

*Annual Report
to the
Florida Legislature
for Calendar Year 2005*



*By the
State of Florida
Commission on Ethics*

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Chairman's Message

As I write this, we are receiving news of historic legislation passed by the Florida House of Representatives and the Florida Senate prohibiting any and all gifts from lobbyists, except minor ceremonial flower baskets, and requiring lobbyists to disclose their compensation. These ethics laws reflect some of the strictest in the nation and continue to reaffirm Florida's longstanding commitment to promoting the highest standards of ethics in government.

The Florida Commission on Ethics, its members, and staff are proud to play a vital role in interpreting and enforcing Florida's ethics laws. Specifically, the purpose of the Commission is to "conduct investigations and make public records on all complaints concerning breach of trust..." The Commission discharges its responsibilities through the remarkable work of its 23-member staff whose depth of knowledge, organization, and professionalism result in the prompt handling and resolution of over 800 matters per year. While all of the staff members are to be praised for their efforts, two in particular must be mentioned outright: Mr. Philip Claypool, General Counsel, who has been recognized as one of the finest governmental lawyers in Florida, and Ms. Bonnie Williams, who has received international acclaim in her profession. She has served as Executive Director for 18 years among 31 years total with the Commission. Their leadership, guidance, and commitment to fairness have made Florida's Commission one of the most respected of its type in the country and, indeed, the world.

The Commission has, through the generosity of the Legislature, continued to utilize technology to improve its efficiency in handling the vast amount of information that must be processed and analyzed in the handling of complaints, legal opinions, and appeals of penalties for the late filing of financial disclosure and lobbyist registration forms. For years, Commissioners arrived in Tallahassee every six weeks for Commission meetings with two or more carrying cases of materials relating to matters coming before the Commission. Thankfully, these have been replaced with a laptop computer and a single disk containing


all of the information. This change has enabled Commissioners to access more easily case materials, legal opinions, and rules, which in turn has produced a better-prepared Commission.

At the beginning of my year as Chairman, I urged an increased effort to educate public officials and citizens of the State about statutory ethics requirements. The Commission supports an extensive and informative website, provides on-line training courses, and its staff and Commission members speak regularly throughout the state about its purpose and work. We were proud to co-sponsor, with the John Scott Dailey Florida Institute of Government and the Florida League of Cities, the statewide Ethics Conference this fall which drew nearly 200 participants. Because of its popularity and high ratings by attendees, we have resolved to do our best to make it an annual event and already are working on a date and location for next year.

Finally, although the recent ethics legislation was a bold step, there is yet more legislative work to do. I ask each of you to become acquainted with the Commission's legislative proposals, summarized herein and available in detail from our office. It is the Commission's statutory obligation to propose changes which would strengthen and clarify the conflict of interest and financial disclosure laws, and we do so on an annual basis. We need the continued support of the Legislature to keep those laws current and workable and would welcome any assistance that individual members can provide.

It is truly an honor to serve as Chairman of the Florida Commission on Ethics. I speak for all Commissioners in thanking you for the confidence you have placed in us over the years. We value highly the trust you have shown in the integrity of the Florida Commission on Ethics. Rest assured that your confidence and trust will never be misplaced.

Sincerely,

A handwritten signature in black ink, reading "Thomas P. Scarritt, Jr." in a cursive style.

Thomas P. Scarritt, Jr.
Chairman

2005 Commission Members

THOMAS P. SCARRITT, JR., *Chair*

Tampa - Attorney
Term expires June 2006
Appointed by Speaker of the House Byrd (D)

KURT D. JONES, *Vice-Chair*

Pensacola - Physician
Term expires June 2006
Appointed and Reappointed by Governor Bush (D)

MICHAEL CARR

Naples - Attorney
Term expires June 2007
Appointed by Governor Bush (R)

CHARLES LYDECKER

Daytona Beach - Insurance Executive
Term expires June 2006
Appointed by Senate President King (D)

ALBERT P. MASSEY, III

Ft. Lauderdale - Attorney
Term expires June 2007
Appointed by Governor Bush (R)

CHRISTOPHER T. McRAE

Tallahassee - Attorney
Term expires June 2007
Appointed by Governor Bush (R)

NORMAN M. OSTRU

Plantation - Attorney
Term expires June 2007
Appointed by Governor Bush (D)

RICHARD L. SPEARS

Orlando - Retired Business Executive
Term expires June 2006
Appointed by Speaker Feeney; Reappointed by Speaker of the House Byrd (R)

CATHERINE B. WHATLEY

Jacksonville - Real Estate Executive
Term expires June 2006
Appointed by Senate President King (R)

Introduction & 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 2003.

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, 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 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 35,984 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 22½ full-time equivalent positions.

Bonnie J. Williams, Executive Director

Philip C. Claypool, Deputy Executive Director
and General Counsel

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Legal Section

C. Christopher Anderson, III, Attorney

Julia Cobb Costas, Attorney

Virlindia A. Doss, 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, as the official Clerk of the Commission, is responsible for maintaining the complaint tracking system and files.

Investigative Staff

Robert G. Malone, Senior Investigator

Harry B. Jackson, Investigator

Ronald D. Moalli, Investigator

A. Keith Powell, Investigator

Tom W. Reaves, Investigator

K. Travis Wade, Investigator

Kaye B. Starling, Complaint Coordinator

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Financial Disclosure Section

The Program Manager, under the supervision of the Deputy Executive Director, responds to questions about the disclosure laws and compiles a list of the persons statewide who are required to file either Form 1 or Form 6 financial disclosure. These 36,504 reporting officials and employees were notified of their filing requirements in 2005 by the Commission on Ethics and by the Supervisors of Elections.

