Revenue - Tax Collector's Duties & Responsibility Certification Course and Tax Collectors' continuing education
- Florida Association of Property Appraisers
- Association of Government Accountants
- Florida Bar Education Law Committee
- Pensacola City Council members, City board appointees, & interested citizens
- Florida Bar's 2016 Sunshine Law, Public Records & Ethics CLE
- City of Sanford Sunshine and Ethics Training
- Florida Bar Labor and Employment Law Section
- Technology Advisory Council to the Florida Agency for State Technology
- Department of Revenue training for Florida Property Appraisers
- City, County, and Local Government Law Section's Board Certification Review
- City and County Management Association
- National Conference of Regulatory Attorneys
- Florida Association of County Attorneys Conference
- Florida Association of Counties Annual Conference
- North Broward Hospital District Governing Board
- Florida A&M University Board of Trustees, attorneys, and other personnel
- Florida Pension Plan Trustees Association Conference

- Broward County School Board
- Florida Government General Counsels Association
- New School Superintendents Orientation
- Miami-Dade County School Board
- Escambia County Employees
- Florida School Board Attorney's Association in Gainesville

Financial Disclosure

The Florida Commission on Ethics is required by statute to compile an annual mailing list of elected and appointed officials and employees subject to filing annual financial disclosure.

Section 112.3144, Florida Statutes, applies to persons subject to the annual filing of full and public disclosure under Section 8, Article II of the State Constitution, or other state law. These individuals file Commission on Ethics Form 6, Full and Public Disclosure of Financial Interests.

Section 112.3145, Florida Statutes, applies to local officers, state officers, and specified state employees subject to the annual filing of a more limited statement of financial interests. These individuals file Commission on Ethics Form 1, Statement of Financial Interests.

The deadline for filing disclosure is July 1 of each year. A grace period is provided until September 1 of each year. The Commission on Ethics and Supervisors of Elections are required to certify after that time the names 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 1, 2016, were subject to automatic fines of \$25 for each late day, up to a maximum of \$1,500. Modeled after the automatic fine system in place for campaign finance reports, the law allows the Ethics Commission to hear appeals and to waive fines under limited circumstances. Information on the following pages reflects compliance rates and disposition of appeals.

Compliance

There was more than a 99% overall compliance with the annual reporting requirement in 2016. On the local level, 32 counties reported 100% compliance in 2016. 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	2016 Compliance Rate
Alachua	5	332	337	98.5%
Baker	0	51	51	100.0%
Bay	0	264	264	100.0%
Bradford	0	72	72	100.0%
Brevard	10	941	951	98.9%
Broward	67	2303	2370	97.2%
Calhoun	1	36	37	97.3%
Charlotte	1	147	148	99.3%
Citrus	0	131	131	100.0%
Clay	0	212	212	100.0%
Collier	2	379	381	99.5%
Columbia	1	90	91	98.9%
Miami-Dade	43	2105	2148	98.0%
Desoto	0	68	68	100.0%
Dixie	0	36	36	100.0%
Duval	0	350	350	100.0%
Escambia	0	173	173	100.0%
Flagler	1	173	174	99.4%
Franklin	3	64	67	95.5%
Gadsden	1	119	120	99.2%
Gilchrist	0	36	36	100.0%
Glades	0	39	39	100.0%
Gulf	1	65	66	98.5%
Hamilton	0	63	63	100.0%
Hardee	1	63	64	98.4%
Hendry	0	92	92	100.0%
Hernando	0	110	110	100.0%
Highlands	5	165	170	97.1%
Hillsborough	12	1262	1274	99.1%
Holmes	0	70	70	100.0%
Indian River	0	242	242	100.0%
Jackson	1	182	183	99.5%
Jefferson	0	46	46	100.0%
Lafayette	0	20	20	100.0%
Lake	3	466	469	99.4%
Lee	9	972	981	99.1%
Leon	2	230	232	99.1%
Levy	2	137	139	98.6%
Liberty	0	27	27	100.0%
Madison	2	82	84	97.6%

Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	2016 Compliance Rate
Manatee	1	528	529	99.8%
Marion	0	224	224	100.0%
Martin	2	183	185	98.9%
Monroe	0	222	222	100.0%
Nassau	0	144	144	100.0%
Okaloosa	1	324	325	99.7%
Okeechobee	0	102	102	100.0%
Orange	4	981	985	99.6%
Osceola	3	254	257	98.8%
Palm Beach	25	1418	1443	98.3%
Pasco	0	404	404	100.0%
Pinellas	8	1173	1181	99.3%
Polk	12	652	664	98.2%
Putnam	0	146	146	100.0%
Saint Johns	0	294	294	100.0%
Saint Lucie	2	262	264	99.2%
Santa Rosa	0	204	204	100.0%
Sarasota	2	382	384	99.5%
Seminole	3	464	467	99.4%
Sumter	0	157	157	100.0%
Suwannee	0	55	55	100.0%
Taylor	0	60	60	100.0%
Union	0	44	44	100.0%
Volusia	4	661	665	99.4%
Wakulla	0	65	65	100.0%
Walton	1	131	132	99.2%
Washington	1	79	80	98.8%
TOTAL-FORM 1 Local	242	22028	22270	98.9%
TOTAL-FORM 1 State	46	13875	13921	99.7%
TOTAL-FORM 6 (Not Judges)	1	1416	1417	99.9%
TOTAL-Non-Judicial Filers	289	37319	37608	99.2%
TOTAL-JUDGES (Active)	0	1010	1010	100.0%
TOTAL-JUDGES (Senior)	0	206	206	100.0%
OVERALL TOTAL	289	38535	38824	99.3%

FINANCIAL DISCLOSURE FILING COMPLIANCE (1987 - 2016)			
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%
2015	38,613	291	99%
2016	38,824	289	99%

Financial Disclosure Compliance History



Summary of Local Level Form 1 Compliance

- Total compliance rate for Form 1 Statement of Financial Interests was 98.9%. 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 22,270 individuals required to file, 242 were delinquent.
- 32 counties reported 100% compliance in 2016.

