

**State of Florida
COMMISSION ON ETHICS**

**325 John Knox Road, Building E, Suite 200
P.O. Drawer 15709
Tallahassee, FL 32317-5709**

STATEMENT OF ORGANIZATION AND OPERATION

THE COMMISSION'S COMPOSITION; APPOINTMENTS

The Florida Commission on Ethics is composed of nine members. Five of these members are appointed by the Governor, no more than three of whom are from the same political party, subject to confirmation by the Senate. One member appointed by the Governor is a former city or county official and may be a former member of a local planning or zoning board which only has advisory duties. Two members are appointed by the Speaker of the House, each being from different political parties, and two by the President of the Senate, each being from different political parties. No member holds any public employment. All members serve two year terms and may not serve more than two full terms in succession; however, members may continue to serve after their term expires, until a replacement is appointed. Members are prohibited from lobbying State and local governments.

The agency head is the entire Commission, which is responsible for final agency action. A Chair is selected from among the members to serve a one-year term and may not succeed himself or herself. The Chair has been delegated authority to act for the Commission in certain, limited situations. The Chair may appoint special or standing committees. Members of the Commission do not receive a salary, but do receive reimbursement for travel and per diem expenses while on official Commission business.

THE COMMISSION'S DUTIES AND AUTHORITY

The Commission is created by Sections 112.320 and 112.321, Florida Statutes, and is governed by Article II, Section 8, Florida Constitution, which authorizes it to investigate complaints alleging breach of the public trust by public officers and employees. The Commission also has the authority to investigate complaints alleging possible violations of the Code of Ethics for Public Officers and Employees (Sec. 112.322 and 112.324, Fla. Stat.), to accept referrals from the Governor, State Attorneys, U.S. Attorneys, or the Florida Department of Law Enforcement (Sec. 112.324, Fla. Stat.), to render opinions about the applicability of the Code of Ethics (Sec. 112.322, Fla. Stat.), to investigate and render opinions about possible violations of the standards of conduct for members of the Public Service Commission and the Public Service Commission Nominating Council (Sec. 350.041, 350.042, and 350.043, Fla. Stat.), to investigate and render opinions about possible unlawful use of public funds to lobby (Sec. 11.062, Fla. Stat.), to grant a hearing on the petition of a public officer or employee who has been accused of a possible violation of the Code of Ethics (Sec. 112.322, Fla. Stat.), to investigate complaints from the Comptroller of possible misuse of State vehicles (Sec. 287.175, Fla. Stat.), to register executive branch lobbyists, receive their compensation reports, investigate and render opinions concerning possible violations

of the lobbyist law, and review and waive in whole or part late filing penalties for executive branch lobbyists (Sec. 112.3215, Fla. Stat.), to promulgate and disseminate forms for complying with the financial disclosure laws and other provisions of the Code of Ethics (Sec. 112.3144, 112.3145, 112.3147, Fla. Stat.), to grant extensions of time for filing disclosures (Sec. 112.3151, Fla. Stat.), to receive and file financial disclosure, gift disclosure, and honorarium event-related expenses disclosure forms (Sec. 112.3144, 112.3145, 112.3148, 112.3149, Fla. Stat.), to review and waive in whole or part late filing penalties for persons filing financial disclosures (Sec. 112.3144, 112.3145, Fla. Stat.), to garnish wages or initiate wage withholding for persons who fail to pay their financial disclosure fine (Sec. 112.31455, Fla. Stat.) and to investigate officials who fail to file entirely (Secs. 112.3144 and 112.3145, Fla. Stat.), to impose costs and attorney's fees on complainants who filed complaints with a malicious intent to injure the public official's reputation (Sec. 112.317, Fla. Stat.), to serve as a clearinghouse for possible forfeiture of retirement benefits by public officers and employees who have committed felonies involving a breach of the public trust (Sec. 112.3173, Fla. Stat.), to seek to void contracts violative of the Code of Ethics (Sec. 112.3175, Fla. Stat.), to adopt procedural rules and rules interpreting the ethics laws (Sec. 112.322, Fla. Stat.), and to recommend that the Governor enforce the ethics laws in court (Sec. 112.322, Fla. Stat.).

