



**ANNUAL REPORT  
TO THE  
FLORIDA LEGISLATURE  
FOR  
CALENDAR YEAR 1999**

**By the  
STATE OF FLORIDA  
COMMISSION ON ETHICS**

# Table of Contents

<b>THE CHAIRMAN'S MESSAGE</b> .....	<b>2</b>
<b>1999 FLORIDA COMMISSION ON ETHICS MEMBERSHIP</b> .....	<b>4</b>
<b>INTRODUCTION AND HISTORY</b> .....	<b>5</b>
<b>ORGANIZATION</b> .....	<b>7</b>
<b>Ethics Commission Staff</b> .....	<b>8</b>
<b>FISCAL REPORT</b> .....	<b>11</b>
<b>OPERATIONS</b> .....	<b>12</b>
<b>Complaints</b> .....	<b>12</b>
<b>Executive Branch Lobbyist Registration</b> .....	<b>18</b>
<b>Issuance of Advisory Opinions</b> .....	<b>20</b>
<b>Education</b> .....	<b>22</b>
<b>Financial Disclosure</b> .....	<b>23</b>
<b>LITIGATION</b> .....	<b>29</b>
<b>LEGISLATION</b> .....	<b>31</b>

## THE CHAIRMAN'S MESSAGE

The past year has brought renewed public focus to the activities of the Commission on Ethics and the role of the Commission in the affairs of governance at the state and local levels of Florida government. The Commission and Commission staff have remained vigilant in their responsibilities to the public and to persons regulated by the law and have continued the outreach efforts to ensure that the ethics laws are understood and enforced. Specific components of the Commission's activities and outreach over the past year include the following:

- \* The Commission has continued to work with the Senate Committee on Ethics and Elections on the comprehensive recommendations to revise the Code of Conduct for Public Employees. The Commission has also participated with the committees of the House of Representative on the House initiative to require disclosure by government officials for the last year of their service.
- \* The Commission General Counsel and Chairman were appointed to serve as members of the Task Force on public Corruption created by Governor Bush and helped to develop the consensus recommendations that the Task Force has made to the Legislature for consideration during the 2000 Session.
- \* In July, the Commission conducted its annual program to educate public officials regarding the Code and its requirements at the Ethics Seminar in Orlando. Topics ranged from public disclosure and gift limitations to guidance on the proper course of conduct for officials in the conduct of their public duties.
- \* In December, a delegation from the Florida Commission participated in several programs at the National Council on Governmental Ethics Laws

(COGEL) Conference in Providence, Rhode Island. In December of 2000, Florida will host the annual COGEL meetings in Tampa, and the event will bring national and international focus to Florida's commitment to ethics in government.

- \* The Florida Commission is particularly pleased that its Executive Director Bonnie Williams was honored as the recipient of this year's Outstanding Service Award presented at the International COGEL Conference. It is well-deserved for Ms. Williams' years of dedicated service and reflects most favorably on the Florida Commission and its entire staff.

On behalf of the current member of the Commission on Ethics, I also want to recognize the outstanding work of Ms. Williams and all the staff of the Commission for their dedication and commitment to the mission of the Commission.

The foundations of the Commission on Ethics are firmly rooted in both law and tradition in Florida, and we look forward to continuing this mission as envisioned by the Legislature and the public.

Sincerely,

Peter M. Dunbar, Chairman  
Commission on Ethics

<b>1999 FLORIDA COMMISSION ON ETHICS MEMBERSHIP</b>
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**PETER M. DUNBAR, CHAIR**  
Tallahassee - Attorney  
Term expires June 2000  
Appointed by Speaker of the House Webster (R)

**PETER PRIETO, VICE CHAIR**  
Miami - Attorney  
Term expires June 2000  
Appointed by Governor Chiles (R)

**SCOTT W. CLEMONS**

Panama City - Insurance & Structured Settlement Consultant; Attorney  
Term expires June 2000  
Appointed by Speaker of the House Webster (D)

**WILLIAM E. DONEGAN**  
Maitland - Business Executive  
Term expires June 2001  
Appointed by Governor Bush (R)

**HOWARD S. MARKS**  
Winter Park - Attorney  
Term expires June 2000  
Appointed by Senate President Jennings (D)

**RONALD S. SPENCER**  
Tallahassee - Retired Bank Executive  
Term expires June 2001  
Appointed by Governor Bush (R)

**CHARLES A. STAMPELOS**  
Tallahassee - Attorney  
Term expires June 2000  
Appointed by Senate President Jennings (R)

**BRUCE S. WARSHAL**  
Hillsboro Beach - Publisher  
Term expires June 2001  
Appointed by Governor Bush (D)

**VACANCY**

## **INTRODUCTION AND HISTORY**

Section 112.322(8), Florida Statutes, requires the Florida Commission on Ethics to "submit to the Legislature from time to time a report of its work and recommendations for legislation deemed necessary to improve the code of ethics and its enforcement." This report has been provided to the Legislature on an annual basis since 1974. The publication of this document is intended to inform the Legislature and the public of the Commission's work during the calendar year 1998.

Florida has been a leader among the states in establishing ethics standards for public officials and

recognizing the right of her people to protect the public trust against abuse. In 1967, the Legislature enacted "a code of ethics setting forth standards of conduct to be observed by state officers and employees in the performance of their official duties." Chapter 67-469, Laws of Florida, declared it to be the policy of the Legislature that no state officer or employee, or member or employee of the Legislature, should have any direct or indirect business or professional interest that would "conflict with the proper discharge of his duties in the public interest." The code was amended to be applicable to officers and employees of political subdivisions of the state in 1969 (Chapter 69-335, Laws of Florida). Five years later, the Florida Commission on Ethics was statutorily created by Chapter 74-176, Laws of Florida (now Part III of Chapter 112, Florida Statutes), to "serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state. . . ."

