

*Annual Report  
to the  
Florida Legislature  
For Calendar Year 2013*



*By the  
State of Florida  
Commission on Ethics*

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# *Message from the Chair*

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The message from the Chair this year is a "thank you" to the Legislature for tackling the most comprehensive ethics reform legislation in almost 30 years. The citizens of the State of Florida should know that, in the arena of ethics, Florida has always been a leader. Starting in the 1970s, Florida took the lead among almost all the states in establishing an independent Ethics Commission and enabling statute. The Legislature has faithfully funded and enhanced the Commission over the years to allow it to remain a model for other states.

As times change and our society has become more complex, the Legislature has from time to time been required to update and modernize the legislation related to the Ethics Commission. In the 1980s, the Legislature undertook a number of reforms; however, intervening events and further changes to society required a more comprehensive look at the ethics legislation over the past two years. To its credit, both sides of the aisle in the Legislature tackled numerous issues on ethics reform over the past session. What resulted has once again put Florida at the forefront of ethics in this country. For that, the Legislature is to be commended.

For its part, the Ethics Commission and its staff has maintained an almost unheard of compliance rate for financial disclosures. In 2013, there were 36,717 non-judicial financial disclosure filers. Of those, only 309 were untimely, an astonishing compliance rate of 99.2%. Moreover, the Commission took 329 actions on complaints over the past year. In part because of the time spent with both complainants and respondents to ensure a fair process for all concerned, only a small handful of those cases went to hearing with the Division of Administrative Hearings. This is a tremendous savings for the taxpayers in the long run.

In addition to financial disclosures and ethics cases themselves, the Commission staff continued to field opinion questions from local elected officials, local government attorneys and even individuals seeking to clarify questions relating to the ethics laws. On top of literally hundreds of informal responses to calls and letters from the public,

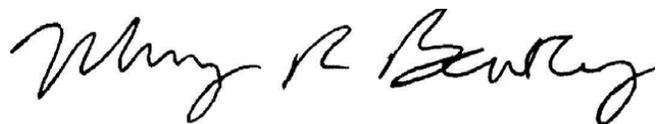
Commission attorneys drafted the 26 formal opinions issued by the Commission over the past year. These opinions are viewable by the public as guideposts on ethics issues for years to come.

In education, the Commission staff is involved in educational programs on almost a weekly basis. In addition, staff has created a comprehensive education program for elected officials that is available on-line through the Commission website. The goal is to educate those affected by the ethics laws both for their benefit and to save expense and time to taxpayers on issues that can be easily avoided.

Going forward, the Commission anticipates some transition period regarding implementation of the new legislation. However, in the few months it has been in effect, the transition has been surprisingly smooth and we hope to continue that in the future.

On behalf of the Commission and its staff, it has been a pleasure working with the Legislature and its staff over the past year. We are proud to be part of what is now an almost 40 year tradition of a standout Ethics program in the State of Florida. The citizens of Florida should be proud of what they have created.

Yours truly,

A handwritten signature in black ink that reads "Morgan R. Bentley". The signature is written in a cursive, flowing style.

Morgan R. Bentley

Chairman Florida Commission on Ethics

# *2013 Commission Members*

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**MORGAN R. BENTLEY, *Chair***

Sarasota - Attorney (D)

Term expires June 2014

Reappointed by former Speaker of the House Dean Cannon

**LINDA M. ROBISON, *Vice Chair***

Pompano Beach - Attorney (R)

Term expires June 2015

Reappointed by Governor Rick Scott

**MICHELLE ANCHORS**

Ft. Walton Beach - Attorney (D)

Term expires June 2014

Appointed by Senate President Don Gaetz

**MATTHEW F. CARLUCCI**

Jacksonville - Insurance Agent (R)

Term expires June 2014

Reappointed by Governor Rick Scott

**I. MARTIN FORD**

Vero Beach - Retired (R)

Term expires June 2015

Reappointed by Governor Rick Scott

**TOM FREEMAN**

DeBary - Retired Judge (R)

Term expires June 2014

Appointed by Senate President Don Gaetz

**SUSAN HOROVITZ MAURER**

Ft. Lauderdale - Attorney (D)

Term expires June 2015

Reappointed by Governor Rick Scott

**STANLEY WESTON**

Jacksonville - Attorney (D)

Term expires June 2015

Reappointed Governor Rick Scott

# *Introduction & History*

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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 2013.

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 37,890 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*

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The Commission on Ethics is an appointive body consisting of nine members, none of whom may hold any public employment or be employed to 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 24 full-time equivalent positions.

Virlindia Doss, Executive Director

C. Christopher Anderson, III, General Counsel and Deputy Executive Director

## *Legal Section*

Under the supervision of the Executive Director and the 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. The legal staff also represents the Commission in litigation, and pursuant to Ch. 2013-36, Laws of Florida attempts to make collections on automatic fines imposed for failing to timely file financial disclosure.

Legal services are provided both by staff and by Assistant Attorneys General Diane L. Guillemette and Melody Hadley, who have been assigned by the Attorney General to act as full-time Advocates for the Commission.

