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

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"A Public Office is a Public Trust"

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MEMORANDUM

TO: Commission Members
FROM: Gray Schafer, Assistant General Counsel (GS)
DATE: October 9, 2024
RE: Rule Hearing on amendment to Chapter 34-7

The Commission is being asked to consider and approve amending the Form 50, which is the ethics complaint form incorporated by reference within Rule 34-7.010(1)(b) of the Florida Administrative Code. Any individuals seeking to file a complaint with the Florida Commission on Ethics concerning the actions of a public officer or employee must bring their allegations on a properly completed Form 50. The proposed changes to the Form 50, which are summarized below, have been duly noticed and materials have been provided to the Joint Administrative Procedures Committee.

Given a recent statutory amendment to Section 112.324(1)(a), Florida Statutes, an allegation in a complaint may now only be investigated if it is based on personal knowledge or information other than hearsay. See Ch. 2024-253, Laws of Florida. The Form 50 is being amended to indicate this new requirement. Moreover, the amendment will remove language from the Form 50 concerning the Commission's jurisdiction and statute of limitations, the process by which a complaint is reviewed, investigated, and prosecuted, as well as the confidentiality of ethics complaint proceedings, and the law concerning costs and attorney's fees. This material is being removed because it is general information about the complaint process but is not instructive to actually completing the Form 50, and its removal will shorten the form and make it more accessible for filers. The language being removed either repeats language included elsewhere on the Form 50, or repeats language already publicly available in other Commission laws and rules.

A link also will be added to the Form 50 where filers can learn about the Commission and its procedures.

Attached are the Notice of Proposed Rulemaking, the text of the proposed amended rule, and the proposed amended Form 50 that will need to be incorporated by reference into the rules. The proposed Form 50 is two pages long and indicates a proposed effective date of November 28, 2024. Also attached is the current Form 50 (which is six pages long and indicates an effective date of January 9, 2017) so you may compare it to the amended version. You will be asked to approve this proposed rulemaking at your October 25, 2024, Commission meeting.

Attachments

~~Money Order Deposit Form for Restitution & Court-Ordered Payments. The offender must send the completed form pursuant to the instructions provided on Form DC2-364. Form DC2-364 is hereby incorporated by reference. Copies of this form may be obtained from the Forms Control Administrator, 501 S. Calhoun Street, Tallahassee, Florida 32399-2500, http://www.flrules.org/Gateway/reference.asp?No=Ref_08629, or the offender's Correctional Probation Officer. The effective date of this form is 8/17.~~

~~Rulemaking Authority 944.09 FS. Law Implemented 944.09, 945.31, 948.03 FS. History—New 8-1-01, Amended 11-4-04, 3-24-13, 7-1-13, 2-10-14, 9-14-17, 6-29-23.~~

~~NAME OF PERSON ORIGINATING PROPOSED RULE
Joseph Winkler, Assistant Secretary of Community Corrections
NAME OF AGENCY HEAD WHO APPROVED THE
PROPOSED RULE: Ricky D. Dixon, Secretary
DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: 5/30/2024
DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAR: 4/18/2024~~

COMMISSION ON ETHICS

RULE NO.: RULE TITLE:

34-7.010 List of Forms and Instructions

PURPOSE AND EFFECT: This amendment relates to material incorporated by reference within Rule 34-7.010(1)(b), F.A.C. That rule subsection concerns the Form 50, which is the form submitted by individuals seeking to file a complaint with the Florida Commission on Ethics concerning the actions of a public officer or employee. The purpose of the proposed amendment is to update, clarify, and re-adopt the Form 50. The updates/clarifications are explained in the Summary section of this Notice.

SUMMARY: Given a recent statutory amendment to Section 112.324(1)(a), Florida Statutes, an allegation in a Form 50 ethics complaint may now only be investigated if it is based on personal knowledge or information other than hearsay. See Ch. 2024-253, Laws of Florida. The Form 50 is being amended to indicate this new requirement. Moreover, the amendment will remove language from the Form 50 concerning the Commission's jurisdiction and statute of limitations, the process by which a complaint is reviewed, investigated, and prosecuted, as well as the confidentiality of ethics complaint proceedings, and the law concerning costs and attorney's fees. This material is being removed because it is general information about the complaint process but is not instructive to actually completing the Form 50, and its removal will shorten the form and make it more accessible for filers. The language being removed either repeats language included elsewhere on the Form 50, or repeats language already publicly available in other Commission laws

and rules. A link also will be added to the Form 50 where filers can learn about the Commission and its procedures.

