

*Annual Report  
to the  
Florida Legislature  
For Calendar Year 2021*



*By the  
State of Florida  
Commission on Ethics*

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# *Message from the Chair*

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"Ethics is knowing the difference between what you have a right to do and what is right to do"  
- Potter Stewart-Supreme Court Justice 1958-1981

Regardless of the technical accuracy or veracity of Potter Stewart's quote on ethics, it evokes acknowledgement of the existing distance between morality and ethics. In the ideal however, there should be no daylight between what is right and lawfully permissible when it comes to public service integrity. Attaining higher standards towards this goal evolves over time and involves a continuing cycle of behaviors offending the public trust, community reactions and expectations, ensuing representative policy making and execution of those policies. Ultimately, as a society we aim to protect the faith in our system of public governance by ensuring the highest ethics from its public servants.

In Florida, I believe we continually strive to achieve this ideal. We are fortunate to have statutes and a constitution that set strong parameters regarding what is appropriate behavior to ensure that public servants are transparently serving the public, above other interests. However, laws are only as effective as their application. As much as the constitution framers and lawmakers work to ensure requirements and guidance are clear and comprehensive, they know that each ethics situation brings with it its own unique circumstances, some of which are pivotal to a just assessment. The Florida Commission on Ethics exists because of the acknowledgement that the appropriate application of law in this area requires a degree of analysis, evaluation, deliberation and understanding of human motivation from a variety of perspectives to render good decisions in accordance with the state's policies.

During my time thus far on the Commission, I have continually been impressed with the amount of effort and consideration provided by my colleagues to the matters that come before us. The weight of our responsibilities is apparent to each Commissioner, evidenced by the quality of work devoted to every case, opinion or other item for

consideration; thoroughly examining all the materials, carefully applying circumstances to the law, deducing the presence or absence of intent when appropriate, and comparing cases to preceding ones to ensure consistency and fairness. Each Commissioner's effort and perspective adds value to the discussion and, even if rejected, the outcome, as few stones remain unturned. I am often surprised at the diversity of questions, analysis, debate, and conclusions reached and how hashing those out among us usually yields a more just result. Doing our collective best is imperative because in addition to seeking the best possible application of the law, what we do affects people's lives and is one part of how ethics evolve towards the ideal.

In addition to my colleagues, I am equally impressed by Commission staff and advocates who consistently produce a high quality, thorough, consistent and impartial work product upon which Commissioners rely. This year staff has also made significant headway to reduce the case load backlog and make final preparations as the Commission prepares to launch the e-filing initiative to bring the filing of financial disclosures into the 21st century.

I would like to thank former Speakers of the House of Representatives, Richard Corcoran and Jose Oliva for giving me the opportunity to serve among such fine colleagues and staff as well as thank my Co-Commissioners for giving me the pleasure to serve as their Chair. Together, we serve the people by applying sound ethics policies to the matters before us while doing our part in the evolution towards the ethical ideal.

Sincerely,

JoAnne Leznoff  
Chair, Florida Commission on Ethics

## 2021 Commission Members

**JOANNE LEZNOFF, Chair**  
Fernandina Beach - Retired (R)  
Appointed by House Speaker Richard Corcoran

**JOHN GRANT, Vice Chair**  
Tampa - Attorney (R)  
Appointed by Governor Ron DeSantis

**MICHELLE ANCHORS**  
Fort Walton Beach - Attorney (D)  
Appointed by Senate President Bill Galvano

**ANTONIO CARVAJAL**  
Tallahassee - Public Interest Organization Executive (D)  
Appointed by House Speaker Richard Corcoran

**TRAVIS CUMMINGS**  
Fleming Island - Insurance & Employee Benefits Services (R)  
Appointed by Governor Ron DeSantis

**GLENTON "GLEN" GILZEAN, JR.**  
Orlando - Non-profit Executive (R)  
Appointed by Governor Ron DeSantis


**DON GAETZ**  
Niceville (R)  
Appointed by Senate President Wilton Simpson

**WILLIAM "WILLIE" N. MEGGS**  
Tallahassee - Former State Attorney (D)  
Appointed by Governor Ron DeSantis

**JIM WALDMAN**  
Fort Lauderdale - Attorney (D)  
Appointed by Governor Ron DeSantis

# *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 2021.

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 38,519 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 Lobbyist Registration System and the Executive Branch Lobby Registration Trust Fund. Section 112.3215, Florida Statutes, provides registration requirements for persons wishing to lobby the Executive Office of the Governor, Governor and Cabinet and departments, Commissions, and agencies of the executive branch. Additionally, Section 112.32155, Florida Statutes, directs the Commission to provide an electronic filing system for lobbying firm's to submit quarterly compensation reports. This information is accessible by visiting the Florida Reporting system home page at [www.floridalobbyist.gov](http://www.floridalobbyist.gov).

# *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. 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 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; however, members whose terms have expired continue to serve until they are replaced. A chair and vice-chair 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.

