

*Annual Report  
to the  
Florida Legislature  
For Calendar Year 2015*



*By the  
State of Florida  
Commission on Ethics*

*Table of Contents*

---

MESSAGE FROM THE CHAIR ..... ii

2015 COMMISSION MEMBERS ..... 1

INTRODUCTION & HISTORY ..... 2

ORGANIZATION..... 4

    Ethics Commission Staff ..... 4

FISCAL REPORT ..... 7

OPERATIONS..... 8

    Complaints ..... 8

    Executive Branch Lobbyist Registration..... 12

    Advisory Opinions ..... 13

    Education..... 14

    Financial Disclosure ..... 17

LEGISLATIVE RECOMMENDATIONS ..... 23

# *Message from the Chair*

---

*N*ow is the time.

In the last few years, Florida has seen dramatic changes in its Ethics laws. These changes cover a variety of situations aimed at making those individuals involved in public service even more accountable. For instance, these changes now require training for Constitutional officers and elected municipal officials; provide new prohibitions on gifts from vendors and political committees; and prohibit members of the Legislature from voting on measures that would benefit them. Also, many more people—including many who previously would have been considered private-sector employees—must now file financial disclosure and are subject to much of the Code of Ethics for Public Officers and Employees.

As the gatekeeper of financial disclosure, the Commission is tasked with the recovery of automatic fines for failure to file the requisite financial disclosure and with instituting investigations to determine whether the delinquency was willful. And given our technology driven world today, the Commission now must post the Full and Public Disclosure of Financial Interests online and receive disclosures filed with qualifying officers electronically, and has developed, pursuant to changes made by the Legislature in 2013, a proposal for electronic filing of disclosure.

Given these recent changes, the Commission has been implementing these additional requirements with its usual alacrity. It has held training conferences and created online training, and in 2015 alone conducted training for 32 entities. It has collected more than \$140,000 in automatic fines in the past two years. In conformity with changes to the Administrative Procedures Act, it has reviewed and updated all its rules. It has completed and submitted its proposal for e-filing a month early. And it has done all of this while still addressing more than 200 complaints, 15 formal opinions, and more than 150 informal letters of guidance, and managing more than 10,000 executive branch lobbyist registrations and their attendant compensation reporting.

The Commission has historically demonstrated its dedication to the mission

of preserving the public trust, and in the last two years the Legislature has entrusted it with even more responsibility. But one thing the Commission has repeatedly—and unsuccessfully—requested is the authority to initiate its own investigations. Self-initiation is a fundamental component for an agency of this nature, and has been endorsed by editorial boards, public interest groups, and grand juries. Indeed, it was advocated by Governor Jeb Bush's Public Corruption Study Commission in 1999. With its 40-plus year track record of even-handedness and careful deliberation in its handling of ethics investigations and its well-documented responsiveness to legislative changes, the Commission has demonstrated that it is worthy and deserving of this authority. Self-initiation would be critical in the Commission's quiver of tools and would strengthen its mission, if such authority is given by the Legislature.

As the Commission continues its work as the caretaker of the public trust, self-initiation would be an integral step in the Commission fulfilling its mission.

Now is the time.

Yours truly,

A handwritten signature in black ink, appearing to read "Stanley Weston", written in a cursive style.

Stanley Weston  
Chairman, Florida Commission on Ethics

# *2015 Commission Members*

---

**STANLEY WESTON, *Chair***

Jacksonville - Attorney (D)  
Term expires June 2017  
Reappointed by Governor Rick Scott

**MATTHEW F. CARLUCCI, *Vice Chair***

Jacksonville - Insurance Agent (R)  
Term expires June 2016  
Reappointed by Governor Rick Scott

**MICHELLE ANCHORS**

Ft. Walton Beach - Attorney (D)  
Term expires June 2016  
Reappointed by Senate President Don Gaetz

**DAN BRADY, Ph.D.**

Miami Shores - Retired Social Work &  
Community Mental Health Care Professional (R)  
Term expires June 2017  
Appointed by Governor Rick Scott

**MICHAEL COX**

Trinity - Financial Planner (D)  
Term expires June 2016  
Appointed by Speaker of the House Will Weatherford

**TOM FREEMAN**

DeBary - Retired Judge (R)  
Term expires June 2016  
Reappointed by Senate President Don Gaetz

**WILEY HORTON**

Tallahassee - Attorney (R)  
Term expires June 2016  
Appointed by Speaker of the House Will Weatherford

**GUY NORRIS**

Lake City - Attorney (D)  
Term expires June 2017  
Appointed by Governor Rick Scott

**KIMBERLY BONDER REZANKA**

Viera - Attorney (R)  
Term expires June 2017  
Appointed by Governor Rick Scott

# *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 2015.

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 38,613 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 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 Melody Hadley and Elizabeth Miller, who has been assigned by the Attorney General to act as full-time Advocate for the Commission.