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: based on past experience, the adverse impact or regulatory costs, if any, do not exceed and would not be expected to exceed any one of the economic criteria set forth in Section 120.541, FS.

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: 112.3147, 112.322(9), 112.324(1)(a) F.S.

LAW IMPLEMENTED: 112.324(1)(a), F.S.

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

DATE AND TIME: October 25, 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: Gray Schafer, Assistant General Counsel, Florida Commission on Ethics (850)488-7864

THE FULL TEXT OF THE PROPOSED RULE IS:

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are incorporated by reference and are used by the Commission in its dealings with the public:

(a) No change.

(b) Form 50, Complaint. To be utilized by persons wishing to file a complaint against any public officer, public employee or candidate for public office alleging a violation of any provision of Part III, Chapter 112, F.S. or to be utilized by persons wishing to file a complaint which alleges any other breach of public trust on the part of a public officer or employee who is not within the jurisdiction of the Judicial Qualifications Commission.

<https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXX 07735>. Revised 11/2024 12/2016.

(c) through (i) No change.

(2) No change.

Rulemaking Authority Art. II, Section 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(14), 112.322(9), 112.324(1)(a) FS. Law Implemented Art. II, Section 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.31425, 112.3143, 112.3144, 112.31446, 112.3145, 112.3148, 112.31485, 112.3149, 112.3215, 112.324(1)(a) FS. History—New 4-11-76, Formerly 34-7.10-7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 1-1-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04, 1-1-05, 1-1-06, 6-15-06, 1-1-07, 1-1-10, 8-18-10, 1-1-11, 1-19-11, 11-4-13, 1-1-15, 11-24-15, 7-5-16, 1-9-17, 1-9-20, 4-8-21, 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: October 04, 2024

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: September 24, 2024

DEPARTMENT OF HEALTH

Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling

RULE NO.: 64B4-3.0031
RULE TITLE: Application for Licensure Endorsement

PURPOSE AND EFFECT: The Board proposes a new rule to create language requirements for application for licensure endorsement and incorporate application DH-MQA-5101 form, Mobile Opportunity by Interstate Licensure Endorsement (MOBILE).

SUMMARY: The proposed new rule clarifies the requirements for application for licensure endorsement and incorporates application DH-MQA-5101 form, Mobile Opportunity by Interstate Licensure Endorsement (MOBILE).

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: During discussion of the economic impact of this rule at its Board meeting, the Board, based upon the expertise and experience of its members, determined that a Statement of Estimated Regulatory Costs (SERC) was not necessary and that the rule will not require ratification by the Legislature. No person or interested party submitted additional information regarding the economic impact at that time.

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: 456.0145, 456.025, 490.405, FS.

LAW IMPLEMENTED: 456.0145, FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAR.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Ashleigh K. Irving, Executive Director, Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way Bin C-08, Tallahassee, FL 32399-3258, telephone: (850)488-0595, or by electronic mail – Ashleigh.Irving@flhealth.gov

THE FULL TEXT OF THE PROPOSED RULE IS:

64B4-3.0031 Application for Licensure Endorsement.

(1) An applicant for licensure by endorsement pursuant to section 456.0145(2), F.S., shall submit as part of his or her application DH-MQA-5101 (eff. 08/24), "Mobile Opportunity by Interstate Licensure Endorsement (MOBILE)" which is incorporated herein by reference and which may be obtained from <http://www.flrules.org/Gateway/reference.asp?No=Ref-> or from the Board of Clinical Social Work, Marriage & Family Therapy and Mental Health Counseling, 4052 Bald Cypress Way, Bin #C08, Tallahassee, FL 32399-3257, <https://floridasmmentalhealthprofessions.gov/>. Applicants for licensure shall meet and comply with all requirements in Section 456.0145(2), F.S.