### *Legal Staff*

Julia Cobb Costas, Assistant General Counsel

Betsy Daley, Senior Attorney

Grayden Schafer, Attorney

Luke Grabowski, Attorney

Millie Fulford, Administrative Assistant

Lindsey Jemison, Executive Secretary

## *Investigative Section*

The investigative staff, also supervised by the Executive Director, conducts investigations of violations of the ethics laws and writes narrative investigative reports.

### *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

E. Clay Mason, Investigator

## *Financial Disclosure Section*

The Program Administrator, 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 37,890 reporting officials and employees were notified of their filing requirements in 2013 by the Commission and by the Supervisors of Elections.

### *Financial Disclosure Staff*

Shirley A. Taylor, Program Administrator

Kimberly Holmes, Program Specialist

Martha Larson, Executive Secretary

Emily Prine, Executive Secretary

## *Operations and Communications*

Under the supervision of the Executive Director, this section provides information regarding Commission practices and procedures to other states, the press, and the public. The Director also prepares the agency budget and assists with legislative lobbying, oversees office efficiency initiatives, and conducts training, and responds to general information inquiries about the ethics laws. 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.

### *Operations and Communications Staff*

Kerrie J. Stillman, Director of Operations and Communications

Kaye B. Starling, Complaint 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*

Lynn Blais, Assistant to the Executive Director

Frances Craft, Office Manager

Dianne Wilson, Clerk (half-time)

Corey Smith, Clerk (half-time)

# Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2013.

## BUDGET AND ACTUAL - GENERAL REVENUE FUNDS For The Fiscal Year Ending June 30, 2013 (Amounts in dollars)

	Ethics General Revenue		Variance- Favorable (Unfavorable)
	Budget	Actual	
<b>Revenues:</b>			
Released General Revenue Appropriations	\$2,403,359	\$2,403,359	\$0
Fines*	0	55,580	55,580
Miscellaneous Receipts	0	311	311
<b>Total Revenues</b>	<b>2,403,359</b>	<b>2,459,250</b>	<b>55,891</b>
<b>Expenditures:</b>			
Salaries and Related Benefits	1,643,526	1,602,675	40,851
Other Personal Services	320,163	264,694	55,469
Expenses	280,268	268,443	11,825
Operating Capital Outlay	0	0	0
Ethics Commission Lump Sum	13,080	0	13,080
Transfers to Administrative Hearings	43,331	43,331	0
Risk management insurance	2,991	2,991	0
Legislative Carryforward **	592,377	10,578	581,799
Nonoperating***	100,000	25	99,975
<b>Total Expenditures</b>	<b>2,995,736</b>	<b>2,192,737</b>	<b>802,999</b>
Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures	(592,377)	266,514	\$858,890
<b>Budgetary Fund Balance, June 30, 2013</b>		<b>266,514</b>	
<b>Adjustment for Fines*</b>		<b>(55,580)</b>	
<b>Adjustment for Nonoperating***</b>		<b>(99,975)</b>	
<b>Adjustments for Carryforward Expenditures**</b>		<b>10,578</b>	
<b>Adjusted Budgetary Fund Balance, June 30, 2013</b>		<b>\$121,537</b>	

### EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES: \$ 199,325  
FINES: \$ 2,500

\* Fines are recorded as Collection to General Revenue and are not a Revenue in the State's 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 and referrals,\* 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.

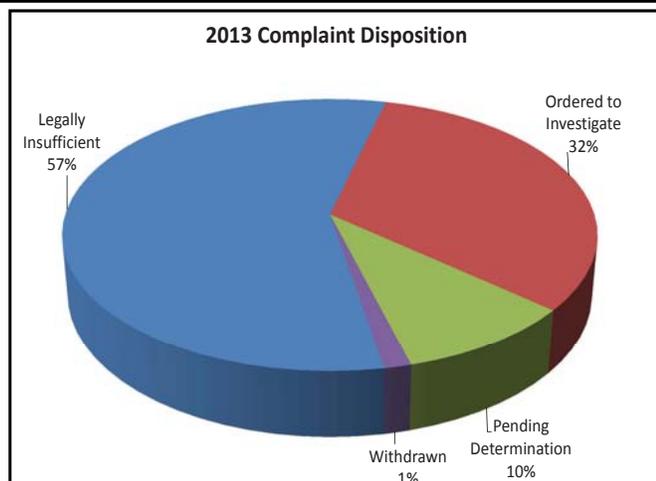
## Complaints

### Statistical Summary of Complaints and Referrals Filed January 1, 2013 through December 31, 2013

Total number of complaints and referrals filed in 2013..... 210

<b>POSITION</b>	<b>NUMBER OF COMPLAINTS</b>	<b>PERCENT OF TOTAL</b>
State Elected Officer	24	11.4%
State Appointed Officers	1	0.5%
State Employee	29	13.8%
District Elected Officer	10	4.8%
District Employee	3	1.4%
County Elected Officer	34	16.2%
County Appointed Officer	9	4.3%
County Employee	17	8.1%
Municipal Elected Officer	42	20.0%
Municipal Appointed Officer	4	1.9%
Municipal Employee	20	9.5%
Judicial Employee	1	0.5%
Candidate	4	1.9%
Other	12	5.7%
<b>TOTAL</b>	<b>210</b>	<b>100.0%</b>