Financial disclosure is governed by Article II, Section 8, Florida Constitution, and by Section 112.3145, Florida Statutes, in particular, but Sections 112.312, 112.3144, 112.31455, 112.3146, 112.3147, and 112.3151 also govern financial disclosure.

Standards of conduct are provided in Sections 112.313, 112.3135, 112.3143, 112.316, and 112.3185, Florida Statutes, as well as in Article II, Section 8, Florida Constitution.

Provisions governing the acceptance and disclosure of gifts, expenditure, and honoraria are contained in Sections 112.312, 112.313, 112.3148, 112.31485, 112.3149, and 112.3215, Florida Statutes.

Registration and reporting requirements for executive branch lobbyists are contained in Section 112.3215 and 112.32155, Florida Statutes.

Penalties for violations of the Code of Ethics are provided by Section 112.317, Florida Statutes.

Generally, the foregoing is contained within Article II, Section 8, Florida Constitution (the "Sunshine Amendment"), and Part III, Chapter 112, Florida Statutes, which is entitled the "Code of Ethics for Public Officers and Employees."

The rules of the Commission are adopted pursuant to the Commission's Constitutional and statutory rule-making authority and are published in Title 34, F.A.C. The Commission's rulemaking is governed by Chapter 120, Florida Statutes, and the Uniform Rules, Chapter 28-108, Florida Administrative Code.

The Commission schedules and holds its meetings and workshops in accordance with the Uniform Rules, Chapters 28-102 and 109, Florida Administrative Code.

The Commission renders advisory opinions interpreting the ethics laws in accordance with Section 112.322(3), Florida Statutes, and Chapter 34-6, Florida Administrative Code; declaratory statements are rendered in accordance with the Uniform Rules, Florida Statutes, and Rule 34-6.001, Florida Administrative Code.

INTERNAL ORGANIZATION

The staff of the Commission consists of an Executive Director, selected by the members of the Commission, who is its chief administrative employee and is responsible for carrying out the directives of the Commission and for supervising its staff, and such legal, investigative, and administrative and clerical employees as are necessary to support the functions of the Commission.

The Legal Section, composed of the attorneys on the staff under the supervision of the General Counsel, represents the Commission in litigation and in the collection of automatic fines for failure to timely file financial disclosure. In addition, the attorneys on the staff draft opinions, orders, rules, and proposed legislation for consideration by the Commission and respond to inquiries about the ethics laws. Prosecution of ethics complaints is handled by one or more attorneys designated as the Commission Advocates, who are not members of the Commission staff and who usually are Assistant Attorneys General.

The Public Information Section, under the supervision of the Executive Director, provides information regarding Commission practices and procedures to the public, the press, and other states. This staff also responds to general information inquiries about the Commission and the ethics laws.

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

The Financial Disclosure Section, under the supervision of the Executive Director, compiles a list of the persons statewide who are required to file financial disclosure statements, accepts and files financial disclosure, gift disclosure, and similar forms filed with the Commission, notifies persons who are delinquent in filing their annual financial disclosure forms, and notifies and processes fines and appeals of persons who are late in filing their annual financial disclosure. This Section also responds to questions about the disclosure laws.

The Administrative and Clerical Section, under the supervision of the Executive Director, provides administrative and clerical support services to the Commissioners and staff.

HOW INFORMATION MAY BE OBTAINED BY THE PUBLIC

The Commission staff is housed at 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida. The telephone number of the Commission office is 850/488-7864; (fax 850/488-3077). Persons wishing to correspond by mail may write to the following address: The State of Florida Commission on Ethics, P. O. Drawer 15709, Tallahassee, Florida 32317-5709. The Commission also maintains an executive branch lobbyist registration office in The Pepper Building, Room G-68, 111 W. Madison St., Tallahassee, Florida, telephone number 850/922-4990. All non-archived Commission records are kept at the John Knox Road office, except for executive branch lobbyist related records, which are maintained at the Pepper Building location. Office hours are from 8:00 a.m. through 5:00 p.m., Monday through Friday except state holidays.

