

EXECUTIVE DIRECTOR'S REPORT

TO: Members, Commission on Ethics

FROM: Kerrie Stillman
Executive Director



DATE: May 22, 2025

ADVISORY OPINIONS

The Commission on Ethics issued one opinion at its April meeting. It has rendered 2,711 opinions since its inception in 1974.

LITIGATION

President of Town Council Elizabeth A. Loper, elected official of the Town of Briny Breezes, et al. v. Lukis et. al., Case 1:24-cv-20604-JAL, (United States District Court Southern District of Florida).

Background

Plaintiffs are multiple elected municipal officers. They are challenging the validity of the requirement in Section 112.3144, Florida Statutes, that municipal elected officials and mayors (and candidates for such offices) must file a CE Form 6 financial disclosure. Plaintiffs' argument is that requiring these types of officers and candidates to publicly disclose the information required on the CE Form 6 violates their First Amendment rights under the United States Constitution, as it is government-compelled, content-based, non-commercial speech. Plaintiffs seek a declaration that extending the requirements in Section 112.3144 to municipal elected officials and municipal candidates is unconstitutional, an injunction against enforcing this provision of the law, and legal costs and fees.

Commission Representation

William Stafford of the Office of the Attorney General is the lead attorney representing the Commission. Gray Schafer and Steven Zuilkowski will be the Commission's points of contact with lead counsel.

Current Status

Each side filed a Motion for Summary Judgement on October 11, 2024, and all related responses were filed by November 8, 2024. No argument on the motions has been scheduled. There have been no developments since the last report through May 21, 2025.

Town of Briny Breezes, Florida et al. v. Lukis et al., Case Number 2024 CA 000283, (Fla. 2nd Circ. Ct., Leon County)

Background

Plaintiffs are multiple municipalities and elected municipal officers. They are challenging the validity of the requirement in Section 112.3144, Florida Statutes, that municipal elected officials and mayors (and candidates for such offices) must file a CE Form 6 financial disclosure. In essence, Plaintiffs' argument is that requiring municipal elected officials and municipal candidates to publicly disclose the information required on the CE Form 6 violates their right to privacy under Article II, Section 23 of the Florida Constitution. Plaintiffs claim there is no compelling state interest that would justify having these types of officers and candidates disclose that degree of the information, and, even if there was a compelling interest, requiring these

officers and candidates to file a CE Form 6 is not the least restrictive means of accomplishing that interest when the CE Form 1 is also available. Plaintiffs seek a declaration that extending the requirements in Section 112.3144 to municipal elected officials and municipal candidates is unconstitutional, an injunction against enforcing this provision of the law, and legal costs.

Commission Representation

William Stafford of the Office of the Attorney General is the lead attorney representing the Commission. Gray Schafer and Steven Zuilkowski are the Commission's points of contact with lead counsel.

Current Status

Defendants have filed a motion to dismiss and Plaintiffs have responded. We await an order on the motion. This case is on hold while the related federal case proceeds. There have been no developments since the last report through May 21, 2025.

Garcia et al. v. Stillman et al., USCA Case No. 23-12663 (11th Circuit Court of Appeals), and S.D. Fla. (1:22-CV-24156-BB)

Background

At the time the case was filed, Plaintiffs were local public officers challenging the In-Office Lobbying Ban found in Article II, Section 8(f)(2), Florida Constitution. The ban became law after the Constitutional Revision Commission proposed it in 2018 via Amendment 12, which passed with 79% of the vote. The District Court entered final judgment in favor of the Plaintiffs, finding that Article II, Section 8(f)(2), was an unconstitutional abridgment of free speech. On August 9, 2023, the District Court entered final judgment enjoining the Commission from enforcing the provision on any public officer in the State. Defendants appealed to the 11th Circuit.

Commission Representation

Alison Preston of the Office of the Solicitor General is representing Defendants in the appeal. All briefs are filed. Steven Zuilkowski is monitoring the appeal.

Current Status

On November 30, 2023, the 11th Circuit stayed the injunction pending a final adjudication of the appeal. The stay allows continued enforcement of the In-Office Lobbying Ban against all public officers except the one named Plaintiff who had standing to challenge the ban. All briefs have been filed and oral argument on the merits of the appeal occurred on February 24, 2025. The audio of that proceeding is available at this link: https://www.ca11.uscourts.gov/sites/default/files/oral_argument_recordings/23-12663_02262025.mp3 We now await the Court's ruling. There have been no developments since the last report through May 21, 2025.

Jerson Immer Velazquez v. State of Florida Commission on Ethics, Case Nos. 1D2025-0690 and 1D2025-0691, (Fla. 1st DCA).

