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"A Public Office is a Public Trust"

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MEMORANDUM

TO: All Interested Persons
FROM: Kerrie Stillman, Executive Director
SUBJECT: Proposed Legislation for 2025
DATE: November 20, 2024

For 2025, the Commission on Ethics makes the following recommendations regarding legislative changes to the Code of Ethics for Public Officers and Employees (Code of Ethics).

Whistle Blower-like Protection for Ethics Complainants

The Commission believes that the threat of adverse employment or personnel actions in retaliation for a person's filing of an ethics complaint discourages the filing of valid complaints. Thus, the Commission seeks the enactment of protections or remedies, akin to those in the "Whistle-blower's Act," Sections 112.3187-112.31895, Florida Statutes, for the benefit of ethics complainants.

Salary Withholding for Complaint Penalties

Currently, the Commission Advocates who prosecute ethics complaints obtain judgments from the courts when a Respondent fails to pay an imposed civil penalty resulting from a finding of a violation from a complaint proceeding. Commission recommends the Advocates have an additional tool for collecting civil penalties under 112.317(2). Salary withholding would be an efficient, cost-effective way to collect complaint civil penalties. It has proven very effective with the statutory automatic fines for late-filed disclosure forms. Language could be adapted from 112.31455(1) and added to 112.317.

Include "current and former foster parents and foster children" in the definition of relative in Section 112.312(21), F.S.

In the Code of Ethics, s. 112.313(21), F.S. defines relative for purposes of Florida's gift law. Although the statutory definition of relative is broad and includes persons sharing the same legal residence, as well as those who are engaged to be married, the term "relative" as currently defined does not include the current and former foster children and foster parents of a Reporting Individual or Procurement Employee (RIPE). Individuals subject to the prohibitions and reporting requirements found in Section 112.3148, F.S. may accept any gift in any amount from a "relative" and there are no reporting requirements for gifts from relatives. However, a RIPE, subject to the gifts law, would be required to report any gifts valued at more than \$100 that they receive from a current or former foster parent or foster child that does not have the same legal residence as the RIPE. Foster parents do not necessarily adopt the children they foster, but these foster parents and foster children may maintain a familial relationship throughout their lives, even after their legal relationship ends. The Commission recommends the Legislature amend the statute to include current and former foster parents and foster children in the definition of relative.