Summary of State Level Form 1 Compliance

- The Form 1 compliance rate was 99.7%. Postcard and telephone reminders also were used with these filers.
- Of the 13,921 individuals required to file, only 46 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 99.9%. Postcard and telephone reminders also were used with these filers.
- There was only 1 delinquency out of a total of 1,417 individuals (excluding judges) required to file Form 6.

Summary of 2016 Overall Compliance

- Out of the 37,608 individuals who were non-judicial financial disclosure filers, there were only 289 (less than 1%) officers and employees who failed to do so.

Financial Disclosure Fine Appeals

Individuals delinquent in filing the annual financial disclosure form, (those who did not file by the end of the September 1 grace period provided by law), are fined \$25 per day for each 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 2016. (The fines for late filings in 2016 recently have been assessed and will be reported in 2017).

Financial Disclosure Appeals 2016 Actions of Commission on Ethics					
COMMISSION MEETING	WAIVED	REDUCED	DENIED	DEFAULT ORDERS APPROVED	UNCOLLECTIBLE
January 22, 2016	6	0	4	0	1
March 4, 2016	21	0	4	0	0
April 15, 2016	12	1	4	0	0
June 3, 2016	36	0	9	25	1
July 29, 2016	3	0	1	43	0
September 9, 2016	6	1	2	36	1
October 21, 2016	8	0	0	10	0
December 9, 2016	4	0	0	4	0

2016 Legislative Recommendations

Burden of Proof

- From its inception in 1974, until 1997, the Commission applied the "preponderance of evidence" as its standard of proof in evidentiary hearings. That changed when the First District Court of Appeal ruled in *Latham v. Florida Comm'n on Ethics*, 694 So. 2d 83 (Fla. 1st DCA 1997) that the standard should be "clear and convincing" evidence. The Commission sees this as making the law less enforceable by making cases harder to prove, and recommends a return to the preponderance of evidence standard.

Conflicts of Interest

- The law prohibits an official from having a contractual relationship with a company doing business with his or her own agency. So City Councilman A could not contract with Business B, if that company is doing business with his City. But if Councilman A creates "A, Inc.," that corporation can do business with Business B without violating the law, even if "A, Inc.," is solely owned by Councilman A. The Commission sees this as thwarting the underlying goal of the law, which is to prevent officials from having relationships with companies doing business with their agencies.

Attorney Fees

- Persons against whom complaints have been filed can seek to recover costs and attorney fees from their accuser, in what can be expensive and protracted litigation. But if the complainant successfully defends against a fees petition, current law does not allow the recovery of the complainant's own costs and fees. The Commission proposes addressing this imbalance by allowing the prevailing party in a fees petition—whether it be the respondent or the complainant—to recover costs and fees incurred both in the fees petition and the underlying complaint proceeding.

Enhanced Financial Disclosure for Local Elected Officials

- All elected Constitutional officers must file Form 6—Full and Public Disclosure of Financial Interests. Many other elected officers have similar authority and spending power, but are only required to file the less-informative Form 1—Disclosure of Financial Interests. The Commission believes that anyone asking for the citizens' votes should be willing to make full disclosure, and should be required to file the Form 6.

Financial Disclosure

- a. The Commission recommends allowing officials who are running for election, or re-election, to provide the Commission a copy of the disclosure they file with the qualifying officer. Current law, which requires qualifying officers to electronically send the Commission a copy of the candidate's disclosure, has proven very difficult to administer, requiring agency resources which could be better allocated.
- b. A 2013 change to the law allows filers 30 days to correct a "de minimis" error or omission, but it is unclear what should be considered "de minimis." The Commission recommends greater specificity in the law.

Voting Conflicts Law

- a. Under current law, local elected officials can participate in the discussion of a measure in which they have a conflict, without revealing the existence of that conflict until the vote is actually taken. This means the official can make every effort to persuade his or her colleagues without telling them (and the public) about the conflict. Appointed officials, in contrast, must declare their conflict before participating in the discussion of the measure. The Commission believes this restriction should apply equally to elected officers.
- b. The Commission also believes the voting conflict standard for appointed (but not elected) state officials should be changed to mirror the standard for appointed local officials. This would mean appointed state officials would be required to abstain from voting on matters which would inure to the special private gain or loss of a relative, principal, or business associate; something they are not currently required to do.

Applying the Ethics Laws to "Privatized" Government Functions

- In the 2000's, Florida began to privatize some historically government functions, including foster care services, community mental health, and aging and adult care. The Commission believes that the employees and officers of the private entities performing these functions should be subject to the ethics laws.