

*Annual Report
to the
Florida Legislature
for
Calendar Year 2002*

*By the
State of Florida
Commission on Ethics*

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Chairman's Message

During my tenure as Chairman of the Florida Commission on Ethics, I have had the opportunity to serve with eight other Commissioners who have brought a wide range of experience and diversity to the panel's deliberations. I applaud Commission members for their diligence: spending hours preparing for meetings and taking time away from their own endeavors to travel to Tallahassee and spend more hours in adjudication of cases brought before the Commission.

The Commission has had a busy and fruitful year. In addition to its historical deliberations on complaints, legal opinions, and executive branch lobbying report appeals, the Commission took on new responsibilities and initiated several programs this year. Specific components of the Commission's new activities and outreach include the following:

- The development, in concert with the Florida Institute of Government, of an on-line ethics training course, available free of charge to elected officials throughout the State and open to others for a nominal fee of \$15.
- First-time administration of automatic penalties for failure to timely file financial disclosure, resulting in an increase in compliance to 97% for 2000, and 98% for 2001, as compared to 92% in 1999 (before automatic penalties).
- Adjudication of over 450 appeals of fines for failure to timely file financial disclosure for year 2000.
- Significant enhancements to the Commission's financial disclosure data base, making it interactive with Supervisors of Elections and local financial disclosure coordinators throughout the State and allowing officials and employees access to the database so as to determine whether their disclosure documents have been received.
- Improvement of the Commission's website, including provision of links to the financial disclosure data base and to the on-line training course and access to all Commission forms.

- In September, two Commissioners and two staff members were program participants at the international conference of the Council on Government Ethics Laws (COGEL) in Ottawa, Canada.

In response to its statutory mandate to submit to the Legislature recommendations for legislation which would improve the ethics laws and their enforcement, the Commission has drafted two proposed bills, which are included in this report for your review and consideration. The Commission staff and its legislative committee, chaired by Commissioner Richard Spears, will be advancing our proposed legislation in the appropriate committees and stand ready at any time to respond to questions or concerns you may have.

The Commission's staff has done their usual conscientious, professional job this year. The Commission and the people of the State are fortunate to have the experience and dedication of these employees.

Respectfully submitted,

Patrick K. Neal
Chairman

2002 Commission Members

PATRICK K. NEAL, *Chair*

Bradenton - Home Builder
Term expires June 2004
Reappointed by Senate President McKay (R)

CAROL A. LICKO, *Vice-Chair*

Miami - Attorney
Term expires June 2004
Reappointed by Speaker of the House Feeney (D)

PETER ANTONNACCI

Tallahassee - Attorney
Term expires June 2003
Appointed by Governor Bush (D)

JOHN A. GRANT, JR.

Tampa - Attorney
Partial term expires June 2003
Appointed by Governor Bush (R)

JOEL K. GUSTAFSON

Ft. Lauderdale - Attorney
Term expires June 2003
Appointed by Governor Bush (R)

MALLORY HORNE

Tallahassee - Attorney
Term expires June 2004
Appointed by Senate President McKay (D)

KURT D. JONES

Pensacola - Physician
Term expires June 2004
Appointed by Governor Bush (D)

JOHN LINSTROTH

West Palm Beach - Community Builder
Term expires June 2003
Appointed by Governor Bush (R)

RICHARD SPEARS

Orlando - Retired Business Executive
Term expires June 2004
Reappointed by Speaker of the House Feeney (R)

Introduction & History

Section 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 2002.

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 officer 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 27,206 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 Lobby Registration System and Trust Fund which provides for registration of all cabinet and executive agency lobbyists.

Organization

The Commission on Ethics is a non-paid, appointive body consisting of nine members, none of whom may hold any public employment. 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 on Ethics. 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 on Ethics 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. A chairman and vice-chairman 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 24 full-time equivalent positions and one half-time position as follows:

Bonnie J. Williams, Executive Director

Philip C. Claypool, Deputy Executive Director
and General Counsel

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Legal Section

C. Christopher Anderson, III, Attorney

Julia Cobb Costas, Attorney

Peter D. Ostreich, Attorney

Millie Fulford, Executive Secretary

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Public Information Section

Under the supervision of the Executive Director, the public information section provides information regarding Commission practices and procedures to other states, the press, and the public. This staff member also responds to general information inquiries about the Commission and the ethics laws.

Public Information Staff

Helen K. Jones, Public Information and Education

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Investigative Section

The investigative staff, also supervised by the Executive Director, conducts investigations of violations of the ethics laws and writes narrative investigative reports. The Complaint Coordinator serves as the liaison between the Commission and the Complainant and Respondent and is responsible for maintaining the complaint tracking system and files, as the official Clerk of the Commission.