Financial Disclosure Staff

Shirley A. Taylor, Program Manager

Kimberly Holmes, Program Assistant

Connie Evans, Executive Secretary

Lynn Colbert, Executive Secretary (half-time)

Saralynn Brown, Executive Secretary (half-time)

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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

Kerrie J. Stillman, Assistant to the Executive Director

Frances Craft, Office Manager

Barbara W. Miller, Receptionist

Dianne Ebersole, Clerk (half-time)

Whitney Kirk, Clerk (half-time)

Lenedra Austin, Clerk (half-time)

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Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2005.

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, 2005
(Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>	<u>Variance - Favorable (Unfavorable)</u>
REVENUES:			
Released General Revenue	2,222,508	2,222,508	0
Appropriations			
Fines	0	146,752	146,752
Miscellaneous Receipts	0	3,301	3,301
	<hr/>	<hr/>	<hr/>
Total Revenues	2,222,508	2,372,561	150,053
EXPENDITURES:			
Salaries and Related Benefits	1,557,707	1,542,400	15,307
Other Personal Services	215,849	204,063	11,786
Expenses	275,226	268,587	6,639
Operating Capital Outlay	31,000	29,224	1,776
Transfers to Administrative Hearings	42,726	42,726	0
Nonoperating	100,000	150	99,850
	<hr/>	<hr/>	<hr/>
Total Expenditures	2,222,508	2,087,150	135,358
 Excess of Revenues over Expenditures	 0	 285,411	 <u>285,411</u>
 Budgetary Fund Balances June 30, 2004		 <u>285,411</u>	

EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES: \$144,700

FINES: \$20,700

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 administration. The information below is offered to provide a profile of the Commission's workload.

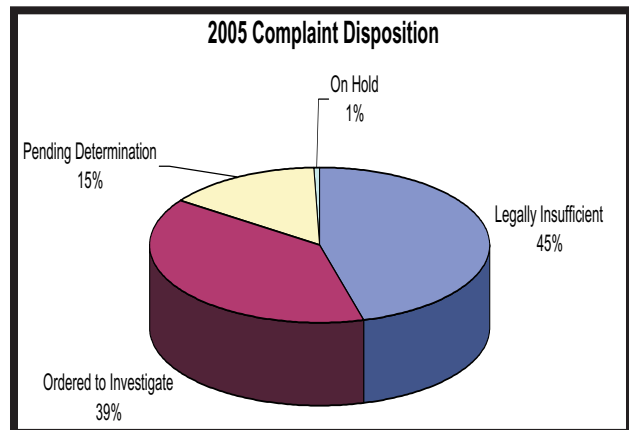
Complaints

Statistical Summary of Complaints Filed January 1, 2005 through December 31, 2005

Total number of complaints filed in 2005 190

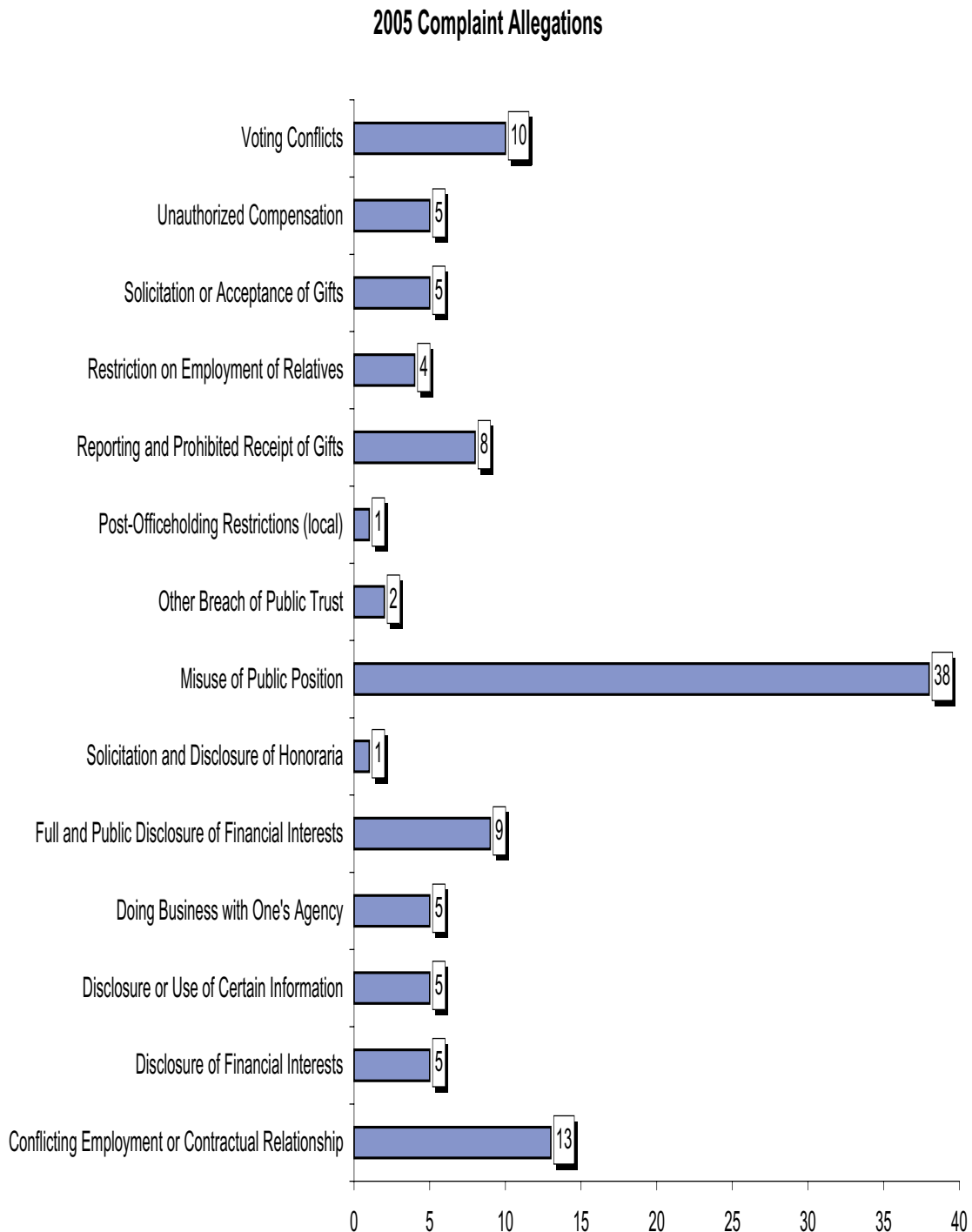
POSITION	NUMBER OF COMPLAINTS	PERCENT OF TOTAL
State Elected Officers	3	2%
State Appointed Officers	4	2%
State Employees	7	4%
State Candidates	0	0%
District Elected Officers	9	5%
District Appointed Officers	6	3%
District Employees	4	2%
District Candidates	0	0%
County Elected Officers	31	16%
County Appointed Officers	6	3%
County Employees	12	6%
Municipal Elected Officers	66	34%
Municipal Candidates	0	0%
Municipal Appointed Officers	1	1%
Municipal Employees	39	21%
Other	2	1%
TOTAL	190	100%