### *Legal Staff*

Betsy Daley, Senior Attorney  
Grayden Schafer, Senior Attorney  
Caroline Klancke, Attorney  
Susan Herendeen, Attorney  
Diana Westberry, Administrative Assistant  
Brittany Pace, 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  
Roberto Anderson-COrdova, 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 38,613 reporting officials and employees were notified of their filing requirements in 2015 by the Commission and by the Supervisors of Elections.

### *Financial Disclosure Staff*

Kimberly Holmes, Program Administrator

Emily Prine, Program Specialist

Carolyn Carbonell, Executive Secretary

Azie Russell, 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

Millie Fulford, 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)

Jason Arthmann, Clerk (half-time)

# Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2015.

## BUDGET AND ACTUAL - GENERAL REVENUE FUNDS For The Fiscal Year Ending June 30, 2015 (Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>	<u>Variance- Favorable (Unfavorable)</u>
<b>Revenues:</b>			
Released General Revenue Appropriations	\$2,619,002	\$2,619,002	\$0
Fines*	0	58,282	58,282
Miscellaneous Receipts	500	362	(138)
<b>Total Revenues</b>	<b><u>2,619,502</u></b>	<b><u>2,677,646</u></b>	<b><u>58,144</u></b>
<b>Expenditures:</b>			
Salaries and Related Benefits	1,818,843	1,756,674	62,169
Other Personal Services	408,702	325,061	83,641
Expenses	240,139	215,963	24,176
Operating Capital Outlay	0	0	0
Ethics Commission Lump Sum	0	0	0
Transfers to Administrative Hearings	47,213	47,213	0
Risk management insurance	4,605	4,605	0
Legislative Carryforward **	864,684	5,000	859,684
Nonoperating***	100,000	0	100,000
<b>Total Expenditures</b>	<b><u>3,484,186</u></b>	<b><u>2,354,516</u></b>	<b><u>1,129,670</u></b>
Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures	(864,684)	323,130	<u>\$1,187,814</u>
<b>Budgetary Fund Balance, June 30, 2015</b>		<b><u>323,130</u></b>	
<b>Adjustment for Fines*</b>		<b>(58,282)</b>	
<b>Adjustment for Nonoperating***</b>		<b>(100,000)</b>	
<b>Adjustments for Carryforward Expenditures**</b>		<b>5,000</b>	
<b>Adjusted Budgetary Fund Balance, June 30, 2014</b>		<b><u>\$169,848</u></b>	

### EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEE REVENUES: \$ 259,055  
FINES: \$ (1,650)\*\*\*\*

\* 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.

\*\*\*\*\$3,500 collected in fines, but there was an increase in the budget allowance of \$5,000 which resulted in the (\$1,650) balance.

# 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.

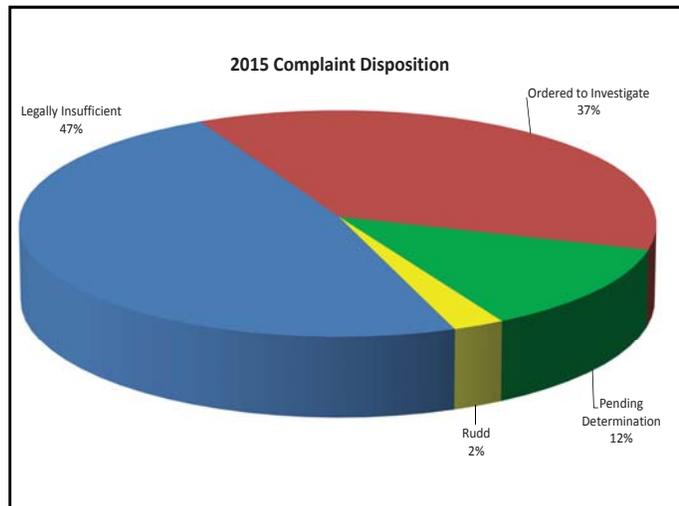
## Complaints

### Statistical Summary of Complaints and Referrals Filed January 1, 2015 through December 31, 2015

Total number of complaints and referrals filed in 2015 . . . . . 244

<b>POSITION</b>	<b>NUMBER OF COMPLAINTS</b>	<b>PERCENT OF TOTAL</b>
State Elected	5	2.0%
State Appointed	6	2.5%
State Employee	31	12.7%
District Elected	12	4.9%
District Appointed	1	0.4%
District Employee	10	4.1%
County Elected	39	16.0%
County Appointed	11	4.5%
County Employee	28	11.5%
Municipal Elected	59	24.2%
Municipal Appointed	9	3.7%
Municipal Employee	32	13.1%
Other	1	0.4%
<b>TOTAL</b>	<b>244</b>	<b>100.0%</b>

Of the 244 complaints and referrals received in 2015, 117 were dismissed for lack of legal sufficiency; 6 were dismissed because the public interest would not be served by proceeding further (Rudd Amendment); 91 were ordered to be investigated; and 30 were pending a legal sufficiency determination.