Rulemaking Authority 456.0145, 456.025, 490.405, FS. Law Implemented 456.0145, FS. History—New

34-7.010 List of Forms and Instructions.

(1) The following forms and instructions are incorporated by reference and are used by the Commission in its dealings with the public:

(a) No change.

(b) Form 50, Complaint. To be utilized by persons wishing to file a complaint against any public officer, public employee or candidate for public office alleging a violation of any provision of Part III, Chapter 112, F.S. or to be utilized by persons wishing to file a complaint which alleges any other breach of public trust on the part of a public officer or employee who is not within the jurisdiction of the Judicial Qualifications Commission. https://www.flrules.org/Gateway/reference.asp?No=Ref-XXXXXX_07735. Revised ~~11/2024~~ ~~12/2016~~.

(c) through (i) No change.

(2) No change.

Rulemaking Authority Art. II, Section 8(i), Fla. Const., 112.3144, 112.3145, 112.3147, 112.3215(14), 112.322(9), 112.324(1)(a) FS. Law Implemented Art. II, Section 8(a), (f), (h), Fla. Const., 112.313(9), (12), 112.31425, 112.3143, 112.3144, 112.31446, 112.3145, 112.3148, 112.31485, 112.3149, 112.3215, 112.324(1)(a) FS. History—New 4-11-76, Formerly 34-7.10-7.22, 8.10, Amended 2-23-77, 4-7-77, 5-17-77, 10-20-77, 2-25-79, 1-29-80, 4-29-81, 1-12-82, 3-25-82, 2-21-83, Formerly 34-7.10, Amended 7-10-88, 3-4-91, 10-6-91, 10-29-91, 12-22-91, 7-5-92, 10-15-92, 12-6-92, 11-10-93, 12-27-93, 11-21-94, 2-16-95, 12-26-95, 1-27-97, 1-1-98, 1-1-99, 1-1-00, 12-4-00, 12-21-00, 10-14-01, 11-22-01, 1-1-02, 1-1-03, 1-1-04, 1-1-05, 1-1-06, 6-15-06, 1-1-07, 1-1-10, 8-18-10, 1-1-11, 1-19-11, 11-4-13, 1-1-15, 11-24-15, 7-5-16, 1-9-17, 1-9-20, 4-8-21, 1-1-24, _____.

Florida Commission on Ethics

P.O. Drawer 15709, Tallahassee, Florida 32317-5709

CE FORM 50

ETHICS COMPLAINT FORM AND INSTRUCTIONS

Use this form to file an ethics complaint or to file an amendment to an ethics complaint. An ethics investigation can only be initiated by a properly filed complaint, including a statement of facts alleging a possible violation of the ethics laws. Noncompliant or incomplete forms will be returned.

PLEASE NOTE: The Florida Commission on Ethics cannot intervene in your civil or criminal case, nor can we give you legal advice. We do not have jurisdiction to consider complaints against judges or to direct the actions of government agencies. We have no jurisdiction over violations of the Sunshine Law or the Open Meetings Law.

SECTION ONE—Person Bringing Complaint: The person bringing the complaint is known as "the Complainant." Please provide your name, address, and telephone number.

SECTION TWO—Person Against Whom Complaint is Brought: The person against whom the complaint is brought is known as "the Respondent." Provide the name, address, and telephone number of the Respondent, as well as that person's office or the position he or she holds or held, or for which he or she is a candidate. All complaints are confidential and considered independently, so if you are filing a complaint against more than one person, use a separate complaint form for each person.

SECTION THREE—Statement of Facts: On a separate sheet(s) of paper, please provide the following:

- Please explain fully, but as briefly as possible, what the Respondent did that you believe violated the ethics laws of the State of Florida.
- **Please explain how you became aware of these facts** because the Commission may only investigate complaints based on personal knowledge or information other than hearsay.
- Please limit your submission to **15 pages or fewer**, and do not submit voluminous exhibits or copies of statutes; if your complaint is deemed legally sufficient, it will be investigated and at that point, the investigator will obtain any relevant materials from you.
- **Do not submit items such as oversize documents, audio or video tapes, CDs or DVDs, or flash drives.** This will result in your complaint being returned. Also, Commission staff will not visit any URLs provided in your statement of facts.
- All complaints are confidential until a certain point in the proceedings. Do not cross-reference the filing of an ethics complaint against another person in your statement of facts.

