

*Annual Report  
to the  
Florida Legislature For  
Calendar Year 2018*



*By the  
State of Florida  
Commission on Ethics*

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# *Message from the Chair*

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It is a tremendous honor to be afforded the opportunity to serve as a Commissioner of the Florida Commission on Ethics. I will always be appreciative for the appointment by former Governor Rick Scott and look forward to meeting the great challenges of this public service for the remainder of my term. I am also greatly appreciative of the dedicated service to our State by my fellow Commissioners, both past and current, who spend many, many hours of study in preparation for our consideration of the cases and matters presented. Suffice it to say that I learn from the wise discernment of my fellow Commissioners at every meeting. Your confidence in selecting me as your Chairman may lead some to question your wise discernment, but I will be forever grateful for the privilege.

Likewise, the Executive Director, Virlindia Doss, the Deputy Executive Director/General Counsel, Chris Anderson, and our dedicated Commission staff never disappoint in their remarkable work ethic, their clear articulation of our ethics laws, and their uniform and proper application of the high ethical standards rightly demanded by our citizens from all public officials. It is a great privilege to work with every one of you and, as a taxpayer, I thank you for your noble service to our State.

To our public officials and public employees, I also want to thank you for your honorable service to our great State. We greatly appreciate the continued commitment by our State's executive and legislative branches to the highest ethical standards in government, and the First District Court of Appeal for the use of its facilities to conduct our public meetings in a most appropriate forum.

As we begin the new year, I ask and encourage all public officials, whether in state or local governments, elected or appointed, to take the opportunity today, and at the commencement of each year, to read Article II, Section 8 of the Florida Constitution on Ethics in Government, and the Code of Ethics for Public Officers and Employees in Part III of Chapter 112, Florida Statutes.

We cannot be reminded too often that our public office is a public trust; that it is essential to the proper conduct and operation of government that public officials be independent and impartial, and that our public office never be used for improper

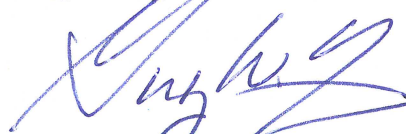
private gain. While it is essential that government attract those citizens best qualified to serve, we must always avoid any conflict between our private interests that may create even the appearance of impropriety in the exercise of our responsibilities to the public.

It is our highest duty as public officers to conduct ourselves at all times in a manner that protects the integrity of government, and strengthens the faith and confidence of our citizens in their government. In all matters, our foremost concern must be to promote the public interest and maintain the respect of our citizens in their State and local government by observing the highest standards of decorum and ethics consistent with the Florida Ethics Code and the advisory opinions of this Commission, regardless of our personal considerations.

Therefore, we should also remind ourselves that to serve the highest public interest this Commission is, and must always be, independent, with the unfettered ability to fully and freely conduct investigations and make public reports on all complaints concerning breach of public trust without outside interference or hindrance. It is a testament to the great leadership of our State that the Commission's independence is firmly established and has been uniformly recognized over the last 44 years. This public mandate also requires that the Commission continue to receive sufficient appropriations of financial resources necessary to attract the highly qualified personnel required to perform the work of the Commission, to meet the increasing technological demands of our responsibilities and to be recognized as a nationwide leader for ethics laws enforcement, as should be expected for the third most populous State. As the great State of Florida continues to expand its leadership role nationally, our commitment to integrity in government must keep pace. It is our sacred duty.

Thank you again for the honor and privilege to serve as Chairman and best wishes to all for a safe and prosperous 2019.

Respectfully submitted,



Guy W. Norris  
Chair, Florida Commission on Ethics

## *2018 Commission Members*

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**GUY NORRIS, Chair**  
Lake City - Attorney (R)  
Term expires June 2019  
Appointed by Governor Rick Scott

**KIMBERLY BONDER REZANKA, Vice Chair**  
Cocoa - Attorney (R)  
Term expires June 2019  
Appointed by Governor Rick Scott

**JASON DAVID BERGER**  
Palm City - Attorney (R)  
Term expires June 2020  
Appointed by Senate President Joe Negron

**DAN BRADY, Ph.D.**  
Miami Shores - Retired Social Work and  
Community Mental Health Care Professional (D)  
Term expires June 2019  
Appointed by Governor Rick Scott

