

COMMISSION ON ETHICS RULE HEARING

March 8, 2024, 8:30 A.M.

Third Floor Courtroom
Florida First District Court of Appeal
2000 Drayton Drive
Tallahassee, FL

AGENDA

- I. Opening of hearing/Introductory comments by Chair
- II. Comments by staff concerning substantive nature of rule amendments and overview of January 26, 2024, rule hearing
- III. Discussion by Commissioners regarding proposed amendments
- IV. Comments by public and staff
- V. Further discussion and/or possible vote by Commissioners concerning rule amendments
- VI. Closing of hearing

Ashley Lukis
Chair
Michelle Anchors
Vice Chair
William P. Cervone
Tina Descovich
Freddie Figgers
Luis M. Fusté
Wengay M. Newton, Sr.



State of Florida
COMMISSION ON ETHICS
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Tallahassee, Florida 32317-5709

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Building E, Suite 200
Tallahassee, Florida 32303

"A Public Office is a Public Trust"

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MEMORANDUM

TO: Commission Members
FROM: Gray Schafer, Assistant General Counsel (GS)
DATE: February 21, 2024
RE: Second Rule Hearing on amendments to Chapter 34-8

The Commission is being asked to consider and approve rulemaking involving updates to Chapter 34-8, Florida Administrative Code (F.A.C.) and incorporated materials (the instructions for the CE Form 6, CE Form 6F, CE Form 6X, CE Form 1, and CE Form 1X). This is the second rule hearing concerning the proposed rulemaking. The initial rule hearing was during the public session of the Commission's meeting on January 26, 2024, at which time the attending members of the Commission unanimously voted to table the rulemaking matters and have them re-presented during the meeting on March 8, 2024.

As discussed in the initial rulemaking materials—which are attached at the end of this memorandum—this rulemaking is necessary to update and clarify two areas of our rules regarding financial disclosure. Because each area was fully discussed both in the initial rulemaking materials and at the initial rule hearing, this memo will be used only to clarify certain points made during the rule hearing and to emphasize several things that have occurred since.

The first area of rulemaking concerns amending the instructions regarding the disclosure of income on a CE Form 6 ("Full and Public Disclosure of Financial Interests") to allow an attorney to indicate they have a "Legal Client" meeting the disclosure criteria without providing any further identifying information. As previously explained, this would ensure the attorney would not be in violation of Rule 4-1.6(a) of the Rules Regulating the Florida Bar, which states that, absent consent from a client, an attorney "must not reveal information related to a client's

representation." This rule amendment would need to be made to Rule 34-8.005, F.A.C., which addresses the disclosure of income on a CE Form 6, as well as to the instructions for completing the CE Form 6, CE Form 6F, and CE Form 6X, which are incorporated by reference in Rules 34-8.001, 34-8.002, 34-8.008, and 34-8.009, F.A.C.

In regards to this area of rulemaking, there are several points to consider:

- As discussed during the initial rule hearing, this will most likely become an issue when an attorney is asked to complete the "Secondary Sources" portion of their disclosure filing. The criteria for disclosing a "Secondary Source" of income sets a high bar. It is possible that many attorneys will never have a client that meets or exceeds it. The "secondary source" portion is applicable only if an attorney: (1) owns over 5% of a law practice; and (2) derives over \$1,000 in income from the firm during the disclosure period. In that instance, the attorney has to identify—as a "secondary source" of the firm's income—any client who provided over 10% of the firm's gross income during the fiscal year. This does not mean that every client will need to be disclosed, but only those who exceed the 10% threshold.
- As discussed during the initial rule hearing, while a client may consent to have an attorney disclose their identity under Rule 4-1.6(a), many attorneys will not know if the client has exceeded the 10% threshold until they tabulate their firm's total revenue at the end of a calendar year or even during the following year. This could create a difficult situation for an attorney, as they may not know if consent should be acquired until well into their representation of a client, or possibly even after that representation has ended. And if the client refuses consent at that point, the attorney will be faced with a choice—either violate the financial disclosure rules by withholding the client's identity or violate the Bar rule by disclosing it.
- The Florida Bar has provided us with a statement confirming that an attorney will be in violation of Rule 4-1.6(a) if they identify a client on a financial disclosure. The Bar also wrote us that disclosing how much a client has paid an attorney will be a violation of Rule 4-1.6(a) as well. Its staff attorney writes, "[b]ecause 4-1.6 is much broader than attorney-client privilege (which is governed by the Evidence Code), a lawyer cannot reveal a client's identity, how much a client has paid the lawyer (monetary figure or percentage), or any other information relating to the representation unless an exception to the rule applies or the client gives informed consent However, listing "legal client" alone would be permissible." The Bar's response is included with the meeting materials.
- Most importantly, the Florida Senate has recognized how the financial disclosure income requirements may create a conflict for those attorneys subject to Rule 4-1.6(a). To that end, the Senate has proposed SB 7014, which would amend the financial disclosure statutes—Sections 112.3144 and 112.3145, Florida Statutes—using the exact language your staff has proposed in the rule amendments before you today. Currently, that bill has passed the Senate and is pending consideration in the House as of the date of this memo. However, even if SB 7014 is signed into law, it will not become effective until October 1, 2024. Because of this, it is still recommended that you approve these rule amendments to

provide guidance for any attorney completing a CE Form 6. SB 7014 is included in your meeting materials.

The second area of rulemaking pertains to the instructions on the training certification portions of the CE Form 6, CE Form 6X, CE Form 1 ("Statement of Financial Interests") and CE Form 1X ("Amendment to Statement of Financial Interests"). As explained during the initial rule hearing, those instructions need to be amended to remove references to elected local officers of independent special districts and any person appointed to fill a vacancy on an independent special district board. This is because they do not need to certify compliance until they submit their financial disclosures for 2024, which will be after the 2024 calendar year is complete. For that reason, it is premature to mention them in the instructions for this portion of the forms.

Attached to this memo is the correspondence from the Florida Bar, Senate Bill 7014 (note lines 128-135 and 202-209), as well as the materials provided to you during the initial rule hearing. You will be asked to approve this proposed rulemaking at your March 8, 2024 Commission meeting.

Attachments

Schafer, Grayden

From: Schafer, Grayden
Sent: Thursday, February 01, 2024 3:17 PM
To: Zuilkowski, Steven; Stillman, Kerrie
Subject: FW: Request for Call Record #605904
Attachments: Call Record 605904.pdf

Correspondence from Deanna Rahming at the Florida Bar

From: Ethics Opinions <etopinion@flabar.org>
Sent: Thursday, February 01, 2024 3:04 PM
To: Schafer, Grayden <SCHAFER.GRAYDEN@leg.state.fl.us>
Subject: Request for Call Record #605904

RENDERING You don't often get email from etopinion@flabar.org. [Learn why this is important](#)
Enclosed as you requested is a copy of call record #605904.

If you have a question or if I can be of other assistance, please let me know.

(See attached file: Call Record 605904.pdf)

Have a nice day,

Susan Permenter
Administrative Support 2
Ethics & Advertising Department
The Florida Bar
651 East Jefferson Street
Tallahassee, Florida 32399-2300

Ethics & Advertising Questions/Hotline Hours: (Members Only)

Monday – Friday 9:00 a.m. till 5:00 p.m. (Eastern)
Call: 800-235-8619 or 850-561-5780

Please note: Florida has very broad public records laws. Many written communications to or from The Florida Bar regarding Bar business may be considered public records, which must be made available to anyone upon request. Your e-mail communications may therefore be subject to public disclosure.

Call Record

Record # 605904

Login: 01/30/2024 10:59 AM
Staff: Deanna Rahming
Message Taken By:

Caller: Gray Schafer
Phone:
Notes: schaffer.grayden@leg.state.fl.us

Inquiry

Facts: Caller works at the Commission on Ethics. A FL atty asked if he needed to name his client in his Form 6. Caller drafted a rule that amends the disclosure instructions and allows lawyers to not disclose if it would violate 4-1.6. Lawyers could just put "legal client" and not the client's name. What about putting the money the client has paid? Can monetary figure be put down or percentage?

Question:

Answer: A lawyer cannot reveal any information relating to the representation of a client unless an exception to the rule applies or the client gives informed consent. Discussed 4-1.6 . Because 4-1.6 is much broader than atty-client privilege (which is governed by the Evidence Code), a lawyer cannot reveal a client's identity, how much a client has paid the lawyer (monetary figure or percentage), or any other information relating to the representation unless an exception to the rule applies or the client gives informed consent. Based on the facts provided, none of the exceptions to 4-1.6 would permit a lawyer to disclose a client's identity or how much a client has paid the lawyer. However, listing "legal client" alone would be permissible.

See also, comment to 4-1.6 The principle of confidentiality is given effect in 2 related bodies of law, the attorney-client privilege (which includes the work product doctrine) in the law of evidence and the rule of confidentiality established in professional ethics. The attorney-client privilege applies in judicial and other proceedings in which a lawyer may be called as a witness or otherwise required to produce evidence concerning a client. The rule of client-lawyer confidentiality applies in situations other than those where evidence is sought from the lawyer through compulsion of law. The confidentiality rule applies not merely to matters communicated in confidence by the client but also to all information relating to the representation, **whatever its source**. A lawyer may not disclose confidential information except as authorized or required by the

Rules Regulating The Florida Bar or by law. However, none of the foregoing limits the requirement of disclosure in subdivision (b). This disclosure is required to prevent a lawyer from becoming an unwitting accomplice in the fraudulent acts of a client. See also Scope.

...

Disclosures otherwise required or authorized

The attorney-client privilege is differently defined in various jurisdictions. If a lawyer is called as a witness to give testimony concerning a client, absent waiver by the client, rule 4-1.6(a) requires the lawyer to invoke the privilege when it is applicable. The lawyer must comply with the final orders of a court or other tribunal of competent jurisdiction requiring the lawyer to give information about the client.

The Rules of Professional Conduct in various circumstances permit or require a lawyer to disclose information relating to the representation. See rules 4-2.3, 4-3.3, and 4-4.1. In addition to these provisions, a lawyer may be obligated or permitted by other provisions of law to give information about a client. Whether another provision of law supersedes rule 4-1.6 is a matter of interpretation beyond the scope of these rules, but a presumption should exist against a supersession.

See also:

1. Florida Ethics Opinion 77-25. If confidentiality or secrecy of a particular client's identity exists, a lawyer who is also a public official, required to disclose clients and financial interests by Florida statutes and the Florida constitution, must choose between continuing representation of the client or continuing in his capacity as a public official.

2. THE ATTORNEY-CLIENT PRIVILEGE V. THE CONFIDENTIALITY RULE: A LAWYER'S CONUNDRUM IN THE USE AND APPLICATION OF THE EVIDENCE CODE V. THE RULES OF PROFESSIONAL CONDUCT

<https://www.floridabar.org/the-florida-bar-news/the-attorney-client-privilege-v-the-confidentiality-rule-a-lawyers-conundrum-in-the-use-and-application-of-the-evidence-code-v-the-rules-of-professional-conduct/>

Finally, please note that The Rules Regulating The Florida Bar are considered, and given the effect of, law as The Florida Bar is an arm of The Florida Supreme Court and Article V, Section 15 of the Constitution of the State of Florida gives the Court exclusive and ultimate authority to regulate the admission of persons to the practice of law and the

discipline of those persons who are admitted to practice. See,
<https://www.floridabar.org/about/faq/>

Type of Call: Ethics

Fax/Email/Mail Information

Caller's First Name: Gray
Caller's Last Name: Schafer
Title:
Firm:
Email: schafer.grayden@leg.state.fl.us
Fed-ex Account #:

Address1:
Address2:
City:
State:
Zip:

Action: Email
Enclosures:

Special Instructions:
Comments: Please email copy of the call record to C.