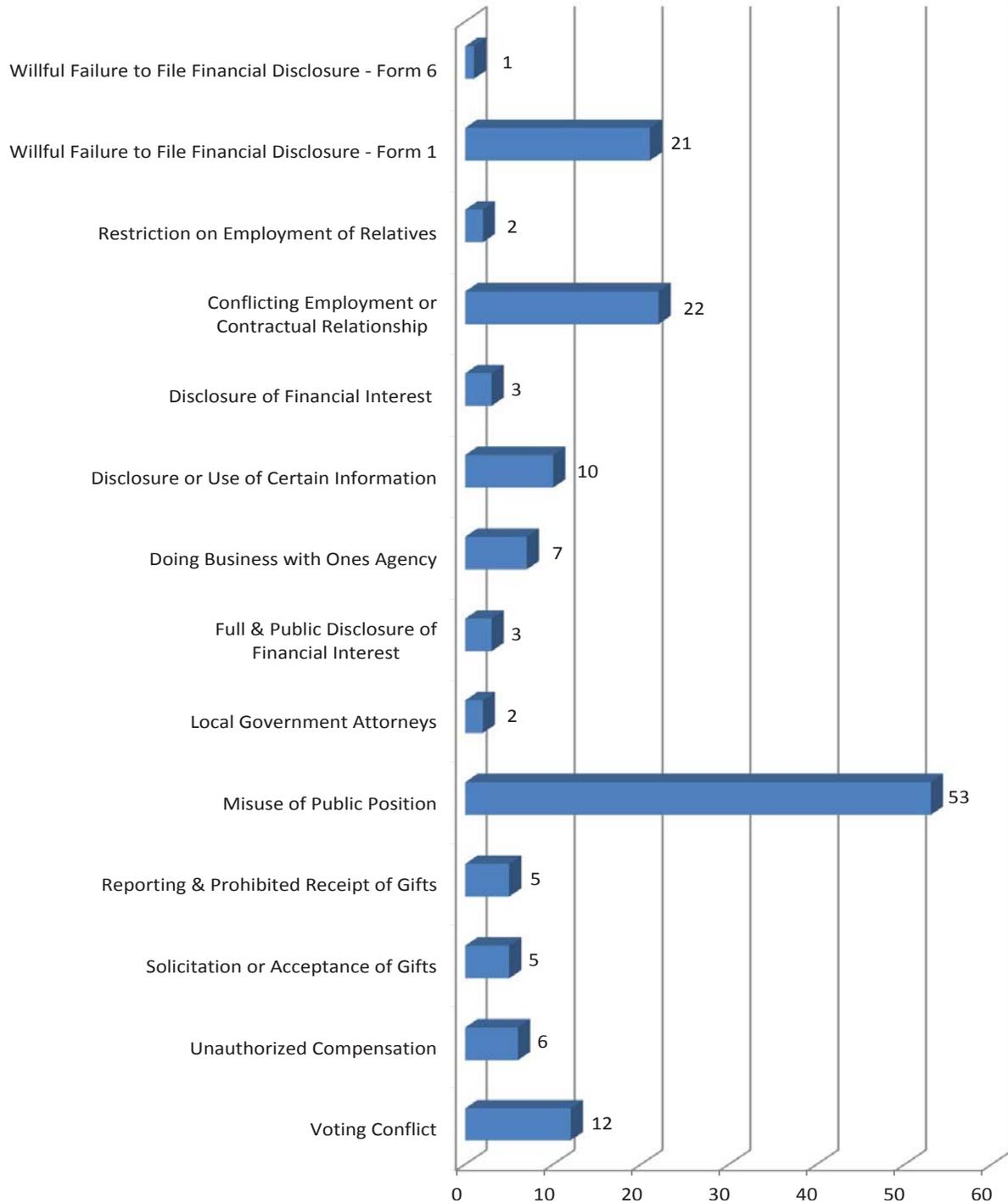


\* Pursuant to Ch. law 2013-36, Laws of Florida, the Commission may accept referrals from the Governor, State Attorneys, U.S. Attorneys, and the Florida Department of Law Enforcement.

## Allegations

Of the 244 complaints and referrals received in 2015, 91 were ordered to be investigated as of December 31, 2015. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below. Many complaints contained allegations concerning more than one area of law.