**ANTONIO CARVAJAL**  
Tallahassee - Foundation Executive (D)  
Term expires June 2020  
Appointed by House Speaker Richard Corcoran

**JOANNE LEZNOFF**  
Tallahassee - Retired (R)  
Term expires June 2020  
Appointed by House Speaker Richard Corcoran


**F. SHIELDS MCMANUS**  
Stuart - Attorney (D)  
Term expires June 2020  
Appointed by Senate President Joe Negron

**WILLIAM "WILLIE" N. MEGGS**  
Tallahassee - Former State Attorney (D)  
Term expires June 2019  
Appointed by Governor Rick Scott

**GARRETT RICHTER**  
Naples - Bank Executive (R)  
Term expires June 2020  
Appointed 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 2018.

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 39,402 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 Lobbyist Registration System and Trust Fund, which provides for registration of all persons wishing to lobby the Governor, Cabinet, and executive branch agencies.

# *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. 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.

Virlindia 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 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*

Grayden Schafer, Senior Attorney

Caroline Klancke, Senior Attorney

Lane Johnson, Attorney

Deanna Rahming, 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

Kathleen Mann, 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 39,402 reporting officials and employees were notified of their filing requirements in 2018 by the Commission and by the Supervisors of Elections.

### *Financial Disclosure Staff*

Kimberly Holmes, Program Administrator

Emily Prine, Program Specialist

Staci France, Executive Secretary

Vacant, 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

Jason Arthmann, Clerk (half-time)

Zachary Turner, 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

Vacant, Administrative Assistant (half-time)

# Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2018.

## BUDGET AND ACTUAL - GENERAL REVENUE FUNDS For The Fiscal Year Ending June 30, 2018 (Amounts in dollars)

	Ethics General Revenue		Variance- Favorable (Unfavorable)
	Budget	Actual	
<b>Revenues:</b>			
Released General Revenue Appropriations	\$2,657,988	\$2,657,988	\$0
Fines*	0	69,224	\$69,224
Miscellaneous Receipts	0	0	\$0
<b>Total Revenues</b>	<b>2,657,988</b>	<b>2,727,212</b>	<b>69,224</b>
<b>Expenditures:</b>			
Salaries and Related Benefits	1,882,851	1,765,476	117,375
Other Personal Services	391,730	364,684	27,046
Expenses	258,033	204,964	53,069
Operating Capital Outlay	0	0	0
Ethics Commission Lump Sum	0	0	0
Transfers to Administrative Hearings	22,045	22,045	0
Risk management insurance	3,329	3,329	0
Legislative Carryforward **	1,471,885	20,549	1,451,336
Nonoperating***	100,000	300	99,700
<b>Total Expenditures</b>	<b>4,129,873</b>	<b>2,381,347</b>	<b>1,748,526</b>
Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures	(1,471,885)	345,864	<u>\$1,817,749</u>
<b>Budgetary Fund Balance, June 30, 2018</b>		<b>345,864</b>	
<b>Adjustment for Fines*</b>		<b>(69,224)</b>	
<b>Adjustment for Nonoperating***</b>		<b>(100,000)</b>	
<b>Adjustments for Carryforward Expenditures**</b>			
<b>Adjusted Budgetary Fund Balance, June 30, 2017</b>		<b>\$176,640</b>	

### EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES:           \$ 286,565  
FINES:                       \$ 1,900

\* 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

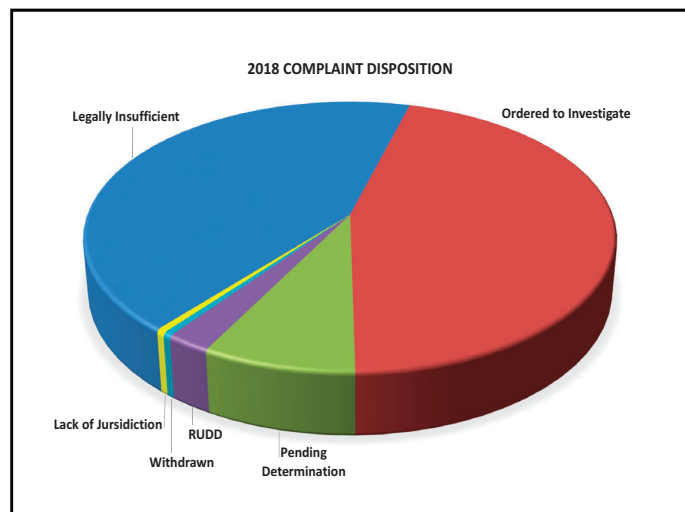
The major operational functions of the Commission on Ethics are the investigation of complaints and referrals,\* management of the Executive Branch Lobbyist Registration Act, issuance of advisory opinions, provision of public information and education, and financial disclosure administration. Below is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