In late 1975 and 1976, Governor Reubin Askew led an initiative petition drive to amend the Constitution to provide more stringent requirements relating to ethics in government and to require certain public officials and candidates to file full and public disclosure of their financial interests and their campaign finances. The voters in Florida overwhelmingly approved this measure in the 1976 General Election, and the "Sunshine Amendment," Article II, Section 8, Florida Constitution, became part of the Constitution on January 4, 1977. The Amendment declares: "A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse." The Constitution provides for investigations of complaints concerning breaches of the public trust and provides that the Florida Commission on Ethics be the independent commission to conduct these investigations.

The "Code of Ethics for Public Officers and Employees" adopted by the Legislature is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people in their government. The Code also is intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service. Criminal penalties which initially applied to violations of the Code were eliminated in 1974 in favor of administrative enforcement.

Duties statutorily assigned to the Commission on Ethics include investigating sworn complaints alleging violations of the ethics laws, making penalty recommendations for violations, maintaining a financial disclosure notification system (totaling 41,996 reporting officials and employees this past year), and issuing advisory opinions regarding Part III of Chapter 112, Florida Statutes, and Article II, Section 8,

Florida Constitution. The Commission also is charged with administering the Executive Branch Lobby Registration System and Trust Fund which provides for registration of all cabinet and executive agency lobbyists.

## **ORGANIZATION**

The Commission on Ethics is a non-paid, appointive body consisting of nine members, none of whom may hold any public employment. Five of the members are appointed by the Governor and confirmed by the Senate. No more than three of the Governor's appointees may be of the same political party, and one must be a former city or county official. The Speaker of the House of Representatives and the President of the Senate each make two appointments to the Commission on Ethics. The two appointments must be persons with different political party affiliations. The appointees of the President and Speaker are not subject to Senate confirmation. Any member of the Commission on Ethics may be removed for cause by a majority vote of the Governor, the President of the Senate, the Speaker of the House, and the Chief Justice of the Florida Supreme Court.

Members of the Commission on Ethics serve two-year terms and may not serve more than two full terms in succession. A chairman and vice-chairman are selected by the members for one-year terms. Members of the Commission do not receive a salary but do receive reimbursement for travel and per diem expenses while on official Commission business.

### **Ethics Commission Staff**

Legal, investigative, and administrative functions of the Commission are performed by staff,



consisting of nineteen full-time equivalent positions and one half-time position as follows:

**Bonnie J. Williams**, Executive Director

**Philip C. Claypool**, Deputy Executive Director  
and General Counsel

**\* Legal Section \***

Under the supervision of the Deputy Executive Director/General Counsel, the legal section drafts opinions, orders, rules, and proposed legislation for consideration by the Commission and responds to inquiries about the ethics laws. In addition, the legal staff represents the Commission in litigation.

Legal services are provided both by staff and by Assistant Attorneys General Virindia Doss and Pete Peterson, who have been assigned by the Attorney General to act as full-time Advocates for the Commission.

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**Legal Staff**

**C. Christopher Anderson, III**, Attorney

**Julia Cobb Costas**, Attorney

**Peter D. Ostreich**, Attorney

**Millie Fulford**, Executive Secretary

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**\* Public Information Section \***

Under the supervision of the Executive Director, the public information section provides information regarding Commission practices and procedures to other states, the press, and the public. This staff member also responds to general information inquiries about the Commission and the ethics laws.

**Public Information Staff**

**Helen K. Jones**, Public Information and Education

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**\* Investigative Section \***

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

**Investigative Staff**

**Larry D. Hill**, Senior Investigator

**Harry D. Jackson**, Investigator

**Robert G. Malone**, Investigator

**Wayne V. Maxwell**, Investigator

~~**A. Keith Powell**, Investigator~~

**Tom W. Reaves**, Investigator

**Sheri L. Gerety**, Complaint Coordinator

**\* Financial Disclosure Notification Section \***

The Financial Disclosure Coordinator, under the supervision of the Deputy Executive Director, compiles a list of the persons statewide who are required to file either Form 1 or Form 6 financial disclosure. These lists, totaling 42,185 reporting officials and employees for 1999, are provided to the Department of State and the Supervisors of Elections for notification purposes. This section also responds to questions about the disclosure laws.

**Financial Disclosure Notification Staff**

**Shirley A. Taylor**, Financial Disclosure Coordinator

**\* Administrative and Clerical Section \***

Under the supervision of the Executive Director, the administrative section provides administrative and clerical support services to the Commissioners and staff.

**Administrative and Clerical Staff**

**Tracey L. Maleszewski**, Assistant to the  
Executive Director

**Frances Craft**, Office Manager

**Barbara W. Miller**, Receptionist

**Kimberly Stubbs**, Clerk (half-time)

**Sarah Jacoby**, Clerk (half-time)

**Nicholas S. Rawls**, Clerk (half-time)

**FISCAL REPORT**

The following is a chart reflecting revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 1999.

FLORIDA COMMISSION ON ETHICS  
STATEMENT OF REVENUES, EXPENDITURES,  
AND CHANGES IN FUND BALANCES

BUDGET AND ACTUAL - GENERAL REVENUE FUNDS  
For The Fiscal Year Ending June 30, 1999  
(Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>
REVENUES:		
Released General Revenue	1,686,068	1,686,068
Appropriations		
Miscellaneous Receipts	3,500	2,845
Total Revenues	<u>1,689,568</u>	<u>1,688,913</u>

	<u>Budget</u>	<u>Actual</u>
EXPENDITURES:		
Salaries and Related Benefits	1,165,682	1,138,144
Other Personal Services	205,799	145,988
Expenses	264,822	227,213
Operating Capital Outlay	38,000	37,467
Transfer to Div.of Admin.Hearings	15,265	15,265
	<hr/>	<hr/>
Total Expenditures	1,689,568	1,564,077
Excess of Revenues over Expenditures	0	124,836
Budgetary Fund Balances June 30, 1999		124,836

**OPERATIONS**

The major operational functions of the Commission on Ethics are the investigation of complaints, management of the Executive Branch Lobbyist Registration Act, issuance of advisory opinions, provision of public information and education, and financial disclosure notification. The information below is offered to provide a profile of the Commission's workload.

