

JAN 19 2022

RECEIVED

**BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS**

CONFIDENTIAL

In re: Tracie Davis,

Respondent.

Complaint No. 21-159

ADVOCATE'S RECOMMENDATION

The undersigned Advocate, after reviewing the Complaint and Report of Investigation filed in this matter, submits this Recommendation in accordance with Rule 34-5.006(3), F.A.C.

RESPONDENT/COMPLAINANT

Respondent, Tracie Davis, serves as a State of Florida Representative. Complainant is David Hodges of Jacksonville, Florida.

JURISDICTION

The Executive Director of the Commission on Ethics determined that the Complaint was legally sufficient and ordered a preliminary investigation for a probable cause determination as to whether Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes. The Commission on Ethics has jurisdiction over this matter pursuant to Section 112.322, Florida Statutes.

The Report of Investigation was released on January 7, 2022.

ALLEGATION ONE

Respondent is alleged to have violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2020 CE Form 6, "Full and Public Disclosure of Financial Interests."

APPLICABLE LAW

Article II, Section 8 Florida Constitution provides:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

* * *

(i) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

* * *

Section 112.3144(1), Florida Statutes, provides as follows

(1) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics.

* * *

ANALYSIS

On August 30, 2021, Respondent filed her 2020 CE Form 6, "Full and Public Disclosure of Financial Interests." (Complaint 5-6) On her form, Respondent disclosed her net worth as of July 1, 2020. (ROI 2, Complaint 5)

The disclosure of her net worth as of July 1, 2020 is contrary to the form's instructions which advises a filer to "Please enter the value of your net worth as of December 31, 2020 or a

more current date.” (ROI 4) Respondent’s disclosure is six months earlier than the earliest date that can be entered. (ROI 4)

Respondent acknowledged she made an error. (ROI 5) Respondent advised that she planned to amend her disclosure form but had not as of the date of the Report of Investigation. (ROI 5-6)

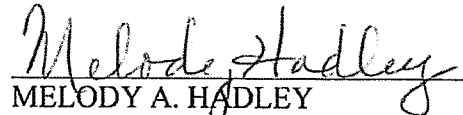
Therefore, based on the evidence before the Commission, I recommend that the Commission find probable cause to believe that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes.

RECOMMENDATION

It is my recommendation that:

There is probable cause to believe that Respondent violated Article II, Section 8, Florida Constitution, and Section 112.3144, Florida Statutes, by filing an inaccurate 2020 CE Form 6, “Full and Public Disclosure of Financial Interests.”

Respectfully submitted this 19th day of January, 2022.


MELODY A. HADLEY
Advocate for the Florida Commission
on Ethics
Florida Bar No. 0636045
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
(850) 414-3300, Ext. 3704