## Complaints

Total number of complaints and referrals filed in 2018..... 211

<b>POSITION</b>	<b>NUMBER OF COMPLAINTS</b>	<b>PERCENT OF TOTAL</b>
State Elected	11	5.2%
State Appointed	1	0.5%
State Employee	18	8.5%
District Elected	21	10.0%
District Appointed	3	1.4%
District Employee	5	2.4%
County Elected	16	7.6%
County Appointed	1	0.5%
County Employee	15	7.1%
Municipal Elected	68	32.2%
Municipal Appointed	6	2.8%
Municipal Employee	23	10.9%
Candidate	23	10.9%
<b>TOTAL</b>	<b>211</b>	<b>100.0%</b>

Of the 211 complaints and referrals received in 2018, 91 were dismissed for lack of legal sufficiency; 1 was dismissed for lack of jurisdiction, 5 were dismissed because the public interest would not be served by proceeding further (Rudd Amendment); 1 was withdrawn, 96 were ordered to be investigated; and 17 were pending a legal sufficiency determination.

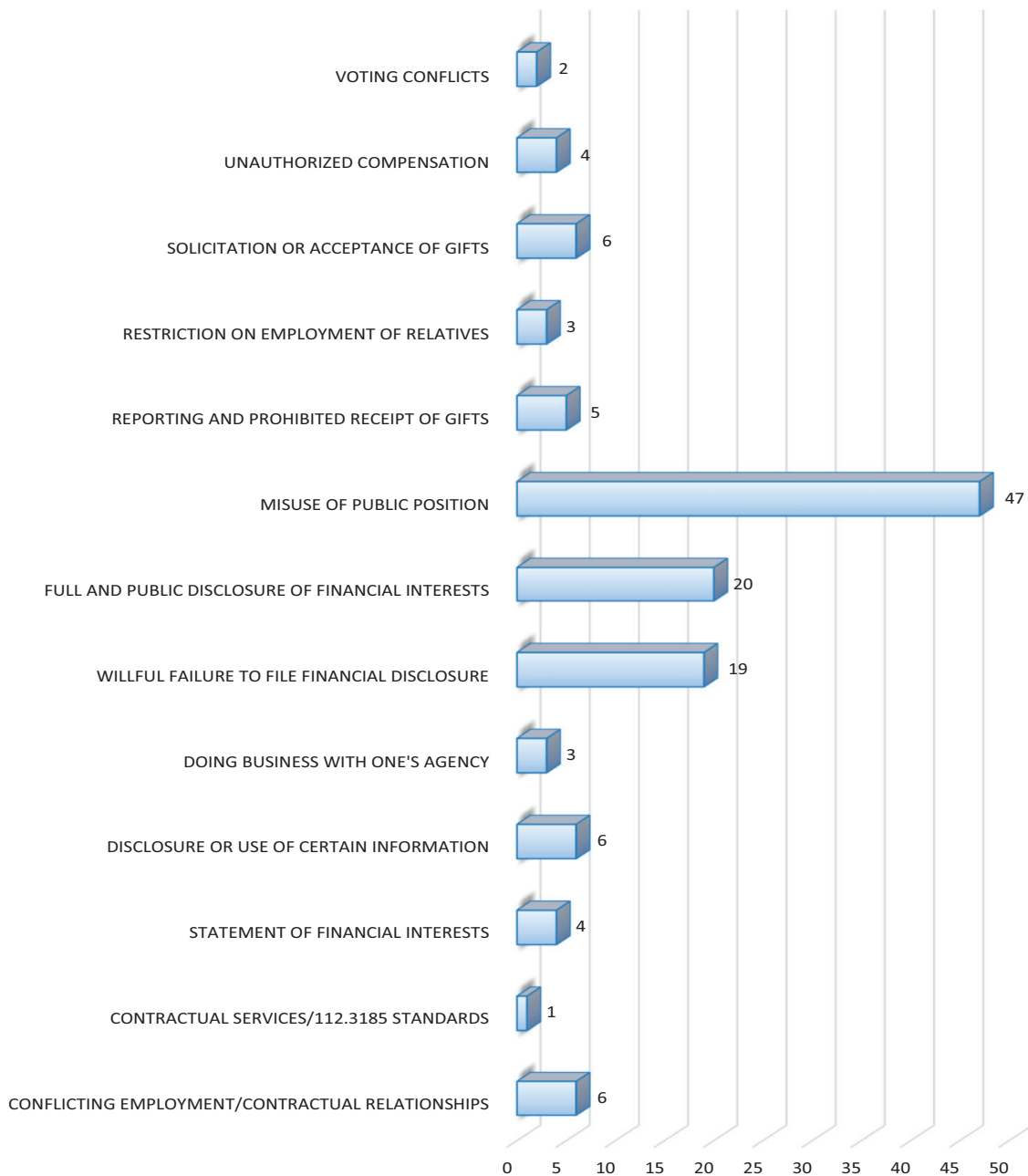


\* The Commission may accept referrals from the Governor, State Attorneys, U.S. Attorneys, and the Florida Department of Law Enforcement.

# Allegations

Of the 211 complaints and referrals received in 2018, 96 had been ordered to be investigated as of December 31, 2018. 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.