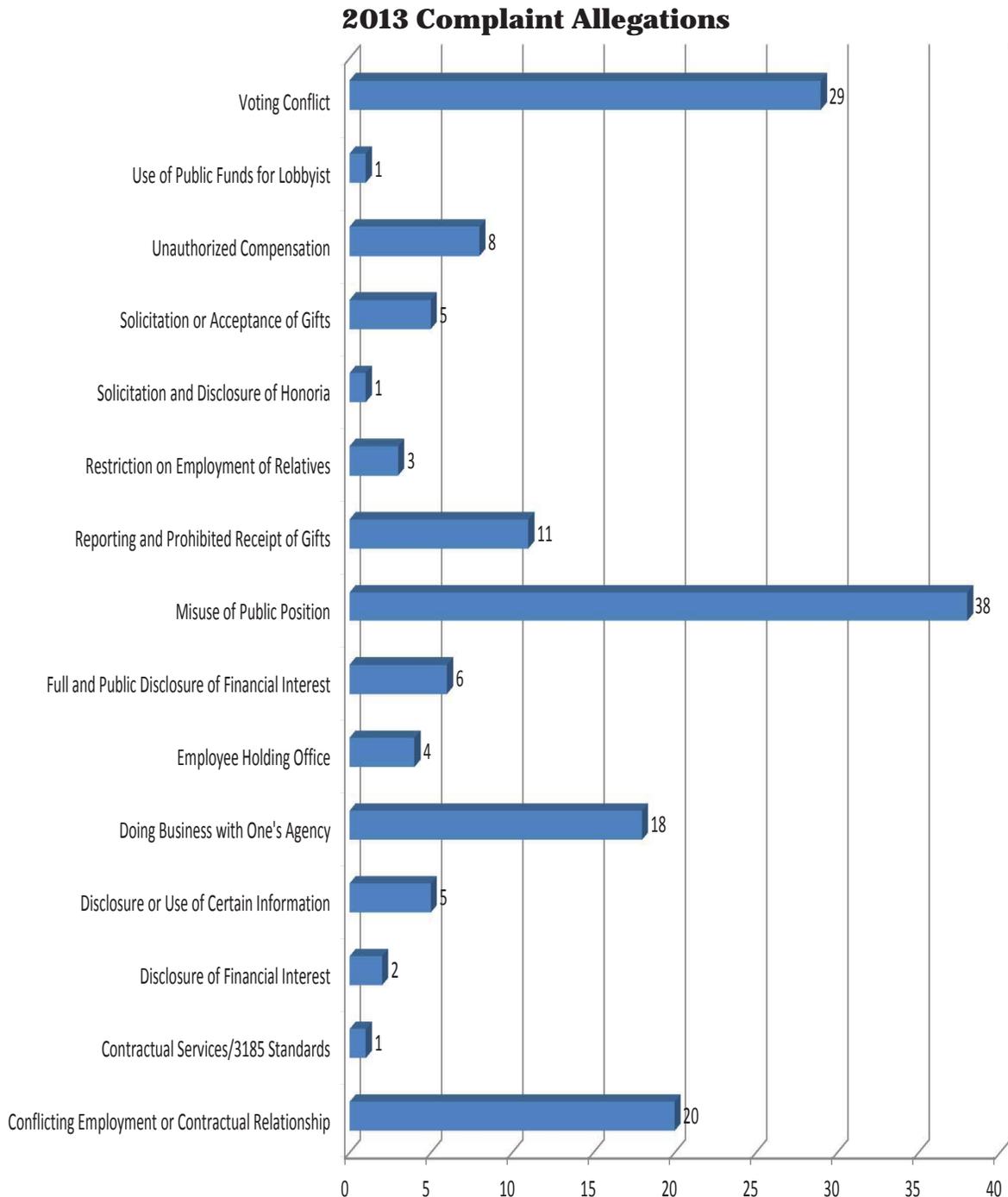
Of the 210 complaints and referrals received in 2013, 119 were dismissed for lack of legal sufficiency; 68 were ordered to be investigated; 20 were pending legal sufficiency determination and 3 were withdrawn by the complainant.



\* Pursuant to Ch. law 2013-36, Laws of Florida, the Commission may accept referrals from the Governor, State Attorneys, U.S. Attorneys, and the Florida Department of Law Enforcement.

