

*Annual Report
to the
Florida Legislature
for Calendar Year 2008*



*By the
State of Florida
Commission on Ethics*

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Message from the Chair

The work of the Florida Commission on Ethics has never been more important. With the citizens of our great state demanding more and more transparency in how our government operates, the Commission on Ethics is one of the key oversight bodies that ensure that transparency. Our state's ethics laws are among the nations most strict, and it is the responsibility of the Commission on Ethics to interpret and enforce those laws to protect the integrity of our state and local government.

The Commission's work is made possible by the skilled and dedicated work of its permanent staff under the direction of Executive Director Philip Claypool, who has been with the Commission for over thirty years. It is the committed work of this group that has made our Commission a national model and enables us to consider and dispose of hundreds of complaints in a timely and professional manner.

And with the continued importance of the Commission's work, we must always be looking for ways to both bring greater public awareness to that work and to strengthen the state's ethics standards. In that effort, the Commission is offering a package of legislative proposals that would clarify and strengthen the Code of Ethics. We look forward to the Legislature familiarizing itself with these proposals and continuing to support the work of the Commission.

Additionally, the Commission will continue to look for the best ways to inform both public officials and the general public about the state's ethics laws. Government works best when all stakeholders have a clear understanding of how the ethics laws operate and what they demand of public officials. To that end, the Commission will continue to provide frequent trainings around the state and sponsor its annual statewide ethics conference. We also

plan to undertake a public information campaign, enlisting the state's media in helping us educate citizens on the laws, the complaint process, and their role in holding government accountable.

As Chair of the Florida Commission on Ethics, and on behalf of my fellow commissioners and our staff, I thank you for the confidence you have in our work.

Sincerely,

A handwritten signature in black ink that reads "Cheryl Forchilli". The signature is written in a cursive, flowing style.

Cheryl Forchilli
Chairman

2008 Commission Members

CHERYL FORCHILLI, *Chair*

Tampa - Attorney (D)
Term expires June 2010
Appointed by Governor Crist

ROY ROGERS, *Vice-Chair*

Lighthouse Point - Business Executive (I)
Term expires June 2009
Appointed by Governor Crist

LINDA D. CONAHAN

Boca Raton - Attorney (R)
Term expires June 2009
Appointed by Governor Crist

LARRY R. HANDFIELD

Miami - Attorney (D)
Term expires June 2009
Appointed by Governor Crist

FRANK KRUPPENBACHER

Orlando - Attorney (R)
Term expires June 2010
Appointed by Speaker of the House Rubio

JEAN LARSEN

Port St. Lucie - Staffing Services Executive (R)
Term expires June 2010
Appointed by Senate President Pruitt

MICHAEL D. JOBLOVE

Cooper City - Attorney (D)
Term expires June 2010
Appointed by Speaker of the House Rubio

ALBERT P. MASSEY, III

Ft. Lauderdale - Attorney (R)
Term expires June 2009
Appointed by Governor Bush

ROBERT J. SNIFFEN

Tallahassee - Attorney (D)
Term expires June 2010
Appointed by Senate President Pruitt

Introduction & History

ection 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 2008.

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 35,659 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 an appointive body consisting of nine members, none of whom may hold any public employment or lobby state or local government. 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 22 full-time equivalent positions.

Philip Claypool, Executive Director and General Counsel

Virindia Doss, Deputy Executive Director and Assistant General Counsel

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Legal Section

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

Legal Services are provided both by staff and by the Assistant Attorneys General James H. “Pete” Peterson and Jennifer Erlinger who have been assigned by the Attorney General to act as a full-time Advocate for the Commission.

Legal Staff

C. Christopher Anderson, III, Chief Assistant General Counsel

Julia Cobb Costas, Assistant General Counsel

Dan Carlton, Attorney

Millie Fulford, Executive Secretary

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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

A. Keith Powell, Senior Investigator

Tom W. Reaves, Investigator

Harry B. Jackson, Investigator

K. Travis Wade, Investigator

Ronald D. Moalli, Investigator

Kaye B. Starling, Complaint Coordinator

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Financial Disclosure Section

The Program Manager, under the supervision of the 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 35,659 reporting officials and employees were notified of their filing requirements in 2008 by the Commission on Ethics and by the Supervisors of Elections.

Financial Disclosure Staff

Shirley A. Taylor, Program Administrator

Kimberly Holmes, Program Specialist

Connie Evans, Executive Secretary

Saralynn Brown, 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

Kerrie J. Stillman, Public Information Officer

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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

Lynn Blais, Assistant to the Executive Director

Frances Craft, Office Manager

Dianne Wilson, Receptionist

Sandy Englemark, Clerk (half-time)

Derrick Cooper, 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, 2008.