Investigative Staff

Robert G. Malone, Senior Investigator

Harry B. Jackson, Investigator

Wayne V. Maxwell, Investigator

A. Keith Powell, Investigator

Tom W. Reaves, Investigator

K. Travis Wade, Investigator

Kaye B. Starling, Complaint Coordinator

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Financial Disclosure Section

The Program Manager, under the supervision of the Deputy Executive Director, responds to questions about the disclosure laws and compiles a list of the persons statewide who are required to file either Form 1 or Form 6 financial disclosure. These 27,206 reporting officials and employees were notified of their filing requirements in 2002 by the Commission on Ethics and Supervisors of Elections.

Financial Disclosure Staff

Shirley A. Taylor, Program Manager

Kimberly Holmes, Administrative Assistant

Bettye Daffin, Executive Secretary (half-time)

Sarah Jacoby, Executive Secretary (half-time)

Chandra Manning, Clerk

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Administrative and Clerical Section

Under the supervision of the Executive Director, the administrative section provides administrative and clerical support services to the Commissioners and staff.

Administrative and Clerical Staff

Kerrie J. Stillman, Assistant to the Executive Director

Frances Craft, Officer Manager

Barbara W. Miller, Receptionist

Matt Armstrong, Clerk (half-time)

Khamar Hussaini, Clerk (half-time)

Erin O'Connor, Clerk (half-time)

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Fiscal Report

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2002.

FLORIDA COMMISSION ON ETHICS
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES

BUDGET AND ACTUAL - GENERAL REVENUE FUNDS
For The Fiscal Year Ending June 30, 2002
(Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>
REVENUES:		
Released General Revenue	1,969,215	1,969,215
Appropriations		
Fines	20,000	33,550
Miscellaneous Receipts	2,500	4,030
	<hr/>	<hr/>
Total Revenues	1,991,715	2,006,795
EXPENDITURES:		
Salaries and Related Benefits	1,347,693	1,334,872
Other Personal Services	321,541	316,241
Expenses	266,392	258,954
Operating Capital Outlay	13,000	1,009
Transfers to Administrative Hearings	43,089	43,089
	<hr/>	<hr/>
Total Expenditures	1,991,715	1,954,165
Excess of Revenues over Expenditures	0	52,630
Budgetary Fund Balances June 30, 2002		52,630

Operations

The major operational functions of the Commission on Ethics are the investigation of complaints, management of the Executive Branch Lobbyist Registration Act, issuance of advisory opinions, provision of public information and education, and financial disclosure administration. The information below is offered to provide a profile of the Commission's workload.

Complaints

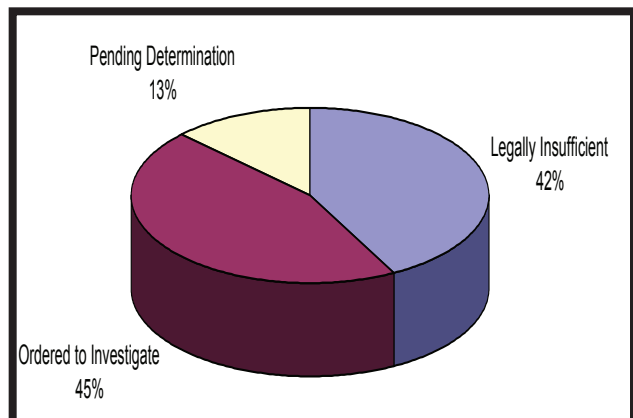
Statistical Summary of Complaints Filed

January 1, 2002 through December 31, 2002

Total number of complaints filed in 2002 187

POSITION	NUMBER OF COMPLAINTS	PERCENT OF TOTAL
State Elected Officers	5	2.7%
State Appointed Officers	3	1.6%
State Employees	11	5.9%
District Elected Officers	13	7.0%
District Appointed Officers	2	1.1%
District Employees	2	1.1%
County Elected Officers	40	21.4%
County Appointed Officers	3	1.6%
County Employees	10	5.3%
Municipal Elected Officers	67	35.8%
Municipal Appointed Officers	7	3.7%
Municipal Employees	24	12.8%
TOTAL	187	100.0%