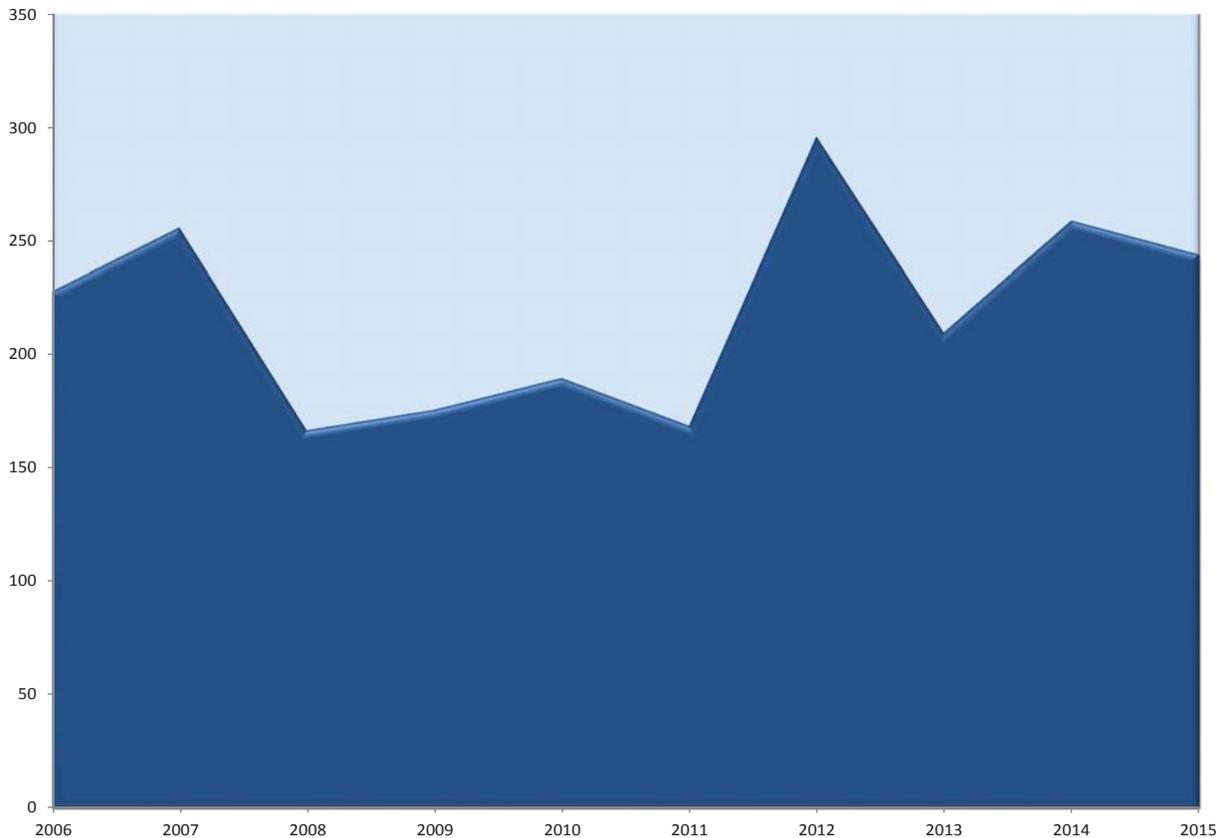
### 2015 Complaint Allegations



Ten Year History of Complaints

2015 .....	244
2014 .....	259
2013.....	210
2012 .....	296
2011.....	169
2010.....	190
2009 .....	176
2008 .....	167
2007.....	256
2006.....	288

*Complaint History*



## Actions Taken on Complaints in 2015

In addition to handling the 244 new complaints and referrals received in 2015, 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 2015 on all active complaints.

Dismissed for lack of legal sufficiency.....	145
Motions to Dismiss (Rudd Amendment)* .....	6
Probable cause hearings held.....	74
No probable cause - dismissed.....	55
Probable cause - public hearing or stipulation.....	16
Probable cause - no further action.....	3
Self-initiated complaints for willful failure to file disclosure .....	17
Dismissed for lack of jurisdiction .....	9
No probable cause - dismissed .....	2
Probable cause - public hearing or stipulation.....	6
Request for withdrawal of complaint.....	1
Request granted.....	0
Request denied.....	1
Public hearings at Division of Administrative Hearings .....	3
Violation.....	2
No violation.....	1
Stipulated settlement agreements.....	13
Violation.....	13
Costs and attorney's fees petitions .....	2
Insufficient petition - dismissed.....	1
Hearing at Division of Administrative Hearings (settled).....	1
<b>TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS .....</b>	<b>261</b>

\* 112.324(12), F.S. the commission may, at its discretion, dismiss any complaint or referral at any stage of disposition should it determine that the public interest would not be served by proceeding further.