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, 2008 (Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>	<u>Variance - Favorable (Unfavorable)</u>
REVENUES:			
Released General Revenue Appropriations	2,771,408	2,771,408	0
Fines*	0	120,978	120,978
Miscellaneous Receipts	0	977	977
	<hr/>	<hr/>	<hr/>
Total Revenues	2,771,408	2,893,363	121,955
EXPENDITURES:			
Salaries and Related Benefits	1,695,580	1,675,826	19,754
Other Personal Services	410,835	326,259	84,576
Expenses	335,860	275,969	59,891
Operating Capital Outlay	9,600		9,600
Ethics Commission Lump Sum	881		881
Transfers to Administrative Hearings	44,145	44,145	0
Legislative Carryforward**	174,507	6,873	167,634
Nonoperating***	100,000	1,575	98,425
	<hr/>	<hr/>	<hr/>
Total Expenditures	2,771,408	2,330,648	440,761
Excess (Deficiency) of Revenues and other Financing Sources Over Expenditures	0	562,716	<u>562,716</u>
Budgetary Fund Balances June 30, 2008		<u>562,716</u>	

EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES: \$ 198,075

FINES: \$ 3,450

* Fines are recorded as Collection to General Revenue and are not a Revenue in the States Accounting System and are not an available resource to the fund.

** Legislative Carryforward is prior years unspent budget carried forward to the current year. It is treated as current appropriations.

*** Nonoperating Budget is budget set to refund Fines and is not an available resource to the fund.

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.

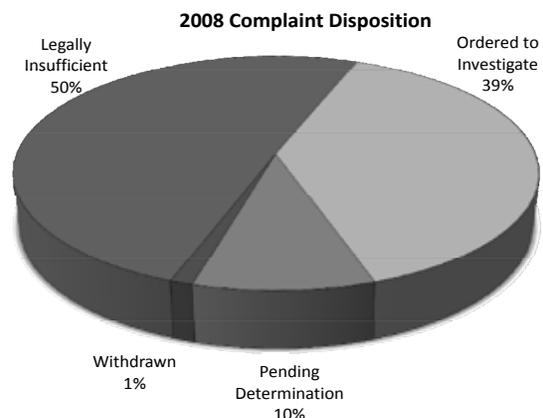
Complaints

Statistical Summary of Complaints Filed January 1, 2008 through December 31, 2008

Total number of complaints filed in 2008 167

POSITION	NUMBER OF COMPLAINTS	PERCENT OF TOTAL
State Elected Officers	9	5%
State Appointed Officers	0	0%
State Employees	9	5%
State Candidates	1	1%
District Elected Officers	13	8%
District Appointed Officers	2	1%
District Employees	8	5%
District Candidates	0	0%
County Elected Officers	35	21%
County Appointed Officers	2	1%
County Employees	19	11%
County Candidates	3	2%
Municipal Elected Officers	47	28%
Municipal Appointed Officers	3	2%
Municipal Employees	15	9%
Municipal Candidates	0	0%
Other	1	1%
TOTAL	167	100%