SECTION FOUR—Oath: Complaints must be sworn before a notary or other official authorized to administer oaths. Unsworn complaints will be returned.

WHERE TO FILE THE COMPLAINT: The original complaint form (original signature *and* notarization) must be mailed or delivered to the Commission of Ethics at the address on the complaint form. Photocopies or emailed forms cannot be accepted. The Commission address is: P. O. Box 15709, Tallahassee, Florida 32317-5709.

COMPLAINT PROCESS: For more information about the complaint process, please visit: <https://ethics.state.fl.us/Complaints/Complaints.aspx>

COMPLAINT

1. PERSON BRINGING COMPLAINT:

Name: _____ Telephone: _____
Address: _____
City: _____ County: _____ State: _____ ZIP: _____

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Use a separate complaint form for each person against whom you are filing a complaint.

Name: _____ Telephone: _____
Address: _____
City: _____ County: _____ ZIP: _____
Title of office or position held or sought: _____

3. STATEMENT OF FACTS:

Please provide a full explanation of your complaint, describing the facts and the actions of the person named above and why you believe he or she violated the law, and include a statement of how you became aware of these facts. Include relevant dates and the names and addresses of people whom you believe may be witnesses. Please do not submit more than 15 pages, including this form. Please do not submit video or audio tapes, CD, DVDs, flash drives, or other electronic media; such material will not be considered part of the complaint and will be returned.

4. OATH:

STATE OF _____
COUNTY OF _____

I, the person bringing this complaint, do swear or affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, 20____, by _____ (name of person making statement)

SIGNATURE OF COMPLAINANT

(Signature of Notary Public)

(Print, Type, or Stamp Commissioned Name of Notary Public)
Personally Known ____ OR Produced Identification ____
Type of Identification Produced: _____



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IMPORTANT INSTRUCTIONS FOR COMPLETING A COMPLAINT FORM

Please read all instructions and the Information for Complainants below, carefully before completing the complaint form. The Commission can only accept properly completed complaints. Improperly completed forms may be returned.

PLEASE NOTE: The Florida Commission on Ethics cannot intervene in your civil or criminal case, nor can we give you legal advice. We do not have jurisdiction to consider complaints against judges or to direct the actions of government agencies.

SECTION ONE—Person Bringing Complaint (Complainant): This is your information. Please provide your name, address, and telephone number.

SECTION TWO—Person Against Whom Complaint is Brought (Respondent): The person against whom the complaint is brought is the respondent. Give the name, address, and telephone number of the respondent, as well as that person's office or the position he or she holds or held, or for which he or she is a candidate. All complaints are considered independently, so if you are filing complaints against more than one person, use a separate complaint form and provide separate information for each person you are complaining against. All complaints are confidential until a certain point in the proceedings, so do not reference the existence of one complaint in any of the others.

SECTION THREE—Statement of Facts: On a separate sheet(s) of paper please explain fully but as briefly as possible what it is you believe the respondent did that violated the ethics laws of the State of Florida. Please limit your submission to 15 pages or less, and do not submit voluminous exhibits or copies of statutes; if your complaint is deemed legally sufficient it will be investigated and at that point the investigator will obtain any relevant materials from you. **Do not submit items such as oversize documents, audio or video tapes, CDs or DVDs, or flash drives. They will be returned.** Materials on websites referenced in a statement are not part of the complaint. If you believe information on a website is relevant, please describe what the website says that you think is important.

SECTION FOUR—Oath: Complaints must be sworn before a notary or other official authorized to administer oaths. Unsworn complaints will be returned.