Kerrie J. Stillman, Executive Director

Caroline Klancke, Deputy Executive Director and General Counsel



## *Legal Section*

Under the supervision of the Deputy 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 inquiries about the ethics laws. The legal staff also represents the Commission in litigation.

Commission staff does not prosecute complaints. Those services are provided by Assistant Attorneys General Elizabeth Miller and Melody Hadley, who have been assigned by the Attorney General to act as full-time Advocates for the Commission.

### *Legal Staff*

Grayden Schafer, Assistant General Counsel

Steven Zuilkowski, Senior Attorney

Suhail Chhabra, Attorney

## *Investigative Section*

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

### *Investigative Staff*

Robert G. Malone, Senior Investigator

A. Keith Powell, Senior Investigator

Ronald D. Moalli, Investigator

Kathleen Mann, Investigator

Charlie Shotwell, Investigator

Matthew Garrigan, Investigator

Tracey Maleszewski, Investigator

Ana Sanchez, Investigator

## *Complaints*

Under the supervision of the Executive Director, 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.

Millie Fulford, Complaint Coordinator

## *Financial Disclosure Section*

The Program Administrator, under the supervision of the Executive Director, responds to questions about the disclosure laws, compiles a list of the persons statewide who are required to file either Form 1 or Form 6 financial disclosure, tracks late filers and automatic fines, and interacts with agency Financial Disclosure coordinators. Some 38,519 reporting officials and employees were notified of their filing requirements in 2021 by the Commission and by the Supervisors of Elections.

### *Financial Disclosure Staff*

Kimberly Holmes, Program Administrator

Emily Prine, Program Specialist

Keyana Green, Executive Secretary

## *Public Information & Administrative Section*

Under the supervision of the Executive Director, the Chief Administrator oversees office technology, responds to general inquiries about the ethics laws, provides information regarding Commission practices and procedures to the press and the public, and oversees the administrative and clerical support staff who provide support services to the Commissioners and staff.

### *Administrative and Clerical Staff*

Lynn Blais, Chief Administrator

Diana Westberry, Office Manager

Kathy Steverson, Assistant to the Executive Director

Thomas Coleman, Clerk (half-time)

Danny Killeen, Clerk (half-time)

## *Executive Branch Lobbyist Registration*

The Commission is charged with administering the Executive Branch Lobby Registration Act and oversees the registration of executive branch lobbyist and compensation report filings of executive branch lobbying firms.

### *Lobbyist Registration Staff*

Karen Murphy-Bunton, Registrar

# Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2021.

## BUDGET AND ACTUAL - GENERAL REVENUE FUNDS For The Fiscal Year Ending June 30, 2021 (Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>	<b>Variance- Favorable (Unfavorable)</b>
<b>Revenues:</b>			
Released General Revenue Appropriations	\$2,818,895	\$2,818,895	\$0
Fines*	0	14,992	\$14,992
Miscellaneous Receipts	0	0	\$0
<b>Total Revenues</b>	<b><u>2,818,895</u></b>	<b><u>2,833,887</u></b>	<b><u>14,992</u></b>
<b>Expenditures:</b>			
Salaries and Related Benefits	1,864,370	1,647,673	216,697
Other Personal Services	444,090	365,904	78,186
Expenses	254,851	195,990	58,861
Operating Capital Outlay	0	0	0
Ethics Commission Lump Sum	123,261	0	123,261
Transfers to Administrative Hearings	28,899	28,899	0
Risk management insurance	3,424	3,424	0
Legislative Carryforward **	2,152,830	16,123	2,136,707
Nonoperating***	100,000	0	100,000
<b>Total Expenditures</b>	<b><u>4,971,725</u></b>	<b><u>2,258,014</u></b>	<b><u>2,713,711</u></b>
Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures	(2,152,830)	575,873	<u>\$2,728,703</u>
<b>Budgetary Fund Balance, June 30, 2020</b>		<b><u>575,873</u></b>	
<b>Adjustment for Fines*</b>		<b>(14,992)</b>	
<b>Adjustment for Nonoperating***</b>		<b>(100,000)</b>	
<b>Adjustments for Carryforward Expenditures**</b>			
<b>Adjusted Budgetary Fund Balance, June 30, 2021</b>		<b><u>\$460,881</u></b>	

## EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES:           \$ 295,160  
FINES:                       \$ 3,050

\* Fines are recorded as Collection to General Revenue. They 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 a current appropriation.

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

# Operations

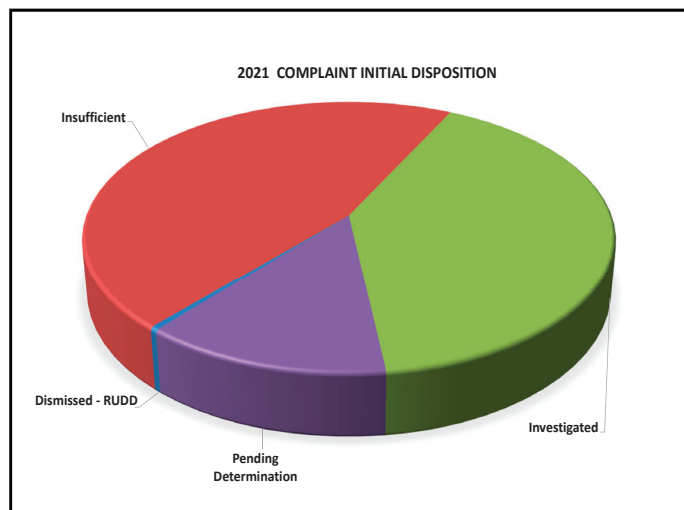
The major operational functions of the Commission on Ethics are the investigation of complaints and referrals,\* management of the Executive Branch Lobbyist Registration Act, issuance of advisory opinions, provision of public information and education, and financial disclosure administration. This section offers a profile of the Commission's workload.