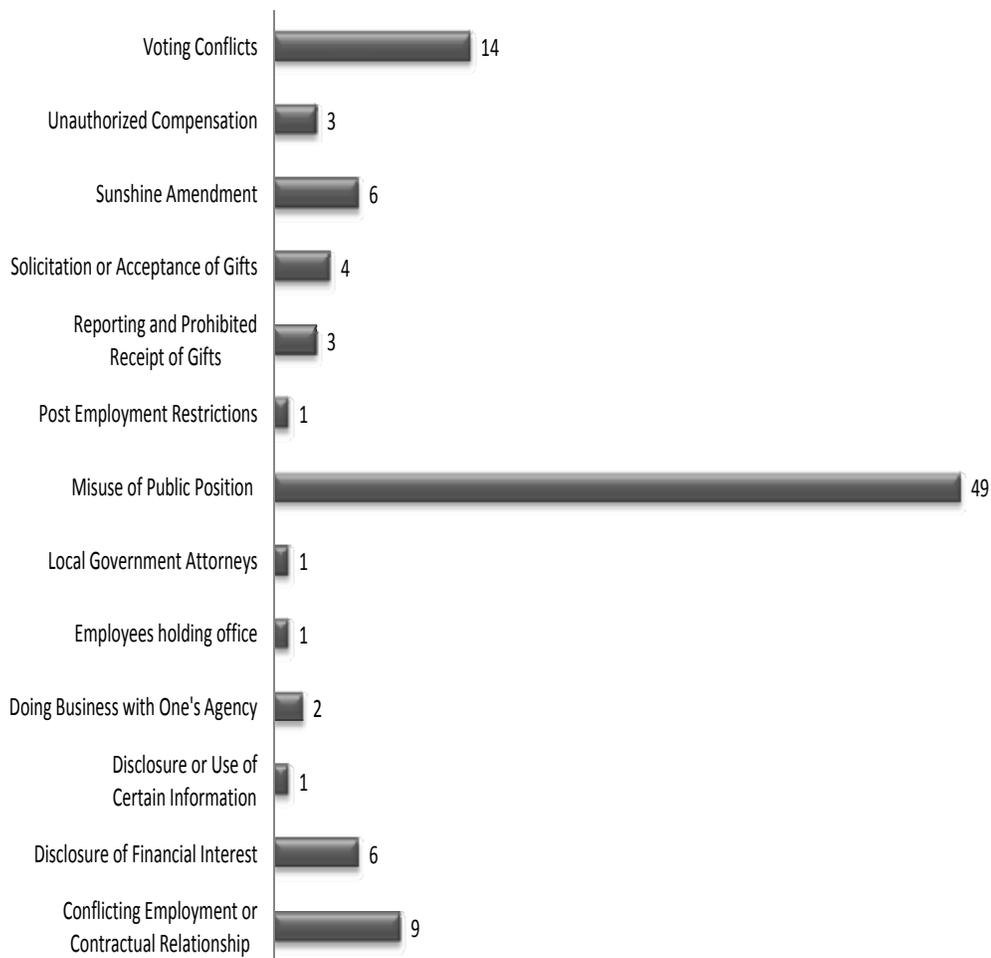
Of the 167 complaints received in 2008, 84 were dismissed for lack of legal sufficiency; 65 were ordered to be investigated; 16 were pending legal sufficiency determination at the end of the year; and 2 were withdrawn.



Allegations

Of the 167 complaints received in 2008, the Commission's Executive Director ordered an investigation of 65 complaints as of December 31, 2008. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below.