Of the 190 complaints received in 2005, 87 were dismissed for lack of legal sufficiency; 74 were ordered to be investigated; 28 were pending legal sufficiency determination at the end of the year; and 1 was on hold pending criminal investigation.



Allegations

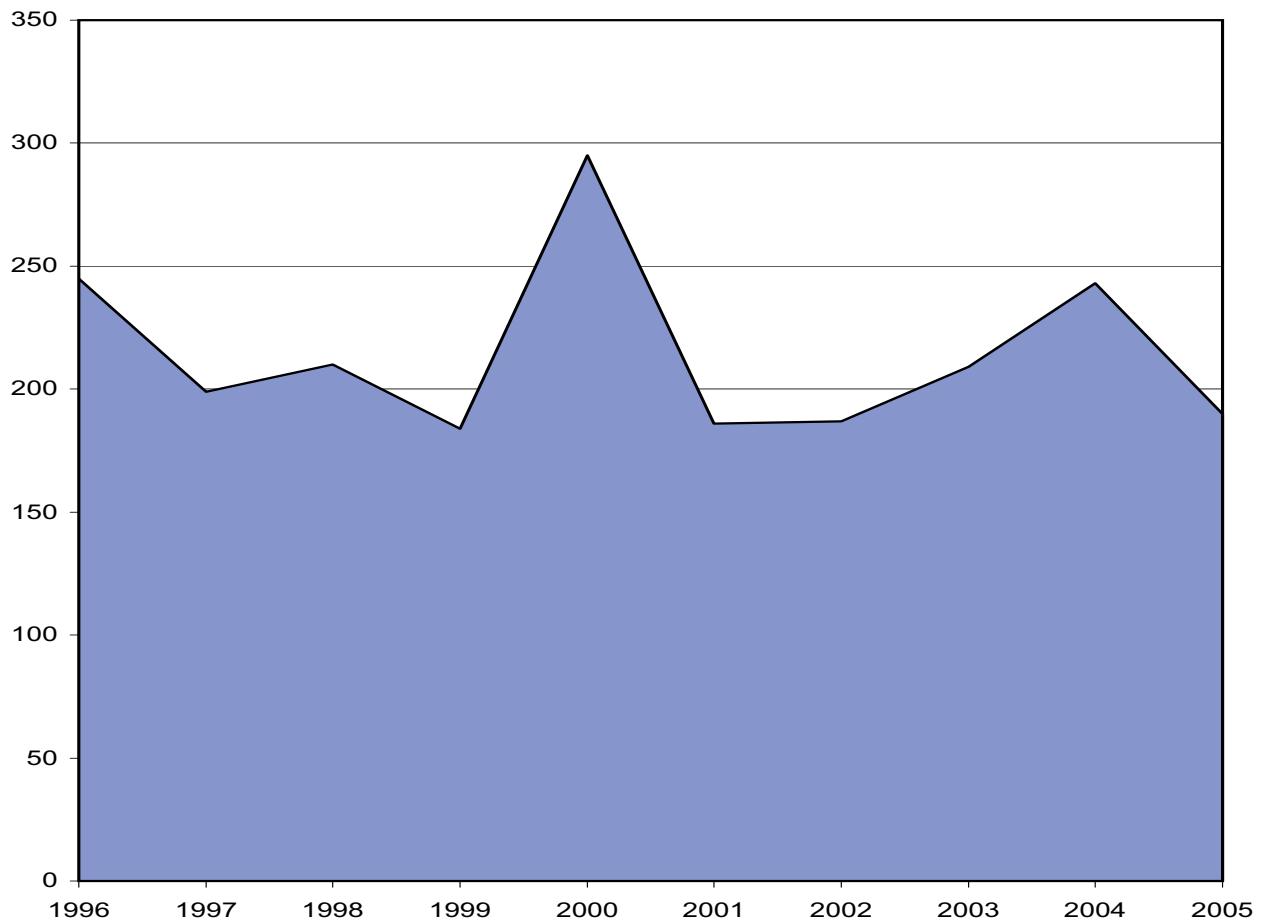
Of the 190 complaints received in 2005, the Commission's Executive Director ordered an investigation of 74 complaints as of December 31, 2005. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below.