## Complaints

Total number of complaints and referrals filed in 2021.....238

<b>POSITION</b>	<b>NUMBER OF COMPLAINTS</b>	<b>PERCENT OF TOTAL</b>
State Elected	17	7.1%
State Appointed	4	1.7%
State Employee	9	3.8%
District Elected	27	11.3%
District Employee	9	3.8%
County Elected	37	15.5%
County Appointed	3	1.3%
County Employee	20	8.4%
Municipal Elected	72	30.3%
Municipal Appointed	3	1.3%
Municipal Employee	32	13.4%
Candidate	1	0.4%
Lobbyist	4	1.7%
<b>TOTAL</b>	<b>238</b>	<b>100.0%</b>

Of the 238 complaints and referrals received in 2021, 109 were dismissed for lack of legal sufficiency; 1 was dismissed because the public interest would not be served by proceeding further ("Rudd Amendment"); 97 were ordered to be investigated; and 31 were pending a legal sufficiency determination, as of December 31.

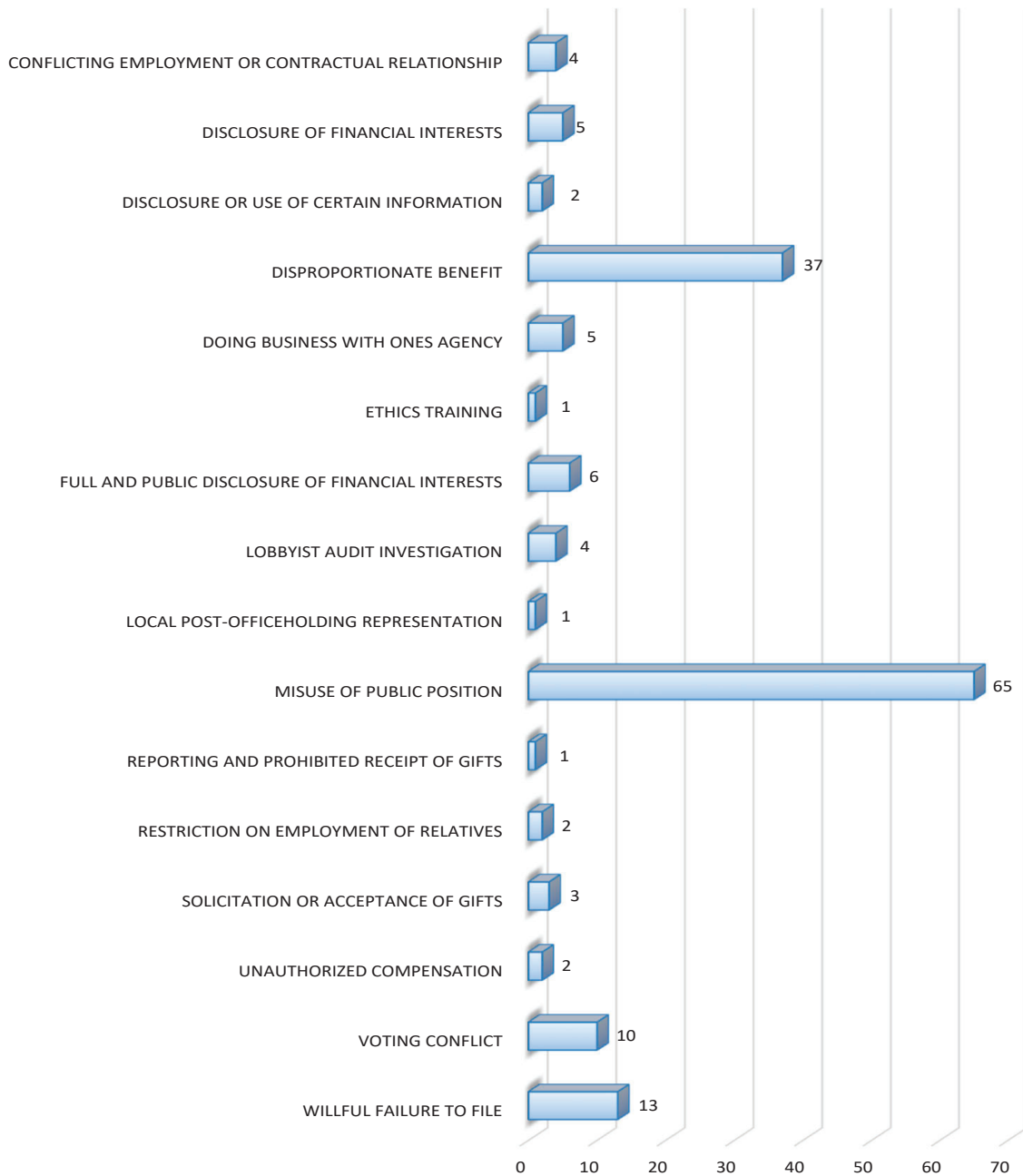


\* The Commission may accept referrals from the Governor, State Attorneys, U.S. Attorneys, and the Florida Department of Law Enforcement.