## *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."

### *2015 Summary of Activity*

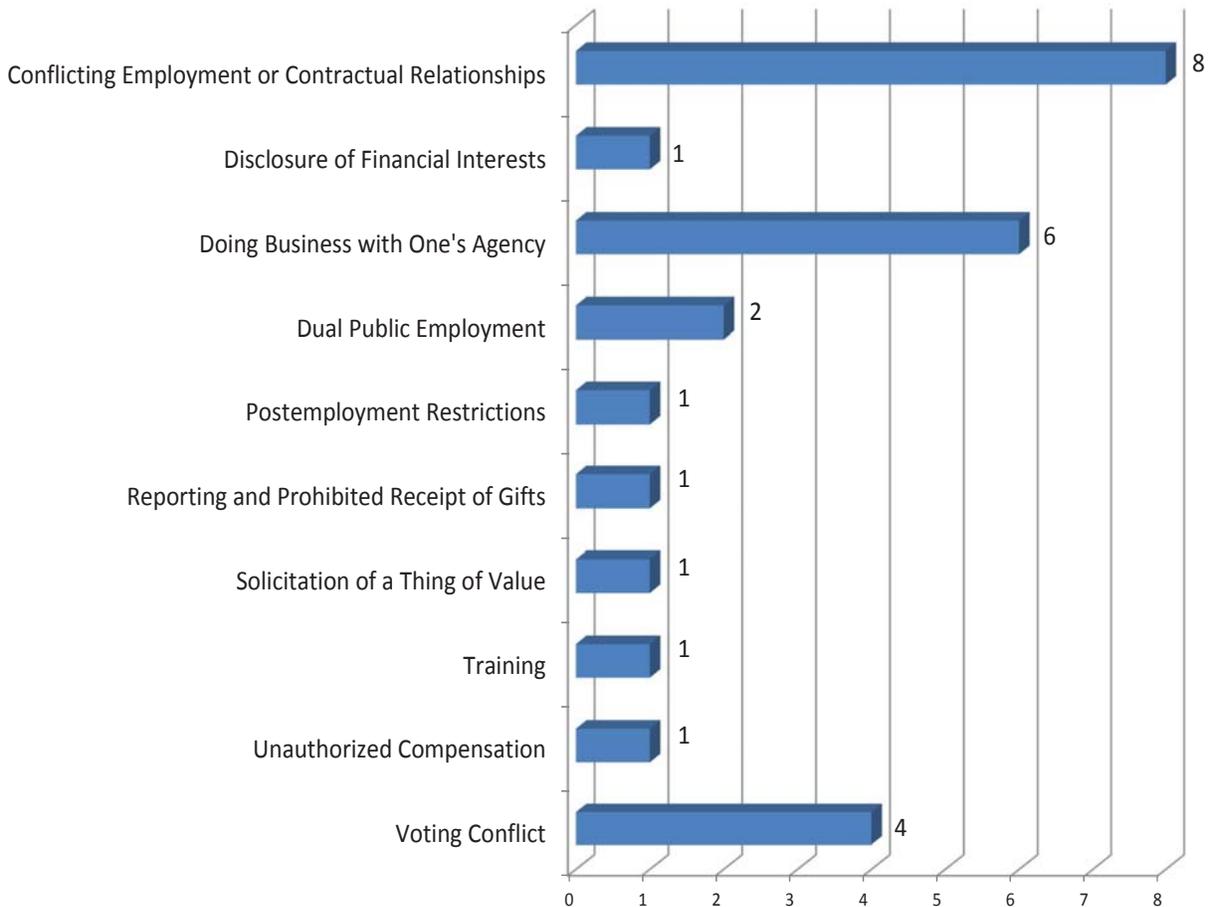
Total number of registered executive branch lobbyists .....	1,551
Total number of executive branch lobbying firms .....	376
Total number of principals represented by the lobbyists.....	10,117
Percent <i>increase</i> in number of principals from 2014 to 2015 .....	9%
Total number of firms delinquent in filing their compensation reports	
January - March 2015 .....	13
March - May 2015 .....	16
July - September 2015 .....	21
<i>(Filing deadline for fourth quarter is February 2016)</i>	
Total number of firms assessed a fine in 2015	
First quarter 2015 .....	7
Second quarter 2015 .....	8
Third quarter 2015.....	11
Number of appeals considered by the Commission in 2015 .....	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 2015, the Commission on Ethics issued fifteen advisory opinions, bringing the total issued since 1974 to 2,586.

Twelve of the opinions rendered in 2015 were in response to requests by local officers, employees, or local government attorneys, and another three opinions were issued regarding state level officers or employees.