Legal Staff Status: Closed
Support Status: Closed
Support Initials: SP
Time Completed:

Change Log

Date	Type	Details
Deanna Rahming		
02/01/2024	CallRecord	
02/01/2024	CallRecord	CallerFirstName: "Gray " (was "") CallerLastName: "Schafer" (was "") EMail: "schafer.grayden@leg.state.fl.us" (was "") Action: "Email" (was "") Comments: "P the call record to C. " (was "") LegalStaffStatus: "Closed" (was "Open")

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1 A bill to be entitled
2 An act relating to ethics; amending s. 112.3122, F.S.;
3 increasing the maximum fine for violations of
4 specified lobbying provisions; amending s. 112.3144,
5 F.S.; authorizing attorneys who file full and public
6 disclosures of their financial interests to indicate
7 that a client meets disclosure criteria without
8 providing further information relating to such client;
9 authorizing such attorneys to designate such clients
10 as "Legal Client" on such disclosures; amending s.
11 112.3145, F.S.; deleting obsolete language;
12 authorizing attorneys who file statements of financial
13 interests to indicate that a client meets disclosure
14 criteria without providing further information
15 relating to such client; authorizing such attorneys to
16 designate such clients as "Legal Client" on such
17 statements; amending s. 112.321, F.S.; prohibiting a
18 member of the Commission on Ethics from serving more
19 than two full terms, instead of two full terms in
20 succession; making technical changes; deleting
21 obsolete language; amending s. 112.317, F.S.;
22 providing that a complainant is liable for costs plus
23 reasonable attorney fees for filing a complaint with
24 malicious intent against a candidate for public
25 office; amending s. 112.324, F.S.; requiring that
26 allegations in written complaints submitted to the
27 commission be based upon personal knowledge or
28 information other than hearsay; specifying that a
29 certain number of members of the commission are not

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30 required to make a specified determination related to
31 written referrals submitted to the commission by
32 specified parties; requiring the commission to submit
33 a copy of a certain referral to an alleged violator
34 within a specified timeframe; requiring the commission
35 to undertake a preliminary investigation within a
36 specified timeframe after receipt of technically and
37 legally sufficient complaints or referrals and make a
38 certain determination; authorizing a complainant to
39 submit an amended complaint within a specified
40 timeframe; providing that the probable cause
41 determination concludes the preliminary investigation;
42 requiring the commission to complete a preliminary
43 investigation, including a probable cause
44 determination, within a specified timeframe; requiring
45 the commission to complete an investigatory report
46 within a specified timeframe; authorizing the
47 commission to extend, for a specified period, the
48 allowable timeframe to adequately complete a
49 preliminary investigation if a specified number of
50 members of the commission determine such extension is
51 necessary; requiring the commission to document the
52 reasons for extending such investigation and transmit
53 a copy of such documentation to the alleged violator
54 and complainant within a specified timeframe;
55 requiring the commission to transmit a copy of the
56 completed report to an alleged violator and to the
57 counsel representing the commission within a specified
58 timeframe; requiring such counsel to make a written

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59 recommendation for disposition of a complaint or
60 referral within a specified timeframe after receiving
61 the investigatory report; requiring the commission to
62 transmit such recommendation to the alleged violator
63 within a specified timeframe; providing that the
64 alleged violator has a specified timeframe to respond
65 in writing to the counsel's recommendation; requiring
66 the commission, upon receipt of the counsel's
67 recommendation, to schedule a probable cause hearing
68 for the next executive session of the commission for
69 which notice requirements can be met; providing that,
70 under specified conditions, the commission may dismiss
71 complaints or referrals before completion of a
72 preliminary investigation; providing a timeframe
73 within which the commission must transmit a copy of
74 the order finding probable cause to the complainant
75 and the alleged violator after a finding of probable
76 cause; specifying that an alleged violator is entitled
77 to request a formal hearing before the Division of
78 Administrative Hearings or may select an informal
79 hearing with the commission; providing that persons
80 are deemed to waive their rights to a formal or an
81 informal hearing if the request is not received within
82 a specified timeframe; providing the timeframe within
83 which the commission must conduct an informal hearing;
84 requiring the commission to schedule a case that has
85 been relinquished from the Division of Administrative
86 Hearings for additional action at the next commission
87 meeting for which notice requirements can be met;

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88 requiring the commission to complete final action on
89 such case within a specified timeframe; requiring a
90 specified percentage of commission members present at
91 a meeting to vote to reject or deviate from a
92 recommendation made by the counsel representing the
93 commission; providing that specified timeframes are
94 tolled until the completion of a related criminal
95 investigation or prosecution, excluding appeals,
96 whichever occurs later; providing that a harmless
97 error standard applies to the commission regarding
98 specified timeframes; amending s. 112.326, F.S.;
99 providing requirements for noncriminal complaint
100 procedures if a political subdivision or an agency
101 adopts more stringent standards of conduct and
102 disclosure requirements; providing that existing and
103 future ordinances and rules that are in conflict with
104 specified provisions are void; providing an effective
105 date.

106
107 Be It Enacted by the Legislature of the State of Florida:

108
109 Section 1. Paragraph (b) of subsection (4) of section
110 112.3122, Florida Statutes, is amended to read:

111 112.3122 Enforcement and penalties for constitutional
112 prohibition against lobbying by a public officer.—

113 (4) A violation of s. 8(f), Art. II of the State
114 Constitution may be punished by one or more of the following:

115 (b) A civil penalty not to exceed \$20,000 ~~\$10,000~~.

116 Section 2. Paragraph (c) of subsection (6) of section

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117 112.3144, Florida Statutes, is amended to read:

118 112.3144 Full and public disclosure of financial
119 interests.-

120 (6)

121 (c) 1. Each separate source and amount of income which
122 exceeds \$1,000 must be identified. For the purpose of a filer
123 reporting income, the commission shall accept federal income tax
124 returns. If a filer submits a federal income tax return for the
125 purpose of reporting income, he or she must also include all
126 attachments and schedules associated with such federal income
127 tax return.

128 2. If disclosure of identifying information regarding a
129 source of income or secondary sources of income will violate
130 confidentiality or privilege pursuant to law or rules governing
131 attorneys, a filer who is also an attorney may indicate that he
132 or she has a legal client who meets the disclosure criteria
133 without providing further information about the client. The
134 filer in such circumstance may write "Legal Client" in the
135 disclosure fields without providing further information.

136 Section 3. Subsection (3) of section 112.3145, Florida
137 Statutes, is amended to read:

138 112.3145 Disclosure of financial interests and clients
139 represented before agencies.-

140 (3) The statement of financial interests for state
141 officers, specified state employees, local officers, and persons
142 seeking to qualify as candidates for state or local office shall
143 be filed even if the reporting person holds no financial
144 interests requiring disclosure in a particular category, in
145 which case that section of the statement shall be marked "not

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146 applicable." Otherwise, the statement of financial interests
147 must include the information under paragraph (a) ~~or paragraph~~
148 ~~(b)~~. ~~The reporting person must indicate on the statement whether~~
149 ~~he or she is using the reporting method under paragraph (a) or~~
150 ~~paragraph (b). Beginning January 1, 2023, only the reporting~~
151 ~~method specified under paragraph (b) may be used.~~

152 ~~(a)1. All sources of income in excess of 5 percent of the~~
153 ~~gross income received during the disclosure period by the person~~
154 ~~in his or her own name or by any other person for his or her use~~
155 ~~or benefit, excluding public salary. However, this shall not be~~
156 ~~construed to require disclosure of a business partner's sources~~
157 ~~of income. The person reporting shall list such sources in~~
158 ~~descending order of value with the largest source first;~~

159 ~~2. All sources of income to a business entity in excess of~~
160 ~~10 percent of the gross income of a business entity in which the~~
161 ~~reporting person held a material interest and from which he or~~
162 ~~she received an amount which was in excess of 10 percent of his~~
163 ~~or her gross income during the disclosure period and which~~
164 ~~exceeds \$1,500. The period for computing the gross income of the~~
165 ~~business entity is the fiscal year of the business entity which~~
166 ~~ended on, or immediately prior to, the end of the disclosure~~
167 ~~period of the person reporting;~~

168 ~~3. The location or description of real property in this~~
169 ~~state, except for residences and vacation homes, owned directly~~
170 ~~or indirectly by the person reporting, when such person owns in~~
171 ~~excess of 5 percent of the value of such real property, and a~~
172 ~~general description of any intangible personal property worth in~~
173 ~~excess of 10 percent of such person's total assets. For the~~
174 ~~purposes of this paragraph, indirect ownership does not include~~

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175 ~~ownership by a spouse or minor child; and~~

176 ~~4. Every individual liability that equals more than the~~
177 ~~reporting person's net worth; or~~

178 ~~(b)~~1. All sources of gross income in excess of \$2,500
179 received during the disclosure period by the person in his or
180 her own name or by any other person for his or her use or
181 benefit, excluding public salary. However, this shall not be
182 construed to require disclosure of a business partner's sources
183 of income. The person reporting shall list such sources in
184 descending order of value with the largest source first;

185 2. All sources of income to a business entity in excess of
186 10 percent of the gross income of a business entity in which the
187 reporting person held a material interest and from which he or
188 she received gross income exceeding \$5,000 during the disclosure
189 period. The period for computing the gross income of the
190 business entity is the fiscal year of the business entity which
191 ended on, or immediately prior to, the end of the disclosure
192 period of the person reporting;

193 3. The location or description of real property in this
194 state, except for residence and vacation homes, owned directly
195 or indirectly by the person reporting, when such person owns in
196 excess of 5 percent of the value of such real property, and a
197 general description of any intangible personal property worth in
198 excess of \$10,000. For the purpose of this paragraph, indirect
199 ownership does not include ownership by a spouse or minor child;
200 and

201 4. Every liability in excess of \$10,000.

202 (b) If disclosure of identifying information regarding a
203 source of income or secondary sources of income will violate

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204 confidentiality or privilege pursuant to law or rules governing
205 attorneys, a filer who is also an attorney may indicate that he
206 or she has a legal client who meets the disclosure criteria
207 without providing further information about the client. The
208 filer in such circumstance may write "Legal Client" in the
209 disclosure fields without providing further information.

210 Section 4. Subsection (1) of section 112.321, Florida
211 Statutes, is amended to read:

212 112.321 Membership, terms; travel expenses; staff.—

213 (1) The commission shall be composed of nine members. Five
214 of these members shall be appointed by the Governor, no more
215 than three of whom shall be from the same political party,
216 subject to confirmation by the Senate. One member appointed by
217 the Governor shall be a former city or county official and may
218 be a former member of a local planning or zoning board which has
219 only advisory duties. Two members shall be appointed by the
220 Speaker of the House of Representatives, and two members shall
221 be appointed by the President of the Senate. Neither the Speaker
222 of the House of Representatives nor the President of the Senate
223 shall appoint more than one member from the same political
224 party. Of the nine members of the Commission, no more than five
225 members shall be from the same political party at any one time.
226 A ~~No~~ member may not hold any public employment. An individual
227 who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215
228 or pursuant to any local government charter or ordinance may not
229 serve as a member of the commission, ~~except that this~~
230 ~~prohibition does not apply to an individual who is a member of~~
231 ~~the commission on July 1, 2006, until the expiration of his or~~
232 ~~her current term.~~ A member of the commission may not lobby any

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233 state or local governmental entity as provided in s. 11.045 or
234 s. 112.3215 or as provided by any local government charter or
235 ordinance, ~~except that this prohibition does not apply to an~~
236 ~~individual who is a member of the commission on July 1, 2006,~~
237 ~~until the expiration of his or her current term.~~ All members
238 shall serve 2-year terms. A member may not serve more than two
239 full terms ~~in succession~~. Any member of the commission may be
240 removed for cause by majority vote of the Governor, the
241 President of the Senate, the Speaker of the House of
242 Representatives, and the Chief Justice of the Supreme Court.

243 Section 5. Subsection (7) of section 112.317, Florida
244 Statutes, is amended to read:

245 112.317 Penalties.—

246 (7) In any case in which the commission determines that a
247 person has filed a complaint against a public officer or
248 employee or a candidate for public office with a malicious
249 intent to injure the reputation of such officer or employee or
250 candidate by filing the complaint with knowledge that the
251 complaint contains one or more false allegations or with
252 reckless disregard for whether the complaint contains false
253 allegations of fact material to a violation of this part, the
254 complainant shall be liable for costs plus reasonable attorney
255 fees incurred in the defense of the person complained against,
256 including the costs and reasonable attorney fees incurred in
257 proving entitlement to and the amount of costs and fees. If the
258 complainant fails to pay such costs and fees voluntarily within
259 30 days following such finding by the commission, the commission
260 shall forward such information to the Department of Legal
261 Affairs, which shall bring a civil action in a court of

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262 competent jurisdiction to recover the amount of such costs and
263 fees awarded by the commission.

264 Section 6. Subsections (1) and (3) of section 112.324,
265 Florida Statutes, are amended to read:

266 112.324 Procedures on complaints of violations and
267 referrals; public records and meeting exemptions.—

268 (1) The commission shall investigate an alleged violation
269 of this part or other alleged breach of the public trust within
270 the jurisdiction of the commission as provided in s. 8(f), Art.
271 II of the State Constitution:

272 (a) Upon a written complaint executed on a form prescribed
273 by the commission which is based upon personal knowledge or
274 information other than hearsay and signed under oath or
275 affirmation by any person; or

276 (b) Upon receipt of a written referral of a possible
277 violation of this part or other possible breach of the public
278 trust from the Governor, the Department of Law Enforcement, a
279 state attorney, or a United States Attorney ~~which at least six~~
280 ~~members of the commission determine is sufficient to indicate a~~
281 ~~violation of this part or any other breach of the public trust.~~
282

283 Within 5 days after receipt of a complaint or referral by the
284 commission ~~or a determination by at least six members of the~~
285 ~~commission that the referral received is deemed sufficient,~~ a
286 copy must ~~shall~~ be transmitted to the alleged violator.

287 (3) (a) A preliminary investigation must ~~shall~~ be undertaken
288 by the commission within 30 days after its receipt of each
289 technically and legally sufficient complaint or referral over
290 which the commission has jurisdiction to determine whether there

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291 is probable cause to believe that a violation has occurred. A
292 complainant may submit an amended complaint up to 60 days after
293 the commission receives the initial complaint. The probable
294 cause determination is the conclusion of the preliminary
295 investigation. The commission shall complete the preliminary
296 investigation, including the probable cause determination, no
297 later than 1 year after the beginning of the preliminary
298 investigation.