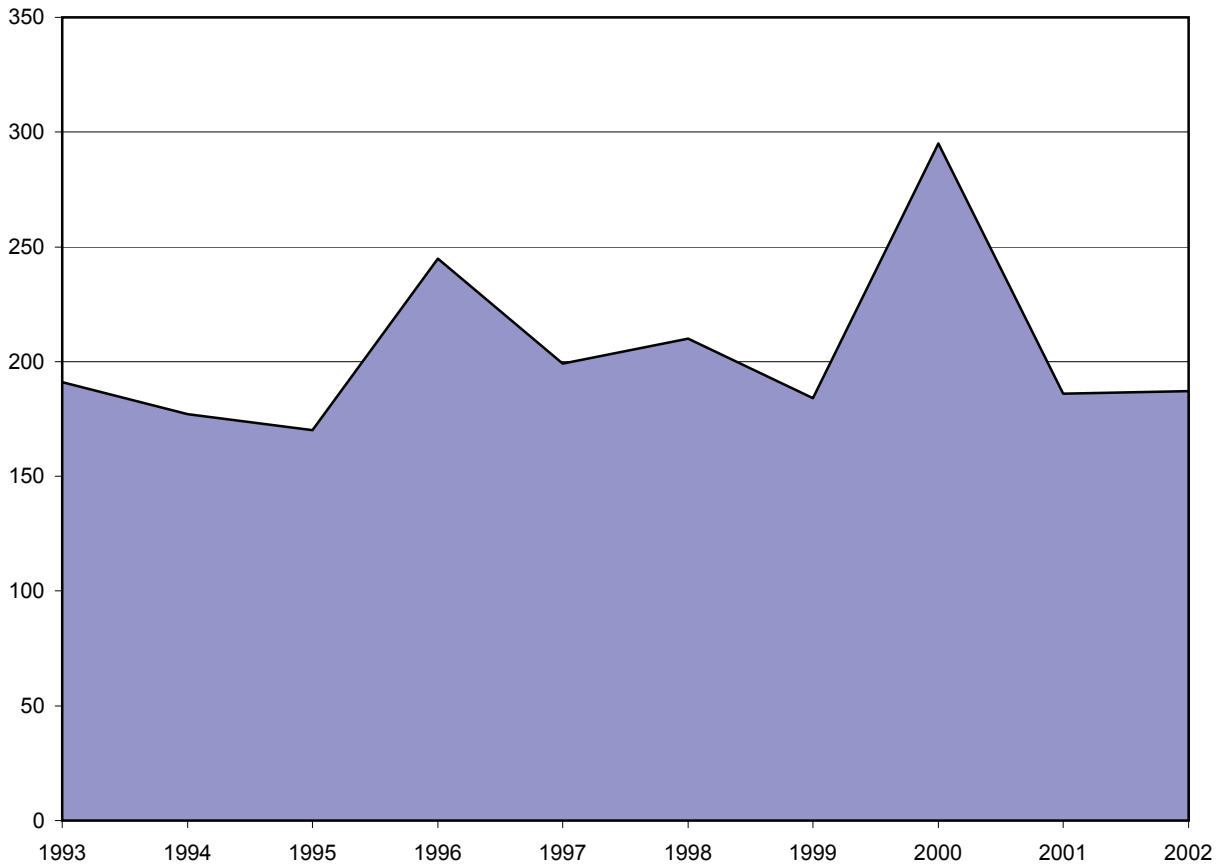
Of the 187 complaints received in 2002, seventy-nine were dismissed for lack of legal sufficiency; eighty-four were ordered to be investigated; and twenty-four were pending legal sufficiency determination at the end of the calendar year.



Ten Year History of Complaints

2002.....	187
2001.....	186
2000.....	295
1999.....	184
1998.....	210
1997.....	199
1996.....	245
1995.....	170
1994.....	177
1993.....	191

Complaint History



Actions Taken on Complaints in 2002

In addition to handling the 187 new complaints received in 2002, the Commission also took action during its eight regularly-scheduled Commission meetings on complaints filed in previous years. The following is a summary of the cases decided during calendar year 2002.

Dismissed for lack of legal sufficiency	100
Probable cause hearings held	96
No probable cause - dismissed	71
Probable cause - pending public hearing or stipulation	20
Probable cause - no further action	5
Public hearings at Division of Administrative Hearings	6
Violation found	5
No violation found	1
Stipulated settlement agreements - violation found	26
Informal hearing.....	2
Costs and attorney's fees petitions - denied.....	1
Dismissed on motion by Advocate	2
TOTAL NUMBER ACTIONS TAKEN ON COMPLAINTS	233

Executive Branch Lobbyist Registration

The Commission is charged with administration of the Executive Branch Lobby Registration Act and oversees the registration and expenditure report filings of executive branch lobbyists.

Executive branch lobbyists are required to file biannual expenditure reports whether or not reportable expenditures were made during the period. Penalties for failure to file these biannual reports by the deadline date are automatic and accrue at \$50 per report for each day late, with a maximum penalty of \$5,000 per report.