## Allegations

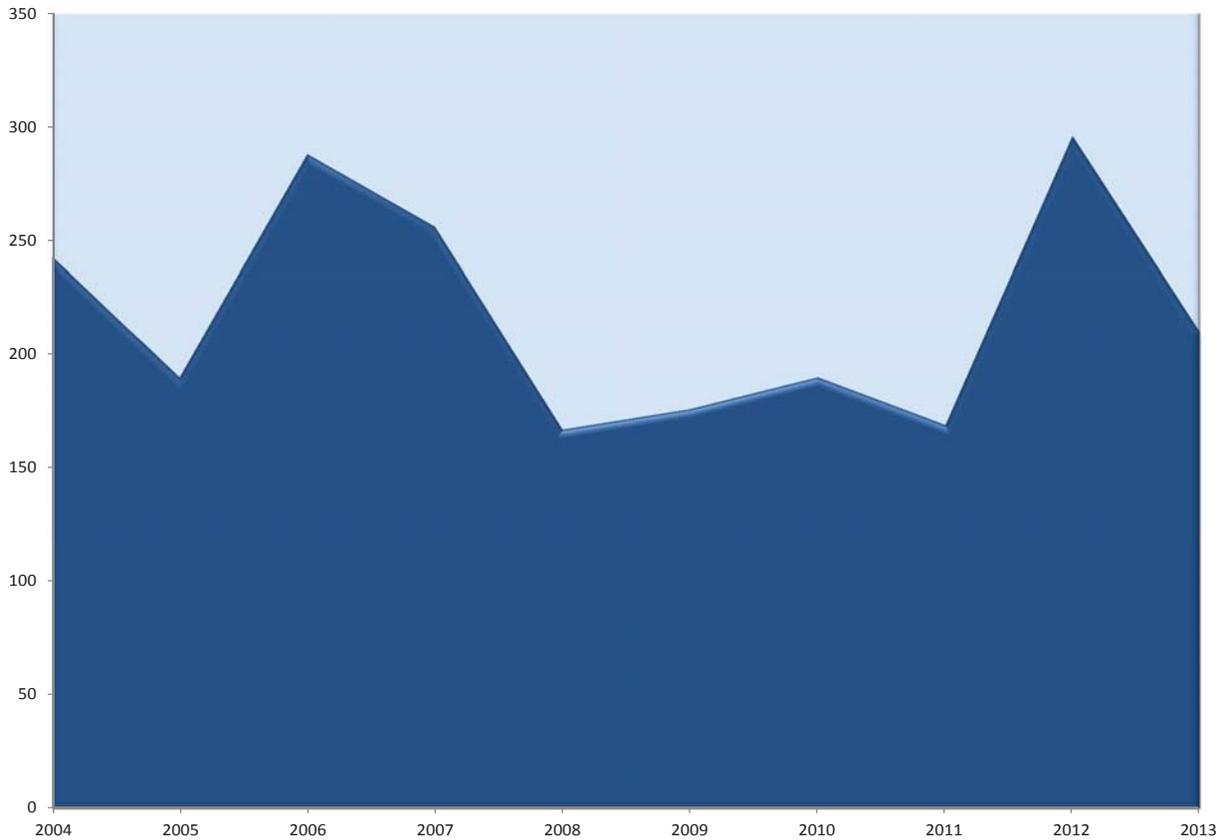
Of the 210 complaints and referrals received in 2013, 68 were ordered to be investigated as of December 31, 2013. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below.



Ten Year History of Complaints

2013.....	210
2012.....	296
2011.....	169
2010.....	190
2009.....	176
2008.....	167
2007.....	256
2006.....	288
2005.....	190
2004.....	243

*Complaint History*



## Actions Taken on Complaints in 2013

In addition to handling the 210 new complaints and referrals received in 2013, 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 2013 on all active complaints.

Dismissed for lack of legal sufficiency.....	189
Probable cause hearings held.....	98
No probable cause - dismissed.....	60
Probable cause - pending public hearing or stipulation .....	16
Probable cause - no further action taken.....	22
Request for withdrawal of complaint.....	6
Request granted.....	5
Request denied.....	1
Public hearings at Division of Administrative Hearings .....	4
Violation.....	2
No violation.....	2
Informal Hearing.....	1
Stipulated settlement agreements.....	16
Violation.....	16
Costs and attorney's fees petitions .....	7
Insufficient petition - dismissed.....	7
Hearing at Division of Administrative Hearings.....	0
Motions to Dismiss (Rudd Amendment) .....	7
Order Closing File.....	1

**TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS . . . 329**

## *Executive Branch Lobbyist Registration*

The Commission is charged with administering the Executive Branch Lobby Registration Act and oversees the registration and compensation report filings of executive branch lobbyists. Jackie McLemore serves as the Registrar, with Kathleen Wilcox serving as a part-time administrative assistant.

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 the firm is 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."