# Allegations

Of the 238 complaints and referrals received in 2021, 97 had been ordered to be investigated as of December 31, 2021. 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.

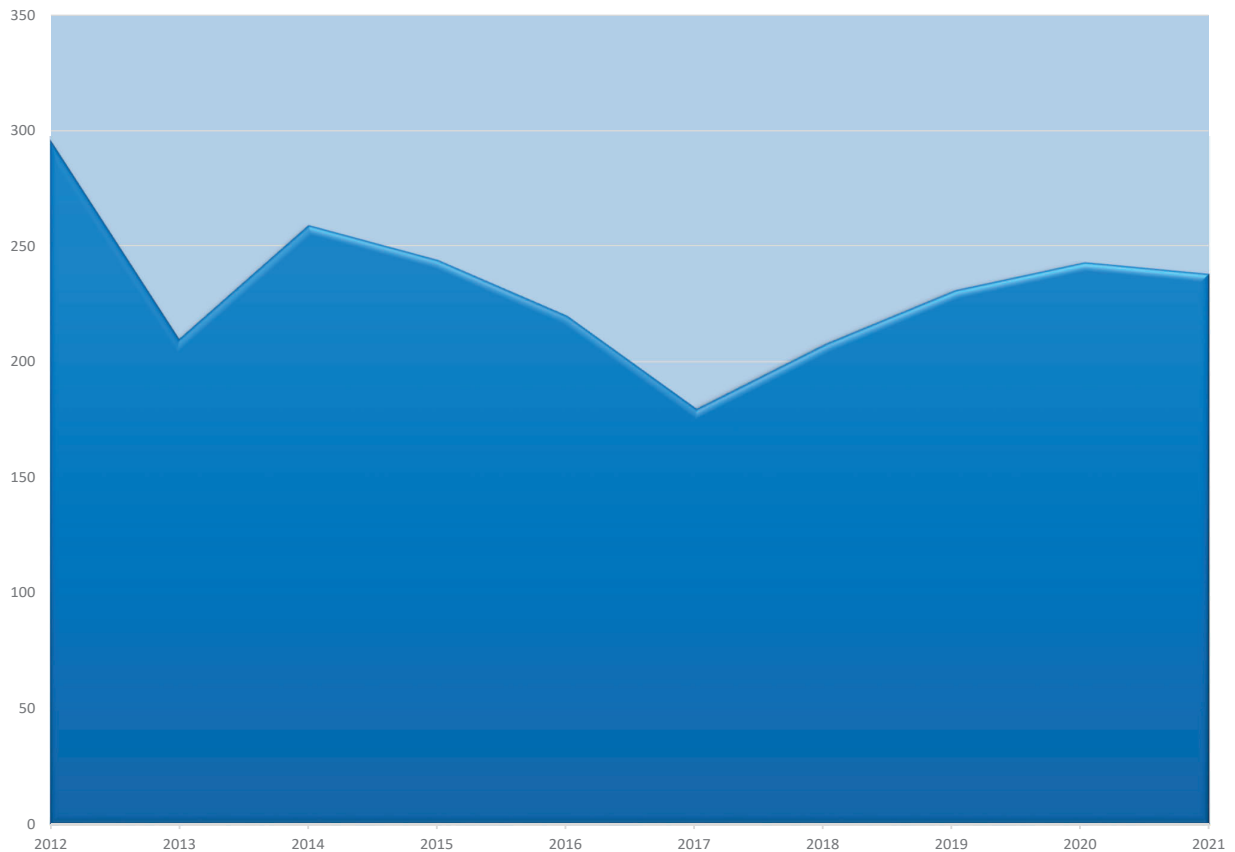
## 2021 Complaint Allegations



## Ten Year History of Complaints

2021 .....	238
2020.....	243
2019.....	231
2018 .....	211
2017 .....	180
2016.....	220
2015.....	244
2014 .....	259
2013 .....	210
2012 .....	296

### *Complaint History*



## Actions Taken on Complaints in 2021

The Commission took action during its regularly-scheduled meetings on complaints, referrals, statutorily-mandated investigations concerning lobbyist compensation reports, determination as to whether late-filed disclosure was "willful," and petitions for costs and attorney fees. The following is a summary of action taken in 2021.