Each lobbyist may receive a one-time fine waiver if he or she files the report within 30 days after being notified of the failure to file. Otherwise, the lobbyist is assessed a fine at the time he or she files the delinquent report(s). If an appeal is filed within 30 days after the registrant 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.

2002 Summary of Activity

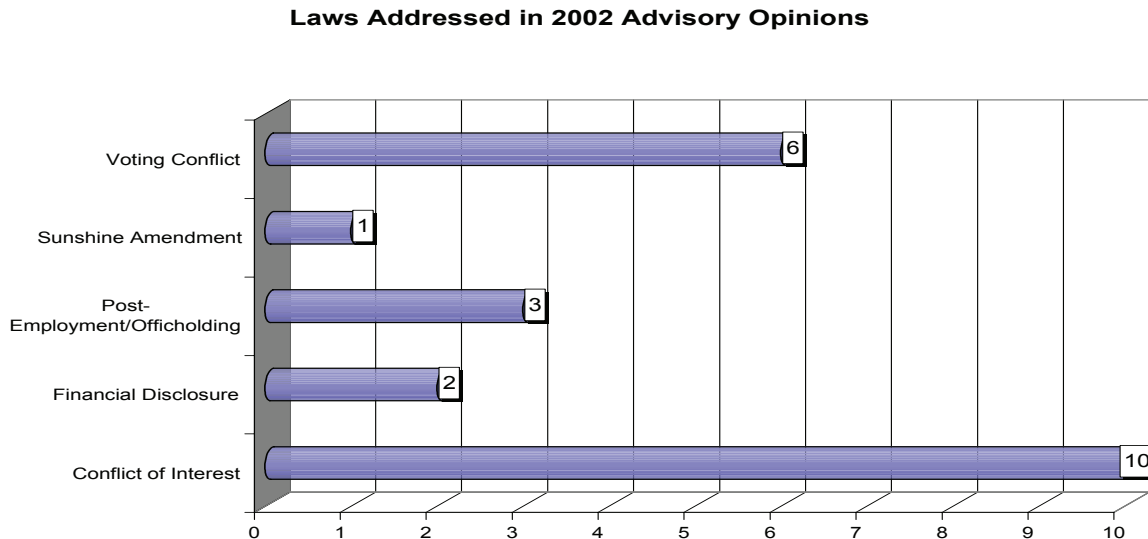
Total number of executive branch lobbyist registrants	1241
Total number of principals represented by the registrants	4214
Percent decrease in number of principals from 2001 to 2002.....	1%
Total number of registrants delinquent in filing their expenditure reports	
First Semi-Annual Period of 2002	22
Second Semi-Annual Period of 2001.....	51
(Filings for the Second Period of 2002 are due February 14, 2003.)	
Total number of registrants assessed a fine in 2002	
First Semi-Annual Period of 2002	15
Second Semi-Annual Period of 2001 (assessed in February 2002)	23
Number of appeals considered by the Commission in 2002.....	3
Action taken on 2002 appeals:	
Number of Fine Appeals Granted by the Commission	0
Number of Fine Appeals Reduced by the Commission	1
Number of Fine Appeals Denied by the Commission	2

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 2002, the Commission on Ethics issued 19 advisory opinions, bringing the total issued since 1974 to 2,282.

Nine of the opinions rendered in 2002 were in response to requests by local officers, employees, or local government attorneys, and ten of the opinions were issued regarding state level officers or employees.

Of the nineteen total opinions rendered, post-employment/post-officeholding questions were addressed in three opinions; conflict of interest questions were addressed in ten; voting conflicts in six; financial disclosure in two; and the Sunshine Amendment was addressed in one. Some opinions addressed more than one provision of law.



The Commission continues to provide upon request a Digest of Advisory Opinions. Printed volumes of full opinions also are available at cost by writing the Commission. Published opinions may be obtained at a cost of \$4.00 per year (for opinions through 1999). Binders for these loose-leaf opinions are available for purchase at a cost of \$4.00 each.

Commission advisory opinions also can be accessed and researched on our website: <http://www.ethics.state.fl.us>.

Education

As part of its public mission, the Commission feels that it is vital to educate public officers and employees regarding the standards of conduct and financial disclosure requirements of the Code of Ethics. Whenever possible, as personnel and resources are available, the Commission staff conducts training for public officials throughout the state. Articles written by members of the Commission's staff were published in the Florida Bar's Government Lawyer Section newsletter and the *Florida Counties* magazine.