### *2013 Summary of Activity*

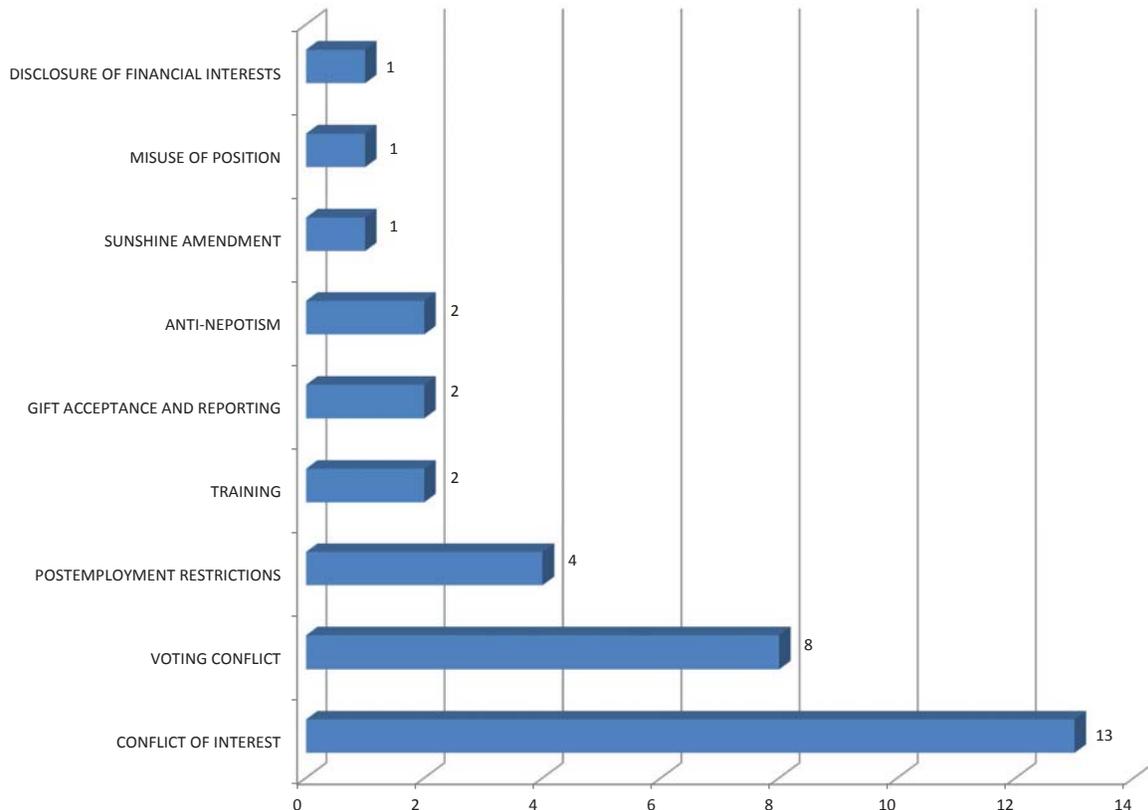
Total number of registered executive branch lobbyists .....	1,589
Total number of executive branch lobbying firms .....	374
Total number of principals represented by the lobbyists.....	8,286
Percent <i>increase</i> in number of principals from 2012 to 2013.....	7.57%
Total number of firms delinquent in filing their compensation reports	
January - March 2013.....	8
March - May 2013 .....	5
July - September 2013 .....	14
<i>(Filing deadline for fourth period is February 2014)</i>	
Total number of firms assessed a fine in 2013	
First quarter 2013 .....	5
Second quarter 2013.....	1
Third quarter 2013.....	8
Number of appeals considered by the Commission in 2013 .....	0

## *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 2013, the Commission on Ethics issued 26 advisory opinions, bringing the total issued since 1974 to 2,539.

Nineteen of the opinions rendered in 2013 were in response to requests by local officers, employees, or local government attorneys, and another seven opinions were issued regarding state level officers or employees.

The bar graph illustrates the number of instances in which a provision of the ethics code was addressed in a formal opinion of the Commission in 2013. A number of opinions addressed more than one aspect of the ethics laws.



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*

In 2013, through Ch. 2013-36, Laws of Florida, the Legislature required training for all Constitutional officers. In response, the Commission conducted its first training conference in 6 years, drawing 309 attendees. Commission Staff also posted training PowerPoints and audio presentations on its website so that affected officials can receive the training they need at no cost.

A vital part of the Commission's mission is 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 2013:

### *Speaking Engagements*

- Newly-elected School Superintendents
- Newly-elected Clerks of Courts
- Florida Sheriff's Association's New Sheriffs Institute
- Florida Association of Counties Ethics Panel
- Southwood Shared Resource Center
- Miami-Dade School District Attorneys
- Supervisor of Elections Orientation
- Newly-elected Property Appraisers and Tax Collectors
- Florida Association of Property Appraisers' Legislative Conference
- Florida Sheriffs Association Winter Conference
- City, County, and Local Governmental Law Section's Sunshine Law, Public Records, and Ethics Seminar
- FSU College of Law
- Department of Agriculture Employees
- County Commissioner Certifications Workshop
- Property Appraisers Association of Florida Annual Training Conference
- City, County, and Local Government Law Section of The Florida Bar's Board Certification Exam Review Course
- Local Government Law in Florida Course
- Police Officers and Firefighter Pension Trustees' Conference