Complaints & Mandatory Willfulness Investigations.....	232
Dismissed for lack of legal sufficiency .....	109
Dismissed for lack of jurisdiction .....	1
Dismissed as public interest not served by further proceedings*.....	1
Dismissed due to death of respondent .....	1
Request for Withdrawal - denied.....	1
Probable cause hearings held .....	101
No probable cause - dismissed.....	74
Probable cause .....	22
Probable cause - no further action .....	5
Advocate Motion to Dismiss - Granted .....	1
Stipulations .....	16
Violation .....	16
Public hearings at the Division of Administrative Hearings.....	1
Violation .....	1
No Violation .....	0
Costs and attorney's fees petitions .....	2
Parties Settled - dismissed.....	1
Insufficient petition - dismissed .....	1
<b>TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS .....</b>	<b>234</b>

\* Pursuant to Section 112.324(12), F.S. ("Rudd Amendment") the Commission may 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*

A person who is a "lobbyist" as defined in Section 112.3215(1)(h), F.S., may not lobby an Executive branch agency until he or she has registered as a lobbyist with the Commission. Executive branch lobbyist registration may be made by electronic means via the Lobbyist Registration and Compensation Reporting system located at [www.floridalobbyist.gov](http://www.floridalobbyist.gov). Lobbyist registrants are required to pay an annual registration fee of \$25 for each principal represented, which is deposited into the Executive Branch Lobby Registration Trust Fund. The fee is payable on a calendar year basis and there is no charge if a lobbyist amends his or her registration to lobby additional agencies on behalf of the same principal.

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."

### *2021 Summary of Activity*

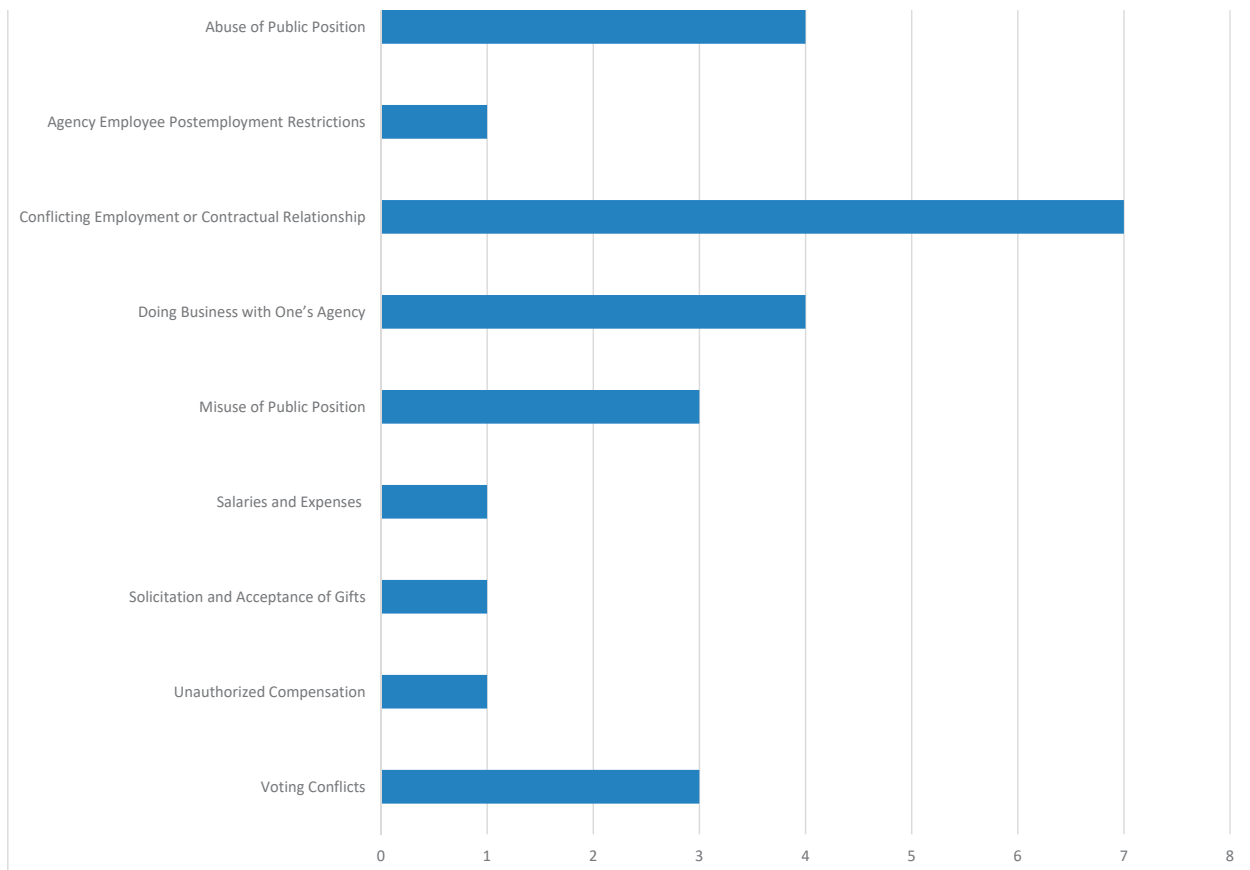
Total number of registered executive branch lobbyists .....	1,510
Total number of executive branch lobbying firms .....	334
Total number of principals represented by the lobbyists .....	12,143
Percent <i>increase</i> in number of principals from 2020 to 2021 .....	4.46%
Total number of firms delinquent in filing their compensation reports	
October - December 2020 .....	14
<i>(Filing deadline for fourth quarter 2020 was February 14, 2021)</i>	
January - March 2021.....	15
April - June 2021 .....	17
July - September 2021 .....	33
Total number of firms assessed a fine in 2021	
Fourth quarter 2020 .....	7
<i>(Filing deadline for fourth quarter 2020 was February 14, 2021)</i>	
First quarter 2021 .....	11
Second quarter 2021.....	10
Third quarter 2021.....	24
Number of appeals considered by the Commission in 2021 .....	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 2021, the Commission on Ethics issued nine advisory opinions, bringing the total issued since 1974 to 2,689.