Public records that are not confidential are available for inspection by any person during office hours. Persons wishing to obtain copies of Commission advisory opinions, agendas of meetings, or copies of non-confidential documents may do so by contacting the Commission. Copies of non-confidential records in the custody of the Commission, including all disclosure forms that have been filed with the Commission, will be furnished to any person upon request and payment of the fee prescribed by Chapter 119, Florida Statutes. Pursuant to Section 112.31445, Florida Statutes, Full and Public Disclosure of Financial Interests filed by persons other than judges and judges of compensation claims, are posted on the Commission's website. Forms for public disclosure and instructions for completion of such forms are available on the Commission's website and from the office of the Secretary of State, and the office of the Supervisor of Elections in each county.

Advisory opinions of the Commission are public records. Any person may obtain a copy of an advisory opinion free of charge upon request. All advisory opinions are available at the Commission's website.

All complaints concerning breach of public trust and all documents pertaining thereto are initially confidential and may not be disclosed until confidentiality expires, as provided in Commission Rule 34-5.008, Florida Administrative Code.

Commission meetings, other than proceedings involving confidential complaints, are public and may be attended by any person.

Information about the Commission and copies of its opinions and some of its orders are available on the Internet, at www.ethics.state.fl.us.

DELEGATIONS OF AUTHORITY

Pursuant to Section 112.321(4), Florida Statutes, the Commission and its Executive Director comply with the uniform personnel, job classification, and pay plan administered by the Legislature's Office of Legislative Services. Decisions relating to hiring, promotion, demotion, and termination of Commission staff are hereby delegated to the Executive Director, who shall comply with the uniform plan administered by the Office of Legislative Services. The Executive Director shall develop and disseminate to Commission staff the policies and procedures applicable to employees of the Commission.

Pursuant to Section 112.3151, Florida Statutes, the Commission hereby delegates to its Chair the authority to grant extensions to financial disclosure deadlines of not exceeding 45 days, for good cause. However, the Chair may not grant an extension that would extend a filing deadline to a date within 20 days prior to a primary election.

Pursuant to Sections 112.3144, 112.3145, and 112.324, the Commission hereby delegates to its Chair the authority to grant a continuances in matters related to a complaint or appeal of an automatic financial disclosure fine scheduled to be heard by the Commission.

Pursuant to Section 112.322, Florida Statutes, the Commission hereby delegates to its investigators the authority to administer oaths and affirmations, delegates the authority to issue subpoenas to its Chair and, in the absence or unavailability of the Chair, to its Vice Chair, and authorizes its employees to serve any subpoena issued under the Commission's authority.

EXTENSIONS OF TIME FOR FILING DISCLOSURE STATEMENTS

A request for an extension of time for filing any disclosure required under Part III, Chapter 112, Florida Statutes, or under Article II, Section 8(a), Florida Constitution, shall be made by filing with the Commission a written request stating: the name and address of the person making the request; the public position or candidacy for which the disclosure is required; the reasons why an extension is requested; and whether any election is involved, and if so, the date(s) of such election(s).

Upon receipt of a request for an extension of time, Commission staff shall promptly forward a copy of the request to the Chair, who shall determine in his or her sole discretion whether good cause has been shown for the requested extension. The person making the request shall be notified promptly of the Chair's decision and an order shall be rendered by the Chair setting forth the decision and the reasons for that decision. A copy of the order shall be provided to the person making the request as soon as practicable. If the requested extension would exceed 45 days, the Commission must decide whether, in its discretion, good cause has been shown to grant the extension.

THE COMMISSION CLERK; INDEXING AND AVAILABILITY OF FINAL ORDERS

The Complaint Coordinator, Ms. Millie Fulford, is designated Commission Clerk.