**Complaints**

Statistical Summary  
of Complaints Filed  
January 1-December 31, 1999

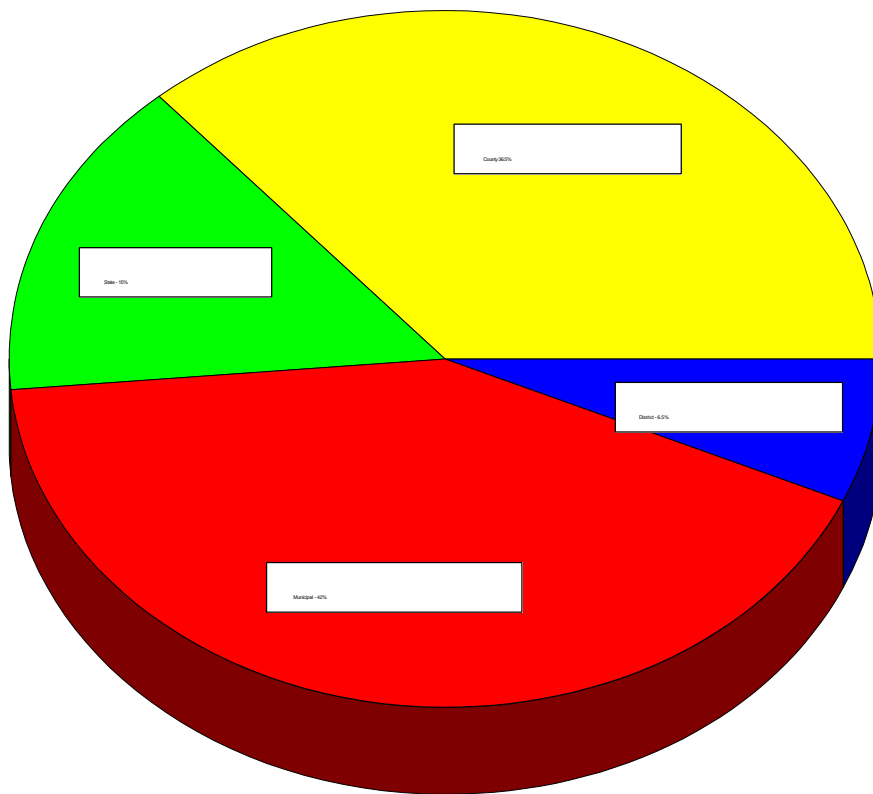
Total number of complaints filed with the Commission in 1999 ..... 184

The 184 complaints filed in Calendar Year 1999 against public officers and employees in Florida are broken down by rounded percentages as follows:

Type of Position	Number of Complaints	Percentage of Total
State Elected Officers	7	4.0 %
State Appointed Officers	6	3.0 %
State Employees	15	8.0 %
District Elected Officers	12	6.5 %
County Elected Officers	47	25.5 %
County Appointed Officers	4	2.0 %
County Employees	17	9.0 %
Municipal Elected Officers	37	20.0 %
Municipal Appointed Officers	14	8.0 %
Municipal Employees	25	14.0 %
<b>Total</b>	<b>184</b>	<b>100.0 %</b>

Percentage Breakdown of Complaints

Filed in 1999



A further breakdown of the 184 current or former officers, employees, and candidates against whom complaints were filed in 1999 is as follows:

**State Elected Officers (7)**

- 3 State Attorneys
- 2 Members of FL Senate
- 1 Member of FL House
- 1 Statewide Elected Officers

**State Appointed (6) Officers**

- 2 FL Black Business Investment Board Members
- 1 FL Fire Code Advisory Council Member
- 1 FL Housing Fin. Agency Mbr.
- 1 Prepaid Secondary Education Expense Board Member
- 1 State Agency Ombudsman

**State Employees (15)**

- 5 State Agency Employees
- 4 Agency Secretaries
- 3 Ass. State Attorneys/Asst. Atty. Generals
- 1 University Employees
- 1 Comm. College Employee

**County Elected Officers (47)**

- 23 County Commissioners
- 11 School Board Members
- 5 Clerks of Court
- 4 Sheriffs
- 2 School Superintendents
- 1 Property Appraiser
- 1 Tax Collector

**County Appointed Officers (4)**

- 4 Planning/Zoning Board Members

**County Employees (17)**

- 10 County Employees
- 4 EMS Directors
- 1 Attorney
- 1 Manager
- 1 Deputy Sheriff

**Municipal Elected Officers (37)**

- 23 Council Members
- 14 Mayors/Vice/Deputy Mayors

**Municipal Appointed Officers (14)**

- 6 Service District Trustees
- 3 Code End. Officers
- 1 Board of Appeals Mbr.
- 1 CAR/D.A. Board Mbr.
- 1 Marine Resources Task Force Mbr.

**Municipal Employees (25)**

- 8 City/Town Employees
- 5 City/Town Managers
- 4 Police Chiefs
- 3 Public Works EDP.
- 2 Police Officers
- 2 City/Town Clerks

**Elected Officers (12)**

- 1 Enterprise Zone bd.. Mbr.
- 5 Water Control District Supervisors
- 3 Lake Mgt. District Commissioners
- 3 Community Development District Mbrs.
- 1 Fire District Commissioner

- 1 Fire Chief
- 1 Police Pension Bd.. Mbr.

**District**

## ALLEGATIONS

The following list is a breakdown of the actions taken on the 184 new complaints filed in 1999: ■ 51 complaints were dismissed for lack of legal sufficiency.

■ 23 complaints were pending legal sufficiency determination at the end of the calendar year.

■ 110 complaints were found legally sufficient to warrant investigation.