- Florida Sheriffs Association Executive Leadership Conference
- Government Bar Association Luncheon
- Southeast Evaluation Association Luncheon
- Florida Association of Supervisors of Elections Annual Summer Conference
- Florida Association of County Attorneys' Conference
- Florida Tax Collectors Certification Course arranged through the Florida Department of Revenue
- Florida Association of Professional Lobbyist's Conference
- Florida Municipal Attorney's Association Conference
- Florida New Motor Vehicle Arbitrator Training
- Office of Financial Regulation
- Florida Sheriffs Association's "Commander's Academy"
- Tax Collector Education Forum
- Ethics Conference and Sunshine Summit
- Supervisor of Elections in Sarasota
- South Florida Regional Planning Council
- County Commissioners at a Florida Association of Counties Meeting
- Broward School Board, Superintendent, Legal Staff, and Others
- Florida School Board Attorneys' Association
- Department of Revenue Ethics Workshop
- Audio Training for Members of the House of Representatives
- Members of The Florida Senate
- Okaloosa County

### *Publications*

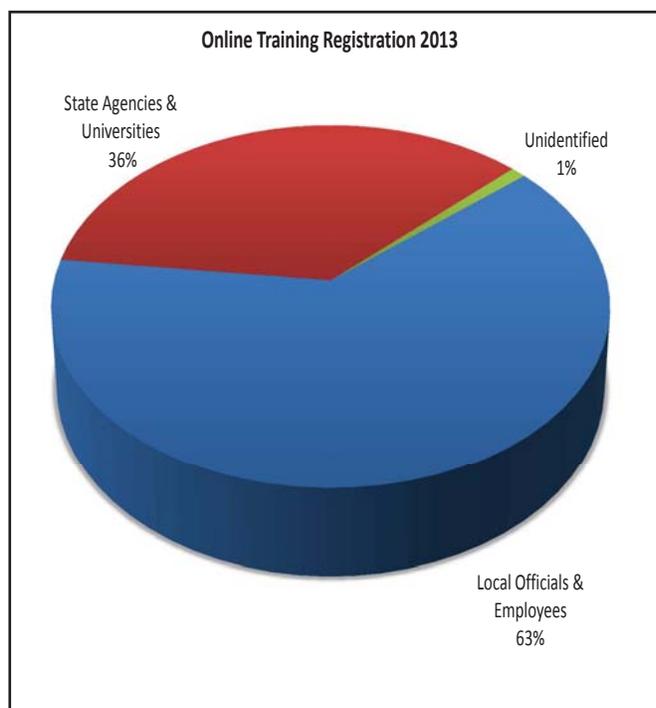
Members of the Commission's staff wrote articles printed in the following publications:

- Summary of Commission opinions for The Florida Bar's Government Lawyer Section Newsletter

## 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](http://www.ethics.state.fl.us) or by visiting: [www.iog.learnsomething.com](http://www.iog.learnsomething.com).



In 2013, 360 individuals registered for the online training course, with 360 completing the training by the end of the year. Of the registrants, 229 were local officials and employees, 129 were State agencies/Universities personnel, and 2 were unidentified (or private sector). A total of 3,763 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, 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.

Only those persons with more 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 4, 2013, 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*

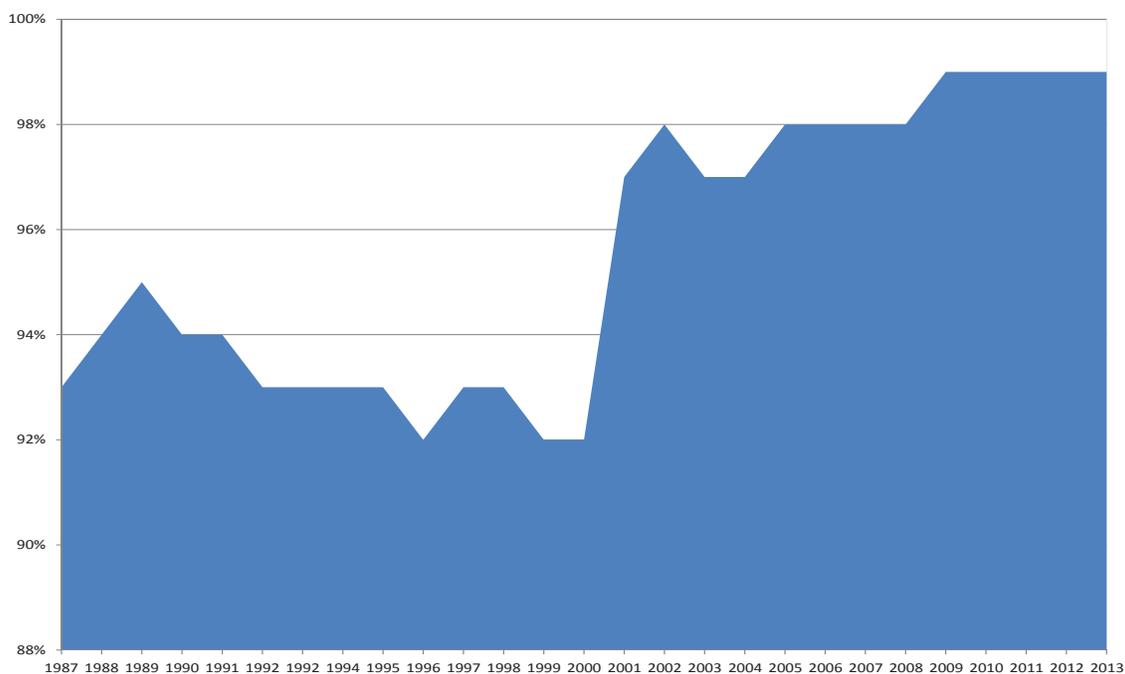
There was 99% overall compliance with the annual reporting requirement in 2013. On the local level, 45 counties reported 100% compliance in 2013. The following table reflects on a county-by-county basis the number of officials and employees subject to disclosure, the number delinquent, and the percentages of compliance. Also provided is a chart which outlines filing compliance from 1986 to present.