299 (b) An investigatory report must be completed no later than
300 150 days after the beginning of the preliminary investigation.
301 If, at any one meeting of the commission held during a given
302 preliminary investigation, at least six members of the
303 commission determine that additional time is necessary to
304 adequately complete such investigation, the commission may
305 extend the timeframe to complete the preliminary investigation
306 by no more than 60 days. During such meeting, the commission
307 shall document its reasons for extending the investigation and
308 transmit a copy of such documentation to the alleged violator
309 and complainant no later than 5 days after the extension is
310 ordered. The investigatory report must be transmitted to the
311 alleged violator and to the counsel representing the commission
312 no later than 5 days after completion of the report. The counsel
313 representing the commission shall make a written recommendation
314 to the commission for the disposition of the complaint or
315 referral no later than 15 days after he or she receives the
316 completed investigatory report. The commission shall transmit
317 the counsel's written recommendation to the alleged violator no
318 later than 5 days after its completion. The alleged violator has
319 14 days after the mailing date of the counsel's recommendation

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320 to respond in writing to the recommendation.

321 (c) Upon receipt of the counsel's recommendation, the
322 commission shall schedule a probable cause hearing for the next
323 executive session of the commission for which notice
324 requirements can be met.

325 ~~(d) If, upon completion of the preliminary investigation,~~
326 the commission finds no probable cause to believe that this part
327 has been violated, or that no any other breach of the public
328 trust has been committed, the commission must ~~shall~~ dismiss the
329 complaint or referral with the issuance of a public report to
330 the complainant and the alleged violator, stating with
331 particularity its reasons for dismissal. At that time, the
332 complaint or referral and all materials relating to the
333 complaint or referral ~~shall~~ become a matter of public record.

334 (e) If the commission finds from the preliminary
335 investigation probable cause to believe that this part has been
336 violated or that any other breach of the public trust has been
337 committed, it must transmit a copy of the order finding probable
338 cause to shall so notify the complainant and the alleged
339 violator in writing no later than 5 days after the date of the
340 probable cause determination. Such notification and all
341 documents made or received in the disposition of the complaint
342 or referral ~~shall then~~ become public records. Upon request
343 submitted to the commission in writing, any person who the
344 commission finds probable cause to believe has violated any
345 provision of this part or has committed any other breach of the
346 public trust is ~~shall be~~ entitled to a public hearing and may
347 elect to have a formal administrative hearing conducted by an
348 administrative law judge in the Division of Administrative

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349 Hearings. If the person does not elect to have a formal
350 administrative hearing by an administrative law judge, the
351 person is entitled to an informal hearing conducted before the
352 commission. Such person is shall be deemed to have waived the
353 right to a formal or an informal public hearing if the request
354 is not received within 14 days following the mailing date of the
355 probable cause notification required by this paragraph
356 subsection. However, the commission may, on its own motion,
357 require a public hearing.

358 (f) If the commission conducts an informal hearing, it must
359 be held no later than 75 days after the date of the probable
360 cause determination.

361 (g) If the commission refers a case to the Division of
362 Administrative Hearings for a formal hearing and subsequently
363 requests that the case be relinquished back to the commission,
364 or if the administrative law judge assigned to the case
365 relinquishes jurisdiction back to the commission before a
366 recommended order is entered, the commission must schedule the
367 case for additional action at the next commission meeting for
368 which notice requirements can be met. At the next subsequent
369 commission meeting, the commission must complete final action on
370 such case.

371 (h) The commission, may conduct such further investigation
372 as it deems necessary, and may enter into such stipulations and
373 settlements as it finds to be just and in the best interest of
374 the state. The commission is without jurisdiction to, and no
375 respondent may voluntarily or involuntarily, enter into a
376 stipulation or settlement which imposes any penalty, including,
377 but not limited to, a sanction or admonition or any other

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378 penalty contained in s. 112.317. Penalties may ~~shall~~ be imposed
379 only by the appropriate disciplinary authority as designated in
380 this section.

381 (i) At least two-thirds of the members of the commission
382 present at a meeting must vote to reject or deviate from a
383 recommendation of the counsel representing the commission.

384 (j) If a criminal complaint related to an investigation
385 pursuant to this section is filed, the timeframes in this
386 subsection are tolled until completion of the criminal
387 investigation or prosecution, excluding any appeals from such
388 prosecution, whichever occurs later.

389 (k) The failure of the commission to comply with the time
390 limits provided in this subsection constitutes harmless error in
391 any related disciplinary action unless a court finds that the
392 fairness of the proceedings or the correctness of an action may
393 have been impaired by a material error in procedure or a failure
394 to follow prescribed procedure.

395 Section 7. Section 112.326, Florida Statutes, is amended to
396 read:

397 112.326 Additional requirements by political subdivisions
398 and agencies not prohibited; certain procedures preempted.—

399 (1) Except as provided in subsection (2), ~~Nothing~~ in this
400 part does not ~~act~~ ~~shall~~ prohibit the governing body of any
401 political subdivision, by ordinance, or agency, by rule, from
402 imposing upon its own officers and employees additional or more
403 stringent standards of conduct and disclosure requirements than
404 those specified in this part, provided that those standards of
405 conduct and disclosure requirements do not otherwise conflict
406 with the provisions of this part.

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407 (2) If a political subdivision or an agency adopts by
408 ordinance or rule additional or more stringent standards of
409 conduct and disclosure requirements pursuant to subsection (1),
410 any noncriminal complaint procedure must:

411 (a) Require a complaint to be written and signed under oath
412 or affirmation by the person making the complaint;

413 (b) Require a complaint to be based upon personal knowledge
414 or information other than hearsay;

415 (c) Prohibit the initiation of a complaint or investigation
416 by the governing body of the political subdivision, agency, or
417 any entity created to enforce the standards; and

418 (d) Include a provision establishing a process for the
419 recovery of costs and attorney fees for public officers, public
420 employees, or candidates for public office against a person
421 found by the governing body of the political subdivision,
422 agency, or entity created to enforce the standards to have filed
423 the complaint with a malicious intent to injure the reputation
424 of such officer, employee, or candidate by filing the complaint
425 with knowledge that the complaint contains one or more false
426 allegations or with reckless disregard for whether the complaint
427 contains false allegations of fact material to a violation.

428 (3) Any existing or future ordinance or rule adopted by a
429 political subdivision or an agency which is in conflict with
430 subsection (2) is void.

431 Section 8. This act shall take effect October 1, 2024.

Ashley Lukis
Chair
Michelle Anchors
Vice Chair
William P. Cervone
Tina Descovich
Freddie Figgers
Luis M. Fusté
Wengay M. Newton, Sr.



State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

"A Public Office is a Public Trust"

Kerrie J. Stillman
Executive Director

Steven J. Zuilkowski
*Deputy Executive Director/
General Counsel*

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MEMORANDUM

TO: Commission Members
FROM: Gray Schafer, Assistant General Counsel (GS)
DATE: January 10, 2024
RE: Rule Hearing on amendments to Chapter 34-8

The Commission is being asked to consider and approve rulemaking involving updates to Chapter 34-8, Florida Administrative Code (F.A.C.) and incorporated materials (the instructions for the CE Form 6, CE Form 6F, CE Form 6X, CE Form 1, and CE Form 1X). The rule amendments have been duly noticed and materials have been provided to the Joint Administrative Procedures Committee. This rulemaking is necessary to update and clarify our rules—and the materials incorporated within them—in two areas regarding financial disclosure.

The first rulemaking change concerns identifying sources of income on the CE Form 6 ("Full and Public Disclosure of Financial Interests"), which is a financial disclosure form called for by the Florida Constitution. Article II, Section 8(a) of the Florida Constitution requires certain public officers and candidates to complete a CE Form 6. Article II, Section 8(i)(1)b. states the CE Form 6 shall be on a form prescribed by the Commission on Ethics and gives the Commission the authority to prescribe rules under which the CE Form 6 is to be filed, including rules regarding the disclosure of income. Further rulemaking authority regarding this Form is given to the Commission in Section 112.322(9), which allows the Commission "to make such rules not inconsistent with law" interpreting the disclosures established by Article II, Section 8 of the Florida Constitution. (emphasis added).

The Commission has engaged in rulemaking concerning the requirements of the CE Form 6, and has incorporated the instructions for completing the CE Form 6 by reference in several rules as

well. Currently, a rule and the instructions concerning the CE Form 6—as well as its related Forms, the CE Form 6F ("Final Full and Public Disclosure of Financial Interests") and the CE Form 6X ("Amendment to Full and Public Disclosure of Financial Interests")—require filers to specifically name each source of income that exceeds the applicable reporting threshold in the "Income" section of the Form. The specific rule requiring this is Rule 34-8.005, F.A.C.

As discussed at the last Commission meeting, disclosing the name of such sources may place a filer, who is an attorney, in violation of Rule 4-1.6(a) of the Rules Regulating the Florida Bar. Rule 4-1.6(a) states that, absent consent from a client, an attorney "must not reveal information related to a client's representation[.]" The Professional Ethics Committee of the Florida Bar has interpreted this confidentiality rule to be broader than statutory attorney-client privilege, and has found the rule pertains to "any information related to the representation of a client." Florida Bar Professional Ethics Comm. Op. 07-1 (emphasis added). The Professional Ethics Committee has also raised concerns that an attorney—who is a public officer—may be in violation of the duty of confidentiality created by Rule 4-1.6(a) were he or she to disclose a client's identity on a financial disclosure form. See Florida Bar Professional Ethics Comm. Op. 77-25.

The Commission on Ethics has no authority to interpret Rule 4-1.6(a). However, if the duty of confidentiality in Rule 4-1.6(a) indeed extends to the identities of legal clients, there is a concern that an attorney may be in violation of Rule 4-1.6(a) if he or she discloses a client's identity on a CE Form 6. Considering that Section 112.322(9) only allows the Commission to prescribe rules concerning financial disclosure that are "not inconsistent with law," it is proposed herein that any Commission rule requiring an attorney to disclose the identity of a legal client should be amended to avoid the potential of placing the attorney in violation of Rule 4-1.6(a).

Given the foregoing, it is proposed that Rule 34-8.005 be amended to include a new subsection—subsection 5—that would allow an attorney to indicate on their CE Form 6 that they have a "Legal Client" who meets the disclosure criteria without providing further identifying information. Similar language will need to be added to the instructions for completing the CE Form 6, CE Form 6F, and CE Form 6X, which are incorporated by reference in Rules 34-8.001, 34-8.002, 34-8.008, and 34-8.009, F.A.C.

The second rulemaking change is to the instructions on the training certification portions of the disclosure forms. Currently, the instructions on the CE Form 6, CE Form 6X, CE Form 1 ("Statement of Financial Interests") and CE Form IX ("Amendment to Statement of Financial Interests") indicate that elected local officers of independent special districts, and any person appointed to fill a vacancy on an independent special district board, must certify on their disclosure form that they have completed the statutorily mandated four hours of ethics training. This was pursuant to a recent statutory addition in Section 112.3142(2)(d), Florida Statutes, which required these types of officers to receive four hour of annual ethics training beginning on January 1, 2024. However, while the statutory change required these officers to begin receiving the four hours of annual training, they have the entirety of 2024 to complete that training, and they will not need to certify their compliance until they submit their financial disclosure for 2024, which will be after the 2024 calendar year is complete. For that reason, it is premature to mention them in the instructions for this portion of the forms.

The proposed amendment will be to the instructions for the CE Form 6, CE Form 6X, CE Form 1, and CE Form 1X, which are incorporated by reference in Rules 34-8.001, 34-8.009, 34-8.202 and 34-8.209. The amendment will remove the reference to these types of officers from the instructions in the training certification portion. This removal will be temporary, and it is anticipated that these types of officers will be added back into the instructions for this portion in the near future.

The Notice of Proposed Rulemaking, the text of the proposed amended rules, and the proposed amended instructions that will need to be incorporated by reference into the rules are attached. You will be asked to approve this proposed rulemaking at your January 26, 2024, Commission meeting.

Attachments

1. If the Company is responsible for the delay of an examination, the inability to conduct an examination as scheduled, or the inability to complete an examination, the Company shall be required to reimburse the FHCF for all the usual and customary expenses connected to such delay, cancellation, or incompleteness.

2. If the FHCF finds any Company's records or other necessary information to be inadequate or inadequately posted, recorded, or maintained, the FHCF may employ experts to reconstruct, rewrite, record, post, or maintain such records or information, at the expense of the Company being examined.

3. A Company required to reimburse the FHCF for costs as required in subparagraphs 1. and 2., is liable for interest on the amount owed to the FHCF from the date the FHCF pays such expenses until the date payment from the Company is received. The applicable interest rate will be the average rate earned by the SBA for the FHCF for the first four months of the current Contract Year plus 5%. The payment of reimbursements or refunds by the FHCF to the Company will be offset by any amounts owed by that Company to the FHCF under this paragraph.