Ten Year History of Complaints

2005.....	190
2004	243
2003	209
2002.....	187
2001	186
2000	295
1999	184
1998	210
1997.....	199
1996	245

Complaint History



Actions Taken on Complaints in 2005

In addition to handling the 190 new complaints received in 2005, the Commission also took action during its eight regularly-scheduled Commission meetings on complaints filed in previous years. The following is a summary of action taken in 2005 on all active complaints.

Dismissed for lack of legal sufficiency	85
Probable cause hearings held	83
No probable cause - dismissed	56
Probable cause - pending public hearing or stipulation	17
Probable cause - no further action	10
Request for withdrawal of complaint - granted	1
Public hearings at Division of Administrative Hearings	2
Violation found	1
No violation found	1
Stipulated settlement agreements - violation found	14
Informal hearing.....	1
Costs and attorney's fees petitions - dismissed	7
Insufficient petition - dismissed	4
Hearing at Division of Administrative Hearings - dismissed	3
Dismissed on motion by Advocate under Section 112.324(11)*	6

TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS . . . 200

*Public interest not served by further proceedings.

Executive Branch Lobbyist 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.

Prior to January 1, 2006, executive branch lobbyists were required to file biannual expenditure reports whether or not reportable expenditures were made during the period. Penalties for failure to file these biannual reports by the deadline date were automatic and accrued at \$50 per report for each day late, with a maximum penalty of \$5,000 per report.

Each lobbyist was entitled to receive a one-time fine waiver if he or she filed the report within 30 days after being notified of the failure to file. Otherwise, the lobbyist was assessed a fine at the time he or she filed the delinquent report(s). If an appeal was filed within 30 days after the registrant was noticed of the assessed fine, the Commission had the authority to waive the assessed fines in whole or in part for good cause, based on unusual circumstances.

2005 Summary of Activity

Total number of executive branch lobbyist registrants	1,401
Total number of principals represented by the registrants	6,005
Percent increase in number of principals from 2004 to 2005	5%
Total number of registrants delinquent in filing their expenditure reports	
First Semi-Annual Period of 2005	55
Second Semi-Annual Period of 2004	83
(Filings for the Second Period of 2005 are due February 14, 2006.)	
Total number of registrants assessed a fine in 2005	
First Semi-Annual Period of 2004	18
Second Semi-Annual Period of 2003 (assessed in February 2004)	38
Number of appeals considered by the Commission in 2004	15
Action taken on appeals in 2005:	
Number of Fine Appeals Granted by the Commission	7
Number of Fine Appeals Reduced by the Commission	7
Number of Fine Appeals Denied by the Commission	1

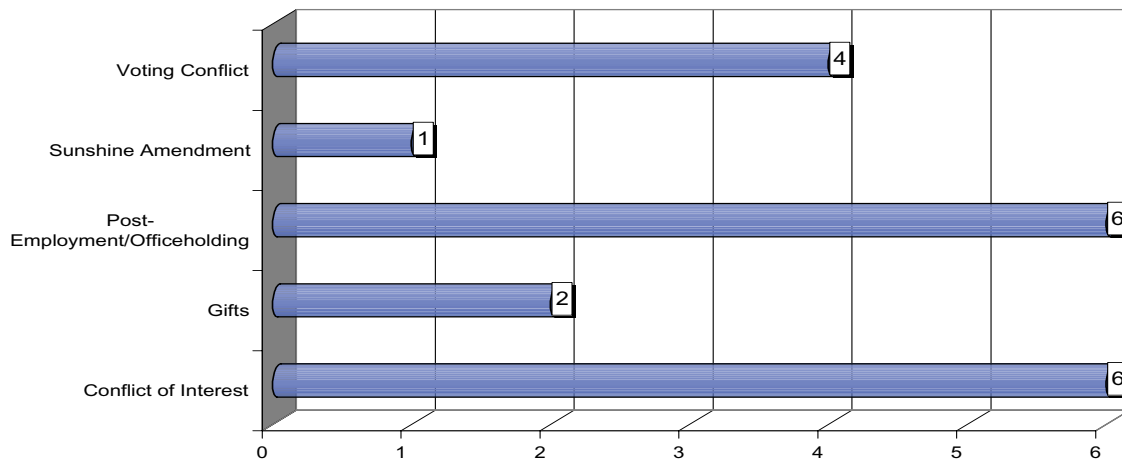
Advisory Opinions

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 2005, the Commission on Ethics issued 19 advisory opinions, bringing the total issued since 1974 to 2,335.