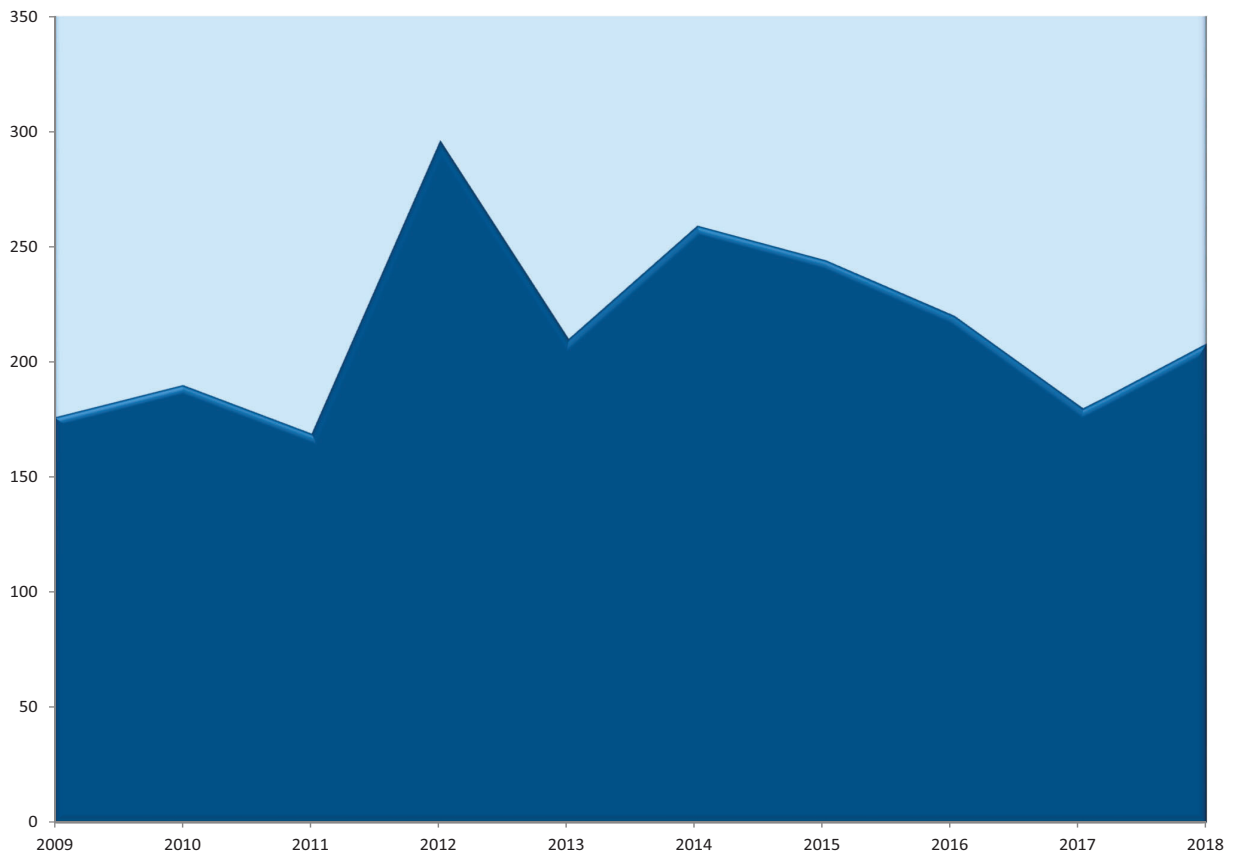
## 2018 Complaint Allegations



Ten Year History of Complaints

2018 .....	211
2017 .....	180
2016.....	220
2015 .....	244
2014 .....	259
2013.....	210
2012 .....	296
2011.....	169
2010 .....	190
2009.....	176

*Complaint History*



## Actions Taken on Complaints in 2018

The Commission took action during its eight regularly-scheduled meetings on complaints, referrals, statutorily mandated investigations concerning lobbyist compensation reports and to determine whether late-filed disclosure was "willful," and petitions for costs and attorney fees. The following is a summary of action taken in 2018.

Complaints & Mandatory Willfulness Investigations.....	216
Dismissed for lack of legal sufficiency .....	100
Dismissed as public interest not served by further proceedings* .....	7
Dismissed for lack of jurisdiction .....	9
Probable cause hearings held .....	82
No probable cause - dismissed.....	48
Probable cause .....	24
Probable cause - no further action .....	10
Stipulation.....	15
Violation .....	14
Rejected .....	1
Public hearings at the Division of Administrative Hearings.....	3
Violation .....	2
Dismissed.....	1
Costs and attorney's fees petitions .....	3
Insufficient petition - dismissed .....	3
Reconsideration of Penalty - Consideration of Remand from the 5 DCA.....	1
Statutorily-Required Investigation of Lobbying Firm Compensation Audits .....	13
Probable cause .....	7
No probable cause.....	6

**TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS ..... 233**

\* Pursuant to Section 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."