The Clerk is located at the Commission on Ethics, 325 John Knox Road, Building E, Suite 200, Tallahassee, Florida, phone number 850/488-7864, facsimile number 850/488-3077. The office is open to the public between the hours of 8:00 a.m. to 5:00 p.m., excluding State holidays and weekends. Persons wishing to correspond by mail may write to the following address: Commission on Ethics, P. O. Drawer 15709, Tallahassee, FL 32317-5709. The Clerk's email address is: Fulford.Millie@leg.state.fl.us.

The Clerk is responsible for maintaining the files, databases, and logs relating to complaints, for indicating the date of filing on each order, and for transmitting materials and orders relating to complaints. The Clerk sequentially numbers final orders that are required to be indexed and lists those final orders that are required to be listed and are not indexed. The Commission's final orders, and lists are available to the public through the Clerk.

For final orders entered prior to January 1, 2005, Florida Administrative Law Reports (FALR) was designated as the official reporter of the Commission on Ethics for the purpose of publishing and indexing by subject matter all Commission final orders required to be indexed by the Administrative Procedures Act. FALR can be found at most county law libraries and is available by subscription from Florida Administrative Law Reports, Post Office Box 6020, Gainesville, Florida 32627, phone number 352/375-8036.

Final orders required to be indexed that were entered after January 1, 2005 but before July 1, 2015, are maintained and stored on an electronic database. The electronic database allows users to research and retrieve the full texts of Commission final orders using commonly used search terms and descriptive information about the orders, including major subject headings.

Pursuant to Chapter 2015-155, Laws of Florida, final orders required to be indexed that are entered after July 1, 2015 will be electronically transmitted to the Division of Administrative Hearings, for maintenance in a centralized database of agency final orders. Final orders which do not contain a statement of agency policy that may be the basis of future agency decisions or otherwise contain a statement of precedential value shall be listed, but not indexed, in the following categories:

(1) Final orders resulting from informal proceedings under Section 120.57(2), Florida Statutes, and

(2) Final orders closing cases on the basis of settlements, consent orders, or stipulations under Section 120.57(4), Florida Statutes.

All final orders that are required to be indexed or listed shall be sequentially numbered as rendered pursuant to Rule 1B-32.002, Florida Administrative Code. The sequential number shall be a two-part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with number 1 each new calendar year. The assigned agency designation prefix "COE" shall precede the two-part number.

ALLOWABLE ELECTRONIC DOCUMENT FILING

Documents other than sworn complaints and other documents made under oath, can be filed in a proceeding by electronic transmission. The Commission's fax number is 850/488-3077. Financial disclosures and other disclosures that require either an original signature or filing under oath may not be filed with the Commission electronically.

A party who files a document by electronic transmission represents that the original physically signed document will be retained by that party for the duration of the proceeding and

of any subsequent appeal or subsequent proceeding in that cause, and that the party shall produce it upon the request of other parties.

A party who elects to file a document by electronic transmission shall be responsible for any delay, disruption, or interruption of the electronic signals and accepts the full risk that the document may not be properly filed with the Clerk as a result.

The filing date for an electronically transmitted document shall be the date the Clerk receives the complete document. Any document received by the Clerk after 5:00 p.m. shall be filed as of 8:00 a.m. on the next regular business day. A document shall be filed by only one method (e-filing, facsimile, courier, hand-delivery, or U.S. mail) and shall not be filed multiple times. A duplicate filing will not be docketed and will be destroyed.

CONTRACT BIDDING PROTESTS

Contract bidding protests involving Commission purchases are governed by the Administrative Procedure Act and the Uniform Rules, Chapter 28-110, Florida Administrative Code.

VARIANCES AND WAIVERS OF COMMISSION RULES

The appropriate contact person for obtaining information about variances from or waivers of agency rules is the Commission's Executive Director, Chris Anderson, who can be reached at the Commission's staff location.

The requirements for filing a petition for variance or waiver of a Commission rule are contained in the Uniform Rules, Chapter 28-104, Florida Administrative Code.

Adopted on October 25, 2019