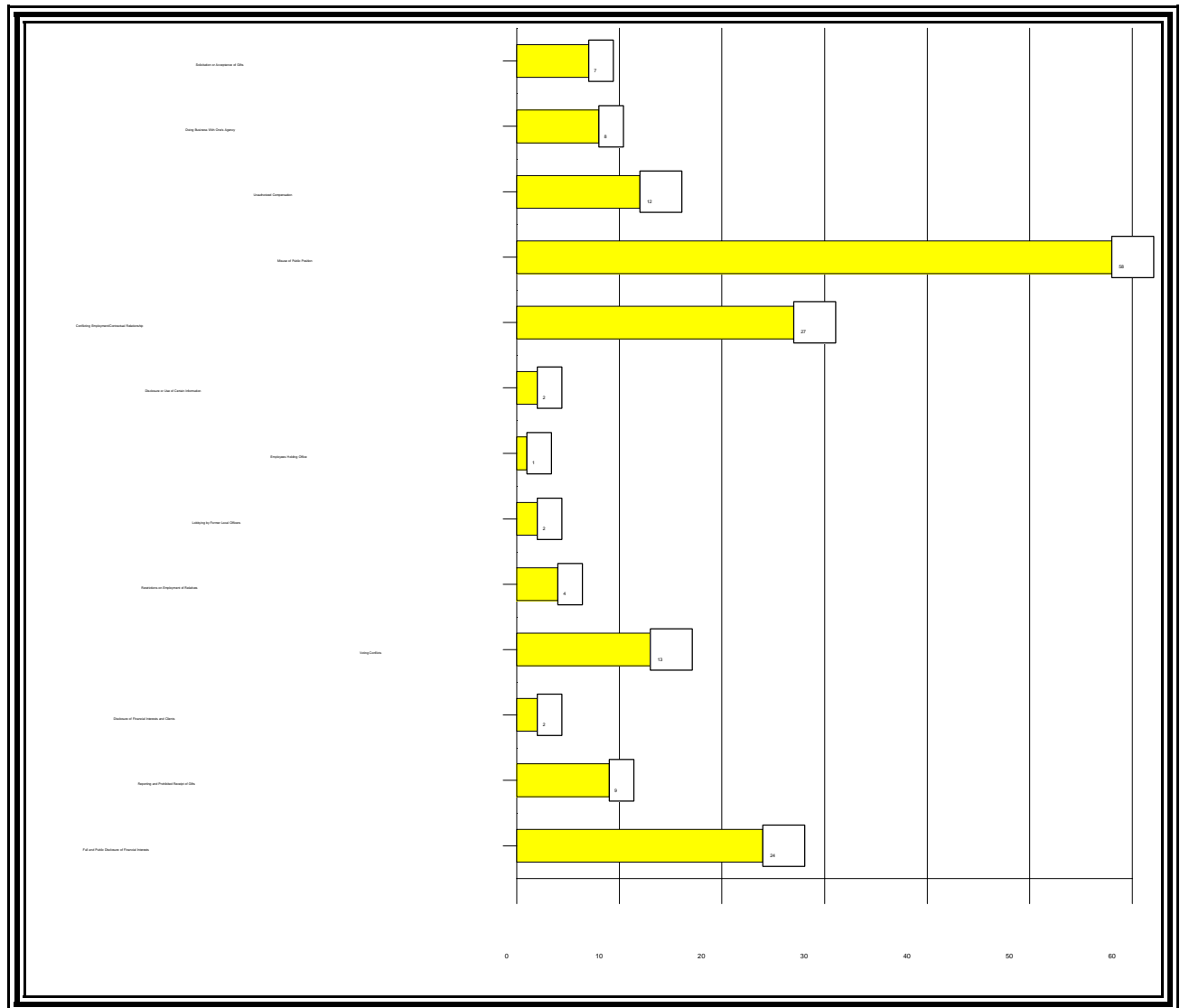
As illustrated below and by the chart on the following page, the charges alleged in the 110 complaints sufficient for investigation were:

<u>ETHICS LAW CITED</u>	<u>TITLE OF LAW</u>	<u>NUMBER OF CHARGES</u>
Section 112.313(2), FS	Solicitation or Acceptance of Gifts	7
Section 112.313(3), FS	Doing Business with One's Agency	8
Section 112.313(4), FS	Unauthorized Compensation	12
Section 112.313(6), FS	Misuse of Public Position	58
Section 112.313(7), FS	Conflicting Employment or Contractual Relationship	27
Section 112.313(8), FS	Disclosure or Use of Certain Information	2
Section 112.313(10), FS	Employees Holding Office	1
Section 112.313(14), FS	Lobbying by Former Local Officers	2
Section 112.3135, FS	Restriction on Employment of Relatives	4
Section 112.3143, FS	Voting Conflicts	13
Section 112.3145, FS	Disclosure of Financial Interests and Clients Represented Before Agencies	2
Section 112.3148, FS	Reporting and Prohibited Receipt of Gifts	9
Article II, Section 8, Florida Constitution	Full and Public Disclosure of Financial Interests	24

**NOTE:** Several complaints were found legally sufficient under more than one Section of the Code of Ethics.



# Ethical Standards at Issue in the 110 Legally Sufficient Complaints Filed in 1999



## Actions taken on complaints in 1999:

In addition to handling the 184 new complaints received in 1999, the Commission also took action on complaints filed in previous years during its seven regularly scheduled Commission meetings. The following is a summary of the cases decided upon by the Commission during calendar year 1999.

1. Total complaints dismissed for lack of legal sufficiency .....	61
2. Probable cause hearings held .....	86
A. Dismissed (no probable cause) .....	58
B. Probable cause found (pending public hearing or stipulation) .....	15
C. Probable cause found (no further action) .....	13
3. Violations found after public hearings .....	3
4. No violation found after public hearing .....	4
5. Violations found via stipulated settlement agreements .....	8
6. Costs and Attorney's Fees Petitions awarded .....	1
7. Costs and Attorney's Fees Petitions denied .....	4
8. Dismissal on Recommendation of Executive Director .....	1
9. Dismissal due to death of Respondent .....	1
<b>TOTAL CASES RESOLVED IN 1999 .....</b>	<b>167</b>

**Executive Branch Lobby Registration**

The Commission is charged with administration of the Executive Branch Lobby Registration Act and oversees the registration and expenditure report filings of executive branch lobbyists.