**Submit the *original* form to the Commission on Ethics.
Photocopies, faxes, or emailed forms cannot be accepted.**



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PLEASE READ INFORMATION FOR COMPLAINANTS

Jurisdiction of the Commission: The Commission on Ethics has the authority to review and investigate complaints concerning possible violations of the State's ethics laws by state and local elected or appointed public officers and public employees and others as designated by Florida law. Most of the ethics laws are contained in Article II, Section 8, Florida Constitution (the Sunshine Amendment) or Part III, Chapter 112, the Code of Ethics for Public Officers and Employees. ***The Commission does not have jurisdiction with respect to the open meetings or public records laws, residency requirements, or elections laws, and has no jurisdiction with respect to judges, federal officials, or most employees or officers of private companies or attorneys in private practice.*** The Commission's jurisdiction is limited to *individual* public officers or employees.

By Florida law, the Commission on Ethics cannot conduct an investigation unless someone files a sworn complaint with the Commission alleging a violation of law has occurred, or it receives a referral from the Governor, the Florida Department of Law Enforcement, a State Attorney, or a U.S. Attorney. Without a complaint or referral, the Commission is unable to take action, even after learning of alleged misconduct through newspaper reports, letters, or phone calls. The Commission cannot accept anonymous complaints and it must disclose the identity of the complainant to the respondent. A copy of the complaint is mailed to the respondent within five (5) working days after receipt by the Commission.

Filing a Complaint: If you have knowledge that a person in government has violated the standards of conduct or disclosure laws or has committed some other breach of the public trust, you may report these violations to the Commission by filing a sworn complaint. Complaints must be on the form promulgated by the Commission. The currently used form is included with these instructions. Provide all the information you want the Commission to consider *with* the complaint; the Commission cannot consider correspondence not accompanied by a sworn complaint. In providing your statement of facts, indicate what the person did that you believe was wrong, and what facts you are aware of that give rise to that belief. If you believe the official—or some other person or entity—benefitted as a result of the alleged wrongdoing, state who you believe benefitted, and how you believe they benefitted.

Please write your complaint as briefly as possible. Including lengthy or voluminous exhibits may slow the processing of your complaint. Please do not include copies of Florida Statutes. Materials such as audio and videotapes, CDs and DVDs, and thumb drives cannot be accepted and will be returned. If you believe material in a book, periodical, website, or other outside source is important, please summarize that information and include it in your complaint, as such sources will not be considered incorporated by reference.



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All complaints are considered independent of one another, so if you are filing complaints against more than one person, please use a separate complaint form, and provide a separate statement of facts, for each person. Because each complaint is confidential until a certain stage is reached, if you file a complaint against someone, please do not refer to or identify other complaints you have made against others.

Pursuant to Section 112.324, Florida Statutes, no complaint or referral may be filed or disclosed with respect to a candidate for election within 30 days immediately preceding the date of the election, unless the complaint or referral is based upon personal information or information other than hearsay.

Statute of Limitations: All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation. Time starts to run on the day after the violation occurred. The statute of limitations is tolled on the day a sworn complaint is filed with the Commission. If a complaint is filed and the statute of limitations has run, the complaint will be dismissed.

Confidentiality: *The complaint, as well as all proceedings and records relating to the complaint, are confidential until the respondent requests that such records and proceedings be made public or until the complaint reaches a stage in the Commission's proceedings where it becomes public. This means that unless the Commission receives a written waiver of confidentiality from the respondent, the Commission is not free to release any documents or to comment on a complaint to members of the public or press, so long as the complaint remains in a confidential stage.*

Procedures Followed by the Commission: The Florida Commission on Ethics will utilize the following process for your complaint:

1. The Commission staff must forward a copy of the original sworn complaint to the respondent within five working days of its receipt. Any subsequent sworn amendments to the complaint also are transmitted within five days of receipt. The Commission cannot exclude the identity of the complainant or any named witness from this material.
2. Once a complaint is filed, it goes through the following stages:
 - a. Determination of whether the allegations of the complaint are legally sufficient, that is, whether they indicate a possible violation of any law over which the Commission has jurisdiction. If the complaint is found not to be legally