Seven of the opinions rendered in 2021 were in response to requests by local officers, employees, or local government attorneys, and another two 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 2021. 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*

Pursuant to Section 112.3142, Florida Statutes, Florida's Constitutional officers (including the Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools), elected municipal officers, and CRA members are required to complete four hours of ethics training each calendar year.

The training must include:

- Article II, Section 8 of the Florida Constitution
- Part III, Chapter 112, Florida Statutes (Code of Ethics)
- Public Records
- Public Meetings (Sunshine Law)

The requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered. The Commission has a training page on its website that features the 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.

## *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. 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 2021:

- The Florida Bar Ethics and Education law
- Judges of Compensation Claims
- Florida Department of Revenue's Property Tax Oversight Courses
- Property Appraiser Association of Florida (PAAF)
- Pension Trustees, Florida League of Cities
- University of West Florida Board of Trustees
- Florida County Clerks and Comptrollers
- 2021 Ethics, Public Records, & Sunshine Law for County Commissioners  
sponsored by the Florida Association of Counties Foundation
- Florida Public Pension Trustees Association (FPPTA)
- Florida Association of County Attorneys (FACA)
- Gainesville Mayor, City Commission and advisory board members
- Florida Tax Collectors Association
- Broward County School Board
- Florida School Board Attorneys Association
- Florida Department of Health

## *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 1 of each year. The Commission on Ethics and Supervisors of Elections are required to certify after that time the names of, and positions held by, persons who fail to file by the end of the grace period.

Those who did not file their annual disclosure form (either Form 6 or Form 1) by September 1, 2021, 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 98% overall compliance with the annual reporting requirement in 2021. On the local level, 31 counties reported 100% compliance in 2021. 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 1990 to present.

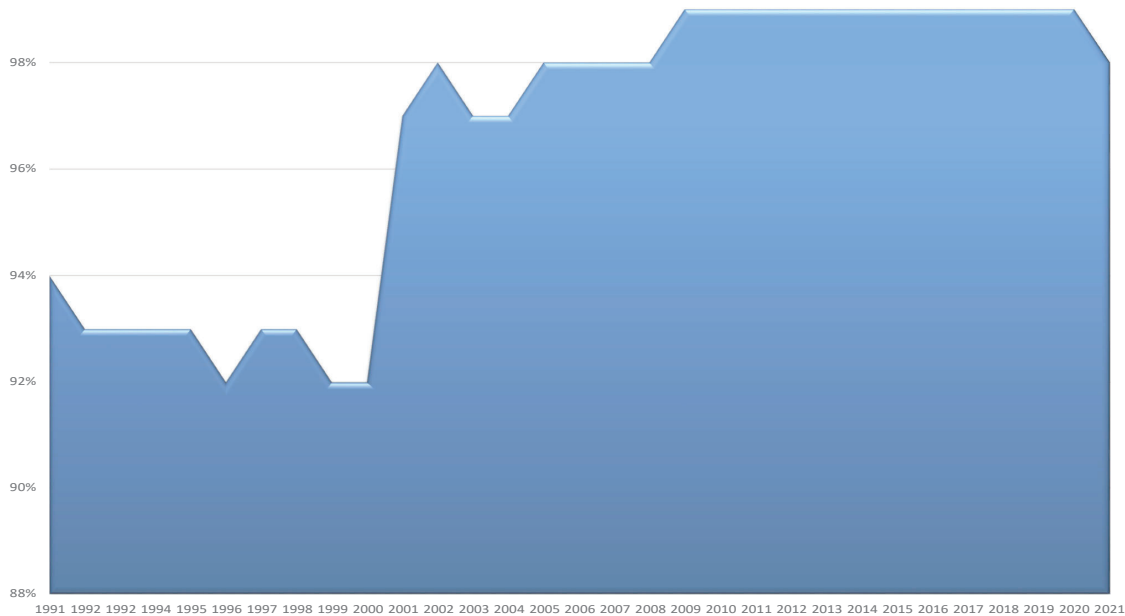
2021 Financial Disclosure Compliance Figures