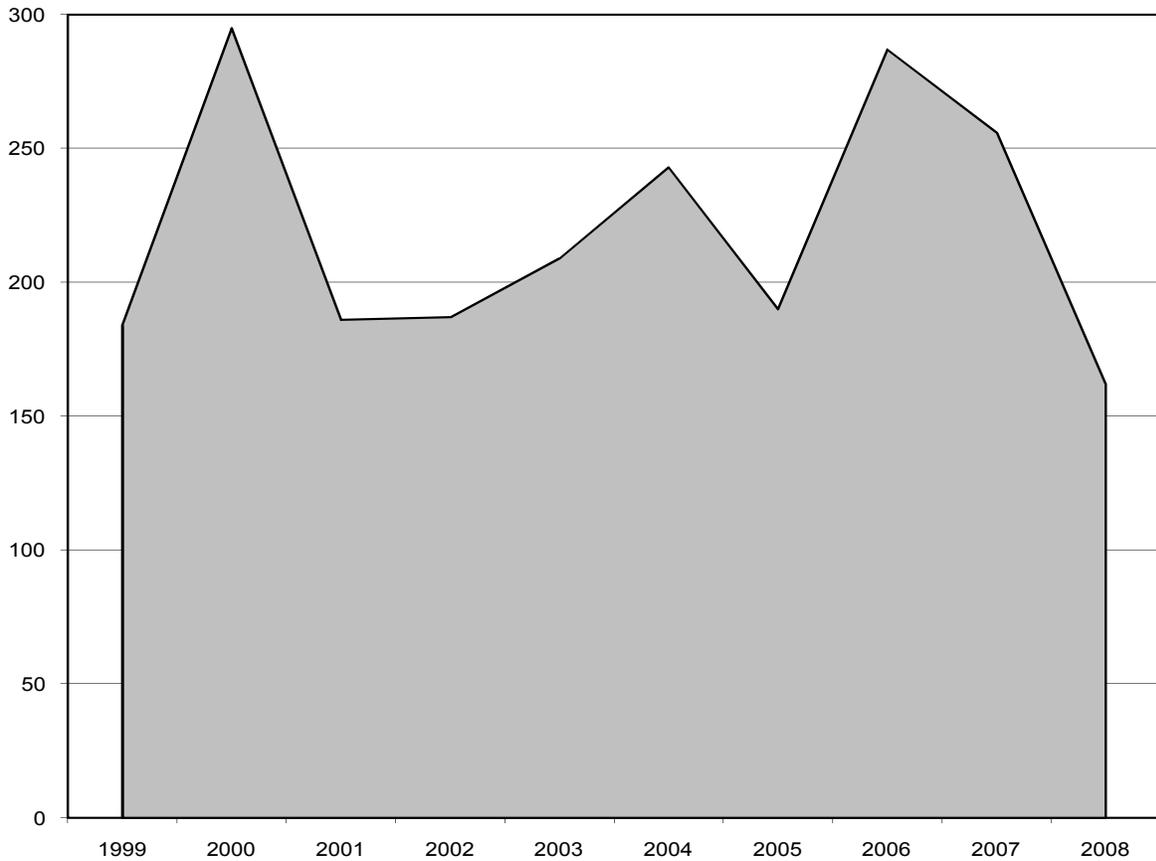
2008 Complaint Allegations



Ten Year History of Complaints

2008	167
2007.....	256
2006.....	288
2005	190
2004	243
2003.....	209
2002.....	187
2001	186
2000	295
1999	184

Complaint History



Actions Taken on Complaints in 2008

In addition to handling the 167 new complaints received in 2008, 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 2008 on all active complaints.

Dismissed for lack of legal sufficiency.....	111
Probable cause hearings held.....	81
No probable cause - dismissed.....	58
Probable cause - pending public hearing or stipulation	12
Probable cause - no further action taken.....	11
Request for withdrawal of complaint - granted.....	2
Public hearings at Division of Administrative Hearings	2
Violation found.....	2
No violation found	0
Stipulated settlement agreements.....	8
Violation.....	8
Dismissed*	0
Costs and attorney's fees petitions	4
Insufficient petition - dismissed.....	1
Hearing at Division of Administrative Hearings - granted.....	1
Fees Awarded Upon Mandate of the District Court of Appeals.....	2

TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS . . . 208

*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 compensation report filings of executive branch lobbyists.

Executive branch lobbying firms are required to electronically file quarterly compensation reports disclosing compensation received from their principals. Penalties for failure to file these quarterly reports by the deadline are automatic and accrue at \$50 for each day late, with a maximum penalty of \$5,000.

Each lobbying firm is entitled to receive a one-time fine waiver if the report is filed within 30 days after being notified of the failure to file. Otherwise, the lobbying firm is assessed a fine at the time the delinquent report is filed. If an appeal is filed within 30 days after the lobbying firm is noticed of the assessed fine, the Commission has the authority to waive the assessed fines in whole or in part for good cause, based on “unusual circumstances.”

2008 Summary of Activity

Total number of registered executive branch lobbyists.....	1,618
Total number of executive branch lobbying firms *	378
Total number of principals represented by the lobbyists.....	7,699
Percent increase in number of principals from 2007 to 2008	2.42%
Total number of firms delinquent in filing their compensation reports	
January - March 2008	12
March - May 2008	14
July - September 2008	18
<i>(Filing deadline for fourth period is February 2009)</i>	
Total number of firms assessed a fine in 2008	
First quarter 2008	4
Second quarter 2008	3
Third quarter 2008.....	7
Number of appeals considered by the Commission in 2008.....	2

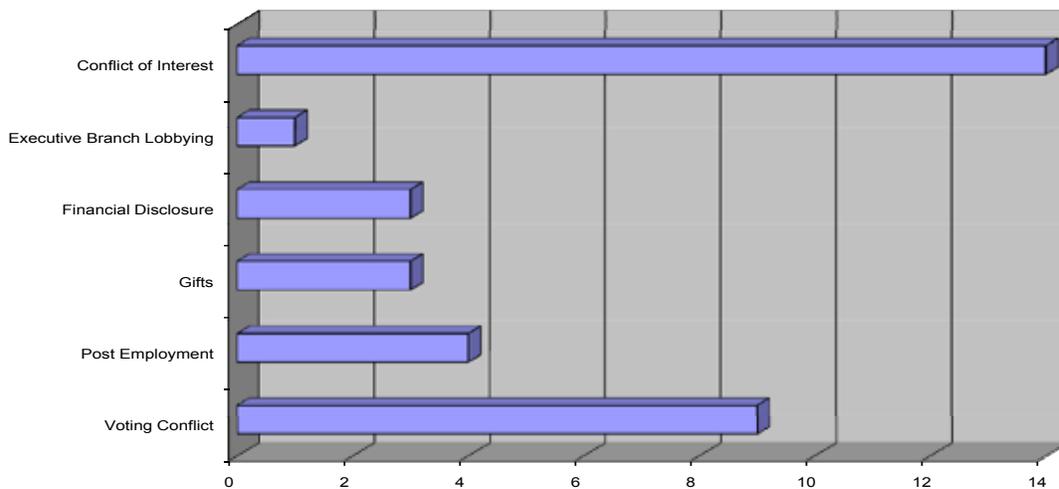
*2007 Total number of Executive Branch lobbying firms incorrectly listed as 1,438 instead of 438