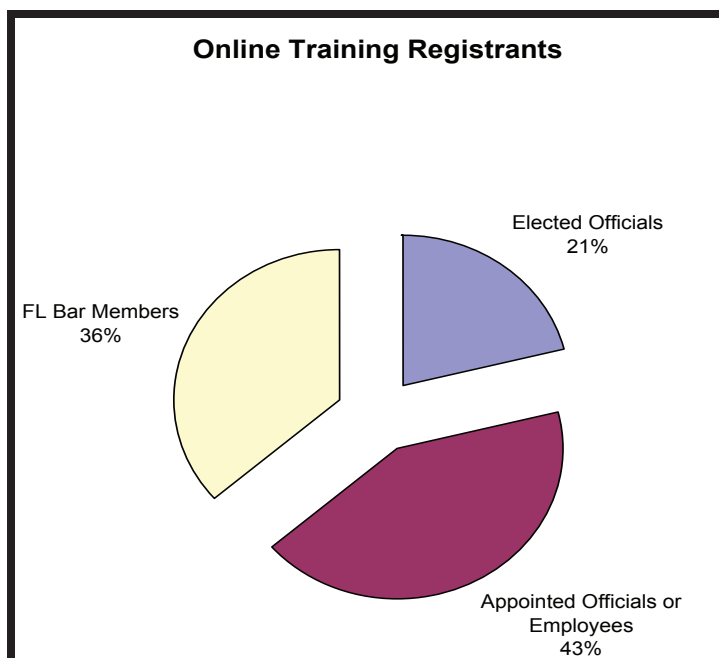
Speaking Engagements

- Judicial Nominating Commission appointees
- Department of State supervisors
- General Counsel Section of the Florida Bar
- Administrative Law Judges of the Division of Administrative Hearings
- Northeast Florida League of Cities
- Environmental Regulation Commission
- Police Officers' and Firefighters' Pension Trustees
- School Readiness Coalition
- Tampa Port Authority
- Motor Vehicle Arbitration Board
- Town of Cedar Grove
- Higher Education Facilities Financing Authority
- Florida Counties Foundation
- Okaloosa County
- City, County and Local Government Law Certification Exam Review Course

Online Training

In section 13 of Chapter 200-243, Laws of Florida, the Florida Legislature directed the Commission on Ethics to develop a plan for implementation of a study course on the Code of Ethics, public records, and public meeting laws. The course was to be made available for free to each elected public officer in the State (of which there are approximately 10,000), as well as to each person appointed to hold elective office. Appointed officials, employees and others may take the course at a cost of \$15.

Faced with the challenge of reaching as many people as possible with meaningful training, the Ethics Commission sought the advice of The Florida Institute of Government at Florida State University concerning how best to develop such a comprehensive course. The Institute proposed that it contract through the University with a private company to develop an Internet-based study. Staff of the Ethics Commission and Attorney General's office provided the company with guidance and written materials on the pertinent subject areas. The resulting course contains interactive elements, "Frequently Asked Questions," as well as testing for review purposes and tracking. It has the added advantage of being easily amended when changes in the law occur. The course is currently available via the Commission's website (<http://www.ethics.state.fl.us>) or by visiting: <http://www.iog.learnsomething.com>.



In 2002, 379 individuals registered for the online training course, with 368 completing the training by the end of the year. Of the registrants, 80 were elected officials, 161 were appointed officials or employees, and 138 of the registrants were members of the Florida Bar.

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 112.3145(6), 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 1st of each year. The Secretary of State and Supervisors of Elections are required to certify after that time the names and positions held by persons who fail to file by the end of the grace period.

Because of recent changes in the financial disclosure laws, only those with the most meaningful positions are required to file annual disclosure. Those who did not file their annual disclosure form (either Form 6 or Form 1) by September 3, 2002, 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 reflect compliance rates and disposition of appeals.

Compliance

There was a 99% overall compliance with the annual reporting requirement in 2002. This represents a 2% increase in overall compliance, compared to the 97% overall compliance in 2001, and a 7% increase since the inception of the automatic penalties in 2000. On the local level, 24 counties reported 100% compliance in 2002.

The following table reflects on a county-by-county basis the number of officials and employees subject to disclosure, the number delinquent as of September 3, 2002, the percentages of compliance, and comparable percentages from the previous year. Also listed is a chart which outlines filing compliance from 1984 to present.