County	Delinquent Filers	Timely Filers	Total Filers	Compliance Rate
Alachua	3	294	297	99.00%
Baker	0	45	45	100.00%
Bay	0	258	258	100.00%
Bradford	0	65	65	100.00%
Brevard	3	797	800	99.60%
Broward	69	2326	2395	97.10%
Calhoun	0	33	33	100.00%
Charlotte	1	162	163	99.40%
Citrus	1	119	120	99.20%
Clay	0	217	217	100.00%
Collier	2	392	394	99.50%
Columbia	0	91	91	100.00%
Miami-Dade	147	2216	2363	93.80%
Desoto	2	67	69	97.10%
Dixie	0	38	38	100.00%
Duval	1	376	377	99.70%
Escambia	4	157	161	97.50%
Flagler	0	179	179	100.00%
Franklin	1	68	69	98.60%
Gadsden	1	110	111	99.10%
Gilchrist	0	35	35	100.00%
Glades	0	44	44	100.00%
Gulf	0	54	54	100.00%
Hamilton	0	51	51	100.00%
Hardee	0	58	58	100.00%
Hendry	0	102	102	100.00%
Hernando	0	94	94	100.00%
Highlands	2	146	148	98.60%
Hillsborough	39	1379	1418	97.20%
Holmes	0	71	71	100.00%
Indian River	0	241	241	100.00%
Jackson	0	178	178	100.00%
Jefferson	0	46	46	100.00%
Lafayette	0	19	19	100.00%
Lake	3	489	492	99.40%
Lee	20	946	966	97.90%
Leon	1	232	233	99.60%
Levy	1	127	128	99.20%
Liberty	1	23	24	95.80%
Madison	1	71	72	98.60%

2021 Financial Disclosure Compliance Figures				
County	Delinquent Filers	Timely Filers	Total Filers	Compliance Rate
Manatee	8	502	510	98.40%
Marion	8	223	231	96.50%
Martin	0	228	228	100.00%
Monroe	0	207	207	100.00%
Nassau	4	187	191	97.90%
Okaloosa	6	330	336	98.20%
Okeechobee	0	84	84	100.00%
Orange	5	883	888	99.40%
Osceola	1	250	251	99.60%
Palm Beach	86	1577	1663	94.80%
Pasco	8	465	473	98.30%
Pinellas	6	1198	1204	99.50%
Polk	36	624	660	94.50%
Putnam	0	135	135	100.00%
Saint Johns	0	331	331	100.00%
Saint Lucie	0	265	265	100.00%
Santa Rosa	0	174	174	100.00%
Sarasota	3	382	385	99.20%
Seminole	8	423	431	98.10%
Sumter	1	159	160	99.40%
Suwannee	0	60	60	100.00%
Taylor	2	50	52	96.20%
Union	0	40	40	100.00%
Volusia	4	621	625	99.40%
Wakulla	0	61	61	100.00%
Walton	2	134	136	98.50%
Washington	0	70	70	100.00%
<b>TOTAL-FORM 1 LOCAL</b>	<b>491</b>	<b>22079</b>	<b>22570</b>	<b>97.80%</b>
<b>TOTAL-FORM 1 STATE</b>	<b>97</b>	<b>13166</b>	<b>13263</b>	<b>99.30%</b>
<b>TOTAL-FORM 6 (NOT JUDGES)</b>	<b>16</b>	<b>1431</b>	<b>1447</b>	<b>98.90%</b>
<b>TOTAL-JUDGES (ACTIVE)</b>	<b>0</b>	<b>1051</b>	<b>1051</b>	<b>100.00%</b>
<b>TOTAL-JUDGES (SENIOR)</b>	<b>0</b>	<b>188</b>	<b>188</b>	<b>100.00%</b>
<b>OVERALL TOTAL</b>	<b>604</b>	<b>37915</b>	<b>38519</b>	<b>98.40%</b>

FINANCIAL DISCLOSURE FILING COMPLIANCE (1991 - 2021)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
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%
2016	38,824	289	99%
2017	38,909	314	99%
2018	39,402	326	99%
2019	39,433	412	99%
2020	38,792	456	99%
2021	38,519	604	98%

Financial Disclosure Compliance History





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

- Total compliance rate for Form 1 Statement of Financial Interests was 97.8%. 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 22,570 individuals required to file, 491 were delinquent.
- 31 counties reported 100% compliance in 2021.

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

- The Form 1 compliance rate was 99.3%. Postcard and telephone reminders also were used with these filers.
- Of the 13,263 individuals required to file, only 97 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 98.9%. Postcard and telephone reminders also were used with these filers.
- There were only 16 delinquencies out of a total of 1447 individuals (excluding judges) required to file Form 6.

### **Summary of 2021 Overall Compliance**

- Out of the 38,519 individuals who were non-judicial financial disclosure filers, there were only 604 (approximately 1.5%) 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 day 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 regularly scheduled meetings held during calendar year 2021. (The fines for late filings in 2021 recently have been assessed and will be reported in 2022).