Nine of the opinions rendered in 2005 were in response to requests by local officers, employees, or local government attorneys, and ten of the opinions were issued regarding state level officers or employees.

Of the nineteen total opinions rendered, conflicts of interest and post-employment/post-officeholding were each addressed in six opinions; voting conflict questions were addressed in four opinions; gift questions were addressed in two; the Sunshine Amendment was addressed in one.

Laws Addressed in 2005 Advisory Opinions



The Commission continues to provide upon request a Digest of Advisory Opinions. Printed volumes of full opinions also are available at cost by writing the Commission. Published opinions may be obtained at a cost of \$4.00 per year (for opinions through 1999). Binders for these loose-leaf opinions are available for purchase at a cost of \$4.00 each. All Commission advisory opinions, from 1974 to present, can be accessed and researched without cost on our website: <http://www.ethics.state.fl.us>.

Education

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. In 2005, the Commission co-sponsored, with The John Scott Dailey Florida Institute of Government at Florida State University and the Florida League of Cities, the Florida Ethics Law Conference in Ponte Vedra, Florida. Many Commission staff members participated as speakers and panelists for the conference, which was attended by nearly 200 public officers and employees.

Speaking Engagements

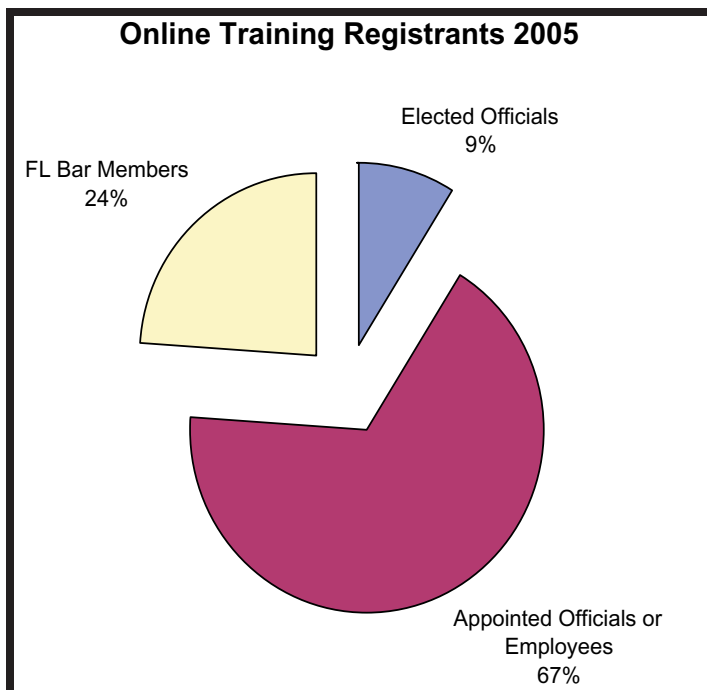
- Institute for Elected Municipal Officials
- University of South Florida
- Governor's Accessible Electronic and Information Technology Task Force
- Florida Association of City Clerks
- Staff of the Florida Legislature
- Masters Program of the Florida Public Personnel Association
- Attorneys for the Department of Health
- Tax Collector Certification Course
- Officials from the Democratic Republic of Congo
- Florida Educational Facilities Planners Association
- Florida Public Pension Trustees Association
- New Motor Vehicle Arbitration Board, Arbitor Training
- Florida Tax Collectors Conference
- Newly-elected Tax Collectors
- City, County & Local Government Law Section's Public Finance Seminar
- Newly-elected Property Appraisers
- Annual Meeting of Tax Collectors
- Florida Association of Professional Lobbyists
- Florida Bar's Government Lawyer Section

- Florida Engineering Society's Leadership Conference
- Florida Association of Property Appraisers
- Property Appraisers' Association of Florida, Inc.
- City of Coral Gables' management personnel
- Police Officers' & Firefighters' Pension Trustees' School
- American Society for Public Administration
- Department of Legal Affairs
- Florida Government Bar Association
- County Commissioners Certification Program
- Internal Auditors for Court Clerks Conference
- Florida Government Bar Association
- State University General Counsels
- Tallahassee Women Lawyers
- City, County & Local Government Law Certification Review Course
- Governor's ADA Working Group
- Annual Psychology Training Day
- New legislative employees
- Florida Association of City Clerks Certification Institute

Online Training

In Section 13 of Chapter 200-243, Laws of Florida, the Florida Legislature directed the Commission on Ethics to develop a plan for implementation of a study course on the Code of Ethics, public records, and public meeting laws. The course was to be made available for free to each elected public officer in the State (of which there are approximately 10,000), as well as to each person appointed to hold elective office. Officials appointed to non-elective office, public employees and others may take the course at a cost of \$15.

Faced with the challenge of reaching as many people as possible with meaningful training, the Ethics Commission sought the advice of The John Scott Dailey Florida Institute of Government at Florida State University concerning how best to develop such a comprehensive course. The Insitute proposed that it contract through the University with a private company to develop an Internet-based study. Staff of the Ethics Commission and Attorney General's office provided the company with guidance and written materials on the pertinent subject areas. The resulting course contains interactive elements, "Frequently Asked Questions," as well as testing for review purposes and tracking. It has the added advantage of being easily amended when changes in the law occur. The course is currently available via the Commission's website (<http://www.ethics.state.fl.us>) or by visiting: <http://www.iog.learnsomething.com>.