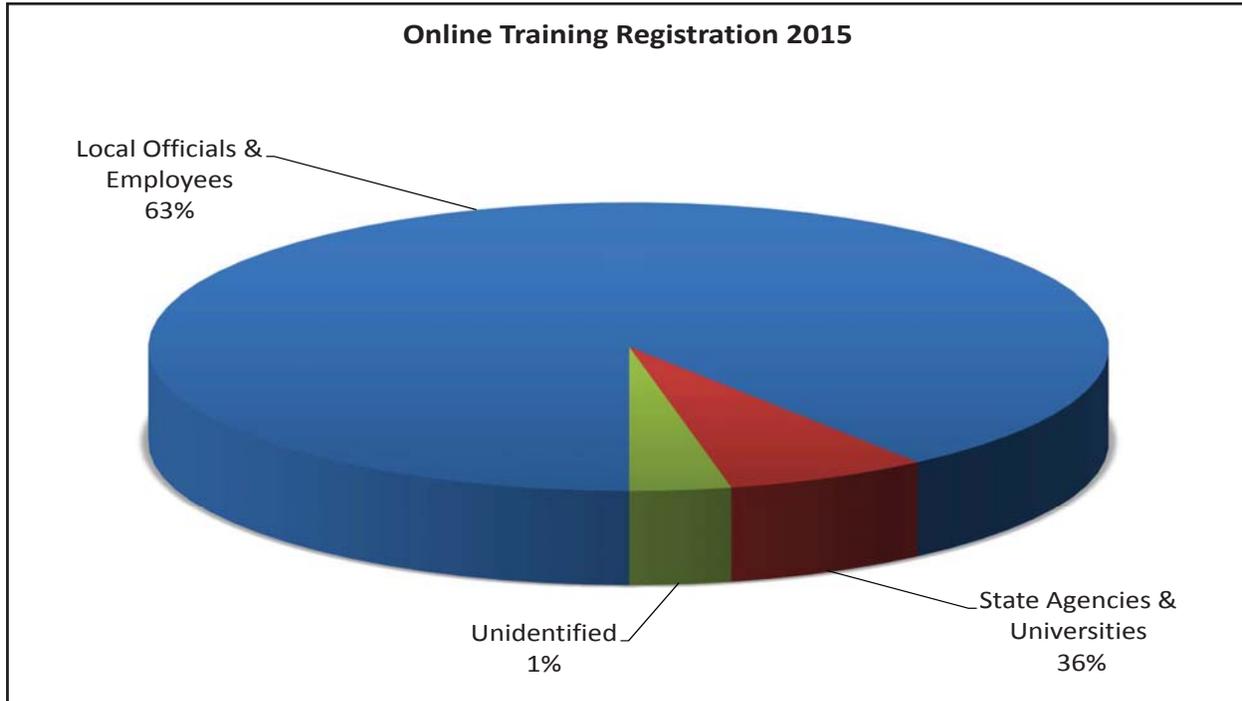
The bar graph illustrates the number of instances in which a provision of the ethics code was addressed in a formal opinion of the Commission in 2015. A number of opinions addressed more than one aspect of the ethics laws.



All Commission advisory opinions, from 1974 to present, can be accessed and researched without cost on our website: <http://www.ethics.state.fl.us>.

## *Training & Education*

Four hours of ethics training is required for all Constitutional officers and beginning in 2015 elected municipal officers also were required to have training each calendar year. The Commission now has a training page on its website that features latest administrative rules and ethics opinions on the mandatory training requirements. From that page, individuals can access free training audio and video of the Commission's staff, as well as a listing of live training opportunities conducted by staff at various locations around the state. Since 2000, a comprehensive online training course on ethics, sunshine law, and public records is available through a partnership with The John Scott Dailey Florida Institute of Government at Florida State University. The institute also offers a four hour video course from our successful multi-day ethics conference held in 2014.



In 2015, 415 individuals registered for, and completed the online training courses: 257 registrants completed all or part of the comprehensive 12-hour online course, and 158 completed the newly designed 4-hour video-based course. Of the registrants, 395 were local officials and employees, 5 were state agency and employees, 30 were State agencies/Universities personnel, and 15 were unidentified (or private sector). A total of 4,355 public officers and employees have completed the course since its inception in 2002.

## *Speaking Engagements*

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, members of the Commission's staff conduct training for public officials throughout the state. Commission staff presented educational programs to the following groups and organizations during 2015:

- Continuing Education Workshop for Tax Collectors
- CLE Seminar for Attorneys of the Department of Financial Services
- Members of the Florida Senate
- Florida Bar's Environmental and Land Use Section
- City and County Managers Association
- Florida Public Pension Trustees Association Conference
- Florida School Board Attorneys Association
- Florida Association of Property Appraisers
- Florida Bar Local Government Section's Annual Sunshine & Ethics Seminar
- City of Sanford Public Records, Open Meetings, & Ethics Training
- Florida League of Cities, the Institute of Government at FSU, & the Florida City & County Management Association, for local public officers & employees.
- Florida Sheriffs Association's Commander's Academy
- Florida League of Cities and the Florida Association of Counties
- Department of Revenue's continuing education workshop for Property Appraisers
- Haines City training for various local governments in central Florida
- City, County, and Local Government Law Section
- Justice Administrative Commission
- State Department fellow: Ukraine
- Trustees of Police and Firefighter Pension Boards
- Department of Health Attorneys
- Florida State Association of Supervisors of Elections Annual Conference

- Department of Revenue's Duties and Responsibilities of Florida Tax Collectors
- Florida Association of Counties Conference
- Tallahassee Ethics Board
- Newly Appointed Supervisor of Elections
- Department of Revenue Duties and Responsibilities of Florida Tax Collectors
- Florida Government General Counsels Association
- Escambia County Employees
- Broward County School Board
- Judges of Compensation Claims
- Judicial Nominating Commission Members

## *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, 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 1, 2015, 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*