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 2008, the Commission on Ethics issued 30 advisory opinions, bringing the total issued since 1974 to 2,418.

Twenty-four of the opinions rendered in 2008 were in response to requests by local officers, employees, or local government attorneys, and another six opinions were issued regarding state level officers or employees.

Of the thirty total opinions rendered, conflicts of interest were addressed in fourteen opinions; executive branch lobbying was addressed in one opinion; financial disclosure was addressed in three opinions; gifts were addressed in three opinions; post-employment/officeholding was addressed in four opinions; and voting conflicts questions were addressed in nine opinions.



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. Commission staff presented educational programs to the following groups and organizations during 2008:

Speaking Engagements

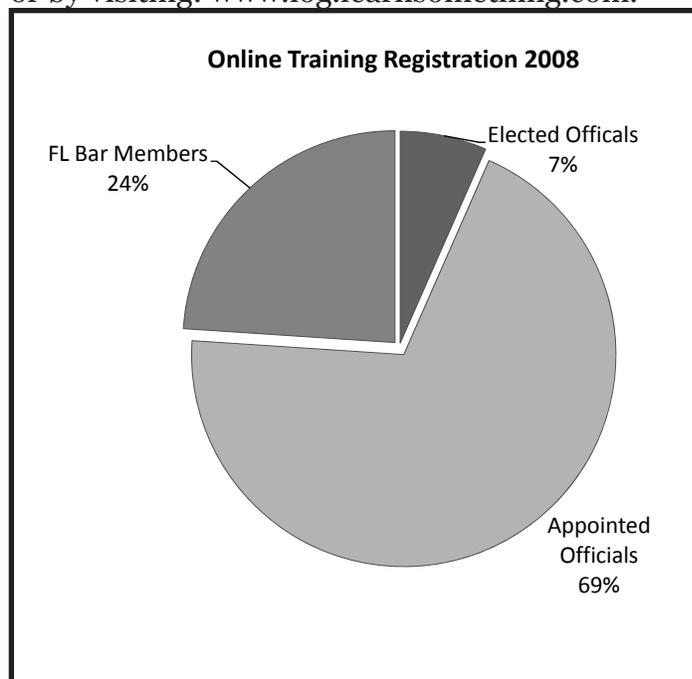
- Property Appraisers
- Tax Collectors
- Escambia County Officers and Employees
- Florida Police/Fire & Public Pensions Forum
- Governor's Task Force on Autism
- The Florida Bar's City, County, and Local Government Law Section
- City of Orlando and Orange County Attorneys
- 31st Annual Local Government Law in Florida
- 29th Annual Police Officers' and Firefighters' Pension Trustees' Program
- Florida Department of Professional and Business Regulation
- Florida City and County Managers Association
- Economic Crimes Conference
- Board of Directors of the Florida Black Business Investment Board
- Florida City and County management Association
- New members of the Motor Vehicle Arbitration Board
- Tallahassee Chapter - National Institution of Governmental Purchasing
- 24th Annual Conference - Florida Public Pension Trustees Association
- Florida Government Purchasing Conference and Expo
- Sarasota County Public Hospital Board
- Tax Collector's School
- West Palm Beach Mayor, City Commission, and their City Attorneys

- Continuing Legal Education Group of School Board Attorneys
- 2008 Sunshine Seminars
- 34th Annual Public Employment Labor Relations Forum
- Hollywood City Commission, Mayor, City Attorney, and top administrators
- Sunshine Seminar Presentation at the Miami Herald
- Sunshine Seminar Presentation at the Sarasota Herald Tribune
- Sunshine Seminar Presentation at the Ocala Star Banner
- Sunshine Seminar Presentation at the Jacksonville Florida Times Union
- Newly Elected and Newly Appointed School Superintendents
- 40th Annual Police Officers' & Firefighters' Pension Trustees' Conference
- Association of Inspector's General
- Orientation for new Tax Collectors
- Community College Attorneys' Annual Seminar

Online Training

In Section 13 of Chapter 2000-243, 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.

