

DATE FILED

AUG 04 2022

COMMISSION ON ETHICS

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

CONFIDENTIAL

In re RANDALL FINE,

Respondent.

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Complaint No. 22-079

DETERMINATION OF INVESTIGATIVE JURISDICTION
AND ORDER TO INVESTIGATE

UPON REVIEW of this complaint, I find as follows:

1. This complaint was filed by Jennifer Jenkins of Satellite Beach, Florida.
2. The Respondent, Randall Fine, serves as a member of the Florida House of Representatives.
3. The complaint alleges the Respondent "encouraged" a City Councilmember for the City of West Melbourne to write a social media post critical of both the Complainant—a member of the School Board for Brevard County—and her participation in a City-sponsored fundraiser for the Special Olympics. The complaint indicates the Respondent may have implied to the City Councilmember, prior to and/or immediately following the posting, that legislative funding for City projects could be affected by the Councilmember's participation in the event. The complaint also alleges the Respondent left comments concerning the Complainant on the Councilmember's post that were disparaging and false, including a link to a website containing false allegations about

the Complainant. This indicates possible violations of Article II, Section 8(g)(2), Florida Constitution,¹ and Section 112.313(6), Florida Statutes, by the Respondent.

4. The complaint further alleges the Respondent informed the City Councilmember—the same Councilmember referenced in paragraph 3—as well as the Mayor of West Melbourne that he would act to veto or reduce legislative funding for a City project and/or the Special Olympics due to the Complainant's participation in the City fundraiser. This indicates possible violations of Article II, Section 8(g)(2), Florida Constitution, and Section 112.313(6), Florida Statutes.

5. The complaint next alleges the Respondent failed to respond to a public records request asking for communications between himself and the City Councilmember referenced in paragraph 3, as well as for communications between himself and the Mayor of Melbourne. The complaint claims responsive records existed, as the City of West Melbourne turned over records in response to a similar request that had been separately made. This indicates possible violations of Article II, Section 8(g)(2), Florida Constitution, and Section 112.313(6), Florida Statutes.

6. The complaint also alleges, regarding the request to the City of West Melbourne referenced in paragraph 5, that the Respondent told a City Councilmember not to take the City Attorney's advice to release the records and indicated the City Attorney should be fired for providing such advice. This indicates possible violations of Article II, Section 8(g)(2), Florida Constitution, and Section 112.313(6), Florida Statutes.

7. The complaint further alleges the Respondent hired a private investigator to surveil the Complainant and posted falsehoods about the investigator's findings on a website. This

¹ Article II, Section 8(g)(2) will be redesignated as Article II, Section 8(h)(2) on December 31, 2022.

indicates possible violations of Article II, Section 8(g)(2), Florida Constitution, and Section 112.313(6), Florida Statutes.

WHEREFORE, staff of the Commission on Ethics shall conduct a preliminary investigation of this complaint for a probable cause determination of whether the Respondent has violated Article II, Section 8(g)(2), Florida Constitution, and Section 112.313(6), Florida Statutes, as set forth in paragraphs 3 through 7, above.

August 4, 2022
Date
Kenie J. Stillman
Kenie J. Stillman
Executive Director

KJS/gps