(6) ~~Company contact information. Companies must submit Form FHCF C-1, Company Contact Information, by March 1 preceding each Contract Year to the FHCF Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, Minnesota 55437. A New Participant must submit Form FHCF C-1 within 30 calendar days after writing its first Covered Policy. This form must be updated by the Company as the information provided thereon changes. The FHCF shall have the right to rely upon the information provided by the Company to the FHCF on this form until receipt by the FHCF of a new properly completed Form FHCF C-1 from the Company.~~

(7) ~~Deadlines. If any deadline provided for herein falls on a Saturday, Sunday or on a legal State of Florida or federal holiday, then the actual due date will be the day immediately following the applicable due date which is not a Saturday, Sunday or legal State of Florida or federal holiday.~~

(8) ~~All the forms adopted and incorporated by reference in this rule may be obtained from the FHCF website at <https://fhcf.sbafla.com> or by contacting the Florida Hurricane Catastrophe Fund Administrator, Paragon Strategic Solutions Inc., 8200 Tower, 5600 West 83rd Street, Suite 1100, Minneapolis, MN 55437.~~

~~Rulemaking Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7), (15), 627.351(6) FS. History- New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 5-10-06, 5-8-07, 6-8-08, 3-30-09, 8-2-09, 3-29-10, 8-8-10, 7-20-11, 5-22-12, 3-17-13, 4-24-14, 5-12-15, 3-13-16, 1-24-17, 2-5-18, 1-29-19, 9-17-19, 1-22-20, 2-8-21, 2-7-22, 8-18-22, 3-7-23, XX-24.~~

NAME OF PERSON ORIGINATING PROPOSED RULE: Gina Wilson, FHCF Chief Operating Officer, State Board of Administration of Florida.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida.

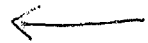
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 19, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: October 10, 2023

COMMISSION ON ETHICS

RULE NOS.:	RULE TITLES:
34-8.001	General
34-8.002	General Rules for Filing the CE Form 6 - Full and Public Disclosure of Financial Interests
34-8.005	Disclosure of Sources and Amounts of Income
34-8.008	Final Filing Using the CE Form 6F
34-8.009	Amended Filing Using the CE Form 6X
34-8.202	General Rules for Filing the CE Form 1 - Statement of Financial Interests
34-8.209	Amended Filing Using the CE Form 1X

PURPOSE AND EFFECT: This rulemaking has two purposes. The first purpose is to clarify that, in the income sections of the CE Form 6 -- Full and Public Disclosure of Financial Interests, CE Form 6F -- Final Full and Public Disclosure of Financial Interests, and CE Form 6X -- Amendment to Full and Public Disclosure of Financial Interests, a filer does not have to disclose identifying information concerning an income source if it would violate confidentiality or privilege pursuant to the law or rules governing attorneys. In such an instance, the filer may indicate they have a "Legal Client" meeting the disclosure criteria without providing further information. The Commission on Ethics has rulemaking authority in the Constitution to develop rules regarding the disclosure of income on these particular Forms. The second purpose is to clarify in the instructions for the CE Form 6 and CE Form 6X, as well as in the instructions for the CE Form 1 -- Statement of Financial Interests and the CE Form 1X -- Amendment to Statement of Financial Interests, that the training certification portion does not yet have to be completed by elected local officers of independent special districts, or any person appointed to fill a vacancy on an independent special district board. While these types of officers must begin receiving four hours of ethics training during 2024, they will not have to certify receiving that training until they file their 2024 financial disclosure, which will be after the 2024 calendar year is complete. For that reason, it is premature to mention them in the instructions for this portion of the forms, and the amendment will remove that reference, at least temporarily.



SUMMARY: First, Rule 34-8.005 is being amended to include a new subsection, which will indicate CE Form 6 filers, who are attorneys, will not have to disclose a legal client as a primary or secondary source of income if it will violate the law or rules governing attorneys. The subsection will indicate that filers can instead write "Legal Client" in the disclosure fields without providing further information.

Second, language allowing CE Form 6 filers to refrain from disclosing identifying information about legal clients in the income portion of the form, and prompting them to write "Legal Clients" in the disclosure fields instead, will be added to the instructions for the CE Form 6, CE Form 6F, and CE Form 6X, which are incorporated by reference in the following enumerated rules (Rules 34-8.001, 34-8.002, 34-8.008, and 34-8.009).

Third, any reference to elected local officers of independent special districts, and any person appointed to fill a vacancy on an elected special district board, in the training certification portion of the instructions for the CE Form 6, CE Form 6X, CE Form 1, and CE Form 1X, will be removed. These instructions are incorporated by reference in the following enumerated rules (Rules 34-8.001, 34-8.002, 34-8.009, 34-8.202, and 34-8.209).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: Approximately 40,000 persons are required by law to file the CE Form 6 and CE Form 1 (and related forms) each year, depending on their positions. Other than the amount of time that they expend to complete the forms, any economic impact is nominal. The Commission will absorb in its annual budget the costs of creating and maintaining the electronic filing system which will be used to submit both the CE Form 6 and CE Form 1 filings beginning January 1, 2024.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: Art. II, Section 8, Fla. Const., 112.3147, 112.322(9), FS

LAW IMPLEMENTED: Art. II, Section 8, Fla. Const., 112.3144, 112.3145, FS

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: January 26, 2024, 8:30 a.m.

PLACE: First District Court of Appeal, Third Floor Courtroom, 2000 Drayton Drive, Tallahassee, Florida.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: Diana Westberry, Office Manager, Florida Commission on Ethics (850)488-7864. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Steven Zuilkowski, General Counsel, or Gray Schafer, Assistant General Counsel, Florida Commission on Ethics, (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-8.001 General.

(1) No change.

(2) As used in this chapter and as referenced in the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., unless the context otherwise requires:

a. "CE Form 6 – Full and Public Disclosure of Financial Interests" means the fields of information required to complete the full and public disclosure requirements of Section 8, Art. II of the State Constitution, as set forth by the instructions available at [www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+5809+\(2/2024\)+\(1/2024\)](http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+5809+(2/2024)+(1/2024)).

b. "CE Form 6F – Final Full and Public Disclosure of Financial Interests" means the fields of information required to complete the final disclosure statement required by Section 112.3144(10), F.S., as set forth by the instructions available at [www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+5811+\(2/2024\)+\(1/2024\)](http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+5811+(2/2024)+(1/2024)).

c. "CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests" means the fields of information required on an amendment to a full and public disclosure of financial interest submitted pursuant to Section 112.3144(11), F.S., as set forth by the instructions available at [http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+5813+\(2/2024\)+\(1/2024\)](http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX+5813+(2/2024)+(1/2024)).

d. "CE Form 1 – Statement of Financial Interests" means the fields of information required to complete the statement of financial interests requirements of s. 112.3145, Florida Statutes, as set forth by the instructions available at

www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX45845 (2/2024) (1/2024).

e. No change.

f. "CE Form 1X – Amendment to Statement of Financial Interests" means the fields of information required on an amendment to a statement of financial interests submitted pursuant to s. 112.3145(13), Florida Statutes, as set forth by the instructions available at www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX45849 (2/2024) (1/2024).

PROPOSED EFFECTIVE DATE February 29, 2024.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3145, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144, 112.3145, FS. History—New 4-7-77, Formerly 34-8.01, Amended 8-7-94, 11-7-01, 1-1-22, 1-1-23, 1-1-24,_____.

34-8.002 General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests.

(1) Every person who holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission by July 1 of each year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year, except that candidates who have already filed with a qualifying officer as part of qualifying are not required to also file with the Commission. Full and public disclosure of financial interests means completing, through the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., a sworn disclosure filing, identified in the system as the CE Form 6 – Full and Public Disclosure of Financial Interests, showing net worth, assets, liabilities, and sources of income. The instructions for completing the Full and Public Disclosure of Financial Interests (2/2024) (1/2024)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX45840>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us. A candidate for an elective office specified in Rule 34-8.003, F.A.C., or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) No change.

(3) No change.

(4) No change.

PROPOSED EFFECTIVE DATE February 29, 2024.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31445, 112.31446, 112.3145, 112.3147, 112.322(9) FS. Law

Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History—New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00, 11-7-01, 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24,_____.

34-8.005 Disclosure of Sources and Amounts of Income.

The Commission shall prescribe as part of the CE Form 6 – Full and Public Disclosure of Financial Interests provisions for the disclosure of sources and amounts of income and for the disclosure of secondary sources of income as required by Article II, Section 8 of the Florida Constitution.

(1) No change.

(2) No change.

(3) No change.

(4) No change.

(5) If disclosure of identifying information regarding a source of income or secondary source of income will violate confidentiality or privilege pursuant to law or rules governing attorneys, a filer, who is also an attorney, may indicate he or she has a legal client meeting the disclosure criteria without providing further information about the client. The filer in such circumstances may write "Legal Client" in the disclosure fields without providing any further information.

PROPOSED EFFECTIVE DATE February 29, 2024.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const. History—New 4-7-77, Formerly 34-8.05, Amended 1-1-22, 1-1-24,_____.

34-8.008 Final Filing Using the CE Form 6F.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, complete and file through the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be identified in the system as the CE Form 6F – Final Full and Public Disclosure of Financial Interests. The instructions for completing the Final Full and Public Disclosure of Financial Interests (2/2024) (1/2024), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX45842>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

(2) No change.

(3) No change.

PROPOSED EFFECTIVE DATE February 29, 2024

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144(5) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24,_____.

34-8.009 Amended Filing Using the CE Form 6X.

(1) At any time after submitting the CE Form 6 – Full and Public Disclosure of Financial Interests, a person may amend his or her original disclosure filing to add to or modify the information originally reported. Filers shall complete an amended filing through the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., which will allow them to access and complete the disclosure filing identified in the system as the CE Form 6X – Amendment to the Full and Public Disclosure of Financial Interests. The instructions for completing the Amendment to the Full and Public Disclosure of Financial Interests (2/2024) (1/2024),

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 45814>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

(2) No change.

(3) No change.

PROPOSED EFFECTIVE DATE February 29, 2024

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144(7) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-20, 1-1-21, 1-1-22, 1-1-24,_____.

34-8.202 General Rules for Filing the CE Form 1 – Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., except for those local officers specified in Section 112.3144(1)(d), F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests. A statement of financial interests means completing, through the electronic filing system created and maintained by the Commission as provided in s. 112.31446, a disclosure filing, identified in the system as the CE Form 1 – Statement of Financial Interests. The instructions for completing the Statement of Financial Interests (2/2024) (1/2024),

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 45816>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on

Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

(3) No change.

(4) No change.

(5) No change.

(6) No change.

PROPOSED EFFECTIVE DATE February 29, 2024

Rulemaking Authority 112.3145, 112.31445, 112.31446, 112.3147, 112.322(9) FS. Law Implemented 112.3145, 112.312(10) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24,_____.

34-8.209 Amended Filing Using the CE Form 1X.

(1) At any time after submitting the CE Form 1 – Statement of Financial Interests, a person may amend his or her original disclosure filing to add to or modify the information originally reported. Filers shall complete an amended filing through the electronic filing system created and maintained by the Commission as provided in s. 112.31446, Florida Statutes, which will allow them to access and complete the disclosure filing identified in the system as the CE Form 1X – Amendment to Statement of Financial Interests. The instructions for completing the Amendment to Statement of Financial Interests (2/2024) (1/2024)

<http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 45820>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

(2) No change.

PROPOSED EFFECTIVE DATE February 29, 2024.

Rulemaking Authority 112.3145(13), 112.31446, 112.3147, 112.322(9) FS. Law Implemented 112.3145(9) FS. History—New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-20, 1-1-21, 1-1-22, 1-1-24,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Gray Schafer, Assistant General Counsel, Florida Commission on Ethics, (850)488-7864

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Kerrie J. Stillman, Executive Director, Florida Commission on Ethics

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 18, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: December 15, 2023, and December 18, 2023

34-8.001 General.

(1) No change.

(2) As used in this chapter and as referenced in the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., unless the context otherwise requires:

a. "CE Form 6 – Full and Public Disclosure of Financial Interests" means the fields of information required to complete the full and public disclosure requirements of Section 8, Art. II of the State Constitution, as set forth by the instructions available at www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 15809 (2/2024) (~~1/2024~~).

b. "CE Form 6F – Final Full and Public Disclosure of Financial Interests" means the fields of information required to complete the final disclosure statement required by Section 112.3144(10), F.S., as set forth by the instructions available at www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 15811 (2/2024) (~~1/2024~~).

c. "CE Form 6X – Amendment to Full and Public Disclosure of Financial Interests" means the fields of information required on an amendment to a full and public disclosure of financial interest submitted pursuant to Section 112.3144(11), F.S., as set forth by the instructions available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 15813> (2/2024) (~~1/2024~~).

d. "CE Form 1 – Statement of Financial Interests" means the fields of information required to complete the statement of financial interests requirements of s. 112.3145, Florida Statutes, as set forth by the instructions available at www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 15815 (2/2024) (~~1/2024~~).

e. "CE Form 1F – Final Statement of Financial Interests" means the fields of information required to complete the final disclosure statement required by s. 112.3145(2)(b), Florida Statutes, as set forth by the instructions available at www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 15817 (2/2024) (~~1/2024~~).

f. "CE Form 1X – Amendment to Statement of Financial Interests" means the fields of information required on an amendment to a statement of financial interests submitted pursuant to s. 112.3145(13), Florida Statutes, as set forth by the instructions available at www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 15819 (2/2024) (~~1/2024~~).