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 Institute 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 for a small fee via the Commission's website www.ethics.state.fl.us or by visiting: www.iog.learnsomething.com.



In 2008, 167 individuals registered for the online training course, with 102 completing the training by the end of the year.* Of the registrants, 11 were elected officials, 116 were appointed officials or employees, and 40 of the registrants were members of the Florida Bar. A total of 1442 public officers and employees have completed the course since its inception in 2002.

* In addition, 191 people registered for an abbreviated version of the ethics course offered as a part of the Governor's ethics training.

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 2, 2008, 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 reflects compliance rates and disposition of appeals.

Compliance

There was 98% overall compliance with the annual reporting requirement in 2008. On the local level, 26 counties reported 100% compliance in 2008.

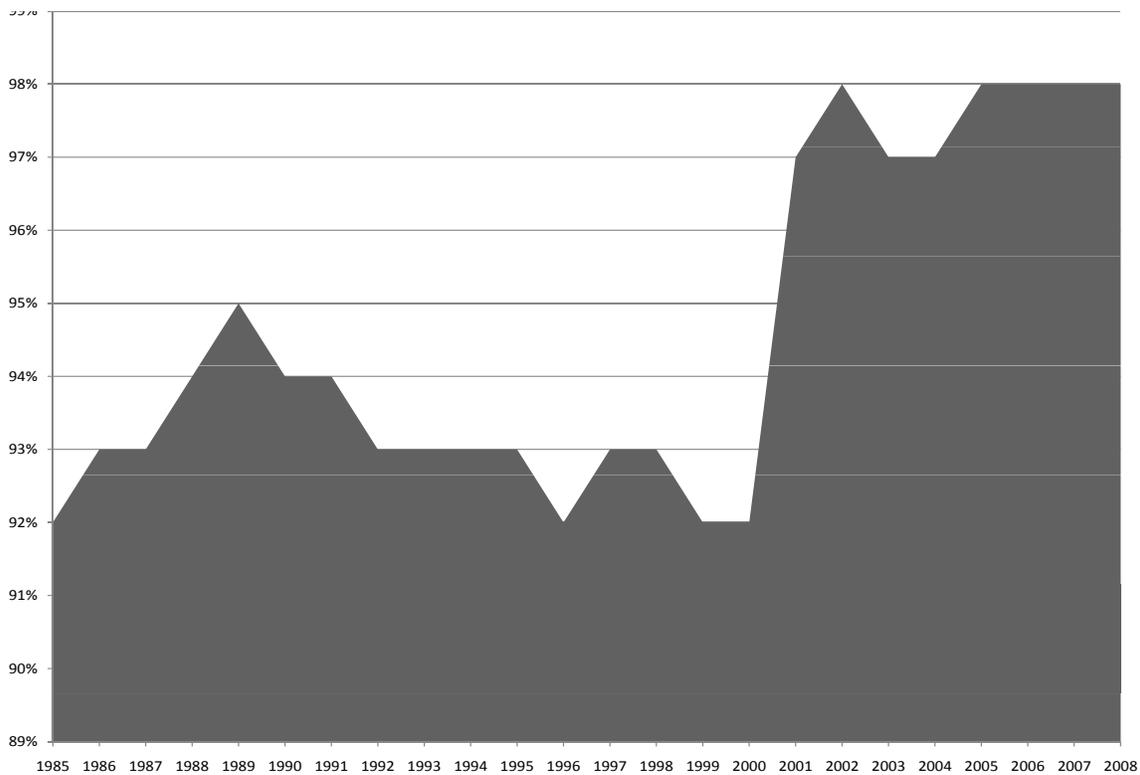
The following table reflects on a county-by-county basis the number of officials and employees subject to disclosure, the number delinquent as of September 2, 2008 and the percentages of compliance. Also listed is a chart which outlines filing compliance from 1985 to present.