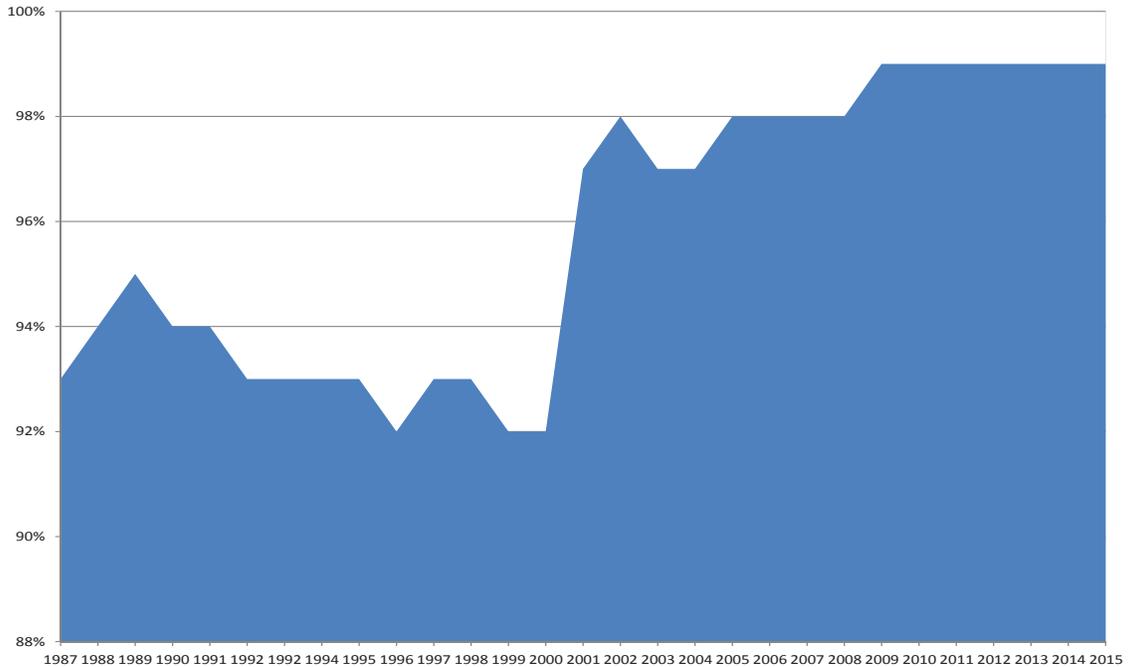
There was more than a 99% overall compliance with the annual reporting requirement in 2015. On the local level, 33 counties reported 100% compliance in 2015. This represents a four-county increase in counties reporting 100% compliance. The following table reflects on a county-by-county basis the number 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 1987 to present.

Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	2015 Compliance Rate
Alachua	0	320	320	100.0%
Baker	0	54	54	100.0%
Bay	1	253	254	99.6%
Bradford	0	74	74	100.0%
Brevard	11	938	949	98.8%
Broward	43	2290	2333	98.2%
Calhoun	0	40	40	100.0%
Charlotte	1	147	148	99.3%
Citrus	0	110	110	100.0%
Clay	0	207	207	100.0%
Collier	0	367	367	100.0%
Columbia	1	103	104	99.0%
Desoto	0	63	63	100.0%
Dixie	0	38	38	100.0%
Duval	1	338	339	99.7%
Escambia	1	176	177	99.4%
Flagler	1	183	184	99.5%
Franklin	3	72	75	96.0%
Gadsden	3	123	126	97.6%
Gilchrist	1	38	39	97.4%
Glades	0	38	38	100.0%
Gulf	0	62	62	100.0%
Hamilton	0	60	60	100.0%
Hardee	2	60	62	96.8%
Hendry	0	94	94	100.0%
Hernando	1	107	108	99.1%
Highlands	2	166	168	98.8%
Hillsborough	10	1238	1248	99.2%
Holmes	0	68	68	100.0%
Indian River	1	234	235	99.6%
Jackson	0	180	180	100.0%
Jefferson	0	42	42	100.0%
Lafayette	0	18	18	100.0%
Lake	2	458	460	99.6%
Lee	8	990	998	99.2%
Leon	3	229	232	98.7%
Levy	0	129	129	100.0%
Liberty	0	27	27	100.0%
Madison	0	91	91	100.0%
Manatee	3	528	531	99.4%

Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	2015 Compliance Rate
Marion	1	220	221	99.5%
Martin	0	173	173	100.0%
Miami-Dade	43	2050	2093	97.9%
Monroe	0	207	207	100.0%
Nassau	0	148	148	100.0%
Okaloosa	2	324	326	99.4%
Okeechobee	0	86	86	100.0%
Orange	8	872	880	99.1%
Osceola	0	260	260	100.0%
Palm Beach	33	1447	1480	97.8%
Pasco	1	390	391	99.7%
Pinellas	6	1185	1191	99.5%
Polk	5	671	676	99.3%
Putnam	0	148	148	100.0%
Saint Johns	0	269	269	100.0%
Saint Lucie	3	254	257	98.8%
Santa Rosa	0	205	205	100.0%
Sarasota	2	383	385	99.5%
Seminole	3	462	465	99.4%
Sumter	1	157	158	99.4%
Suwannee	0	58	58	100.0%
Taylor	0	60	60	100.0%
Union	0	45	45	100.0%
Volusia	3	758	761	99.6%
Wakulla	0	76	76	100.0%
Walton	1	120	121	99.2%
Washington	0	81	81	100.0%
TOTAL-Form 1 Local	211	21862	22073	99.0%
TOTAL-Form 1 State	76	13820	13896	99.5%
TOTAL-Form 6 (Not Judges)	4	1410	1414	99.7%
TOTAL-Non-Judicial Filers	291	37092	37383	99.2%
TOTAL-Judges (Active)	0	1044	1044	100.0%
TOTAL-Judges (Senior)	0	186	186	100.0%
OVERALL TOTAL	291	38322	38613	99.2%

