

BEFORE THE  
STATE OF FLORIDA  
COMMISSION ON ETHICS

COMMISSION ON ETHICS

In re JACKIE ESPINOSA,

Respondent.

CONFIDENTIAL  
Complaint No. 26-082

## PUBLIC REPORT AND ORDER DISMISSING COMPLAINT

On Friday, April 24, 2026, the Commission on Ethics met in executive session and considered this complaint for legal sufficiency pursuant to Commission Rule 34-5.002, F.A.C. The Commission's review was limited to questions of jurisdiction of the Commission and of the adequacy of the details of the complaint to allege a violation of the Code of Ethics for Public Officers and Employees. No factual investigation preceded the review, and therefore the Commission's conclusions do not reflect on the accuracy of the allegations of the complaint.

The Commission voted to dismiss the complaint for lack of legal sufficiency based on the following analysis:

1. This complaint was filed by Maria Munoz of Saint Cloud, Florida.
2. The Respondent, Jackie Espinosa, allegedly serves as the Mayor for the City of Kissimmee.
3. The complaint contends Respondent improperly involved herself in personnel and administrative matters of the City's Police Department. Per the complaint, Respondent participated in a meeting with the City Manager, the Chief of Police, and executive members of the Fraternal Order of Police Lodge #183. The meeting "appears to have contributed" to the termination of the

City Attorney, removal of the Deputy City Manager from oversight of Human Resources, and the continued obstruction of Deputy Chief of Police Munoz's reinstatement to his position.

4. The Commission on Ethics has jurisdiction to investigate only those allegations "based upon personal knowledge or information other than hearsay." § 112.324(1)(a), Fla. Stat. Complainant alleges to have firsthand knowledge of the matter, but does not explain how. Without this information, it is impossible for this Commission to determine whether Complainant does, in fact, have firsthand knowledge, or whether that knowledge is, instead, based upon hearsay. The complaint attaches an alleged e-mail from the Secretary of the Fraternal Order of Police Lodge, Michael Elder, documenting the alleged meeting. While such an e-mail might be considered admissible under the business records exception to the hearsay rule, the screenshot provided does not indicate who sent the e-mail, so the Commission is unable to determine whether the e-mail might be admissible pursuant to that hearsay exception. § 90.803(6), Fla. Stat. As a result, this complaint could be dismissed because the Commission cannot determine that it is based on personal knowledge or information other than hearsay as required by Section 112.324(1)(a). However, even if all allegations are considered on their merits, they do not provide a legally sufficient basis for investigation for the reasons explained below.

5. Section 112.313(6), Florida Statutes, is implicated by allegations in the complaint. Section 112.313(6) states:

MISUSE OF PUBLIC POSITION.--No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others.

Pursuant to Section 112.312(9), Florida Statutes, "corruptly" is defined as:

. . . done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

Section 112.313(6) prohibits public officials and employees from corruptly using or attempting to use their official positions or property or resources within their trust, and it prohibits them from corruptly performing their official duties, in order to secure a special privilege, benefit, or exemption for themselves or another; it is not enough that a detriment to a complainant or another is alleged.

6. The complaint substantively fails to indicate a possible violation of Section 112.313(6). Even accepting the allegations in the complaint as true, the complaint fails to allege in a factual, substantive, nonconclusory manner that Respondent misused her public position. Discussing the structure of the Police Department with the City Manager, and the Secretary of the Fraternal Order of the Police Lodge, and the Chief of Police is not "inconsistent with the proper performance of [Respondent's] duties" as the Mayor. See Blackburn v. State, Comm'n on Ethics, 589 So. 2d 431 (Fla. 1st DCA 1991). Where Respondent's alleged action was not inconsistent with the proper performance of her duties, that action cannot have been found to have been done "corruptly" pursuant to Section 112.313(6). § 112.312(9), Fla. Stat.

7. The complaint also fails to allege Respondent or another received a benefit, exemption, or privilege from any of her alleged actions or inactions. The complaint does insinuate Respondent might harbor a personal or political motive for revenge against Deputy Chief Munoz, as Deputy Chief Munoz allegedly was involved in the administrative process that ultimately led to the termination of Respondent's son-in-law from the Police Department. However, a "potential personal or political motive" is too speculative and conclusory to allege a benefit, and ultimately

does not support an investigation into an alleged violation of Section 112.313(6). Though the complaint does allege a detriment to Deputy Chief Munoz, a detriment, by itself, is not enough to support an investigation pursuant to Section 112.313(6). Without an alleged special benefit or exemption for himself or others, the "corruption" element required by Section 112.313(6) cannot be proven.

8. We also find the allegations in this complaint cannot constitute a violation of the prohibition currently found in Article II, Section 8(h)(2) of the State Constitution because, even if accepted as true, they do not identify in a factual, nonconclusory manner, a benefit to any of the parties enumerated in the prohibition.

Accordingly, this complaint is hereby dismissed for failure to constitute a legally sufficient complaint with the issuance of this public report.

ORDERED by the State of Florida Commission on Ethics meeting in executive session on Friday, April 24, 2026.

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Date Rendered

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Jon M. Philipson  
*Chair, Florida Commission on Ethics*

JMP/sen

cc: Ms. Jackie Espinosa, Respondent  
Ms. Maria Munoz, Complainant