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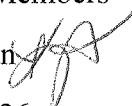
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"A Public Office is a Public Trust"

MEMORANDUM

To: Commission Members
From: Kerrie Stillman 
Date: August 13, 2026
Subject: Additional Advocate Staffing Request – Office of the Attorney General Contract

At our last meeting, you approved the expenditure of \$473,540 for the FY2026-2027 contract with the Office of Attorney General (OAG) for the provision of legal services related to the handling of complaints. Historically, there have been two Advocates and one legal assistant/paralegal assigned exclusively to the contract with the Commission. After the meeting, I was notified by OAG budget staff that they sought and received approval for the legislature for the addition of two more positions in FY 2026-2027 necessitated by the implementation of statutory timeframes: an assistant attorney general and a legal assistant II. Attached to this memo is a copy of the OAG's approved legislative budget request. Because OAG had two vacant positions, they requested only the additional rate needed to reclassify them to meet the needs, so the salary and benefits amounts mentioned in their request are lower than the actual amount the Commission will need to cover the increase in the contract, which is \$184,882 (\$170,882 Salary/Benefits recurring costs and \$14,000 nonrecurring) costs. The Commission's current, approved operating budget does not include funding for the new OAG positions and associated costs. However, the Commission has sufficient carryforward funds to cover the required total costs for these positions in FY2026-2027.

I am seeking your approval to submit a budget amendment to the House and Senate to authorize the use of carryforward funds in the Commission's FY 2026-2027 budget for this purpose. I request that your approval includes authorization for me to sign an addendum to the existing OAG contract to include the new positions, as well as to make the expenditure of the funds pursuant to the contract, as amended.

Legislative Budget Request FY 2026-2027
Budget Entity: Criminal and Civil Litigation

Issue Code:

3008A10

Issue Title:

Civil Legal Services - Ethics Workload

Issue Summary:

The Department of Legal Affairs (department), Office of the Attorney General (OAG), has identified the need for 2 FTE within the Civil Legal Services – Ethics Practice Area to accommodate process changes associated with Ch. 2024-253, L.O.F., and to allow DLA to provide the most effective results to conclude cases in a timelier manner. The Department has reviewed long-time vacant positions and identified two positions to be repurposed for this need. OAG requests associated Salary Rate and additional Salaries and Benefits to reclassify vacant positions and nonrecurring appropriation in the Legal Services Trust Fund for office furnishings and information technology equipment.

Issue Description:

The Ethics Section prosecutes public officers and employees for violations of the Code of Ethics, pursuant to Chapter 112, Part III, Florida Statutes. The prosecutors/attorneys are called “Advocates.” The Advocates draft recommendations (i.e., Advocate’s Recommendation) based on a written preliminary investigation (i.e., Report of Investigation) conducted by the Commission on Ethics (Commission). Every six (6) weeks, the Advocates conduct probable cause hearings on those cases (approx. 11-15 per six weeks) before the Commission on Ethics. The cases for which probable cause is found are either referred to the Division of Administrative Hearings (DOAH) for a formal hearing or a stipulation is negotiated.

The Advocates also handle prehearing in-depth investigations for cases forwarded to DOAH, appeals, rule challenges, collections of civil penalties, collection of attorney’s fees for private counsel, and ethics training for various entities. Historically, there are 2 attorneys assigned (including the Chief) and 1 assistant/paralegal. It is important to have 2 attorneys assigned to each DOAH case. That means that each attorney has some responsibilities for another one-half of her caseload. This does not cause significant workload during preliminary stages of a case, but the hearing requires the full attention of both attorneys. Hearings require weeks of intensive preparation, including investigation, prior to the hearing. **This also aligns with the OAG policy to have a co-counsel on each case.**

On or about July 21, 2024, Senate Bill 7014 was signed into law. While there are multiple time limits established for the Commission, most significantly, a time limit regarding the Advocates’ requirement to file an Advocate’s Recommendation. In the past, there were set dates that the Advocate’s Recommendation was due. SB 7014 has changed the process to require the recommendation be due 15 days after the ROI is received by the Ethics Section.

This is significant in that the historical process allowed the attorneys to schedule trials, depositions, trainings, conferences, and speeches around the set due dates. Now, the due date is essentially random.

As of August 5, 2025, there is one vacant position, Legal Assistant, in the Ethics Section. The position is being reclassified and will then be advertised. However, the fulfillment of that position will still leave a need for other positions.

Currently, the total case load for the Ethics Section as of August 5, 2025, is 8 cases pending probable cause determination, 28 active cases pending a public hearing or stipulation, 2 cases at DOAH, ~27 collection cases, and ~25 cases pending Executive Order. The Advocates are charged with collecting the civil penalties for those cases in which a civil penalty is imposed.

An additional attorney (i.e., Assistant Attorney General), is able to handle the less complex cases that while not as demanding require attention and completion by that previously mentioned random date.

For additional support, a Legal Assistant II is requested. Ethics cases are document-intensive, and a very large amount of time is needed to respond to discovery requests and other prehearing requirements. A Legal Assistant II would alleviate the burden on the Advocates and Legal Assistant III to handle more administrative tasks so that those positions can focus on legal matters.

The additional personnel will be an efficient use of state resources. Importantly, additional staff will benefit the client (i.e., Commission) by allowing the Advocates to provide the most effective results to conclude the cases in a timelier manner.

Costs:

57,2784 Salary Rate

\$81,816 Salaries and Benefits

\$8,000 Expenses (nonrecurring)

\$6,000 Operating Capital Outlay (nonrecurring)

Budget Request Total:

57,278 Salary Rate and \$95,816 of Operating Budget – \$81,816 recurring and \$14,000 nonrecurring