Financial Disclosure Compliance Figures				
County	Timely Filers	Delinquent Filers	Total Filers	2013 Compliance Rate
Alachua	335	3	338	99.1%
Baker	52	0	52	100.0%
Bay	278	0	278	100.0%
Bradford	77	0	77	100.0%
Brevard	920	9	929	99.0%
Broward	2182	32	2214	98.6%
Calhoun	34	0	34	100.0%
Charlotte	149	0	149	100.0%
Citrus	125	0	125	100.0%
Clay	219	0	219	100.0%
Collier	351	0	351	100.0%
Columbia	104	0	104	100.0%
Desoto	55	1	56	98.2%
Dixie	40	0	40	100.0%
Duval	337	2	339	99.4%
Escambia	147	1	148	99.3%
Flagler	172	0	172	100.0%
Franklin	80	0	80	100.0%
Gadsden	118	1	119	99.2%
Gilchrist	38	0	38	100.0%
Glades	38	0	38	100.0%
Gulf	64	0	64	100.0%
Hamilton	60	0	60	100.0%
Hardee	70	0	70	100.0%
Hendry	95	0	95	100.0%
Hernando	100	0	100	100.0%
Highlands	162	3	165	98.2%
Hillsborough	1211	27	1238	97.8%
Holmes	62	0	62	100.0%
Indian River	243	0	243	100.0%
Jackson	189	0	189	100.0%
Jefferson	45	0	45	100.0%
Lafayette	18	0	18	100.0%
Lake	461	3	464	99.4%
Lee	1012	6	1018	99.4%
Leon	224	2	226	99.1%
Levy	125	1	126	99.2%
Liberty	19	0	19	100.0%
Madison	87	0	87	100.0%
Manatee	501	6	507	98.8%

Financial Disclosure Compliance Figures				
County	Timely Filers	Delinquent Filers	Total Filers	2013 Compliance Rate
Marion	234	1	235	99.6%
Martin	194	1	195	99.5%
Miami-Dade	2110	73	2183	96.7%
Monroe	207	2	209	99.0%
Nassau	142	0	142	100.0%
Okaloosa	339	8	347	97.7%
Okeechobee	79	0	79	100.0%
Orange	878	14	892	98.4%
Osceola	243	0	243	100.0%
Palm Beach	1417	20	1437	98.6%
Pasco	369	1	370	99.7%
Pinellas	1174	1	1175	99.9%
Polk	661	1	662	99.8%
Putnam	146	0	146	100.0%
Saint Johns	262	0	262	100.0%
Saint Lucie	244	3	247	98.8%
Santa Rosa	169	0	169	100.0%
Sarasota	410	5	415	98.8%
Seminole	433	0	433	100.0%
Sumter	159	0	159	100.0%
Suwannee	61	0	61	100.0%
Taylor	57	0	57	100.0%
Union	37	0	37	100.0%
Volusia	623	1	624	99.8%
Wakulla	54	0	54	100.0%
Walton	129	0	129	100.0%
Washington	72	0	72	100.0%
TOTAL-Form 1 Local	21,502	228	21,730	99.0%
TOTAL-Form 1 State	13,452	74	13,526	99.5%
TOTAL-Form 6 (Not Judges)	1,454	7	1,461	99.5%
TOTAL-Non-Judicial Filers	36,408	309	36,717	99.2%
TOTAL-Judges (Active)	1,010	5	1,015	99.5%
TOTAL-Judges (Senior)	153	5	158	96.8%
OVERALL TOTAL	37,571	319	37,890	99.2%

FINANCIAL DISCLOSURE FILING COMPLIANCE (1987 - 2013)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
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%
1992	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%
2009	37,077	353	99%
2010	36,961	340	99%
2011	37,686	361	99%
2012	37,306	356	99%
2013	37,890	309	99%

### Financial Disclosure Compliance History



### **Summary of Local Level Form 1 Compliance**

- Total compliance rate for Form 1 Statement of Financial Interests was 99%. As in previous years, disclosure staff sent reminder postcards to delinquent filers immediately prior to the start of the statutory fining period. Commission staff also telephones filers to remind them to file. These reminders are not required by statute, but are part of the Commission's efforts to encourage compliance.
- Of the 21,730 individuals required to file, 228 were delinquent.
- 45 counties reported 100% compliance in 2013.

### **Summary of State Level Form 1 Compliance**

- The Form 1 compliance rate was 99.5%. Postcard and telephone reminders also were used with these filers.
- Of the 13,526 individuals required to file, 74 were delinquent.