FINANCIAL DISCLOSURE COMPLIANCE FIGURES				
County	# of Individuals Required to File	# of Delinquent Filers	2002 Compliance Rate¹	2001 Compliance Rate²
Alachua	255	5	98%	97%
Baker	41	0	100%	98%
Bay	235	2	99%	97%
Bradford	73	0	100%	100%
Brevard	761	45	94%	94%
Broward	1565	63	96%	98%
Calhoun	30	0	100%	100%
Charlotte	160	7	96%	97%
Citrus	119	0	100%	100%
Clay	162	5	97%	97%
Collier	232	0	100%	98%
Columbia	72	0	100%	100%
Dade	844	107	87%	88%
Desoto	44	0	100%	98%
Dixie	29	0	100%	100%
Duval	256	5	98%	97%
Escambia	136	1	99%	99%
Flagler	89	8	91%	97%
Franklin	67	0	100%	100%
Gadsden	117	10	91%	98%
Gilchrist	53	0	100%	98%
Glades	44	0	100%	100%
Gulf	37	0	100%	100%
Hamilton	55	0	100%	100%
Hardee	59	0	100%	97%
Hendry	91	0	100%	100%
Hernando	85	1	99%	98%
Highlands	151	3	98%	99%
Hillsborough	634	31	95%	99%
Holmes	75	1	99%	100%
Indian River	200	9	90%	100%
Jackson	137	0	100%	100%
Jefferson	32	5	84%	100%
Lafayette	27	0	100%	100%
Lake	375	6	98%	97%
Lee	690	36	95%	97%
Leon	149	7	95%	87%
Levy	117	3	97%	97%
Liberty	15	0	100%	100%
Madison	64	2	97%	100%
Manatee	331	13	96%	97%
Marion	176	9	95%	97%
Martin	146	5	97%	99%
Monroe	159	0	100%	100%
Nassau	100	13	87%	98%
Okaloosa	337	36	89%	98%
Okeechobee	90	1	99%	100%

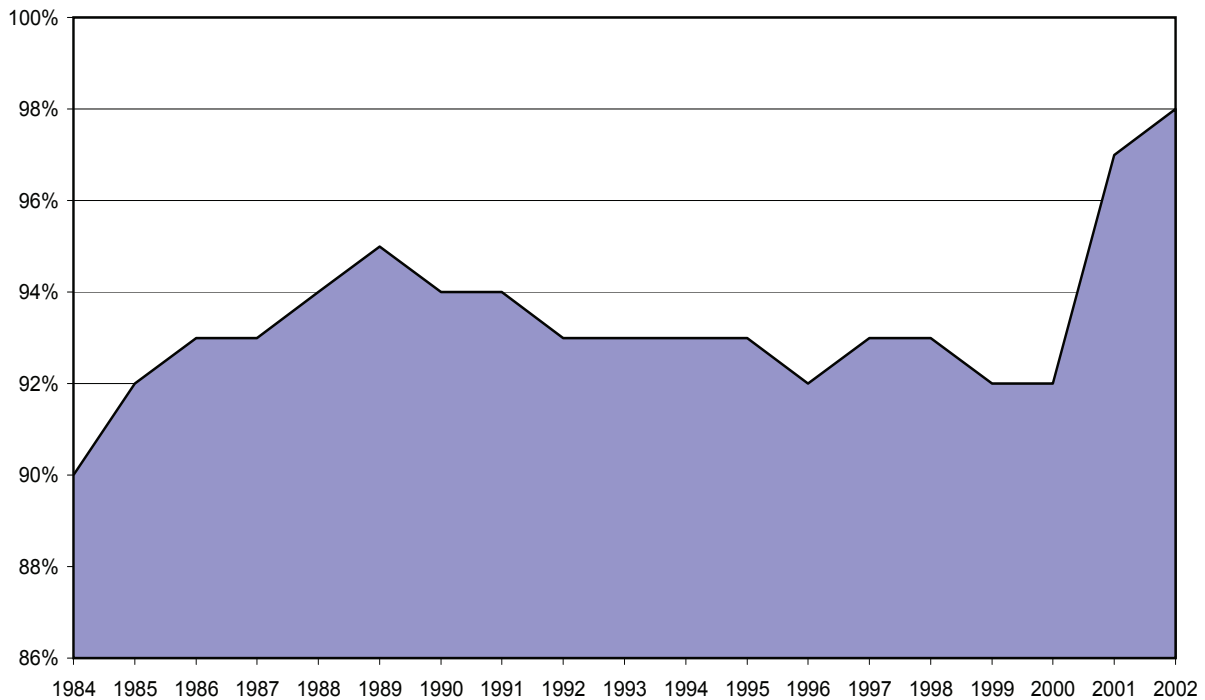
FINANCIAL DISCLOSURE COMPLIANCE FIGURES				
County	Number of Individuals	Number of Delinquent	2002 Compliance Rate¹	2001 Compliance Rate²
Orange	510	70	86%	91%
Osceola	131	5	96%	98%
Palm Beach	1238	85	93%	94%
Pasco	218	9	96%	98%
Pinellas	1012	54	95%	96%
Polk	566	19	97%	93%
Putnam	144	4	97%	90%
St. Johns	153	3	98%	98%
St. Lucie	200	17	92%	98%
Santa Rosa	137	3	98%	97%
Sarasota	289	9	97%	98%
Seminole	327	20	94%	95%
Sumter	133	2	98%	99%
Suwannee	69	3	96%	100%
Taylor	52	0	100%	97%
Union	37	0	100%	100%
Volusia	581	15	97%	98%
Wakulla	33	0	100%	100%
Walton	79	0	100%	100%
Washington	65	0	100%	100%
TOTALS- FORM1 LOCAL	15690	757	97%	96%
TOTALS - FORM 1 STATE	10229	146	99%	97%
TOTALS - FORM 6	1287	8	99%	97%
TOTAL-JUDGES	920			
TOTAL SENIOR JUDGES	156			
OVERALL TOTALS*	27206	911	98%	97%
* Overall Total does not include judges required to file annual disclosure				