### *2018 Summary of Activity*

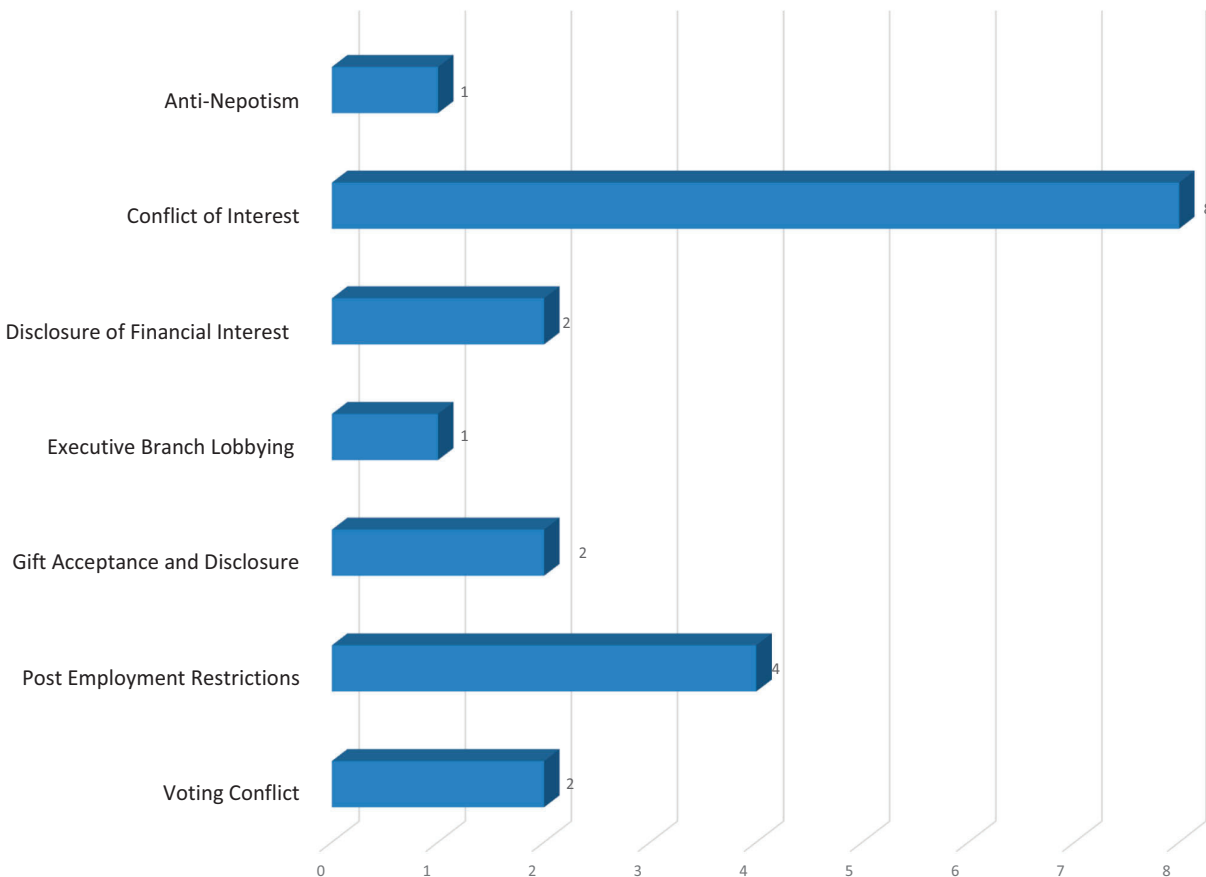
Total number of registered executive branch lobbyists .....	1,538
Total number of executive branch lobbying firms .....	347
Total number of principals represented by the lobbyists .....	10,794
Percent <i>decrease</i> in number of principals from 2017 to 2018 .....	4.4%
Total number of firms delinquent in filing their compensation reports	
October - December 2017 .....	22
<i>(Filing deadline for fourth quarter 2017 was February 14, 2018)</i>	
January - March 2018.....	11
March - May 2018.....	17
July - September 2018 .....	15
Total number of firms assessed a fine in 2018	
Fourth quarter 2017 .....	12
<i>(Filing deadline for fourth quarter 2017 was February 14, 2018)</i>	
First quarter 2018.....	4
Second quarter 2018.....	11
Third quarter 2018 .....	9
Number of appeals considered by the Commission in 2018 .....	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 2018, the Commission on Ethics issued eighteen advisory opinions, bringing the total issued since 1974 to 2,642.

Eleven of the opinions rendered in 2018 were in response to requests by local officers, employees, or local government attorneys, and another seven 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 2018. 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*

Pursuant to Section 112.3142, Florida Statutes, Florida's Constitutional officers (including the Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools) and elected municipal officers are required to complete four hours of ethics training each calendar year.

The training must include:

- Article II, Section 8 of the Florida Constitution
- Part III, Chapter 112, Florida Statutes (Code of Ethics)
- Public Records
- Public Meetings (Sunshine Law)

The Commission 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.