PROPOSED EFFECTIVE DATE February 29, 2024.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3145, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144, 112.3145, FS. History–New 4-7-77, Formerly 34-8.01, Amended 8-7-94, 11-7-01, 1-1-22, 1-1-23, 1-1-24,_____.

34-8.002 General Rules for Filing the CE Form 6 – Full and Public Disclosure of Financial Interests.

(1) Every person who holds an office specified in Rule 34-8.003, F.A.C., must file full and public disclosure of his or her financial interests with the Commission by July 1 of each year during which he or she is in office, and every person who held an office specified in Rule 34-8.003, F.A.C., on December 31st of a year must file full and public disclosure of his or her financial interests with the Commission by July 1 of the following year, except that candidates who have already filed with a qualifying officer as part of qualifying are not required to also file with the Commission. Full and public disclosure of financial interests means completing, through the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., a sworn disclosure filing, identified in the system as the CE Form 6 – Full and Public Disclosure of Financial Interests, showing net worth, assets, liabilities, and sources of income. The instructions for completing the Full and Public Disclosure of Financial Interests (2/2024) (~~1/2024~~) <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 15810>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. A candidate for an elective office specified in Rule 34-8.003, F.A.C., or otherwise specified by law must file this information prior to or at the time he or she qualifies as a candidate.

(2) No change.

(3) No change.

(4) No change.

PROPOSED EFFECTIVE DATE February 29, 2024.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31445, 112.31446, 112.3145, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144 FS. History–New 4-7-77, Amended 10-3-84, Formerly 34-8.02, Amended 8-7-94, 7-2-00, 11-7-01, 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24,_____.

34-8.005 Disclosure of Sources and Amounts of Income.

The Commission shall prescribe as part of the CE Form 6 – Full and Public Disclosure of Financial Interests provisions for the disclosure of sources and amounts of income and for the disclosure of secondary sources of income as required by Article II, Section

8 of the Florida Constitution.

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

(5) If disclosure of identifying information regarding a source of income or secondary source of income will violate confidentiality or privilege pursuant to law or rules governing attorneys, a filer, who is also an attorney, may indicate he or she has a legal client meeting the disclosure criteria without providing further information about the client. The filer in such circumstances may write "Legal Client" in the disclosure fields without providing any further information.

PROPOSED EFFECTIVE DATE February 29, 2024.

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const. History--New 4-7-77, Formerly 34-8.05, Amended 1-1-22, 1-1-24,_____.

34-8.008 Final Filing Using the CE Form 6F.

(1) Each person who is required to file full and public disclosure of financial interests shall, within 60 days of leaving his or her public position, complete and file through the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., a final disclosure statement covering the period between January 1 of the year in which the person leaves and his or her last day in the position, unless he or she takes another position within that 60-day period which requires full and public disclosure. The final filing shall be identified in the system as the CE Form 6F -- Final Full and Public Disclosure of Financial Interests. The instructions for completing the Final Full and Public Disclosure of Financial Interests (2/2024) (1/2024), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 45812>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

- (2) No change.
- (3) No change.

PROPOSED EFFECTIVE DATE February 29, 2024

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144(5) FS. History--New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24,_____.

34-8.009 Amended Filing Using the CE Form 6X.

(1) At any time after submitting the CE Form 6 -- Full and Public Disclosure of Financial Interests, a person may amend his or her original disclosure filing to add to or modify the information originally reported. Filers shall complete an amended filing through the electronic filing system created and maintained by the Commission as provided in Section 112.31446, F.S., which will allow them to access and complete the disclosure filing identified in the system as the CE Form 6X -- Amendment to the Full and Public Disclosure of Financial Interests. The instructions for completing the Amendment to the Full and Public Disclosure of Financial Interests (2/2024) (1/2024), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 45814>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission's website: www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

- (2) No change.
- (3) No change.

PROPOSED EFFECTIVE DATE February 29, 2024

Rulemaking Authority Art. II, Section 8, Fla. Const., 112.3144, 112.31446, 112.3147, 112.322(9) FS. Law Implemented Art. II, Section 8, Fla. Const., 112.3144(7) FS. History--New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-20, 1-1-21, 1-1-22, 1-1-24,_____.

34-8.202 General Rules for Filing the CE Form 1 -- Statement of Financial Interests.

(1) A person who was a local officer as defined in Section 112.3145, F.S., except for those local officers specified in Section 112.3144(1)(d), F.S., on December 31st of a year must file by July 1 of the following year a statement of financial interests on the form prescribed by the Commission, CE Form 1 – Statement of Financial Interests. A statement of financial interests means completing, through the electronic filing system created and maintained by the Commission as provided in s. 112.31446, a disclosure filing, identified in the system as the CE Form 1 – Statement of Financial Interests. The instructions for completing the Statement of Financial Interests (2/2024) (~~1/2024~~), <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 15816>, are incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us.

(2) No change.

(3) No change.

(4) No change.

(5) No change.

(6) No change.

PROPOSED EFFECTIVE DATE February 29, 2024

Rulemaking Authority 112.3145, 112.31445, 112.31446, 112.3147, 112.322(9) FS. Law Implemented 112.3145, 112.312(10) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-19, 1-1-20, 1-1-21, 1-1-22, 1-1-23, 1-1-24,_____.

34-8.209 Amended Filing Using the CE Form 1X.

(1) At any time after submitting the CE Form 1 – Statement of Financial Interests, a person may amend his or her original disclosure filing to add to or modify the information originally reported. Filers shall complete an amended filing through the electronic filing system created and maintained by the Commission as provided in s. 112.31446, Florida Statutes, which will allow them to access and complete the disclosure filing identified in the system as the CE Form 1X – Amendment to Statement of Financial Interests. The instructions for completing the Amendment to Statement of Financial Interests (2/2024) (~~1/2024~~) <http://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 15820>, is incorporated by reference herein and may be obtained without cost from the Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709, and may also be downloaded from the Commission’s website: www.ethics.state.fl.us. The filer may include attachments or other supporting documentation when filing a disclosure.

(2) No change.

PROPOSED EFFECTIVE DATE February 29, 2024.

Rulemaking Authority 112.3145(13), 112.31446, 112.3147, 112.322(9) FS. Law Implemented 112.3145(9) FS. History–New 11-7-01, Amended 1-19-11, 1-1-12, 1-1-13, 1-1-14, 1-1-15, 1-1-16, 1-1-17, 1-1-18, 1-1-20, 1-1-21, 1-1-22, 1-1-24,_____.

NOTICE

Annual Full and Public Disclosure of Financial Interests is due July 1. If the annual form is not submitted via the electronic filing system created and maintained by the Commission by September 1 an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. Failure to file also can result in removal from public office or employment. [s. 112.3144, F.S. - applicable to officials other than judges]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [s. 112.317, F.S.]

INSTRUCTIONS FOR COMPLETING AND FILING FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

WHEN TO FILE:

Officeholders: No later than July 1, 2024.

Candidates: During the qualifying period.

WHO MUST FILE FORM 6:

All persons holding the following positions: Governor, Lieutenant Governor, Cabinet members, members of the Legislature, State Attorneys, Public Defenders, Clerks of Circuit Courts, Sheriffs, Tax Collectors, Property Appraisers, Supervisors of Elections, County Commissioners, elected Superintendents of Schools, members of District School Boards, Mayor and members of the Jacksonville City Council, Judges of Compensation Claims; the Duval County Superintendent of Schools, and members of the Florida Housing Finance Corporation Board, each expressway authority, transportation authority (except the Jacksonville Transportation Authority), bridge authority, toll authority, or expressway agency created pursuant to Chapter 348 or 343, F.S., or any other general law, mayors, elected members of the governing body of a municipality, each member of the Commission on Ethics, and judges, as required by Canon 6, Code of Judicial Conduct.

ATTACHMENTS: A filer may include and submit attachments or other supporting documentation when filing disclosure.

PUBLIC RECORD: The disclosure form is a public record and is required by law to be posted to the Commission's website. Your Social Security number, bank account, debit, charge, and credit card numbers, mortgage or brokerage account numbers, personal identification numbers, or taxpayer identification numbers are not required and should not be included. If such information is included in the filing, it may be made available for public inspection and copying unless redaction is required by the filer, without any liability to the Commission. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written and notarized request.

QUESTIONS about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

INSTRUCTIONS FOR COMPLETING FORM 6:

NET WORTH

[Required by Art. II, s. 8(a)(i)(1), Fla. Const.]

Report your net worth as of December 31, 2023, or a more current date, and list that date. This should be the same date used to value your assets and liabilities. In order to determine your net worth, you will need to total the value of all your assets and subtract the amount of all of your liabilities. Simply subtracting your liabilities from your assets will not result in an accurate net worth figure in most cases.

To total the value of your assets, add:

- (1) The aggregate value of household goods and personal effects, as reported in the Assets section of this form;
- (2) The value of all assets worth over \$1,000, as reported in the Assets section; and
- (3) The total value of any assets worth less than \$1,000 that were not reported or included in the category of "household goods and personal effects."

To total the amount of your liabilities, add:

- (1) The total amount of each liability you reported in the Liabilities section of this form, except for any amounts listed in the "joint and several liabilities not reported above" portion; and
- (2) The total amount of unreported liabilities (including those under \$1,000, credit card and retail installment accounts, and taxes owed).

ASSETS WORTH MORE THAN \$1,000

[Required by Art. II, s. 8, Fla. Const.; s. 112.3144, F.S.]

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

The value of your household goods and personal effects may be aggregated and reported as a lump sum, if their aggregate value exceeds \$1,000. The types of assets that can be reported in this manner are described on the form.

ASSETS INDIVIDUALLY VALUED AT MORE THAN \$1,000:

Describe, and state the value of, each asset you had on the reporting date you selected for your net worth, if the asset was worth more than \$1,000 and if you have not already included that asset in the aggregate value of your household goods and personal effects. Assets include, but are not limited to, things like interests in real property; cash; stocks; bonds; certificates of deposit; interests in businesses; beneficial interests in trusts; money owed you (including, but not limited to, loans made as a candidate

to your own campaign); bank accounts in which you have an ownership interest; Deferred Retirement Option Program (DROP) accounts; and the Florida Prepaid College Plan. Assets also include investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan, is your asset—not the account or plan itself.

You are not required to disclose assets owned solely by your spouse.

How to Identify or Describe the Asset:

- Real property: Identify by providing the street address of the property. If the property has no street address, identify by describing the property's location in a manner sufficient to enable a member of the public to ascertain its location without resorting to any other source of information.
- Intangible property: Identify the type of property and the business entity or person to which or to whom it relates. Do not list simply "stocks and bonds" or "bank accounts." For example, list "Stock (Williams Construction Co.)," "Bonds (Southern Water and Gas)," "Bank accounts (First National Bank)," "Smith family trust," "Promissory note and mortgage (owed by John and Jane Doe)."

How to Value Assets:

- Value each asset by its fair market value on the date used in the Net Worth section of this form.
- Jointly held assets: If you hold real or personal property jointly with another person, your interest equals your legal percentage of ownership in the property. However, assets that are held as tenants by the entirety or jointly with right of survivorship, including bank accounts held in such a manner, must be reported at 100% of their value.
- Partnerships: You are deemed to own an interest in a partnership which corresponds to your interest in the equity of that partnership.
- Trusts: You are deemed to own an interest in a trust which corresponds to your percentage interest in the trust corpus.
- Real property may be valued at its market value for tax purposes, unless a more accurate fair market value is available.
- Marketable securities which are widely traded and whose prices are generally available should be valued based upon the closing price on the valuation date.
- Accounts, notes, and loans receivable: Value at fair market value, which generally is the amount you reasonably expect to collect.
- Closely-held businesses: Use any method of valuation which in your judgment most closely approximates fair market value, such as book value, reproduction value, liquidation value, capitalized earnings value, capitalized cash flow value, or value established by "buy-out" agreements. It is suggested that the method of valuation chosen be indicated on the form.
- Life Insurance: Use cash surrender value less loans against the policy, plus accumulated dividends.
- The asset value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

LIABILITIES

[Required by Art. II, s. 8, Fla. Const.; s. 112.312, F.S.]

LIABILITIES IN EXCESS OF \$1,000 :

List the name and address of each creditor to whom you owed more than \$1,000 on the date you chose for your net worth, and list the amount you owed. Liabilities include: accounts, notes, and interest payable; debts or obligations (excluding taxes, unless the taxes have been reduced to a judgment) to governmental entities; judgments against you, and the unpaid portion of vehicle leases.

You are not required to disclose liabilities that are solely your spouse's responsibility.

You do not have to list on the form any of the following: credit card and retail installment accounts, taxes owed (unless the taxes have been reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a partner (without personal liability) for partnership debts, or where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" on a note and are jointly liable or jointly and severally liable, then it is not a contingent liability.