¹ The 2002 compliance rate reflects compliance for the 2001 Form 1's and 2001 Form 6's, which were due no later than September 4, 2002.

² The 2001 compliance rate reflects compliance for the 2000 Form 1's and 2001 Form 6's, which were due no later than September 4, 2001.

FINANCIAL DISCLOSURE FILING COMPLIANCE (1984 - 2002)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
1984	26,670	2,903	90%
1985	27,758	1,136	92%
1986	29,384	2,126	93%
1987	29,631	2,183	93%
1988	30,559	1,794	94%
1989	33,541	1,815	95%
1990	34,828	2,091	94%
1991	35,845	2,120	94%
1992	37,631	2,564	93%
1993	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%

Financial Disclosure Compliance History



Summary of Local Level Form 1 Compliance

- Total compliance rate for Form 1 Statement of Financial Interests was 97%.
- Of the 15,690 individuals required to file, only 757 were delinquent as of September 3, 2002.
- 24 counties reported 100% compliance in 2002.

Summary of State Level Form 1 Compliance

- The Form 1 compliance rate was 99%, which represents an increase of 2% over 2001.
- Of the 10,229 individuals required to file, only 146 were delinquent as of September 3, 2002.

Summary of Full Disclosure (Form 6) Compliance

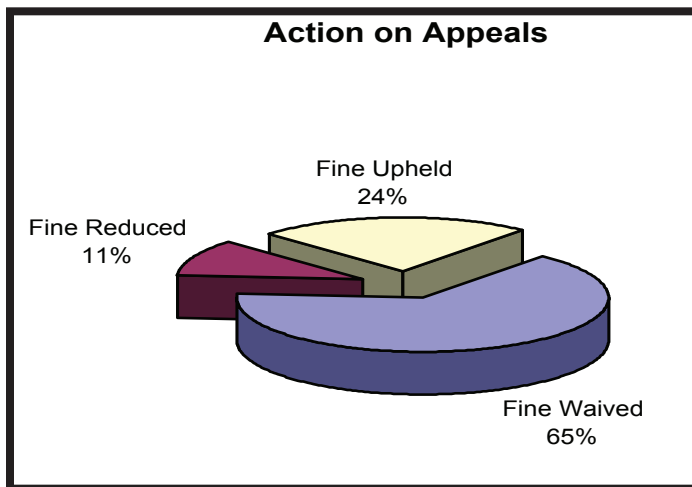
- Form 6 Full and Public Disclosure of Financial Interests compliance rate was 99%.
- There were only 8 delinquencies out of a total of 1,287 individuals required to file Form 6.

Summary of 2002 Overall Compliance

- As of September 3, 2002, out of the 27,206 individuals required to file disclosure, there were only 1,043 officers and employees who failed to do so.
- The 2002 total of 28,282 officials (including judges) required to file disclosure represents a decrease of 2,832 individuals from 2001.

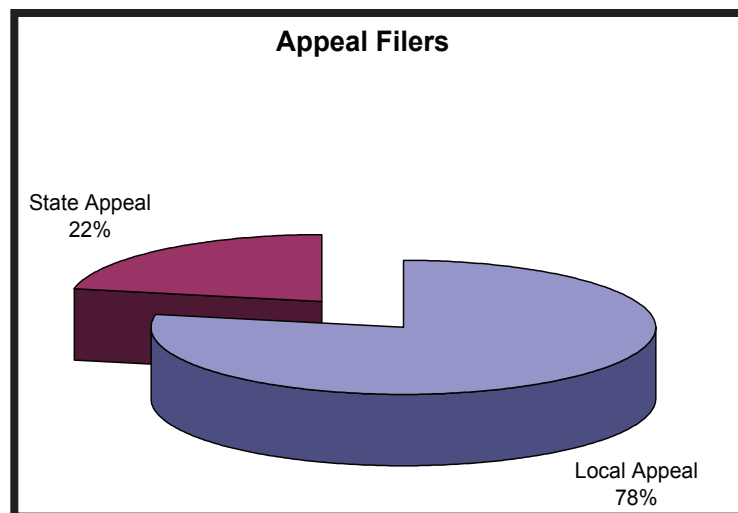
Financial Disclosure Fine Appeals

Local and state level filers were required to file year 2000 disclosure forms no later than September 4, 2001. The 943 individuals who were delinquent were fined \$25 per day for each day late, up to \$1,500. 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 timely file the appropriate disclosure form. In 2002, the Commission on Ethics took action on 319 of the 493 appeals of assessed fines for the 2000 disclosure period. The following is a breakdown of action taken on these appeals:



In 2002, the Commission on Ethics heard 319 appeals filed for the year 2000 disclosure period. In 207 appeals, the Commission waived the fine. The fine was reduced in 35 of the appeals, while the Commission upheld the assessed fine in 77 appeals.

There were 493 appeals filed for the year 2000 disclosure forms. Of the appeals, 383 were filed by Local Officials or Employees. State Employees and Officials filed 110 appeals.



Pending Litigation

Recent ethics cases decided by the appellate courts dealt with the Commission's authority under Section 112.317(8), Florida Statutes, to award attorney's fees against a complainant whose complaint is found to have been filed with a malicious intent to injure the reputation of the public official, that is, with knowledge that the complaint contains false allegations or with reckless disregard for whether it contains false allegations. In *Baker v. Chandler and Commission on Ethics*, 5th DCA Case No. 5D00-3720, the District Court affirmed, via a PCA decision, the Commission's final order denying attorney's fees. In *Speas v. Sands and Commission on Ethics*, 1st DCA Case No. 1D01-2727, the District Court affirmed the Commission's final order awarding attorney's fees, also via a PCA decision.

2003 Legislative Recommendations

BILL #1:

Commission Investigations

- Would allow the Commission to investigate based on the receipt of evidence which it deems sufficient to indicate a breach of the public trust, provided that:
 - the information is “reliable and publicly disseminated”;
 - at least 7 members of the Commission vote to undertake the investigation; and
 - no formal investigation would be undertaken prior to the decision to investigate.
- Would allow the Commission to investigate based on a written referral from the Governor, the Chief Financial Officer, FDLE, a State Attorney, or the Statewide Prosecutor, provided that:
 - at least 7 members of the Commission agree.

BILL #2:

Gifts and Honoraria

- Would require gift and honorarium-expense disclosure forms to be filed for the last portion of one’s term of office or employment.

Penalties for Violations

- Would allow restitution to be paid by the violator to an agency that was damaged by the violation, rather than paid to the State.
- Would allow, when the Attorney General is required to collect a penalty through a civil action in court, the Attorney General’s costs and fees of collecting the penalty to be assessed against the violator.

Post-Officeholding and Post-Employment Restrictions

- Would amend the two-year “revolving door” prohibition against representing a client before one’s former agency to “grandfather-in” agency employees whose positions were transferred to the Selected Exempt Service from Career Service System under last year’s “Service First” law.
- Would apply the two-year prohibition for local elected officials to representations before the entire government body or agency they served (which would include staff), rather than just the body of which they were a member.
- Would ease existing post-employment restrictions for State employees whose jobs are privatized and who then go to work for the private entity.

- Would add a prohibition to keep State executive branch employees from leaving government and then representing a client before their former agency in connection with the same matter in which they participated while an agency employee.

Disclosure or Use of Inside Information

- Would amend this prohibition against using “inside” information gained while in a public position to benefit oneself or another to clarify that the provision applies to both current and former employees and officers (except for information relating exclusively to governmental practices or procedures).

Financial Disclosure

- Would change the automatic penalty for filing the “limited” annual financial disclosure statement to a flat \$300 amount, rather than the current \$25 per day (up to a maximum of \$1,500) and would allow the Commission to waive the penalty only when the person did not receive proper notice. The automatic penalty for elected constitutional officers and others required to file “full” financial disclosure would remain capped at \$1,500.
- Would change the method for disclosing assets and liabilities relating to assets held by the reporting person as a joint tenant with the right of survivorship.

Witness Tampering

- Would make it a crime to tamper with witnesses in an Ethics Commission proceeding.

Tax Certificates

- During 2002, the Commission investigated a complaint against a Tax Collector that alleged favoritism in the auctioning of tax certificates, and became concerned that the process may leave too much room for errors and the appearance that the process can be manipulated too easily. Therefore, the Commission recommends that the Legislature review the processes used by County Tax Collectors for the sale of ad valorem tax certificates to assure the public that tax certificates are being sold fairly and impartially.