<b>Financial Disclosure Appeals 2021 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</b>
January 22, 2021 (Postponed)	0	0	0	0	0
February 5, 2021	0	0	0	0	0
March 5, 2021	0	0	0	0	1
June 4, 2021	11	0	0	0	0
July 23, 2021	11	0	1	0	0
September 10, 2021	1	0	2	117	3
October 22, 2021	3	0	0	0	3
December 3, 2021	0	0	0	67	0

# *2022 Legislative Recommendations*

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## Conflicts of Interest

Section 112.313(7)(a), Florida Statutes, prohibits a public officer or employee from having a contractual relationship with a company doing business with the official's own agency. So City Councilman A cannot contract with Business B, if Business B is doing business with his City. But if Councilman A creates "A, Inc.," that corporation can do business with Business B without violating the law, even if "A, Inc.," is solely owned by Councilman A. The Commission has seen this as thwarting the underlying goal of the law, which is to prevent officials from having relationships with companies doing business with their agencies.

## Voting Conflicts Law

Under current law, Section 112.3143, Florida Statutes, local elected officials can participate in the discussion of a measure in which they have a conflict without revealing the existence of that conflict until the vote is actually taken. This means the official can make every effort to persuade his or her colleagues without telling them (and the public) about the conflict. Appointed officials, in contrast, must declare their conflict before participating in the discussion of the measure. Elected officials should have to adhere to the same standard.

In addition, state officers only have to abstain if the measure helps or hurts them personally. Unlike local officials, they do not have to abstain when the measure benefits their employer, relative, etc.

The Commission has expressed that the voting conflict standard should be the same for everyone, whether the official is appointed or elected and whether the official is a state or local official; and that the exemption from using the Commission's conflict disclosure form applicable only to Legislators be eliminated.

## Enhanced Financial Disclosure for Local Elected Officials

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population of the municipality.

## Dismissal of Complaints Alleging de minimis Financial Disclosure Violations

Section 112.324(11), Florida Statutes, currently allows the Commission to dismiss complaints alleging de minimis violations attributable to inadvertent or unintentional error, except for financial disclosure complaints. The Commission believes the statute should be amended to allow for dismissal of financial disclosure complaints, too.

## Dismissal of Lobbying Firm Audit matters

Section 112.324(12), Florida Statutes, which allows the Commission to dismiss complaints when it finds that the public interest would not be served by proceeding further on the complaint, currently is not available for dismissal of lobbying firm audit matters under Section 112.3215, Florida Statutes, even when circumstances justify such a dismissal. The Commission recommends amending Section 112.324(12) to allow for dismissal of audit matters.

## Increase of Civil Penalties

Currently, Section 112.317, Florida Statutes, provides for a maximum fine of \$10,000 for a violation of the ethics laws. This amount has not been increased since 1994. Due to inflation and seriousness of ethics offenses, the Commission believes the maximum fine amount should be increased.

## Whistle Blower-like Protection for Ethics Complainants

The Commission believes that the threat of adverse employment or personnel actions in retaliation for a person's filing of an ethics complaint discourages the filing of valid complaints. Thus, the Commission seeks the enactment of protections or remedies, akin to those in the "Whistle-blower's Act," Sections 112.3187-112.31895, Florida Statutes, for the benefit of ethics complainants.

## Ethics Training

Pursuant to the provisions of Section 112.3142(2)(e), Florida Statutes, a constitutional officer or elected municipal officer assuming a new office or new term of office after March 31 is not required to complete ethics training for the calendar year in which their term of office began. In 2019, the law was amended to require commissioners of community redevelopment agencies to complete 4 hours of ethics training. However, they were not included in the new office or new term of office exemption language contained in Section 112.3142(2)(e), Florida Statutes. As a result, CRA board members are required to take the training regardless of when they take office. The Commission believes CRA board members should be added to the exemption language appearing in Section 112.3142(2)(e), Florida Statutes.

## Amendment 12 Lobbying Restrictions

The Commission encourages the legislature to support the most stringent penalties with respect to violations of the 6-year lobbying ban, were they to be proposed, even were they to include criminal penalties, should those be proposed.

## Representing Clients Before One's Own Board

The Commission has opinions as early as 1977 and even since 2020 interpreting Section 112.313(7), Florida Statutes, to say, in essence, that if a person serves on a board, he cannot represent clients before that board, and neither can other members of his professional firm. This interpretation is similar to the Rules of Professional Conduct of the Florida Bar, which impute the conflict of one lawyer to all lawyers in the firm. The Commission views this as an important public protection, and opposes any relaxation of this standard.

## Gifts, Expenditures, or Compensation from Lobbyists

The Commission opposed HB 1435 and SB 1490 in the 2020 session. These bills, which did not pass, would have allowed donations from lobbyists or their principals, unlimited in amount, to certain public employees and appointed public officials if the donations were used toward costs associated with serious injury, disease, or illness of the employee, appointed officer, or his or her child. Such a vast exemption to the gift and expenditure laws, aimed at public officials when they are most vulnerable to undue influence from special interests, would seriously undermine effective restrictions and prohibitions which have protected the public trust for many years. The Commission continues to oppose an unlimited exemption to the gift and expenditure laws.