How to Determine the Amount of a Liability:

- Generally, the amount of the liability is the face amount of the debt.
- The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments.
- If you are the only person obligated to satisfy a liability, 100% of the liability should be listed.
- If you are jointly and severally liable with another person or entity, which often is the case where more than one person is liable on a promissory note, you should report here only the portion of the liability that corresponds to your percentage of liability. *However, if you are jointly and severally liable for a debt relating to property you own with one or more others as tenants by the entirety or jointly, with right of survivorship, report 100% of the total amount owed.*
- If you are only jointly (not jointly and severally) liable with another person or entity, your share of the liability should be determined in the same way as you determined your share of jointly held assets.

Examples:

- You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 with your spouse to a savings and loan for the mortgage on the home you own with your spouse. You must report the name and address of the bank (\$10,000 being the amount of that liability) and the name and address of the savings and loan (\$60,000 being the amount of this liability). The credit card debts need not be reported.
- You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability. If your liability for the loan is only as a partner, without personal liability, then the loan would be a contingent liability.

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

List in this part of the form the amount of each debt for which you were jointly and severally liable, that is not reported in the "Liabilities in Excess of \$1,000" part of the form. Example: You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability, as you reported the other 50% of the debt earlier.

INCOME

[Required by Art. II, s. 8, Fla. Const.]

PRIMARY SOURCES OF INCOME:

List the name of each source of income that provided you with more than \$1,000 of income during 2023, the address of that source, and the amount of income received from that source. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income.

"Income" means the same as "gross income" for federal income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples of income include: compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, distributive share of partnership gross income, and alimony if it is considered gross income under federal law, but not child support. Where income is derived from a business activity you should report the income to you, as calculated for income tax purposes, rather than the income to the business.

For purposes of reporting your income, you have the option of either completing this section or submitting a copy of your 2023 federal income tax return, including all schedules, W2s, and attachments.

If disclosure of a primary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you may write "Legal Client" in each of the disclosure fields without providing any further information.

Examples:

- If you owned stock in and were employed by a corporation and received more than \$1,000 of income (salary, commissions, dividends, etc.) from the company, you should list the name of the company, its address, and the total amount of income received from it.
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$1,000, you should list the name of the firm, its address, and the amount of your distributive share.
- If you received dividend or interest income from investments in stocks and bonds, list only each individual company from which you received more than \$1,000. Do not aggregate income from all of these investments.
- If more than \$1,000 of income was gained from the sale of property, then you should list as a source of income the name of the purchaser, the purchaser's address, and the amount of gain from the sale. If the purchaser's identity is unknown, such as where securities listed on

an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.

- If more than \$1,000 of your income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and the amount of income from that institution.

SECONDARY SOURCES OF INCOME:

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported as a "Primary Source of Income." You will *not* have anything to report *unless*:

- (1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period, more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, LLC, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and
- (2) You received more than \$1,000 in gross income from that business entity during the period.

If your ownership and gross income exceeded the two thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, the source's principal business activity, and the name of the business entity in which you owned an interest. You do not have to list the amount of income the business derived from that major source of income.

If disclosure of a secondary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you should disclose the name of the business entity for which your ownership and gross income exceeded the two thresholds listed above, and then write "Legal Client" in the remaining disclosure fields without providing any further information.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$1,000 in gross income last year. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of your business, the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your gross partnership income exceeded \$1,000. You should list the name of the partnership, the name of each tenant of the mall that provided more than 10% of the partnership's gross income, and the tenant's address and principal business activity.

INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145, F.S.]

The types of businesses covered in this section include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies; utility companies; entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period, more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during 2023, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list: the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

TRAINING CERTIFICATION

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, ~~or an elected local officers of independent special districts, including any person appointed to fill a vacancy on an elected special district board,~~ whose service began on or before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

(End of Instructions)

INSTRUCTIONS FOR COMPLETING AND FILING FORM 6F FINAL FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

WHEN TO FILE:

No later than 60 days after leaving the public office or position described on page 1, unless you take another position that requires you to file Form 6 within the 60-day period.

WHO MUST FILE FORM 6:

All persons holding the following positions: Governor, Lieutenant Governor, Cabinet members, members of the Legislature, State Attorneys, Public Defenders, Clerks of Circuit Courts, Sheriffs, Tax Collectors, Property Appraisers, Supervisors of Elections, County Commissioners, elected Superintendents of Schools, members of District School Boards, Mayor and members of the Jacksonville City Council, Judges of Compensation Claims; the Duval County Superintendent of Schools, and members of the Florida Housing Finance Corporation Board, each expressway authority, transportation authority (except the Jacksonville Transportation Authority), bridge authority, toll authority, or expressway agency created pursuant to Chapter 348 or 343, F.S., or any other general law, mayors, elected members of the governing body of a municipality, each member of the Commission on Ethics, and judges, as required by Canon 6, Code of Judicial Conduct.

ATTACHMENTS: A filer may include and submit attachments or other supporting documentation when filing disclosure.

PUBLIC RECORD:

The disclosure form is a public record and is required by law to be posted to the Commission's website. Your Social Security number, bank account, debit, charge, and credit card numbers, mortgage or brokerage account numbers, personal identification numbers, or taxpayer identification numbers are not required and should not be included. If such information is included in the filing, it may be made available for public inspection and copying unless redaction is required by the filer, without any liability to the Commission. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written and notarized request.

QUESTIONS about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

NOTE: If you are leaving office or employment during the first half of 2024, you may not have filed Form 6 for 2023. In that case, this is not the last form you will file. Form 6F covers January 1, 2024, through your last day of office or employment. You will be required to file Form 6 for 2023 by July 1 of 2024.

INSTRUCTIONS FOR COMPLETING FORM 6F:

NET WORTH

[Required by Art. II, s. 8(a)(i)(1), Fla. Const.]

Report your net worth as of the date you left public office and list that date. This should be the same date used to value your assets and liabilities. In order to determine your net worth, you will need to total the value of all your assets and subtract the amount of all of your liabilities. Simply subtracting your liabilities from your assets will not result in an accurate net worth figure in most cases.

To total the value of your assets, add:

- (1) The aggregate value of household goods and personal effects, as reported in the Assets section of this form;
- (2) The value of all assets worth over \$1,000, as reported in the Assets section; and,
- (3) The total value of any assets worth less than \$1,000 that were not reported or included in the category of "household goods and personal effects."

To total the amount of your liabilities, add:

- (1) The total amount of each liability you reported in the Liabilities section of this form, except for any amounts listed in the "joint and several liabilities not reported above" portion; and,
- (2) The total amount of unreported liabilities (including those under \$1,000, credit card and retail installment accounts, and taxes owed).

ASSETS WORTH MORE THAN \$1,000

[Required by Art. II, s. 8, Fla. Const.; s. 112.3144, F.S.]

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

The value of your household goods and personal effects may be aggregated and reported as a lump sum, if their aggregate value exceeds \$1,000. The types of assets that can be reported in this manner are described on the form.

ASSETS INDIVIDUALLY VALUED AT MORE THAN \$1,000:

Describe, and state the value of, each asset you had on the reporting date you selected for your net worth, if the asset was worth more than \$1,000 and if you have not already included that asset in the aggregate value of your household goods and personal effects. Assets include, but are not limited to, things like interests in real property; cash; stocks; bonds; certificates of deposit; interests in businesses; beneficial interests in trusts; money owed you (including, but not limited to, loans made as a candidate to your own campaign); bank accounts in which you have an ownership interest; Deferred Retirement Option Program (DROP) accounts; and the Florida Prepaid College Plan. Assets also include investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan, is your asset—not the account or plan itself.

You are not required to disclose assets owned solely by your spouse.

How to Identify or Describe the Asset:

- Real property: Identify by providing the street address of the property. If the property has no street address, identify by describing the property's location in a manner sufficient to enable a member of the public to ascertain its location without resorting to any other source of information.
- Intangible property: Identify the type of property and the business entity or person to which or to whom it relates. Do not list simply "stocks and bonds" or "bank accounts." For example, list "Stock (Williams Construction Co.)," "Bonds (Southern Water and Gas)," "Bank accounts (First National Bank)," "Smith family trust," "Promissory note and mortgage (owed by John and Jane Doe)."

How to Value Assets:

- Value each asset by its fair market value on the date used in the Net Worth section of this form.
- Jointly held assets: If you hold real or personal property jointly with another person, your interest equals your legal percentage of ownership in the property. However, assets that are held as tenants by the entirety or jointly with right of survivorship, including bank accounts held in such a manner, must be reported at 100% of their value.
- Partnerships: You are deemed to own an interest in a partnership which corresponds to your interest in the equity of that partnership.
- Trusts: You are deemed to own an interest in a trust which corresponds to your percentage interest in the trust corpus.
- Real property may be valued at its market value for tax purposes, unless a more accurate fair market value is available.
- Marketable securities which are widely traded and whose prices are generally available should be valued based upon the closing price on the valuation date.
- Accounts, notes, and loans receivable: Value at fair market value, which generally is the amount you reasonably expect to collect.
- Closely-held businesses: Use any method of valuation which in your judgment most closely approximates fair market value, such as book value, reproduction value, liquidation value, capitalized earnings value, capitalized cash flow value, or value established by "buy-out" agreements. It is suggested that the method of valuation chosen be indicated on the form.
- Life Insurance: Use cash surrender value less loans against the policy, plus accumulated dividends.
- The asset value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

LIABILITIES

[Required by Art. II, s. 8, Fla. Const.; s. 112.312, F.S.]

LIABILITIES IN EXCESS OF \$1,000 :

List the name and address of each creditor to whom you owed more than \$1,000 on the date you chose for your net worth, and list the amount you owed. Liabilities include: accounts, notes, and interest payable; debts or obligations (excluding taxes, unless the taxes have been reduced to a judgment) to governmental entities; judgments against you, and the unpaid portion of vehicle leases.

You are not required to disclose liabilities that are solely your spouse's responsibility.

You do not have to list on the form any of the following: credit card and retail installment accounts, taxes owed (unless the taxes have been reduced to a judgment), indebtedness on a life

insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a partner (without personal liability) for partnership debts, or where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" on a note and are jointly liable or jointly and severally liable, then it is not a contingent liability.

How to Determine the Amount of a Liability:

- Generally, the amount of the liability is the face amount of the debt.
- The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments.
- If you are the only person obligated to satisfy a liability, 100% of the liability should be listed.
- If you are jointly and severally liable with another person or entity, which often is the case where more than one person is liable on a promissory note, you should report here only the portion of the liability that corresponds to your percentage of liability. *However*, if you are jointly and severally liable for a debt relating to property you own with one or more others as tenants by the entirety or jointly, with right of survivorship, report 100% of the total amount owed.
- If you are only jointly (not jointly and severally) liable with another person or entity, your share of the liability should be determined in the same way as you determined your share of jointly held assets.

Examples:

- You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 with your spouse to a savings and loan for the mortgage on the home you own with your spouse. You must report the name and address of the bank (\$10,000 being the amount of that liability) and the name and address of the savings and loan (\$60,000 being the amount of this liability). The credit card debts need not be reported.
- You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability. If your liability for the loan is only as a partner, without personal liability, then the loan would be a contingent liability.

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

List in this part of the form the amount of each debt for which you were jointly and severally liable, that is not reported in the "Liabilities in Excess of \$1,000" part of the form. Example: You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability, as you reported the other 50% of the debt earlier.

INCOME

[Required by Art. II, s. 8, Fla. Const.]

PRIMARY SOURCES OF INCOME:

List the name of each source of income that provided you with more than \$1,000 of income during the disclosure period, the address of that source, and the amount of income received from that source. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income.

"Income" means the same as "gross income" for federal income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples of income include: compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, distributive share of partnership gross income, and alimony if it is considered gross income under federal law, but not child support. Where income is derived from a business activity you should report the income to you, as calculated for income tax purposes, rather than the income to the business.

If disclosure of a primary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you may write "Legal Client" in each of the disclosure fields without providing any further information.

Examples:

- If you owned stock in and were employed by a corporation and received more than \$1,000 of income (salary, commissions, dividends, etc.) from the company, you should list the name of the company, its address, and the total amount of income received from it.
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$1,000, you should list the name of the firm, its address, and the amount of your distributive share.
- If you received dividend or interest income from investments in stocks and bonds, list only each individual company from which you received more than \$1,000. Do not aggregate income from all of these investments.
- If more than \$1,000 of income was gained from the sale of property, then you should list as a source of income the name of the purchaser, the purchaser's address, and the amount of gain from the sale. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.
- If more than \$1,000 of your income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and the amount of income from that institution.

SECONDARY SOURCES OF INCOME:

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported as a "Primary Source of Income." You will *not* have anything to report *unless*:

- (1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period, more than 5% of the total assets or capital stock of a

- business entity (a corporation, partnership, limited partnership, LLC, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and
- (2) You received more than \$1,000 in gross income from that business entity during the period.

If your ownership and gross income exceeded the two thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, the source's principal business activity, and the name of the business entity in which you owned an interest. You do not have to list the amount of income the business derived from that major source of income.