Financial Disclosure Compliance Figures				
County	Timely Filers	Delinquent Filers	Total Filers	2008 Compliance
Alachua	268	15	283	95%
Baker	52	0	52	100%
Bay	277	0	277	100%
Bradford	81	1	82	99%
Brevard	931	25	956	97%
Broward	2055	98	2153	95%
Calhoun	30	0	30	100%
Charlotte	174	0	174	100%
Citrus	118	3	121	98%
Clay	193	4	197	98%
Collier	335	2	337	99%
Columbia	90	0	90	100%
Miami-Dade	1548	71	1619	96%
Desoto	57	1	58	98%
Dixie	35	0	35	100%
Duval	359	4	363	99%
Escambia	150	2	152	99%
Flagler	198	3	201	99%
Franklin	69	1	70	99%
Gadsden	130	2	132	98%
Gilchrist	42	0	42	100%
Glades	42	0	42	100%
Gulf	57	2	59	97%
Hamilton	60	0	60	100%
Hardee	70	2	72	97%
Hendry	92	0	92	100%
Hernando	103	3	106	97%
Highlands	159	1	160	99%
Hillsborough	1103	80	1183	93%
Holmes	64	0	64	100%
Indian River	217	0	217	100%
Jackson	181	2	183	99%
Jefferson	33	0	33	100%
Lafayette	22	0	22	100%
Lake	467	17	484	96%
Lee	1043	14	1057	99%
Leon	179	11	190	94%
Levy	129	6	135	96%
Liberty	16	0	16	100%
Madison	85	1	86	99%
Manatee	467	6	473	99%
Marion	221	3	224	99%
Martin	186	1	187	99%
Monroe	199	1	200	100%

Financial Disclosure Compliance Figures				
County	Timely Filers	Delinquent Filers	Total Filers	2008 Compliance
Nassau	129	3	132	98%
Okaloosa	347	6	353	98%
Okeechobee	85	0	85	100%
Orange	722	13	735	98%
Osceola	207	1	208	100%
Palm Beach	1415	62	1477	96%
Pasco	298	6	304	98%
Pinellas	1184	13	1197	99%
Polk	618	19	637	97%
Putnam	152	2	154	99%
Saint Johns	263	0	263	100%
Saint Lucie	201	13	214	94%
Santa Rosa	151	5	156	97%
Sarasota	375	15	390	96%
Seminole	399	3	402	99%
Sumter	158	0	158	100%
Suwannee	72	0	72	100%
Taylor	57	0	57	100%
Union	41	0	41	100%
Volusia	603	18	621	97%
Wakulla	37	3	40	93%
Walton	120	1	121	99%
Washington	77	0	77	100%
Total-Form 1 Local	20098	565	20663	97%
Total-Form 1 State	13505	194	13699	99%
Total-Form 6 (Not Judges)	1356	8	1364	99%
Total-Judges (Active)	988	0	988	100%
Total-Judges (Senior)	145	0	145	100%
Overall Total	36092	767	36859	98%

FINANCIAL DISCLOSURE FILING COMPLIANCE (1985 - 2008)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
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%
2006	35,725	724	98%
2007	35,659	691	98%
2008	36,092	767	98%

Financial Disclosure Compliance History



Summary of Local Level Form 1 Compliance

- Total compliance rate for Form 1 Statement of Financial Interests was 97%.
- Of the 20,098 individuals required to file, 565 were delinquent as of September 2, 2008.
- 26 counties reported 100% compliance in 2008. This is up from 20 in 2007.

Summary of State Level Form 1 Compliance

- The Form 1 compliance rate was 99%.
- Of the 13,505 individuals required to file, only 194 were delinquent as of September 2, 2008.

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 8 delinquencies out of a total of 1,356 individuals required to file Form 6 (excluding judges).

Summary of 2008 Overall Compliance

- As of September 2, 2008, out of the 36,092 individuals required to file disclosure, there were 767 (2%) officers and employees who failed to do so.

Financial Disclosure Fine Appeals

Individuals who were delinquent in filing the annual financial disclosure form, (those who did not file by the end of the September 1 grace period provided by law), are fined \$25 per day for each date late, up to a statutory maximum of \$1,500.

Individuals may opt to pay the assessed fine or may appeal the assessed fine. 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 form on time.

For fines where there is no appeal and no payment, an order is rendered and the cases are transmitted to the Florida Department of Financial Services for collection.

The following reflects the Commission’s workload on assessed fines during calendar year 2008. (The fines for late filings in 2008 are not assessed until December of 2008).