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- sufficient, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public when that order is rendered.
- b. If the complaint is found to be legally sufficient, the Commission's investigative staff will begin an investigation. The investigator will contact you and this is your best opportunity to provide any additional information you have that you would like the Commission to consider. The investigator will complete an investigative report.
 - c. The investigative report is forwarded to the Commission Advocate. The Advocate is an Assistant Attorney General who represents the Commission in its prosecutorial role. The Advocate will make a recommendation as to whether there is probable cause to believe that there has been a violation of any of the ethics laws.
 - d. The Advocate's recommendation will be heard by the Commission acting in a quasi-judicial capacity. Unless the respondent has waived his or her right to confidentiality, the meeting is closed to the public. Complainants may be represented by legal counsel at their own expense; however, a complainant is not a party in the Commission's proceedings, and the Commission's rules do not allow the complainant to participate. The complainant, or his or her legal counsel, will be notified of and may attend the hearing at which the Commission decides whether probable cause exists, but cannot participate.
 - e. If the Commission finds that there is no probable cause to believe that there has been a violation of the ethics laws, the complaint will be dismissed and will become public when that order is rendered.
 - f. If the Commission finds that there is probable cause to believe there has been a violation of the ethics laws, the complaint becomes public. A public hearing—which is similar to a trial—will be held before an Administrative Law Judge (ALJ) of the Division of Administrative Hearings (DOAH), unless the Commission Advocate and the respondent reach a stipulated agreement.
 - g. The ALJ's findings, or the stipulated agreement, is then forwarded to the Commission for final action. The Commission is limited in its ability to modify findings of the ALJ. If the Commission rejects a stipulated agreement, the Advocate and the respondent may attempt to reach another agreement, or the case may proceed to DOAH for a public hearing. A person against whom a violation is found may appeal the Commission's final order to a District Court of Appeal.

When the Commission concludes that a violation has been committed, it may recommend one or more penalties to the appropriate disciplinary body or official and issues a public report of its findings. In complaints involving a sitting member of the Legislature the Commission does not have the ability to recommend a penalty.



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Costs and Attorney's Fees: If the complaint is dismissed, the respondent does not have an automatic right to recover the costs of litigation and/or attorney's fees. However, he or she can file a petition asking the Commission to have the complainant pay those costs and attorney's fees. The Commission will decide whether the petition is legally sufficient, a proceeding in which the complainant and the petitioner, or their attorneys, may participate. If the petition is found legally insufficient, it will be dismissed. If the petition is found legally sufficient, there will be a hearing at DOAH, or the complainant and the petitioner may reach a settlement. If the matter is heard at DOAH, the ALJ's recommendation will be returned to the Commission for final action. The Commission is limited in its ability to modify findings of the ALJ. **In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable attorney fees incurred in the defense of the person complained against, including the costs and reasonable attorney fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission. Section 112.317(7), Florida Statutes.** This decision may be appealed to a District Court of Appeal. If costs and fees are awarded, the Department of Legal Affairs may bring a civil action to recover them, if they are not paid willingly.

Dismissal of Complaints at Any Stage of Disposition: The Commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the Commission will issue a public report stating with particularity its reasons for the dismissal.

Other Information: More information about the ethics laws and the Commission's responsibilities is available at the Commission's website, www.ethics.state.fl.us, which contains publications, rules, and other information.



Florida Commission on Ethics

P. O. Drawer 15709, Tallahassee, Florida 32317-5709

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COMPLAINT

1. PERSON BRINGING COMPLAINT:

Name: _____ Telephone Number: _____

Address: _____

City: _____ County: _____ State: _____ Zip Code: _____

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Use a separate complaint form for each person you wish to complain against:

Name: _____ Telephone Number: _____

Address: _____

City: _____ County: _____ Zip Code: _____

Title of office or position held or sought: _____

3. STATEMENT OF FACTS:

Please provide a full explanation of your complaint, describing the facts and the actions of the person named above and why you believe he or she violated the law. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. Please do not submit more than 15 pages, including this form. Please do not submit video or audio tapes, CDs, DVDs, flash drives or other electronic media; such material will not be considered part of the complaint and will be returned.

4. OATH

STATE OF _____

COUNTY OF _____

I, the person bringing this complaint, do swear or affirm that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

Sworn to (or affirmed) and subscribed before me by means of physical presence or online notarization, this _____ day of _____, 20 _____, by _____ (name of person making statement).

SIGNATURE OF COMPLAINANT

(Signature of Notary Public)

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known _____ OR Produced Identification _____
Type of Identification Produced: _____