If disclosure of a secondary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you should disclose the name of the business entity for which your ownership and gross income exceeded the two thresholds listed above, and then write "Legal Client" in the remaining disclosure fields without providing any further information.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$1,000 in gross income last year. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of your business, the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your gross partnership income exceeded \$1,000. You should list the name of the partnership, the name of each tenant of the mall that provided more than 10% of the partnership's gross income, and the tenant's address and principal business activity.

INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145, F.S.]

The types of businesses covered in this section include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies; utility companies; entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period, more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list: the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

(End of Instructions)

INSTRUCTIONS FOR COMPLETING AND FILING FORM 6X AMENDMENT TO FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

DISCLOSURE PERIOD: This should be the same period for which you reported on the Form 6 or 6F you are amending.

PUBLIC RECORD:

The disclosure form is a public record and is required by law to be posted to the Commission's website. Your Social Security number, bank account, debit, charge, and credit card numbers, mortgage or brokerage account numbers, personal identification numbers, or taxpayer identification numbers are not required and should not be included. If such information is included in the filing, it may be made available for public inspection and copying unless redaction is required by the filer, without any liability to the Commission. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written and notarized request.

ATTACHMENTS: A filer may include and submit attachments or other supporting documentation when filing disclosure.

QUESTIONS about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

INSTRUCTIONS FOR COMPLETING FORM 6X AMENDMENT TO FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS:

Use this form to report the new information you believe should have been disclosed on your original Form 6 or 6F. You will be asked to explain the changes you are making to your original Form 6 or 6F.

NET WORTH

[Required by Art. II, s. 8(a)(i)(1), Fla. Const.]

Report your net worth as of the date used on the form you are amending and list that date. This should be the same date used to value your assets and liabilities. In order to determine your net worth, you will need to total the value of all your assets and subtract the amount of all of your liabilities. Simply subtracting your liabilities from your assets will not result in an accurate net worth figure in most cases.

To total the value of your assets, add:

- (1) The aggregate value of household goods and personal effects, as reported in the Assets section of this form;
- (2) The value of all assets worth over \$1,000, as reported in the Assets section; and,
- (3) The total value of any assets worth less than \$1,000 that were not reported or included in the category of "household goods and personal effects."

To total the amount of your liabilities, add:

- (1) The total amount of each liability you reported in the Liabilities section of this form, except for any amounts listed in the "joint and several liabilities not reported above" portion; and,
- (2) The total amount of unreported liabilities (including those under \$1,000, credit card and retail installment accounts, and taxes owed).

ASSETS WORTH MORE THAN \$1,000

[Required by Art. II, s. 8, Fla. Const.; s. 112.3144, F.S.]

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

The value of your household goods and personal effects may be aggregated and reported as a lump sum, if their aggregate value exceeds \$1,000. The types of assets that can be reported in this manner are described on the form.

ASSETS INDIVIDUALLY VALUED AT MORE THAN \$1,000:

Describe, and state the value of, each asset you had on the reporting date you selected for your net worth, if the asset was worth more than \$1,000 and if you have not already included that asset in the aggregate value of your household goods and personal effects. Assets include, but are not limited to, things like interests in real property; cash; stocks; bonds; certificates of deposit; interests in businesses; beneficial interests in trusts; money owed you (including, but not limited to, loans made as a candidate to your own campaign); bank accounts in which you have an ownership interest; Deferred Retirement Option Program (DROP) accounts; and the Florida Prepaid College Plan. Assets also include investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan, is your asset — not the account or plan itself.

You are not required to disclose assets owned solely by your spouse.

How to Identify or Describe the Asset:

- Real property: Identify by providing the street address of the property. If the property has no street address, identify by describing the property's location in a manner sufficient to enable a member of the public to ascertain its location without resorting to any other source of information.
- Intangible property: Identify the type of property and the business entity or person to which or to whom it relates. Do not list simply "stocks and bonds" or "bank accounts." For example, list "Stock (Williams Construction Co.)," "Bonds (Southern Water and Gas)," "Bank accounts (First National Bank)," "Smith family trust," "Promissory note and mortgage (owed by John and Jane Doe)."

How to Value Assets:

- Value each asset by its fair market value on the date used in the Net Worth section of this form.

- Jointly held assets: If you hold real or personal property jointly with another person, your interest equals your legal percentage of ownership in the property. However, assets that are held as tenants by the entirety or jointly with right of survivorship, including bank accounts held in such a manner, must be reported at 100% of their value.
- Partnerships: You are deemed to own an interest in a partnership which corresponds to your interest in the equity of that partnership.
- Trusts: You are deemed to own an interest in a trust which corresponds to your percentage interest in the trust corpus.
- Real property may be valued at its market value for tax purposes, unless a more accurate fair market value is available.
- Marketable securities which are widely traded and whose prices are generally available should be valued based upon the closing price on the valuation date.
- Accounts, notes, and loans receivable: Value at fair market value, which generally is the amount you reasonably expect to collect.
- Closely-held businesses: Use any method of valuation which in your judgment most closely approximates fair market value, such as book value, reproduction value, liquidation value, capitalized earnings value, capitalized cash flow value, or value established by "buy-out" agreements. It is suggested that the method of valuation chosen be indicated on the form.
- Life Insurance: Use cash surrender value less loans against the policy, plus accumulated dividends.
- The asset value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

LIABILITIES

[Required by Art. II, s. 8, Fla. Const.; s. 112.312, F.S.]

LIABILITIES IN EXCESS OF \$1,000 :

List the name and address of each creditor to whom you owed more than \$1,000 on the date you chose for your net worth, and list the amount you owed. *Liabilities include: accounts, notes, and interest payable; debts or obligations (excluding taxes, unless the taxes have been reduced to a judgment) to governmental entities; judgments against you, and the unpaid portion of vehicle leases.*

You are not required to disclose liabilities that are solely your spouse's responsibility.

You do not have to list on the form any of the following: credit card and retail installment accounts, taxes owed (unless the taxes have been reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a partner (without personal liability) for partnership debts, or where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" on a note and are jointly liable or jointly and severally liable, then it is not a contingent liability.

How to Determine the Amount of a Liability:

- Generally, the amount of the liability is the face amount of the debt.
- The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments.
- If you are the only person obligated to satisfy a liability, 100% of the liability should be listed.

- If you are jointly and severally liable with another person or entity, which often is the case where more than one person is liable on a promissory note, you should report here only the portion of the liability that corresponds to your percentage of liability. *However*, if you are jointly and severally liable for a debt relating to property you own with one or more others as tenants by the entirety or jointly, with right of survivorship, report 100% of the total amount owed.
- If you are only jointly (not jointly and severally) liable with another person or entity, your share of the liability should be determined in the same way as you determined your share of jointly held assets.

Examples:

- You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 with your spouse to a savings and loan for the mortgage on the home you own with your spouse. You must report the name and address of the bank (\$10,000 being the amount of that liability) and the name and address of the savings and loan (\$60,000 being the amount of this liability). The credit card debts need not be reported.
- You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability. If your liability for the loan is only as a partner, without personal liability, then the loan would be a contingent liability.

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

List in this part of the form the amount of each debt for which you were jointly and severally liable, that is not reported in the "Liabilities in Excess of \$1,000" part of the form. Example: You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability, as you reported the other 50% of the debt earlier.

INCOME

[Required by Art. II, s. 8, Fla. Const.]

PRIMARY SOURCES OF INCOME:

List the name of each source of income that provided you with more than \$1,000 of income during the disclosure period, the address of that source, and the amount of income received from that source. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income.

"Income" means the same as "gross income" for federal income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples of income include: compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, distributive share of partnership gross income, and alimony if it is considered gross income under federal law, but not child support. Where income is derived from a business activity you should report the income to you, as calculated for income tax purposes, rather than the income to the business.

For purposes of reporting your income, you have the option of either completing this section or submitting a copy of your completed federal income tax return, including all schedules, W2s, and attachments.

If disclosure of a primary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you may write "Legal Client" in each of the disclosure fields without providing any further information.

Examples:

- If you owned stock in and were employed by a corporation and received more than \$1,000 of income (salary, commissions, dividends, etc.) from the company, you should list the name of the company, its address, and the total amount of income received from it.
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$1,000, you should list the name of the firm, its address, and the amount of your distributive share.
- If you received dividend or interest income from investments in stocks and bonds, list only each individual company from which you received more than \$1,000. Do not aggregate income from all of these investments.
- If more than \$1,000 of income was gained from the sale of property, then you should list as a source of income the name of the purchaser, the purchaser's address, and the amount of gain from the sale. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.
- If more than \$1,000 of your income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and the amount of income from that institution.

SECONDARY SOURCES OF INCOME:

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported as a "Primary Source of Income." You will *not* have anything to report *unless*:

- (1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period, more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, LLC, proprietorship, joint venture, trust, firm, etc., *doing business in Florida*); and
- (2) You received more than \$1,000 in gross income from that business entity during the period.

If your ownership and gross income exceeded the two thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, the source's principal business activity, and the name of the business entity in which you owned an interest. You do not have to list the amount of income the business derived from that major source of income.

If disclosure of a secondary source of income will place you in violation of confidentiality or privilege pursuant to law or rules governing attorneys, you should disclose the name of the business entity for which your ownership and gross income exceeded the two thresholds listed above, and then write "Legal Client" in the remaining disclosure fields without providing any further information.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$1,000 in gross income last year. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of your business, the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your gross partnership income exceeded \$1,000. You should list the name of the partnership, the name of each tenant of the mall that provided more than 10% of the partnership's gross income, and the tenant's address and principal business activity.

INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145, F.S.]

The types of businesses covered in this section include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies; utility companies; entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period, more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list: the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

TRAINING CERTIFICATION

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, or an elected local officers of independent special districts, including any person appointed to fill a vacancy on an elected special district board, whose service began on or before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

(End of Instructions)

NOTICE

The annual Statement of Financial Interests is due July 1. If the annual form is not submitted via the electronic filing system created and maintained by the Commission by September 1 an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. Failure to file also can result in removal from public office or employment. [s. 112.3145, F.S.]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [s. 112.317, F.S.]

INSTRUCTIONS FOR COMPLETING AND FILING FORM 1 STATEMENT OF FINANCIAL INTERESTS

WHEN TO FILE: *Initially*, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates must file at the same time they file their qualifying papers.

Thereafter, file by July 1 following each calendar year in which they hold their positions.

Finally, file a final disclosure form (Form 1F) within 60 days of leaving office or employment. Filing a CE Form 1F (Final Statement of Financial Interests) does not relieve the filer of filing a CE Form 1 if the filer was in his or her position on December 31, 2023.

WHO MUST FILE FORM 1:

- 1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
- 2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding those required to file full disclosure on Form 6 as well as members of solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Career Source Florida; and members of the Council on the Social Status of Black Men and Boys; the Executive Director, Governors, and senior managers of Citizens Property Insurance Corporation; Governors and senior managers of Florida Workers' Compensation Joint Underwriting Association; board members of the Northeast Fla. Regional Transportation Commission; board members of Triumph Gulf Coast, Inc; board members of Florida Is For Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.
- 3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, the local Boards of Trustees and Presidents of state universities, and the Florida Prepaid College Board.
- 4) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file Form 6.

- 5) Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; community redevelopment agencies; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, and except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits, and the Pinellas County Construction Licensing Board.
- 6) Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.
- 7) Persons holding any of these positions in local government: county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$35,000 for the local governmental unit.
- 8) Officers and employees of entities serving as chief administrative officer of a political subdivision.
- 9) Members of governing boards of charter schools operated by a city or other public entity.
- 10) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.
- 11) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.
- 12) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.
- 13) Assistant State Attorneys, Assistant Public Defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
- 14) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.
- 15) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$35,000.

- 16) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.
- 17) Each member of the governing body of a "large-hub commercial service airport," as defined in Section 112.3144(1)(c), Florida Statutes, except for members required to comply with the financial disclosure requirements of s. 8, Article II of the State Constitution.

ATTACHMENTS: A filer may include and submit attachments or other supporting documentation when filing disclosure.

PUBLIC RECORD: The disclosure form is a public record and is required by law to be posted to the Commission's website. Your Social Security number, bank account, debit, charge, and credit card numbers, mortgage or brokerage account numbers, personal identification numbers, or taxpayer identification numbers are not required and should not be included. If such information is included in the filing, it may be made available for public inspection and copying unless redaction is required by the filer, without any liability to the Commission. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written and notarized request.

QUESTIONS about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

INSTRUCTIONS FOR COMPLETING FORM 1:

PRIMARY SOURCES OF INCOME

[112.3145(3)(b)1, F.S.]

This section is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s). The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded \$2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

Examples:

- If you were employed by a company that manufactures computers and received more than \$2,500, list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$2,500, list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded \$2,500, list the name of the business, its address, and its principal business activity (retail gift sales).
- If you received income from investments in stocks and bonds, list each individual company from which you derived more than \$2,500. Do not aggregate all of your investment income.
- If more than \$2,500 of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.
- If more than \$2,500 of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

SECONDARY SOURCES OF INCOME

[Required by s. 112.3145(3)(b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in "Primary Sources of Income," if it meets the reporting threshold. You will not have anything to report unless, during the disclosure period:

- (1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida);
and,
- (2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$5,000. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

- You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the above thresholds. List each tenant of the mall that provided more than 10% of the partnership's gross income and the tenant's address and principal business activity.