FINANCIAL DISCLOSURE FILING COMPLIANCE (1987 - 2015)			
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%
2014	38,181	249	99%
2015	38,613	291	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 22,073 individuals required to file, 211 were delinquent.
- 33 counties reported 100% compliance in 2015.

### **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 13,896 individuals required to file, only 76 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 99.7%. Postcard and telephone reminders also were used with these filers.
- There were only 4 delinquencies out of a total of 1,414 individuals (excluding judges) required to file Form 6.

### **Summary of 2015 Overall Compliance**

- Out of the 37,383 individuals who were non-judicial financial disclosure filers, there were only 291 (less than 1%) officers and employees who failed to do so.

## *Financial Disclosure Fine Appeals*

Individuals 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 2015. (The fines for late filings in 2015 recently have been assessed and will be reported in 2016).

<b>Financial Disclosure Appeals 2015 Actions of Commission on Ethics</b>					
<b>COMMISSION MEETING</b>	<b>WAIVED</b>	<b>REDUCED</b>	<b>DENIED</b>	<b>DEFAULT ORDERS APPROVED</b>	<b>UNCOLLECTIBLE WRITE-OFFS</b>
January 23, 2015	0	0	0	0	0
March 6, 2015	3	0	0	0	4
April 17, 2015	4	1	0	24	0
June 5, 2015	6	1	41	20	0
July 24, 2015	3	0	0	15	1
September 11, 2015	6	1	1	2	0
October 23, 2015	19	1	0	0	1
December 11, 2015	39	1	9	0	0

# 2016 Legislative Recommendations

## Investigations

- Give the Commission limited authority to investigate situations without having to receive a complaint, by allowing it to investigate a situation if it has received reliable and publicly disseminated information indicating a violation of the ethics laws, and an extraordinary majority of the Commission agrees to investigate.

## Conflicts of Interest

- Section 112.313(7)(a), the conflict of interest law, prohibits an official from having certain contractual relationships. But corporations and various other entities are viewed as separate legal persons from those who own or control them. This creates a loophole which may allow an official's wholly-owned, one-man corporate entity to do things the official himself could not—such as have a contractual relationship with a company doing business with his agency. To close this loophole, the Commission recommends changing the law to apply the prohibition not only to officials, but to any legal entity the official controls.

## 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 2013 Legislature gave the Commission the ability to make salary withholdings and garnish wages, and extended the statute of limitations to 20 years. As a complement to these tools, the Commission proposes further amending the law to allow it to record its final orders in these matters as liens on the debtor's real and personal property.

## Increased Penalties

- The Commission proposes the maximum be increased from \$10,000 to \$20,000.

## Change Standard for Awarding Attorney's Fees against Complainants

- As a way in which to address the perceived "chilling effect" on potential Complainants, created by the 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.

## Increased Reporting for Elected Officials

- All elected Constitutional officers must file Form 6—Full and Public Disclosure of Financial Interests. Many other elected officers have similar authority and spending power, but are only required to file the less-informative Form 1—Disclosure of Financial Interests. The Commission believes that anyone asking for the citizens' votes should be willing to make full disclosure, and should be required to file the form 6.

## Financial Disclosure

- A 2013 change to the law allows filers 30 days to correct a "de minimis" error or omission, but it is not clear what is to be considered "de minimis" and what is not. The Commission recommends the Legislature specify what it considers "de minimis" to aid the Commission in implementing this section.
- Section 112.3145 provides two ways in which Form 1 filers can disclose their income, intangible personal property, and liabilities. The "dollar value threshold" method requires reporting based on a fixed threshold; for example, an official reports the source of gross income over \$2,500. The "comparative (percentage) threshold" method requires reporting based on a calculation; for example, an official reports the source of income which exceeded 5% of his gross income.

The comparative percentage threshold method is complicated and confusing to users, requires a great deal of explanation in the instructions and by staff, and in most cases is less informative to the public than the dollar value threshold method. As such, the Commission recommends eliminating the percentage threshold method.

## Voting Conflicts Law

- 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 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.
- The Commission also recommends that the voting conflict standard for appointed State officials be changed to mirror the standard for local officials.

### Anti-Nepotism Law

- The Commission has seen situations where a public official's relative was appointed or hired to a position by the board on which the official served, with the official abstaining from voting. It recommends that the law be amended to hold the relative who was improperly appointed or hired responsible under these circumstances.