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 2018, 337 individuals registered for and completed the Florida Institute of Government online training courses: 110 individuals completed all or part of the comprehensive 12-hour online course, and 227 completed the 4-hour video-based course. All 337 registrants were local officials and employees. A total of 5,362 public officers and employees have completed the course since its inception.

## *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. 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 2018:

- Florida School Board Association
- Seven Springs Rotary Club
- Property Appraiser's Association of Florida
- Florida Tax Collectors
- Florida Public Pension Trustees Association
- Florida Association of Counties
- Florida Association of Property Appraisers
- General Counsel's Association
- Broward Health
- Sunshine Law, Public Records, and Ethics Seminar
- Continuing Education Workshop for Property Appraisers
- The Florida Bar's City, County, and Local Government Law Section's Board Certification Exam Review Course
- Group of Assistant Attorneys General & the Office of Financial Regulation
- Municipal Police and Firefighter's Pension Trustee School
- Florida Association of Counties
- New Motor Vehicles (Lemon Law) Arbitrators
- Florida Association of School Board Attorneys
- Soil and Water Conservation District Supervisors
- Florida Tax Collectors Association Education Forum
- Department of Health Attorneys
- Escambia County
- Florida Court Clerks and Comptrollers
- Florida Counties Association

- Florida School Board Association
- The Florida Senate
- Broward County School Board

## *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 of, and positions held by, persons who fail to file by the end of the grace period.