In 2005, 190 individuals registered for the online training course, with 162 completing the training by the end of the year. Of the registrants, 17 were elected officials, 127 were appointed officials or employees, and 46 of the registrants were members of the Florida Bar. A total of 1,044 public officers and employees have completed the course since its inception in 2002.

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

Because of recent changes in the financial disclosure laws, only those with the most meaningful positions are required to file annual disclosure. Those who did not file their annual disclosure form (either Form 6 or Form 1) by September 1, 2005, were subject to automatic fines of \$25 for each late day, up to a maximum of \$1,500. Modeled after the automatic fine system in place for campaign finance reports, the law allows the Ethics Commission to hear appeals and to waive fines under limited circumstances. Information on the following pages reflect compliance rates and disposition of appeals.

Compliance

There was a 98% overall compliance with the annual reporting requirement in 2005. This is a 1% increase from the 2004 compliance rate and represents a 5% increase since the inception of the automatic penalties in 2000. On the local level, 25 counties reported 100% compliance in 2005.

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, 2005, the percentages of compliance, and comparable percentages from the previous year. Also listed is a chart which outlines filing compliance from 1984 to present.

FINANCIAL DISCLOSURE COMPLIANCE FIGURES				
County	# of Individuals Required to File	# of Delinquent Filers	2005 Compliance Rate¹	2004 Compliance Rate²
Alachua	314	7	98%	95%
Baker	53	0	100%	100%
Bay	309	4	99%	96%
Bradford	85	1	99%	100%
Brevard	954	29	97%	97%
Broward	2211	60	97%	96%
Calhoun	30	0	100%	100%
Charlotte	185	1	99%	100%
Citrus	169	0	100%	100%
Clay	194	1	99%	99%
Collier	316	0	100%	99%
Columbia	88	0	100%	100%
Dade	1670	0	100%	88%
Desoto	67	2	97%	88%
Dixie	42	0	100%	100%
Duval	378	17	96%	95%
Escambia	144	0	100%	99%
Flagler	192	4	98%	95%
Franklin	75	0	100%	100%
Gadsden	148	1	99%	98%
Gilchrist	48	0	100%	98%
Glades	50	0	100%	100%
Gulf	54	0	100%	100%
Hamilton	65	0	100%	95%
Hardee	74	4	95%	100%
Hendry	111	0	100%	100%
Hernando	101	0	100%	98%
Highlands	195	0	100%	100%
Hillsborough	1069	6	99%	94%
Holmes	78	1	99%	100%
Indian River	244	11	95%	94%
Jackson	180	2	99%	99%
Jefferson	35	0	100%	100%
Lafayette	21	0	100%	100%
Lake	502	4	99%	95%
Lee	1046	0	100%	97%
Leon	176	0	100%	95%
Levy	150	7	95%	95%
Liberty	16	0	100%	100%
Madison	82	0	100%	100%
Manatee	465	5	99%	98%
Marion	246	0	100%	98%
Martin	211	3	99%	95%
Monroe	194	0	100%	100%
Nassau	140	0	100%	100%
Okaloosa	361	4	99%	99%
Okeechobee	99	1	99%	100%