### **Summary of Full Disclosure (Form 6) Compliance**

- Form 6 Full and Public Disclosure of Financial Interests compliance rate for elected constitutional officers and employees other than judges was 99.5%. Postcard and telephone reminders also were used with these filers.
- There were only 7 delinquencies out of a total of 1,461 individuals (excluding judges) required to file Form 6.

### **Summary of 2013 Overall Compliance**

- Out of the 36,717 individuals non-judicial financial disclosure filers, there were only 309 (less than 1%) 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, a Default Final Order is rendered and the cases are either transmitted to private collection agencies for collection, or the Commission attempts to make collections.

The following reflects the Commission’s actions taken on appeals of assessed fines at its eight regularly scheduled meetings held during calendar year 2013. (The fines for late filings in 2013 recently have been assessed and will be reported in 2014).

<b>Financial Disclosure Appeals 2013 Actions of Commission on Ethics</b>				
<b>COMMISSION MEETING</b>	<b>WAIVED</b>	<b>DENIED</b>	<b>COLLECTION ORDERS APPROVED</b>	<b>UNCOLLECTIBLE WRITE-OFFS</b>
January 25, 2013	0	0	71	0
March 8, 2013	0	0	12	0
April 26, 2013	16	1	18	0
June 7, 2013	17	4	0	0
July 26, 2013	42	6	16	1
September 13, 2013	15	1	0	0
October 25, 2013	3	0	0	0
December 13, 2013	48	5	0	0

# *2013 Legislative Recommendations*

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## Recovery of Fines

- The problem of officials who fail to pay the automatic fines they receive for failing to make financial disclosure is well-documented. The Commission has previously proposed amending the law to allow it to record its final orders in these matters as liens on the debtor's real and personal property.

The 2013 Legislature gave the Commission the ability to initiate salary withholding and garnish wages, and extended the statute of limitations to 20 years. The Commission believes that the ability to place liens would be a valuable addition to these tools.

## Penalties

- The Commission proposes the maximum be increased from \$10,000 to \$100,000.

## Standard for Awarding Attorney's Fees

- As a way in which to address the perceived "chilling effect" on potential Complainants, created by the 1st District Court of Appeal's decision in Brown v. State, Comm'n on Ethics, 969 So. 2d 553 (Fla. 1st DCA 2007), the Commission recommends legislatively clarifying that the standard is as it had previously been construed by the Commission—that Complainants are held to the same standard applicable to media publications regarding public figures.

## Burden of Proof

- Another way to make the ethics laws more enforceable would be to change the burden of proving a violation from "clear and convincing evidence" to a "preponderance of the evidence." The preponderance standard was used by the Commission from 1974 until the 1st District Court of Appeal ruled in Latham v. Florida Comm'n on Ethics, 694 So. 2d 83 (Fla. 1st DCA 1997) that it should be the "clear and convincing" standard.

## Financial Disclosure

- The Commission recommends the law be amended to allow filers to file original financial disclosure with their qualifying officer, and a copy with either the Commission or Supervisor of Elections, as appropriate, and vice-versa, rather than having the filing a candidate makes with the qualifying officer "count" as his or her annual disclosure.

Last year, the Legislature enacted a requirement that for Form 6 filers the qualifying officer send the Commission a copy of the disclosure form the candidate files. This is expected to create a flood of thousands of disclosure forms to the Commission in an election year—most of which will be unnecessary, because the candidate will not already occupy a position subject to the annual disclosure requirement.

With Form 1 filers, changes made to the law in 2013 simply provide that the form filed at qualifying "counts" as the annual form. The problem? Form 1 filers file either with the Commission or with the local Supervisor of Elections, but persons running for local office might qualify with a town or city clerk. In such a case, neither the Commission nor the Supervisor of Elections would know the Form 1 had been filed, and the candidate may end up being fined for failure to file.

Revising the law to allow incumbent candidates to file an original Form 6 in one place and a copy of the form in the other, would allow the Commission to operate more efficiently, while still minimizing the burden on candidates.

- The Commission recommends that the language relating to handling of complaints alleging failure to accurately make financial disclosure filed "after August 25" be clarified.

Last year, the Legislature enacted a provision which gives filers until September 1 to correct their financial disclosure forms without penalty. At the same time the new law specifies that if a complaint is filed "after August 25" a filer with an alleged "de minimis" error or omission must be given 30 days in which to correct his or her disclosure. As the statute of limitations for ethics violations goes back five years, clarifying what year the "August 25" reference is intended to address would be helpful.

### Anti-Nepotism

- The Commission has seen situations where a public official's relative was appointed to a position by the board on which the official served, with the official abstaining from voting. It recommended that the law should make it clear that the non-voting relative will be held responsible under such circumstances.

### Voting Conflicts

- The Commission recommends the law regarding voting conflicts be changed to prohibit local officials from making any attempt to influence a decision in which they have a conflict, including making any attempt to influence staff about the matter, or to use staff members to influence the outcome of that matter. This would address situations—one of which resulted in the official's criminal conviction—in which local officials participate in discussions and attempt to influence agency decisions even though they have a voting conflict that precludes them from later voting on the matter.