Financial Disclosure Appeals 2008 Actions

Year	Active	Appeals Filed	Referral for Collections	Payment Plans	Paid in Full	Fines Removed	Fines Waived	Write-offs
2008	410	257			95	6		
2007	56	14	125	10	199	41	195	
2006	16	2	34	8	21	3	39	1
2005	7		14	5	3		3	3
2004	17	1	15	7	19		6	4
2003	3		7	5	7	3	2	1
2002	6		7	2		14	1	
2001		2	7	5			4	

2009 Legislative Recommendations

Business Entities Serving as the Chief Executive Officer of a Political Subdivision

- Officers and employees of business entities that have contracted to serve as the chief executive officer of a political subdivision are not subject to any of the ethical standards that apply to public officers and employees, even though they are acting in a public capacity and exercising governmental authority. Therefore, the Commission recommends that the Legislature apply the standards of conduct set by Section 112.313, Florida Statutes, the limited financial disclosure law created in Section 112.3145, Florida Statutes, and the gift and honoraria laws provided in Sections 112.3148 and 112.3149, Florida Statutes, to the business entity's officers, directors, chief executive officer, and any other employee who is acting as the chief administrative or executive officer or employee of the political subdivision.

Financial Disclosure

- The Commission recommends that the following government officials and employees be required to file limited financial disclosure under Section 112.3145, Florida Statutes: members of community redevelopment agency boards, finance directors of cities, counties, and other political subdivisions, and the Assistant Regional Counsel / Criminal Conflict who handle criminal cases in which the public defender has a conflict.
- Also, for purposes of the limited financial disclosure under Section 112.3145, the Commission recommends that the Legislature require that the filing persons specifically designate on the form which method of reporting they are using.
- Candidates who qualify for office before the July 1st financial disclosure deadline should be allowed to file a copy of the disclosure form they submitted when qualifying for office, Executive Branch Lobbyist Registration and Reporting

Executive Branch Lobbying Registration and Reporting

- Currently, the penalties and prohibitions applicable to Legislative lobbyists are not identical to those which are applicable to Executive Branch lobbyists. Therefore, the Commission recommends that the Legislature amend Section 112.3215, Florida Statutes, to track the language provided in Section 11.045, Florida Statutes.

Gift Law

- The gift and honoraria laws contained in Sections 112.3148 and 112.3149, Florida Statutes, apply to executive and judicial branch employees who fall within the category of “procurement employees.” The definition of “procurement employee” is very broad and has proven difficult to apply over the years, so the Commission recommends that the Legislature amend this definition to clarify and make more specific the employees who are subject to these laws.
- Under the gift law, a reporting individual or procurement employee is prohibited from taking most gifts worth over \$100 from someone who has lobbied their agency within the past 12 months or from the employer or principal of such a lobbyist. In the executive branch, however, many agencies think in terms of who is a “vendor” doing business with their agency, rather than who is a “lobbyist.” Therefore, the Commission recommends that the Legislature apply the gift and honoraria laws to vendors as well as to the employers and principals of lobbyists.
- In addition, the law should be amended to make it clear that federal campaign contributions, reported pursuant to federal election law, are not considered to be “gifts.”

Voting Conflicts Law

- Currently, the voting conflicts law in Section 112.3143, Florida Statutes, allows elected and appointed local government officials to participate in trying to influence their agency’s decision, even though they have a voting conflict of interest that requires them to abstain from voting on the issue. The Commission recommends that the Legislature amend the law to require these officials to clearly disclose their conflicts before they can make any attempt to influence the matter, if they have a voting conflict sufficient to require them to abstain from voting on the matter.
- The Commission recommends that the statute be amended to make it clear that the official who is faced with a voting conflict of interest disclose to the public all of his or her conflicting interests in the matter.

- Also, the Commission recommends that appointed State officials (not elected State officials) should be subject to the same voting conflict standards as local government elected and appointed officials would be. In other words, appointed State officials should be prohibited from voting on any matter in which they have a conflict of interest under the statute.

Definition of “Business Entity”

- New forms of business entities are allowed by the Legislature from time to time. Currently, the definition of “business entity” used in the Code of Ethics does not specifically include a “limited liability company.” Although the definition may be broad enough to encompass such vehicles, the Commission recommends that the definition of “business entity” in Section 112.312(5), Florida Statutes, be amended to include any “company.”

Anti-Nepotism Law

- The anti-nepotism law, in Section 112.3135, Florida Statutes, prohibits a relative of a public official from being appointed, employed, promoted, or advanced by the public official or by the collegial body of which the official is a member. Currently, the public official can be sanctioned under the Code of Ethics if this occurs. The Commission recommends that both the relative and the official be held responsible, unless the action is taken by the collegial body of which the official is a member and the official does not participate in the matter.

Application of Code of Ethics to Candidates

- Candidates for elective office are covered by certain provisions in the Code of Ethics, but the definition of “candidate” in s. 112.312(6) only refers to candidates under s. 99.021. The definition should be amended to also cover non-partisan candidates under Ch. 105.