Executive branch lobbyists are required to file quarterly expenditure reports whether or not reportable expenditures were made during the quarter. Penalties for failure to file these quarterly reports by the deadline date are automatic and accrue at \$50 per report for each day late.

Each lobbyist may receive a one-time fine waiver if he or she files the reports within 20 days after being notified of the failure to file. Otherwise, the lobbyist is assessed a fine at the time he or she files the delinquent report(s).

The Commission has the authority to waive the assessed fines in whole or in part for good cause, based on unusual circumstances, if an appeal is filed within 20 days after the registrant's receipt of the notice of assessed fine. The following is a summary of the activity in the Executive Branch Lobbyist Registration program during 1999:

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Total number of executive branch lobbyist registrants . . . . .	1,252
Total number of principals represented by the registrants . . . . .	3,285
Total number of registrants <b>delinquent</b> in filing their quarterly expenditure reports:	
First Quarter . . . . .	67
Second Quarter . . . . .	30
Third Quarter . . . . .	66
(Fourth Quarter filings due February 16, 2000)	

EXECUTIVE BRANCH LOBBYIST REGISTRATION PROGRAM SUMMARY (Continued)

Total number of registrants <b>assessed a fine in first three quarters of 1999</b> .....	61
First Quarter .....	21
Second Quarter .....	11
Third Quarter .....	29

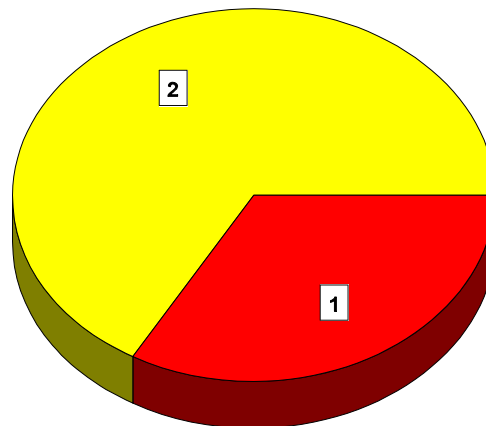
**Number of appeals considered by the Commission in 1999 ('98 & '99 filings) .... 3**

Of the 3 appeals considered by the Commission in 1999, the following action was taken:

Number of Fine Appeals Granted by the Commission .....	2
Number of Fine Appeals Amounts Reduced by the Commission .....	0
Number of Fine Appeals Denied by the Commission .....	1

## Lobbyist Fine Appeals

Considered by Commission in 1999



## Issuance of Advisory Opinions

The Commission issues advisory opinions to public officers, candidates, and public employees who are in doubt about the applicability of the standards of conduct or disclosure laws to themselves, or to anyone they have the power to hire or terminate. During 1999 the Commission on Ethics issued 15 advisory opinions, bringing the total issued since 1974 to 2,220.

Twelve (12) of the opinions rendered in 1999 were in response to requests by local officers, employees, or local government attorneys, and three (3) of the opinions were issued regarding State level officers or employees.

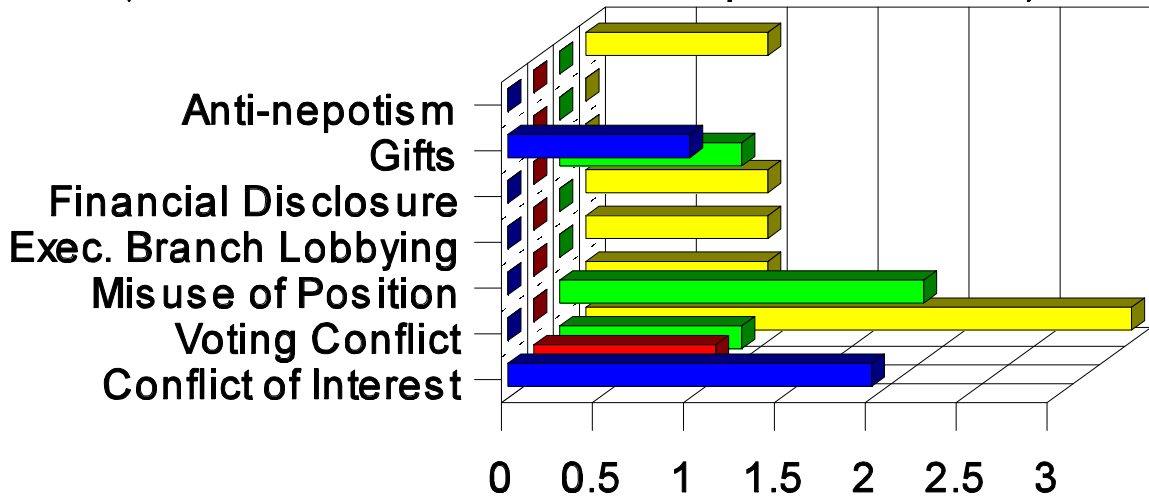
Of the fifteen (15) total opinions rendered, conflict of interest questions were addressed in seven (7) opinions; voting conflicts in three (3); gift acceptance/disclosure in one (1); financial disclosure in one (1); misuse of position in one (1); executive branch lobbying in one (1); and anti-nepotism in one (1). See the chart on following page.

The Commission continues to provide upon request a Digest of Advisory Opinions. Printed volumes of full opinions through 1998 also are available at cost by writing the Commission. Published opinions may be obtained at a cost of \$4.00 per year. The 1999 opinions will be published later this year. Binders for these loose-leaf opinions are available for purchase at a cost of \$4.00 each.