Background

Appellant filed four complaints with the Commission on Ethics that, in accordance with Rule 34-5.001(2), F.A.C., were returned to him in on the basis that the allegations contained within the complaints did not fall within the jurisdiction of the Commission. In Case No. 1D2025-0690, Appellant is seeking judicial review of final agency action. In Case No. 1D2025-0691, Appellant has filed a Petition for Writ of Certiorari seeking review of final agency action.

Commission Representation

Amelia Naomi and Steven Zuilkowski are representing the Commission in both of these cases.

Current Status

In Case No. 1D2025-0690, the First District Court of Appeal issued an order on May 9, 2025. The May 9, 2025, order granted Appellant's Motion for Extension of Time, which he filed on April 1, 2025. The Court also ordered Appellant to comply with the Court's previous orders within thirty days, which include a March 28, 2025, order requiring Appellant to pay the \$300 filing fee or to file a certified copy of the lower tribunal's order of insolvency for appellate purposes, and an April 1, 2025, order requiring Appellant to show cause why the Court should not dismiss the appeal because it appears that the Notice of Appeal was not timely filed. We now await Appellant's compliance with these two orders.

Regarding Case No. 1D 2025-0691, on April 23, 2025, the Court issued a certificate of indigency and waived Appellant's filing fee. On April 30, 2025, the Court ordered Appellant to file a supplemental appendix which contains a copy of the order to be reviewed within thirty days. We now await Appellant's compliance with this order.

Jeremy McBryan v. Florida Commission on Ethics, Case Nos. 1D2025-1144, (Fla. 1st DCA).

Background

On April 30, 2025, the Commission issued a default final order against Appellant for his failure to file his 2021 CE Form 1 timely. The final order imposed a \$1,500 penalty. On May 14, 2025, Appellant filed an appeal of that final order with the First DCA. On the same day, he also filed with the Commission an appeal of his automatic fine.

Commission Representation

Gray Schafer and Steve Zuilkowski are representing the Commission.

Current Status

The Court ordered Appellant to file a docketing statement; pay the filing fee or file an order of insolvency; and file an amended notice of appeal that contains a proper certificate of service. On May 20, 2025, Appellee filed an unopposed motion with the court requesting the relinquishment of jurisdiction back to the Commission so the Commission can rule on the appeal of the fine that Appellant filed with the Commission. On May 21, 2025, Appellant filed the amended notice of appeal and the docketing statement.

SPEAKING ENGAGEMENTS

On May 9, Gray participated in a 75-minute online training for City and County Court judges regarding how to properly complete the CE Form 6.

My 13-19, Kim, Lynn, Kerrie, Steve, Amelia, Keith, Marian, and Tracey participated in training the Commission's Call Center Representatives on Form 1 and EFDMS, in preparation of the official launch of disclosure season with email filer notification on May 20.

On May 15 & 16, the City, County, and Local Government Section of the Florida Bar hosted the 2025 Sunshine Law, Public Records and Ethics for Public Officers and Public Employees webinar. Gray gave a one-hour CLE on voting conflicts, nepotism, and misuse. Stephanie gave a one-hour CLE on conflicts and post-employment restrictions. Amelia gave a one-hour CLE on

gifts, honoraria, and expenditures. Steve gave a one-hour CLE on financial disclosure and participated in a one-hour panel discussion on best practices for agencies to prevent or identify ethics issues in advance.

On May 19 & 20, Steve gave two half-hour trainings to the employees of the Board of Governors of the State University System.

On June 3, Steve gave a one-hour CLE on Form 1 to the Government Lawyer section of the Florida Bar.

FINANCES

As of April 30, 2025, we've spent \$2,324,692.27 (76.97%) of our appropriation, with 83.33% of the FY gone.