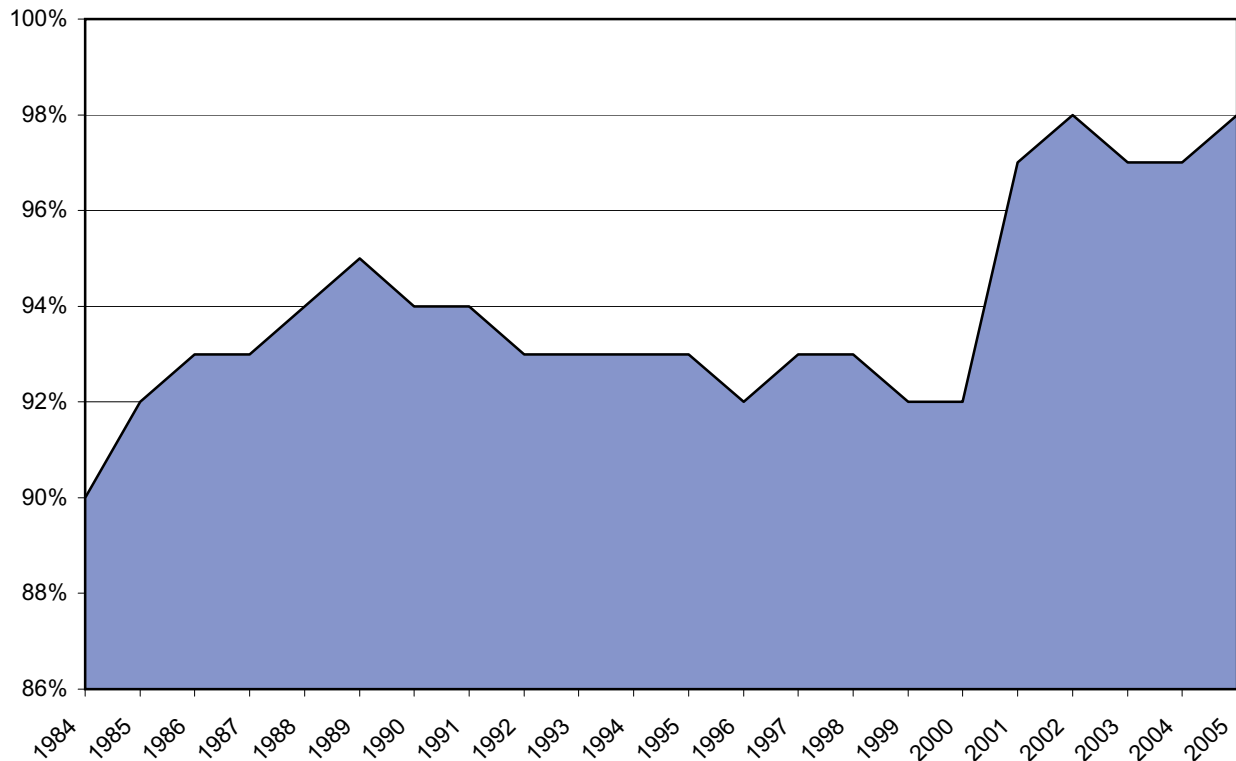
FINANCIAL DISCLOSURE COMPLIANCE FIGURES				
County	# of Individuals Required to File	# of Delinquent Filers	2005 Compliance Rate¹	2004 Compliance Rate²
Orange	676	23	97%	96%
Osceola	177	4	98%	93%
Palm Beach	1664	83	95%	92%
Pasco	250	12	95%	97%
Pinellas	1264	21	98%	95%
Polk	716	27	96%	95%
Putnam	184	4	98%	99%
St. Johns	196	3	98%	97%
St. Lucie	245	6	98%	97%
Santa Rosa	161	2	99%	96%
Sarasota	395	5	99%	98%
Seminole	447	8	98%	96%
Sumter	166	1	99%	99%
Suwannee	82	0	100%	99%
Taylor	59	1	98%	100%
Union	43	0	100%	93%
Volusia	747	4	99%	99%
Wakulla	50	0	100%	100%
Walton	106	0	100%	100%
Washington	84	0	100%	95%
TOTAL - FORM 1 LOCAL	21349	379	98%	96%
TOTAL - FORM 1 STATE	12530	212	98%	99%
TOTAL - FORM 6	1437	19	99%	99%
TOTAL - JUDGES	1052	8	99%	99%
TOTAL - SENIOR JUDGES	136	4	97%	97%
OVERALL TOTAL	36504	622	98%	98%

¹ The 2005 compliance rate reflects compliance for the 2004 Form 1's and 2004 Form 6's, which were due no later than September 1, 2005.

² The 2004 compliance rate reflects compliance for the 2003 Form 1's and 2003 Form 6's, which were due no later than September 2, 2004.

FINANCIAL DISCLOSURE FILING COMPLIANCE (1984 - 2005)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
1984	26,670	2,903	90%
1985	27,758	1,136	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	2,091	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%
2000	40,471	3,368	92%
2001	30,025	1,043	97%
2002	27,206	911	98%
2003	34,298	878	97%
2004	35,984	1,124	97%
2005	36,504	723	98%

Financial Disclosure Compliance History



Summary of Local Level Form 1 Compliance

- Total compliance rate for Form 1 Statement of Financial Interests was 98%.
- Of the 21,349 individuals required to file, only 379 were delinquent as of September 1, 2005. This is a decrease of 561 from the previous year's delinquency list.
- 25 counties reported 100% compliance in 2005. This is up from 24 in 2004.

Summary of State Level Form 1 Compliance

- The Form 1 compliance rate was 98%.
- Of the 12,530 individuals required to file, only 212 were delinquent as of September 1, 2005. This is an increase from the previous year's total of 167 delinquent filers.

Summary of Full Disclosure (Form 6) Compliance

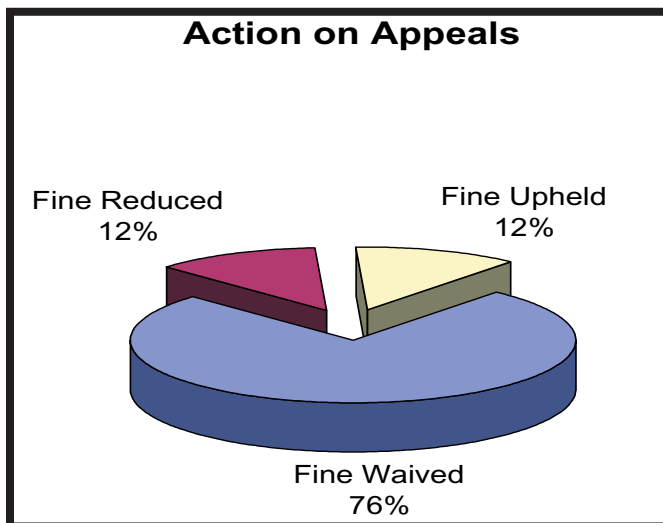
- Form 6 Full and Public Disclosure of Financial Interests compliance rate for elected, constitutional officers and employees was 99%.
- There were only 19 delinquencies out of a total of 1,437 individuals required to file Form 6 (excluding judges).

Summary of 2005 Overall Compliance

- As of September 1, 2005, out of the 36,504 individuals required to file disclosure, there were only 622 (2%) officers and employees who failed to do so.
- The 2005 total of 36,504 officials (including judges) required to file disclosure represents an increase of 520 individuals from 2004. We continue to work with agency coordinators to ensure the filer list is pared down to only those required to file by statute or local option.