Those who did not file their annual disclosure form (either Form 6 or Form 1) by September 1, 2018, 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 2018. On the local level, 35 counties reported 100% compliance in 2018. 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 1988 to present.

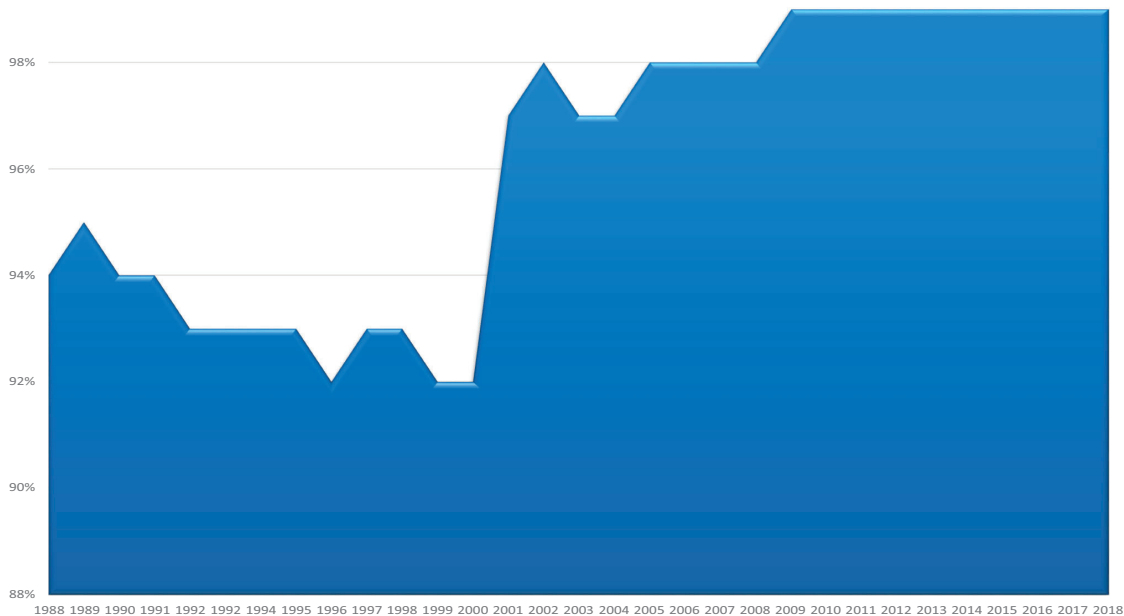
2018 Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	Compliance Rate
Alachua	4	298	302	98.7%
Baker	0	50	50	100.0%
Bay	0	267	267	100.0%
Bradford	2	67	69	97.1%
Brevard	3	909	912	99.7%
Broward	36	2137	2173	98.3%
Calhoun	0	34	34	100.0%
Charlotte	0	145	145	100.0%
Citrus	0	118	118	100.0%
Clay	1	215	216	99.5%
Collier	0	381	381	100.0%
Columbia	0	93	93	100.0%
Miami-Dade	38	2251	2289	98.3%
Desoto	0	66	66	100.0%
Dixie	0	34	34	100.0%
Duval	0	363	363	100.0%
Escambia	1	169	170	99.4%
Flagler	2	179	181	98.9%
Franklin	0	70	70	100.0%
Gadsden	2	105	107	98.1%
Gilchrist	0	40	40	100.0%
Glades	0	42	42	100.0%
Gulf	0	63	63	100.0%
Hamilton	0	61	61	100.0%
Hardee	0	62	62	100.0%
Hendry	0	94	94	100.0%
Hernando	0	104	104	100.0%
Highlands	3	157	160	98.1%
Hillsborough	27	1515	1542	98.2%
Holmes	0	75	75	100.0%
Indian River	0	248	248	100.0%
Jackson	0	173	173	100.0%
Jefferson	0	44	44	100.0%
Lafayette	0	20	20	100.0%
Lake	9	449	458	98.0%
Lee	11	1012	1023	98.9%
Leon	5	241	246	98.0%
Levy	1	128	129	99.2%
Liberty	0	26	26	100.0%
Madison	0	83	83	100.0%