PENDING ORDERS IMPOSING PENALTIES

GOVERNOR

Complaint No. 17-088, In re Cheryl Thomas-Hughes (Final Order 12/12/18)
Complaint No. 16-062, In re Dennis McDonald (Final Order 10/30/19)
Complaint No. 18-168, In re Dustin Daniels (Final Order 04/21/21)
Complaint No. 21-113, In re Dennis Ward (4-27-22)
Complaint No. 20-186, In re R.C. "Rick" Lussy (Final Order 6/8/2022)
Complaint No. 17-082, In re Carlos Beruff (Final Order 7/27/2022)
Complaint No. 20-060,
20-073, 20-103(Cons.), In re Douglas Underhill (Final Order 10/26/2022) *on appeal
Complaint No. 21-039 to 052, 21-057, 21-060, & 21-064 (Cons), In re Vanessa Baugh (2/1/2023)
Complaint Nos. 19-100 to 19-120 (Cons.), In re Melody Jurado (Final Order 6/14/23)
Complaint No. 22-024, In re John Capps (Final Order 6/14/23)
Complaint No. 21-229, In re Eddie Martinez (Final Order 9/13/2023)
Complaint No. 22-065, In re Oren Miller (Final Order 9/13/2023)
Complaint No. 23-108, Leslie Ricciardelli, (Final Order 10/25/23)
Complaint No. 22-163, William Oppenheimer (Final Order 10/25/23)
Complaint No. 22-164, Heather Post (Final Order 10/25/23)
Complaint No. 18-203, In re Christine Roberts (Final Order 12/6/2023)
Complaint No. 22-027, In re Ernesto Torres (Final Order 12/6/2023)
Complaint No. 19-007, In re Frank Kruppenbacher (Final Order 1/31/24)
Complaint No. 23-016, In re Aneala Beachum (Final Order 1/31/24)
Complaint No. 23-094, In re David Law (Final Order 1/31/24)
Complaint No. 21-101, In re Brian Mulligan (Final Order 3/13/24)
Complaint No. 22-178 & 185, In re Stephanie Busin (Final Order 3/13/24)
Complaint No. 21-238, In re Mark Cagni (Final Order 3/13/24)
Complaint No. 22-012, In re Angela Hough (Final Order 3/13/24)
Complaint No. 23-168, In re Henry Rosenthal (Final Order 4/19/2024)
Complaint No. 23-200, In re Michael Cusack (Final Order 4/19/2024)
Complaint No. 23-221, In re Ken Mascara (Final Order 7/31/2024)

Complaint No. 22-041, 22-115 (Cons.), In re Gregory Tony (3/7/2025)
Complaint No. 22-103, In re Michael Andrew White (3/7/2025)
Complaint No. 22-156, In re Bowen Kou (3/7/2025)
Complaint No. 24-172, 24-225 (Cons.), In re Lauro Diaz (3/7/2025)
Complaint No. 23-283, In re Angela McDonald (Final Order 4/25/2025)
Complaint No. 24-008, In re Kenneth Brenner (Final Order 4/25/2025)
Complaint No. 24-048, In re Ron Mueller (Final Order 4/25/2025)

HOUSE

Complaint No. 18-026, In re Kim Daniels (Final Order 1/30/2019)
Complaint No. 20-206, In re Jackie Toledo (Final Order 10/27/2021)
Complaint No. 20-211, In re Tracie Davis (Final Order 10/27/2021)
Complaint No. 21-159, In re Tracie Davis (Final Order 6/8/2022)

SENATE

Complaint No. 18-090, In re Daphne Campbell (Final Order 3/9/2022)

PENDING ACTION ON STATUTORILY-GENERATED LOBBYING FIRM AUDIT MATTERS (GOVERNOR AND CABINET)

Complaint No. 16-017, In re Dean Mead (Probable Cause 01/27/17)
Complaint No. 16-018, In re Buigas and Associates (Probable Cause 01/27/17)
Complaint No. 16-019, In re DDarling Consulting (Probable Cause 01/27/17).
Complaint No. 16-174, In re Kathy Till and Associates, Inc., (Probable Cause 08/02/17)
Complaint No. 16-170, In re Capitol Group, Inc., (Probable Cause 10/25/17)
Complaint No. 16-173, In re Johnson Strategies, LLC (Probable Cause 12/13/17)
Complaint No. 16-175, In re Sayfie Law Firm (Probable Cause 10/25/17)
Complaint No. 17-132, In re Andrew J. Liles (Probable Cause 08/01/18)
Complaint No. 17-134, In re Lester Abberger (Probable Cause 08/01/18)
Complaint No. 17-135, In re Pruitt and Associates (Probable Cause 08/01/18)
Complaint No. 17-136, In re Wilson and Associates, LLC (Probable Cause 08/01/18)
Complaint No. 17-137, In re TC Wolfe (Probable Cause 08/01/18)
Complaint No. 19-031, In re Impact GR (Probable Cause 09/18/19)
Complaint No. 20-055, In re All Florida Solutions, Inc. (Probable Cause 03/10/21)
Complaint No. 20-056, In re Carr Allison (Probable Cause 03/10/21)
Complaint No. 20-058, In re Pyle and Associates (Probable Cause 03/10/21)
Complaint No. 21-127, In re Diana Hadi Padgett (Probable Cause 12/3/21)
Complaint No. 21-128, In re CJT Strategies, LLC (Probable Cause 12/3/21)
Complaint No. 22-074, In re Capitol Strategy Group (12/2/22)
Complaint No. 22-075, In re Buchanan, Ingersoll, and Rooney (12/2/22)