Commission opinions also can be accessed via the Commission's web site at [www.ethics.state.fl.us](http://www.ethics.state.fl.us)

# 1999 Advisory Opinions

(Questions Addressed in 15 Opinions Issued)



- State Officers/Employees
- Special District Officers/Employees
- City Officers/Employees
- County Officers/Employees/Contractors

## Education

### Speaking Engagements and Publications

As part of its public mission, the Commission feels that it is vital to educate public officers and employees regarding the standards of conduct and financial disclosure requirements of the Code of Ethics. Whenever possible, as personnel and resources are available, the Commission staff conducts training for public officials throughout the state. Public officials receiving ethics training in 1999 included the following: Panhandle area City Clerks; The Association of Special Districts; Florida Tax Collectors and staff; Police Officers and Firefighters Pensions Trustees; Florida Fire Prevention Conference and Symposium attendees; Florida Local Housing Finance Authorities; Department of Transportation Personnel; and Certified Public Managers. Commission staff also published educational articles in the *Government Lawyer Section Newsletter* and *Florida Counties*.

### Conferences

In June, 1999, the Commission held its fourth annual statewide ethics conference in Orlando which provided training for public officers, employees, and attorneys throughout the state. The Commission also will be hosting the Council on Governmental Ethics Laws Conference December 3-6, 2000 in Tampa. This international conference will draw over 300 participants to discuss changes in the areas of ethics, elections, campaign finance, and freedom of information throughout the nation and beyond.

## **Financial Disclosure**

The Florida Commission on Ethics is required by statute to compile an annual mailing list of elected and appointed officials and employees subject to filing annual financial disclosure.

Section 112.3144(3), Florida Statutes, applies to persons subject to the annual filing of full and public disclosure under Section 8, Article II of the State Constitution, or other state law. These individuals file Commission on Ethics Form 6, Full and Public Disclosure of Financial Interests.

Section 112.3145(6), Florida Statutes, applies to local officers, state officers, and specified state employees subject to the annual filing of a more limited statement of financial interests. These individuals file Commission on Ethics Form 1, Statement of Financial Interests.

The annual mailing list of persons subject to disclosure is provided by the Commission on Ethics to the Secretary of State and to the sixty-seven (67) Supervisors of Elections, who give notice of disclosure deadlines and delinquencies.

The deadline for filing disclosure is July 1 of each year. A grace period is provided until September 1 of each year. The Secretary of State and Supervisors of Elections are required to certify after that time the names and positions held by persons who fail to file by the grace period.

The following table reflects on a county-by-county basis the number of officials and employees subject to disclosure, the number delinquent as of September 1, 1999, the percentages of compliance, and comparable percentages from the previous year. Also listed is a chart which outlines filing compliance from 1984 to the present.



**FINANCIAL DISCLOSURE**

**COMPLIANCE FIGURES**

<b>COUNTY</b>	<b>NUMBER OF OFFICIALS SUBJECT TO DISCLOSURE</b>	<b>NUMBER OF OFFICIALS DELINQUENT</b>	<b>COMPLIANCE RATE 1999</b>	<b>COMPLIANCE RATE 1998</b>
Alachua	566	90	84%	87%
Baker	69	3	96%	96%
Bay	344	21	94%	94%
Bradford	111	22	80%	81%
Brevard	1110	119	89%	90%
Broward	2963	211	93%	93%
Calhoun	47	0	100%	100%
Charlotte	194	11	94%	91%
Citrus	190	2	99%	96%
Clay	332	46	86%	90%
Collier	365	15	96%	95%
Columbia	106	2	98%	96%
Dade	2591	575	78%	84%
DeSoto	72	5	93%	92%
Dixie	46	0	100%	100%
Duval	685	77	89%	89%
Escambia	384	2	99%	97%
Flagler	138	4	97%	89%
Franklin	116	6	95%	86%
Gadsden	172	27	84%	89%
Gilchrist	67	3	96%	97%
Glades	70	0	100%	100%
Gulf	53	0	100%	100%
Hamilton	97	2	98%	94%

**FINANCIAL DISCLOSURE**

**COMPLIANCE FIGURES**

<b>COUNTY</b>	<b>NUMBER OF OFFICIALS SUBJECT TO DISCLOSURE</b>	<b>NUMBER OF OFFICIALS DELINQUENT</b>	<b>COMPLIANCE RATE 1999</b>	<b>COMPLIANCE RATE 1998</b>
Hardee	105	9	91%	84%
Hendry	145	0	100%	99%
Hernando	202	11	95%	88%
Highlands	244	9	96%	94%
Hillsborough	1281	163	87%	88%
Holmes	98	2	98%	----
Indian River	342	5	99%	99%
Jackson	216	6	97%	98%
Jefferson	70	13	81%	87%
Lafayette	40	0	100%	98%
Lake	617	28	95%	93%
Lee	967	89	91%	94%
Leon	277	45	84%	76%
Levy	169	10	94%	93%
Liberty	25	0	100%	100%
Madison	104	4	96%	95%
Manatee	549	38	93%	93%
Marion	327	24	93%	89%
Martin	249	14	94%	87%
Monroe	230	16	93%	91%
Nassau	150	14	91%	89%
Okaloosa	469	19	96%	96%
Okeechobee	116	0	100%	97%
Orange	1134	136	88%	88%
Osceola	251	19	92%	90%

**FINANCIAL DISCLOSURE**

**COMPLIANCE FIGURES**

<b>COUNTY</b>	<b>NUMBER OF OFFICIALS SUBJECT TO DISCLOSURE</b>	<b>NUMBER OF OFFICIALS DELINQUENT</b>	<b>COMPLIANCE RATE 1999</b>	<b>COMPLIANCE RATE 1998</b>
Palm Beach	2271	249	89%	88%
Pasco	372	32	91%	93%
Pinellas	1436	135	91%	91%
Polk	980	98	90%	90%
Putnam	215	21	90%	87%
St. Johns	275	14	95%	92%
St. Lucie	384	39	90%	90%
Santa Rosa	252	20	92%	94%
Sarasota	496	33	93%	93%
Seminole	648	77	88%	91%
Sumter	171	5	97%	97%
Suwannee	134	4	97%	90%
Taylor	93	5	95%	91%
Union	58	3	95%	95%
Volusia	1089	98	91%	89%
Wakulla	70	5	93%	94%
Walton	139	0	100%	92%
Washington	106	4	96%	98%
<b>TOTALS- FORM 1 (LOCAL)</b>	28,454	2759	90%	90%
<b>TOTALS- FORM 1 (STATE)</b>	11,541	489	96%	96%