REAL PROPERTY

[Required by s. 112.3145(3)(b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

INTANGIBLE PERSONAL PROPERTY

[Required by s. 112.3145(3)(b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than \$10,000 and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CDs and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

LIABILITIES

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed more than \$10,000 at any time during the disclosure period. The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. You are not required to list the amount of any debt. You do not have to disclose credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or

endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, then it is not a contingent liability.

INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure period an interest in, or held any of certain positions with the types of businesses listed above. You must make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

TRAINING CERTIFICATION

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, appointed school superintendent, or a commissioner of a community redevelopment agency created under Part III, Chapter 163, ~~or an elected local officers of independent special districts, including any person appointed to fill a vacancy on an elected special district board,~~ whose service began on or before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

(End of Instructions)

NOTICE

The annual Statement of Financial Interests is due July 1. If the annual form is not submitted via the electronic filing system created and maintained by the Commission by September 1 an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. Failure to file also can result in removal from public office or employment. [s. 112.3145, F.S.]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [s. 112.317, F.S.]

INSTRUCTIONS FOR COMPLETING AND FILING FORM 1X AMENDMENT TO STATEMENT OF FINANCIAL INTERESTS

Use this form to report the new information you believe should have been reported on your original Form 1 or 1F. You will be asked to explain the changes you are making to your original Form 6 or 6F.

WHO MUST FILE FORM 1:

- 1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
- 2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding those required to file full disclosure on Form 6 as well as members of solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Career Source Florida; and members of the Council on the Social Status of Black Men and Boys; the Executive Director, Governors, and senior managers of Citizens Property Insurance Corporation; Governors and senior managers of Florida Workers' Compensation Joint Underwriting Association; board members of the Northeast Fla. Regional Transportation Commission; board members of Triumph Gulf Coast, Inc; board members of Florida Is For Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.
- 3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, the local Boards of Trustees and Presidents of state universities, and the Florida Prepaid College Board.
- 4) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file Form 6.
- 5) Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; community redevelopment agencies; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, and except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; pension or retirement boards empowered to invest pension or retirement funds or

- determine entitlement to or amount of pensions or other retirement benefits, and the Pinellas County Construction Licensing Board.
- 6) Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.
 - 7) Persons holding any of these positions in local government: county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$35,000 for the local governmental unit.
 - 8) Officers and employees of entities serving as chief administrative officer of a political subdivision.
 - 9) Members of governing boards of charter schools operated by a city or other public entity.
 - 10) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.
 - 11) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.
 - 12) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.
 - 13) Assistant State Attorneys, Assistant Public Defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
 - 14) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.
 - 15) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$35,000.
 - 16) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.
 - 17) Each member of the governing body of a "large-hub commercial service airport," as defined in Section 112.3144(1)(c), Florida Statutes, except for members required to comply with the financial disclosure requirements of s. 8, Article II of the State Constitution.

ATTACHMENTS: A filer may include and submit attachments or other supporting documentation when filing disclosure.

PUBLIC RECORD: The disclosure form is a public record and is required by law to be posted to the Commission's website. Your Social Security number, bank account, debit, charge, and credit card numbers, mortgage or brokerage account numbers, personal identification numbers, or taxpayer identification numbers are not required and should not be included. If such information is included in the filing, it may be made available for public inspection and copying unless redaction is required by the filer, without any liability to the Commission. If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality if you submit a written and notarized request.

QUESTIONS about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.

INSTRUCTIONS FOR COMPLETING FORM 1X:

PRIMARY SOURCES OF INCOME

[112.3145(3)(b)1, F.S]

This section is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose any public salary or public position(s). The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded \$2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony if considered gross income under federal law, but not child support.

Examples:

- If you were employed by a company that manufactures computers and received more than \$2,500, list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$2,500, list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded \$2,500, list the name of the business, its address, and its principal business activity (retail gift sales).
- If you received income from investments in stocks and bonds, list each individual company from which you derived more than \$2,500. Do not aggregate all of your investment income.

- If more than \$2,500 of your gross income was gain from the sale of property (not just the selling price), list as a source of income the purchaser's name, address and principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.
- If more than \$2,500 of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

SECONDARY SOURCES OF INCOME

[Required by s. 112.3145(3)(b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported in "Primary Sources of Income," if it meets the reporting threshold. You will not have anything to report unless, during the disclosure period:

- (1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and,**
- (2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$5,000. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the above thresholds. List each tenant of the mall that provided more than 10% of the partnership's gross income and the tenant's address and principal business activity.

REAL PROPERTY

[Required by s. 112.3145(3)(b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the disclosure period in excess of 5% of the property's value. You are not required to list your residences. You should list any vacation homes if you derive income from them.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you own more than 5% of a partnership or corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more accurate fair market value.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

INTANGIBLE PERSONAL PROPERTY

[Required by s. 112.3145(3)(b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than \$10,000 and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you (including, but not limited to, loans made as a candidate to your own campaign), Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts in which you have an ownership interest. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product contained in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CDs and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship, including bank accounts owned in such a manner, should be valued at 100%. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

LIABILITIES

[Required by s. 112.3145(3)(b)4, F.S.]

List the name and address of each creditor to whom you owed more than \$10,000 at any time during the disclosure period. The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. You are not required to list the amount of any debt. You do not have to disclose credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and are jointly liable or jointly and severally liable, then it is not a contingent liability.

INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145(7), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

Disclose in this part the fact that you owned during the disclosure period an interest in, or held any of certain positions with the types of businesses listed above. You must make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, indicate that fact and describe the nature of your interest.

TRAINING CERTIFICATION

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer, appointed school superintendent, or a commissioner of a community redevelopment agency created under Part III, Chapter 163, ~~or an elected local officers of independent special districts, including any person appointed to fill a vacancy on an elected special district board,~~ whose service began on or before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

(End of Instructions)

Schafer, Grayden

From: Stillman, Kerrie
Sent: Sunday, January 07, 2024 2:36 PM
To: Schafer, Grayden
Subject: FW: Comments on proposed rule change - 34.8005(5)

From: Laird A. Lile, Esq. <llile@lairdalile.com>
Sent: Sunday, January 07, 2024 2:32 PM
To: Zuilkowski, Steven <ZUILKOWSKI.STEVEN@leg.state.fl.us>
Cc: Stillman, Kerrie <STILLMAN.KERRIE@leg.state.fl.us>
Subject: Comments on proposed rule change - 34.8005(5)

By this email, I am providing my comments regarding the proposed change to Rule 34-8.005. The proposal that will be before the Commission is to add subsection (5) to read as follows:

(5) If disclosure of identifying information regarding a source of income or secondary source of income will violate confidentiality or privilege pursuant to law or rules governing attorneys, a filer, who is also an attorney, may indicate he or she has a legal client meeting the disclosure criteria without providing further information about the client. The filer in such circumstances may write "Legal Client" in the disclosure fields without providing any further information.

My comments are made with the objective of providing a clear exception that is easily applied and understood to the disclosure that would otherwise be required, and to suggest coordination of this change with the balance of Rule 38-8.005.

At the outset, I acknowledge you have indicated to me this proposal is modeled after established language, found in F.S. 112.3143(5). That provision reads as follows:

(5) If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

That statutory provision deals with voting conflicts that are to be disclosed when conflicts arise regarding upcoming votes by public officers. After some reflection, I do not believe the statutory provision serves well as a model for the change intended by the proposal. When voting conflicts arise, the public officer is required to make a disclosure that "provide[s] the public with notice of the conflict." This optimal manner of making that disclosure could vary with the circumstances, so some flexibility seems appropriate. That flexibility is not easily translated to completion of a form required by the Commission's rules. So, while I applaud the effort to find a good model with precedential value, I don't think that is accomplished with the voting conflict provision. However, of more significant concern to me is the verbosity and lack of clarity that exists even in the statutory provision. I believe the Commission's rules deserve an exception which is clearly and concisely stated.

My specific comments are as follows:

1. The multiple disjunctives in the phrase “...confidentiality or privilege pursuant to law or rules governing attorneys...” creates ambiguities when trying to understand to which parts of the phrase “governing attorneys” is meant to apply. My understanding is the intent is for this to apply only to attorneys. That is not clear because “governing attorneys” might be considered as only applying to “rules” and the first part (“confidentiality or privilege pursuant to law”) might be considered as standing alone and could be applied to reporters who are not lawyers.
2. I understand from you that the intention is for the exception to only apply to attorneys. In that case, the disjunctive terms are not necessary, and I don’t think any disclosure should be required. My suggestion would be to tighten up the proposal to something along these lines:

A filer who is a member of The Florida Bar shall not disclose any identifying information that is confidential under the Rules Regulating The Florida Bar.

3. I also think you need a lead-in (“Notwithstanding...”), so I would suggest the following be adopted as the exception in the rule.

Notwithstanding the requirements in subdivision (1), a filer who is a member of The Florida Bar shall not disclose any identifying information that is confidential under the Rules Regulating The Florida Bar.

I also suggest that good form would include a cross reference to this new exception in subdivision (1). Perhaps beginning subdivision (1) with: Except when prohibited by subdivision (5), would accomplish the objective.

Thank you for the opportunity to submit this comment for the Commission’s consideration.

Laird A. Lile, Esq.

Laird A. Lile, PLLC



FEI
Florida Ethics Institute

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those in state and local
governments*

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January 22, 2024

The Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

RE: Proposed Amendments to Rule Ch. 34-8

Dear Commission on Ethics:

I write on behalf of the Florida Ethics Institute (FEI)—an independent nonprofit organization founded to protect and advance the cause of ethics in government through education—and on behalf of Norman M. Ostrau, former Chairman of the Florida Commission on Ethics (Commission), to express concerns regarding the proposed amendments to Rule Chapter 34-8, Florida Administrative Code.

In particular, the notice reflects that the Commission intends to amend Rule 34-8.005 regarding the requirements of disclosure concerning the CE Form 6 pertaining to Secondary Sources of Income. The proposed amendment seeks to include a new subsection—subsection 5—wherein the attorney filer need only disclose “Legal Client” in satisfaction of the secondary sources of income disclosure section without providing any further identifying information.

We believe that this amendment will effectively thwart any transparency to the public regarding the major clients of businesses owned materially by the filer which is the purpose of the Secondary Sources of Income section of the CE Form 6. This lack of transparency could act to perpetuate conflicts of interests held by the filer in contravention of the Code of Ethics. And it will make meaningless the Secondary Sources of Income disclosure section itself.

We note that the Commission cites to Florida Bar Rule 4-1.6(a) as authority for, and impetus behind, the proposed amendment. However, we note that for more than 30 years the Commission has advised filers, even those practicing law in their private capacity, that legal clients meeting the criteria for disclosure as secondary sources of income must be disclosed. *See* CEO 76-164 and CEO 80-64. In CEO 74-69 the Commission expressly opined that with respect to the validity of disclosure of client identities on the CE Form 2 (a similar disclosure form) that the disclosure of a client’s name would not constitute a breach of the filer/attorney’s “ethical obligation of confidentiality to your client, since the attorney-client privilege does not attach to the fact of employment nor the identity of the client.” *See also Silverman v. Turner*, 188 So. 2d 354 (Fla. 3 DCA 1966)(finding an attorney was not able to assert attorney-client privilege with respect to the identity of a client). Thus, the approval of this rule amendment will directly contradict 30+ years of consistent Commission counsel regarding

transparency required by financial disclosure regarding secondary sources of income.

In addition, the amendment will result in a lack of consistency regarding the disclosure requirements pertaining to secondary sources of income disclosures on the CE Form 6 as opposed to the CE Form 1. Unlike CE Form 6—which has its secondary sources of income section requirements rooted in Rule 34-8.005—the secondary sources of income disclosure requirements of CE Form 1 are set forth by law in Section 112.3145(3)(b)2, F.S. This subsection requires the disclosure of “All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received gross income exceeding \$5,000 during the disclosure period.” This statute may not be amended via the rulemaking process. Pursuant to both the statutory disclosure requirements and the Commission’s own interpretation, CE Form 1 filers that are attorneys will continue to have to disclose the identities of their major business clients if they exceed the required thresholds for disclosure. As such, if the proposed amendments to the CE Form 6 are adopted, this will result in inconsistent disclosure requirements regarding secondary sources of income in the CE Form 1 and CE Form 6. In addition, such disparate disclosure requirements appear to thwart the legislative intent of the disclosure of secondary sources of income as articulated by law.

We appreciate the Commission’s desire to harmonize the financial disclosure requirements of the Code of Ethics with those set forth in other rule requirements applicable to specific professions, but we do not believe that the proposed amendments will be beneficial to the Code of Ethics or to the public trust. As such, we humbly request that the Commission deny the proposed amendments to Rule 34-8.005 regarding Secondary Sources of Income and preserve in their consistent interpretation of the requirements of client disclosure regarding this section.

Sincerely,

Sylvie Naar

Dr. Sylvie Naar
President
Florida Ethics Institute