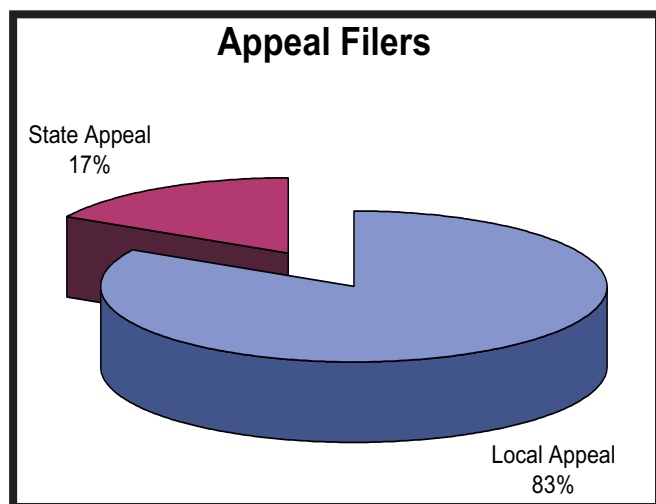
Financial Disclosure Fine Appeals

In 2005, 1,035 individuals who were delinquent in filing the 2003 disclosure form, which was due no later than September 1, 2004,* were fined \$25 per day for each day late, up to a statutory maximum of \$1,500. Under the law, the Commission has the authority to waive or reduce an assessed fine if an appeal is filed reflecting that “unusual circumstances” caused the failure to file the appropriate disclosure form on time. There were 575 appeals filed in 2005. Two appeals were withdrawn and the fine paid, while 9 appeals were scheduled to be heard in early 2006. It was determined that 14 individuals who appealed should not have been placed on the list of required disclosure filers. Their names were removed from the list.



In 2005, the Commission on Ethics took action on 550 appeals filed for the year 2003 disclosure period. In 415 appeals, the Commission waived the fine. The fine was reduced in 67 of the appeals, while the Commission upheld the assessed fine in 68 appeals.

Of the 575 appeals filed for the year 2003 disclosure forms, 476 were filed by local officials or employees. State employees and officials filed 99 appeals.



* 2004 disclosure forms were due no later than September 1, 2005. Appeals for those delinquencies will be filed in 2005 and reported in the Annual Report for calendar year 2006.

2005 Legislative Recommendations

Gifts and Honoraria

- Would require gift and honorarium-expense disclosure forms to be filed for the last portion of one's term of office or employment.
- Allow quarterly gift disclosure forms to be considered timely-filed if they are postmarked on or before the due date.

Penalties for violations

- Would allow restitution to be paid by the violator to an agency that was damaged by the violation, rather than just to the State.
- Would allow, when the Attorney General is required to collect a penalty through a civil action in court, the Attorney General's costs and fees of collecting the penalty to be assessed against the violator.
- Remove the language of Section 112.317(6), Florida Statutes, which the federal courts have declared unconstitutional (this used to make it a misdemeanor to breach the confidentiality of an ethics proceeding).

Post-Officeholding and Post-Employment Restrictions

- Would amend the two-year "revolving door" prohibition against representing a client before one's former agency to "grandfather-in" agency employees whose positions were transferred to the Selected Exempt Service from Career Service System under last year's "Service First" law.
- Would apply the two-year prohibition for local elected officials to representations before the entire government body or agency they served (which would include staff), rather than just the body of which they were a member.
- Would ease existing post-employment restrictions for State employees whose jobs are privatized and who then go to work for the private entity.
- Would add a prohibition to keep State executive branch employees from leaving government and then switching sides to represent a client before their former agency in connection with the same matter in which they participated while an agency employee.
- Clarify the application of the "revolving door" prohibition to OPS state employees.

Disclosure or use of inside information

- Would amend this prohibition against using "inside" information gained while in a public position to benefit oneself or another to clarify that it applies to former employees and officers--except for information relating exclusively to governmental practices or procedures.

Financial Disclosure

- Would change the method for disclosing assets, and liabilities relating to assets, that are held by the reporting person as a joint tenant with the right of survivorship.
- Currently the law requires our office and the Supervisors of Elections to send a follow-up notice by certified mail. Most do so with a return receipt requested, which allows us to determine whether the mailing was actually received and by whom. However, the law technically does not require a return receipt, and a few Supervisors do not go to the extra expense. Especially now that the fine system is in place, it would be helpful to amend the statute to require that the certified mailing have a return receipt.

Witness Tampering

- Would make it a crime to tamper with witnesses in an Ethics Commission proceeding.

Executive Branch Lobbyists

- Clarify the Commission's rule-making authority regarding appeals of fines for untimely expense report filings.
- Automatically suspend the registration of a lobbyist who has failed to pay a fine until the fine is paid or waived (as is done for legislative lobbyists).

Public Employees Campaigning while on Duty

- Extend the "Little Hatch Act" to prohibit all government employees from being involved in political campaigns while on duty.

Miscellaneous

- Have the conflict of interest disclosure statement that is applicable for competitive bidding filed with the Ethics Commission instead of the Department of State.
- Allow witnesses required to testify outside the county of their residences to receive per diem and travel expenses reimbursed at the State rate.