FINANCIAL DISCLOSURE				
COMPLIANCE FIGURES				
COUNTY	NUMBER OF OFFICIALS SUBJECT TO DISCLOSURE	NUMBER OF OFFICIALS DELINQUENT	COMPLIANCE RATE 1999	COMPLIANCE RATE 1998
TOTALS-FORM 6	2190	30	99%	98%
OVERALL	42,185	3278	92%	93%

**SUMMARY OF LOCAL LEVEL COMPLIANCE:**

- Total compliance rate for Form 1, Statement of Financial Interests, was 90%.
- Of 28,454 persons required to file, 2,759 were delinquent as of September 1, 1999.
- Nine counties reported 100% compliance.

**SUMMARY OF STATE LEVEL COMPLIANCE:**

- The Form 1 compliance rate at the State level was 96%.
- Of 11,541 persons required to file, 489 were delinquent as of September 1, 1999.

**SUMMARY OF FULL DISCLOSURE COMPLIANCE:**

- The Form 6, Full and Public Disclosure of Financial Interests compliance was 99%. ■  
were 30 delinquencies out of a total of 2,190 persons required to file.

**SUMMARY OF OVERALL 1999 FILING COMPLIANCE:**

- As of September 1, 1999, there were 3,278 officers and employees out of 42,185 persons

subject to financial disclosure who had failed to file.

- The overall compliance rate for 1999 was 92%.
- The 1999 total of 42,185 officials required statewide to file disclosure represents an increase of 189 from the 1998 total of 41,996.

**FINANCIAL DISCLOSURE FILING COMPLIANCE (1984 THROUGH PRESENT)**

<b>YEAR</b>	<b>OFFICIALS REQUIRED TO FILE FORMS 1 AND 6</b>	<b>OFFICIALS <u>DELINQUENT</u> IN FILING FORMS 1 AND 6</b>	<b>OVERALL COMPLIANCE RATE</b>
1984	26,670	2,903	90%
1985	27,758	2,136	92%
1986	29,384	2,126	93%
1987	29,631	2,183	93%
1988	30,559	1,794	94%
1989	33,541	1,815	95%
1990	34,828	2,092	94%
1991	35,845	2,120	94%
1992	37,631	2,564	93%
1993	37,863	2,576	93%
1994	38,711	2,810	93%
1995	39,165	2,791	93%
1996	40,529	3,188	92%
1997	41,345	3,030	93%
1998	41,996	3,116	93%
1999	42,185	3,278	92%



**LITIGATION CONCERNING THE SUNSHINE  
AMENDMENT  
AND THE CODE OF ETHICS**

***Bruner v. State Commission on Ethics***, 1st District Court of Appeal (Case No. 1999-2524). The Commission found probable cause to believe that Bruner violated the gift reporting law, but voted to take no further action. Bruner requested a hearing before the Division of Administrative Hearings, but the Commission denied the request because it was filed too late. This appeal followed. Bruner is arguing that the gift law was unconstitutional as applied to him and that the Commission erred in finding probable cause to believe he had violated the law.

***Holt v. Fla. Commission on Ethics***, 2nd District Court of Appeal (Case No. 97-03592). This was an appeal of the Commission's final order in Complaint No. 95-48, where the Commission found that Holt did not use her position to have an assistant public defender in her office represent a former client but did violate Section 112.313(6), Florida Statutes, by using her office's cellular phone to call a former client in federal prison. The court entered a Per Curiam Affirmed order. Holt's motion for Rehearing or for Rehearing En Banc was denied.

***Myers v. State Commission on Ethics***, 2nd District Court of Appeal (Case No. 99-0090 et seq). These were appeals by the Complainant of four complaints the Commission dismissed for legal insufficiency. Previously, several of the District Courts of Appeal have concluded that a complainant does not have standing to appeal the Commission's decision to dismiss a complaint. Motions to dismiss the cases were granted by the 2nd District Court of Appeal..

***Earnie Neal v. State Commission on Ethics***, 3rd District Court of Appeal, (Case No. 99-0541). This was an appeal of the Commission's final order in Complaint No. 97-95 finding that Neal violated Section 112.313(6), Florida Statutes. The Court affirmed the Commission's order, via a summary disposition

immediately after Neal filed his brief.

**Velez v. State Commission on Ethics**, 5th District Court of Appeal (Case No. 99-0016). This was an appeal of an opinion rendered about the water testing services provided by a Health Department employee in competition with the Department (CEO 98-20). The District Court rendered an opinion affirming the Commission's opinion.



## LEGISLATION

### LEGISLATIVE RECOMMENDATIONS:

Last fall, Governor Bush appointed a Public Corruption Study Commission, which met, heard testimony, and recommended a number of changes in Florida's criminal and ethics laws. The Ethics Commission agrees with the changes recommended by the Study Commission, and proposes the following to the Legislature:

#### INCREASE ENFORCEMENT OF THE ETHICS LAWS

In order to promote confidence in the ethics process and provide for greater uniformity of enforcement of the ethics laws the Commission recommends that the law be amended to:

- 1) Give the Commission the authority to initiate investigations based upon receipt of evidence which is deemed sufficient by the Commission. An extraordinary vote of the Commission could be required to undertake an investigation without a complaint.
- 2) Amend the law to allow the Commission to undertake an investigation without a complaint when the matter is referred directly to the Commission from the Governor, the Comptroller, the State Attorneys, and possibly other governmental agencies who have done a preliminary investigation of the situation and believe that an ethics violation may have occurred.
- 3) Amend the penalties section of the Code of Ethics to allow the Attorney General to recover costs, attorney's fees, expert witness fees, or other costs of collection incurred in trying to collect a penalty that has been imposed.
- 4) Amend the penalties section of the Code of Ethics to allow restitution to be made to the violator's public agency, rather than only to the State's General Revenue Fund.
- 5) Clarify the law so that, if the ethics proceeding is against a legislator who held another public position at the time of the acts complained of and violated the ethics law in that prior capacity, the penalty would be imposed by the Legislature.