2018 Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	Compliance Rate
Manatee	5	539	544	99.1%
Marion	0	236	236	100.0%
Martin	1	213	214	99.5%
Monroe	2	226	228	99.1%
Nassau	0	174	174	100.0%
Okaloosa	5	346	351	98.6%
Okeechobee	0	95	95	100.0%
Orange	17	935	952	98.2%
Osceola	1	255	256	99.6%
Palm Beach	46	1607	1653	97.2%
Pasco	2	452	454	99.6%
Pinellas	5	1176	1181	99.6%
Polk	8	661	669	98.8%
Putnam	0	141	141	100.0%
Saint Johns	0	307	307	100.0%
Saint Lucie	7	268	275	97.5%
Santa Rosa	0	221	221	100.0%
Sarasota	2	403	405	99.5%
Seminole	8	484	492	98.4%
Sumter	0	150	150	100.0%
Suwannee	0	57	57	100.0%
Taylor	0	58	58	100.0%
Union	0	46	46	100.0%
Volusia	1	635	636	99.8%
Wakulla	1	70	71	98.6%
Walton	1	142	143	99.3%
Washington	1	69	70	98.6%
TOTAL-FORM 1 LOCAL	258	22554	22812	98.9%
TOTAL-FORM 1 STATE	65	13910	13975	99.5%
TOTAL-FORM 6 (NOT JUDGES)	3	1395	1398	99.8%
TOTAL-Non-Judicial Filers	326	37859	38185	99.1%
TOTAL-JUDGES (ACTIVE)	0	1012	1012	100.0%
TOTAL-JUDGES (SENIOR)	0	205	205	100.0%
OVERALL TOTAL	326	39076	39402	99.2%



FINANCIAL DISCLOSURE FILING COMPLIANCE (1988 - 2018)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
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%
2017	38,909	314	99%
2018	39,402	326	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 22,812 individuals required to file, 258 were delinquent.
- 35 counties reported 100% compliance in 2018.

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

- The Form 1 compliance rate was 99.5%. Postcard and telephone reminders also were used with these filers.
- Of the 13,975 individuals required to file, only 65 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 99.8%. Postcard and telephone reminders also were used with these filers.
- There were only 3 delinquencies out of a total of 1398 individuals (excluding judges) required to file Form 6.

### **Summary of 2018 Overall Compliance**

- Of the 38,185 non-judicial financial disclosure filers, only 326 (less than 1%) failed to file on time.

## *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 day 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 seven regularly scheduled meetings held during calendar year 2018. (The fines for late filings in 2018 recently have been assessed and will be reported in 2019).

<b>Financial Disclosure Appeals 2018 Actions of Commission on Ethics</b>					
<b>COMMISSION MEETING</b>	<b>WAIVED</b>	<b>REDUCED</b>	<b>DENIED</b>	<b>DEFAULT ORDERS APPROVED</b>	<b>UNCOLLECTIBLE</b>
January 19, 2018	3	0	1	0	0
March 9, 2018	6	0	4	4	0
April 20, 2018	7	0	3	0	0
June 8, 2018	7	0	5	0	0
July 27, 2018	10	1	8	52	1
September 7, 2018	29	0	7	34	0
October 19, 2018	27	0	11	8	0
December 7, 2018	9	1	2	13	0

# *2018 Legislative Recommendations*

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## 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 his or her 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, while municipal governing board members are only required to file the less-informative Form 1—Statement of Financial Interests. The Commission believes anyone asking for the citizens' votes should be willing to make full disclosure, and should be required to file the Form 6, and that this standard should apply uniformly to all municipalities, whether they be large or small.

## Voting Conflicts Law

- Under current law, local elected officials can participate in the discussion of a measure in which they have a conflict, without revealing the existence of that conflict until the vote is actually taken. This means the official can make every effort to persuade his or her colleagues without telling them (and the public) about the conflict. Appointed officials, in contrast, must declare their conflict before participating in the discussion of the measure. The Commission believes this restriction should apply equally to elected officers.

The Commission also believes the voting conflict standard for state officials should mirror the standard for local officials. This would mean state officials would be required to abstain from voting not only on those matters which would inure to their own special gain or loss, but also on matters which would inure to the special private gain or loss of a relative, principal, or business associate.

#### Representing Clients Before One's Own Board

- The Commission has consistently advised in its opinions that a conflict would be created were a member of a collegial body, or his professional firm partners or associates, to represent clients before that board. The Commission views this as an important public protection, and opposes any relaxation of this standard.