#### THE ETHICS PROCESS SHOULD WORK IN HARMONY WITH THE CRIMINAL LAW

In order to eliminate problems and inconsistencies between the criminal laws and the ethics laws, the

Commission recommends that the law be amended to:

Enable the Commission, when a witness refuses to talk because of possible self-incrimination, to consult with the appropriate state attorney and then apply to the chief judge of the circuit for a judicial grant of immunity, as the Public Service Commission currently is authorized to do.

Amend confidentiality limitations to permit Ethics Commission investigators to work concurrently with law enforcement investigators and share information.

Specify that witness tampering (as prohibited under ss. 914.21 -- 914.24) also applies to tampering with witnesses in an Ethics Commission proceeding.

Eliminate the prohibitions Chapter 839, F.S., that overlap with provisions in the Code of Ethics and have been impliedly repealed already.

Repeal the provision in the Code of Ethics that makes it a misdemeanor to reveal the existence or contents of a confidential ethics proceeding, as it was declared unconstitutional by the federal courts.

#### MAKE FINANCIAL DISCLOSURE MORE MEANINGFUL AND MORE ENFORCEABLE

In order to make the financial disclosure more meaningful and more enforceable the Study Commission recommends that the law be amended to:

Require persons to file a disclosure statement that covers the last months of their term of office or employment within 60 days of leaving their position, thus eliminating a loophole.

Provide for a “parking ticket” approach to require timely disclosure filings, with a \$25 per day fine (up to a maximum of \$1,500, which cap could be exceeded if a complaint were filed) being imposed and collected through an administrative process like campaign and lobbyist reports, with a similar possibility of appeal based on “unusual circumstances.” and “good cause.” Collection could be handled by the Department of Banking and Finance by referring unpaid fines to a collection agency.

Clearly specify that a debt (other than taxes that have not been reduced to a judgment) to a governmental entity should be reported.

Apply the limited disclosure requirement (Form 1) to only those local persons who hold appointive and employment positions that can significantly impact private rights and interests, by specifically describing the boards that should file and allowing local governments to “opt in” for other appointive boards.

Allow the filer to use dollar thresholds rather than the percentage thresholds required under current law to determine what to report on the Form 1 (limited disclosure), thus allowing easier compliance and better enforcement.

Require that disclosures be filed with the Commission on Ethics rather than the Secretary of State.

Have the Commission adopt rules and forms for filing amendments to disclosure forms for matters discovered after the forms have been filed, and specify that consequences for not reporting the matter

should be mitigated (although not eliminated, necessarily) if the amendment is made before the issue has been raised publicly.

Repeal the requirement that the Commission prepare a report of special district officers who were late filing financial disclosure and send it to the Department of Community Affairs.

Amending the quarterly client disclosure reporting deadlines to match the gift disclosure deadlines would avoid confusion.

## TIGHTEN POTENTIAL LOOPHOLES IN THE GIFT LAW

In order to close potential loopholes in the gift law, the Commission recommends that the law be amended to:

Make sure that the gift law (prohibitions and disclosures) applies to candidates and to persons who have been elected to office, but who have not yet taken office.

Address the problem when payment is given for a “gift” after the fact by requiring that the “equal or greater consideration” be given within 90 days of the gift and that, if the consideration is a promise to repay, the promise be made in writing and be legally enforceable (thus clearly creating a liability subject to disclosure if it meets the threshold).

Change the main valuation rule for gifts to the fair market value of the gift (the value to the recipient) rather than the “cost to the donor.” This will provide a method of valuation that appears fairer and eliminates any problems arising from gifts of property that has appreciated or depreciated in value.

Amend Sec. 440.442(6)(b), which governs gift standards for Judges of Compensation Claims, to provide that their gift disclosure is the same as for Article V judges.

Require that gift disclosure statements be filed with the Commission on Ethics rather than with the Secretary of State.

## TIGHTEN OTHER POTENTIAL LOOPHOLES IN THE ETHICS LAWS

In order to tighten potential loopholes in the ethics laws that have come to light over the past few years, the Commission recommends that the law be amended to:

Clarify that the “inside information” prohibition covers situations where one leaves public office or employment and then uses the inside information for personal gain, and not just situations where one remains in public office or employment and uses that information.

Adopt a standard similar to Federal law, which prohibits former employees from participating in a matter in a way that is adverse to their former agency where the employee had participated personally and substantially in the employee’s official capacity. Attorneys are subject to a similar restriction, under Bar

regulations. Otherwise, for example, a Dept. of Revenue employee involved in a taxpayer case could possibly quit the Department and work for the taxpayer, against the Department, on the same case. Assure that the “revolving door” limitation for local elected officials prohibits them from lobbying during the two-year period not just their former colleagues, but also employees of the agencies they formerly headed.

## EDUCATION OF PUBLIC OFFICIALS ON ETHICS LAW

In order to increase compliance with the ethics laws, the public records laws, and the Sunshine Law through education of public officials, the Commission recommends that the law be amended to:

Require all elected public officials, and persons appointed to hold elective positions, to take three hours of educational courses on the subjects of the ethics laws, the public records laws, and the Sunshine Law within the first year after they take office, and during the first year of each subsequent term of office.

- 1) Require each of these public officials to certify that he or she has completed and complied with the educational/training requirements, by requiring each officer to complete and file a form prescribed by the Ethics Commission, as a public record, with the office where his or her financial disclosure is filed.
- 2) Authorize the Ethics Commission to make training available through the use of videotape, distance learning at the community colleges, CD-ROM, and other computer and Internet-based alternatives as they become available.