

*Annual Report
to the
Florida Legislature
for Calendar Year 2004*



*By the
State of Florida
Commission on Ethics*

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Chairman's Message

It has been my honor to serve on the Commission on Ethics four separate times, two terms each, for a total of sixteen years. In each of those four years, I was elected Commission Chairman for one year, including this year, my last of this four-year term. It has been my pleasure to watch the Commission grow from its infancy to the mature and respected organization it is today.

Among the Commission's many attributes, the foremost, I believe, is its consistently fine staff, most of whom have worked there for many years. I continue to admire their institutional knowledge, their ability to organize enormous amounts of information, their consistent attention to detail, and the marvelous working relationships they have with each other. I have served for two years on the Board of Directors of the Council on Governmental Ethics Laws, an international organization comprised of agencies devoted to ethics in government, and can attest to the fact that Florida's commission is held in the highest regard throughout the world. This is evidenced in many ways, most recently by our Executive Director's invitation by USAID to participate as a team member in assisting the country of South Africa implement its new anti-corruption legislation.

As it is in every election year, the Commission's workload over the past twelve months has been substantial. Commissioners arrive in Tallahassee every six weeks for a Commission meeting with two or more carrying cases of materials relating to complaints, legal opinions, and appeals of penalties for the late filing of financial disclosure and lobbyist registration forms. Despite the amount of pre-meeting preparation required of persons with personal obligations of their own, there is a high level of commitment on the part of Commission members. It has been my pleasure to serve with many of Florida's finest citizens in my sixteen years of service.

The Commission has continued to expand its efforts to educate public officials and citizens of the State about statutory ethics requirements. In addition to our on-line training course and numerous speaking engagements, we sponsored a statewide ethics

conference this past fall which drew over 200 participants. Because of its popularity and high ratings by attendees, we have resolved to do our best to make it an annual event and already have secured a date and location for next year.

Finally, I ask each of you to become acquainted with the Commission's legislative proposals, summarized herein and available in detail from our office. It is the Commission's statutory obligation to propose changes which would strengthen and clarify the conflict of interest and financial disclosure laws, and we do so on an annual basis. We need the support of the Legislature to keep those laws current and workable and would welcome any assistance that individual members can provide.

I and my fellow Commissioners, along with the staff, thank you for the confidence you have placed in us over the years. You can be assured that your confidence has not been, and will not be, misplaced.

Sincerely,

A handwritten signature in black ink, appearing to read "Joel K. Gustafson". The signature is fluid and cursive, with a large initial "J" and a long, sweeping tail.

Joel K. Gustafson
Chairman

2004 Commission Members

JOEL K. GUSTAFSON, *Chair*

Ft. Lauderdale - Attorney
Term expires June 2005
Reappointed by Governor Bush (R)

JOHN A. GRANT, JR., *Vice-Chair*

Tampa - Attorney
Term expires June 2005
Reappointed by Governor Bush (R)

PETER ANTONACCI

Tallahassee - Attorney
Term expires June 2005
Reappointed by Governor Bush (D)

KURT D. JONES

Pensacola - Physician
Term expires June 2006
Reappointed by Governor Bush (D)

JOHN P. LINSTROTH

West Palm Beach - Community Builder
Term expires June 2005
Reappointed by Governor Bush (R)

CHARLES LYDECKER

Daytona Beach - Insurance Executive
Term expires June 2006
Appointed by Senate President King (D)

THOMAS P. SCARRITT, JR.

Tampa - Attorney
Term expires June 2006
Appointed by Speaker of the House Byrd (D)

RICHARD L. SPEARS

Orlando - Retired Business Executive
Term expires June 2006
Reappointed by Speaker of the House Byrd (R)

CATHERINE B. WHATLEY

Jacksonville - Real Estate Executive
Term expires June 2006
Appointed by Senate President King (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 2003.

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 35,984 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 22½ full-time equivalent positions.

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

Virlindia A. Doss, 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

Ronald D. Moalli, 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 35,984 reporting officials and employees were notified of their filing requirements in 2004 by the Commission on Ethics and Supervisors of Elections.

Financial Disclosure Staff

Shirley A. Taylor, Program Manager

Kimberly Holmes, Program Assistant

Lynn Colbert, Executive Secretary

Connie Evans, Executive Secretary

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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, Office Manager

Barbara W. Miller, Receptionist

Saralynn Brown, Clerk (half-time)

Dianne Ebersole, Clerk (half-time)

Rebecca Sutton, 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, 2004.

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, 2004
(Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>	<u>Variance - Favorable (Unfavorable)</u>
REVENUES:			
Released General Revenue	2,124,550	2,124,550	0
Appropriations			
Fines	0	96,365	96,365
Miscellaneous Receipts	2,200	3,777	1,577
	<hr/>	<hr/>	<hr/>
Total Revenues	2,126,750	2,224,692	97,942
EXPENDITURES:			
Salaries and Related Benefits	1,517,422	1,517,410	12
Other Personal Services	300,665	300,220	445
Expenses	241,122	236,717	4,405
Operating Capital Outlay	0	0	0
Transfers to Administrative Hearings	67,541	67,541	0
	<hr/>	<hr/>	<hr/>
Total Expenditures	2,126,750	2,121,888	4,862
Excess of Revenues over Expenditures	0	102,804	<u>102,804</u>
Budgetary Fund Balances June 30, 2004		<u>102,804</u>	

EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES: \$144,700

FINES: \$9,450

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.

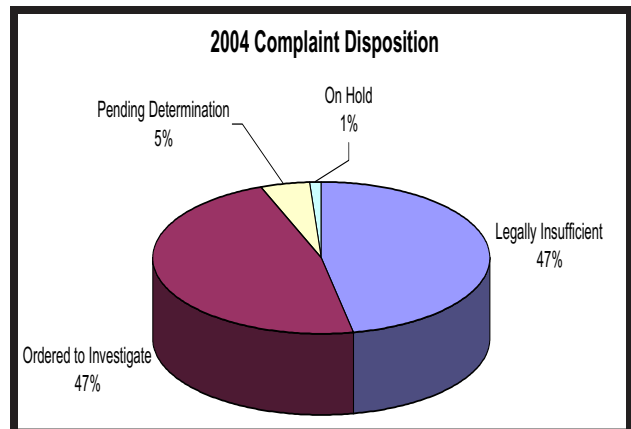
Complaints

Statistical Summary of Complaints Filed January 1, 2004 through December 31, 2004

Total number of complaints filed in 2004 243

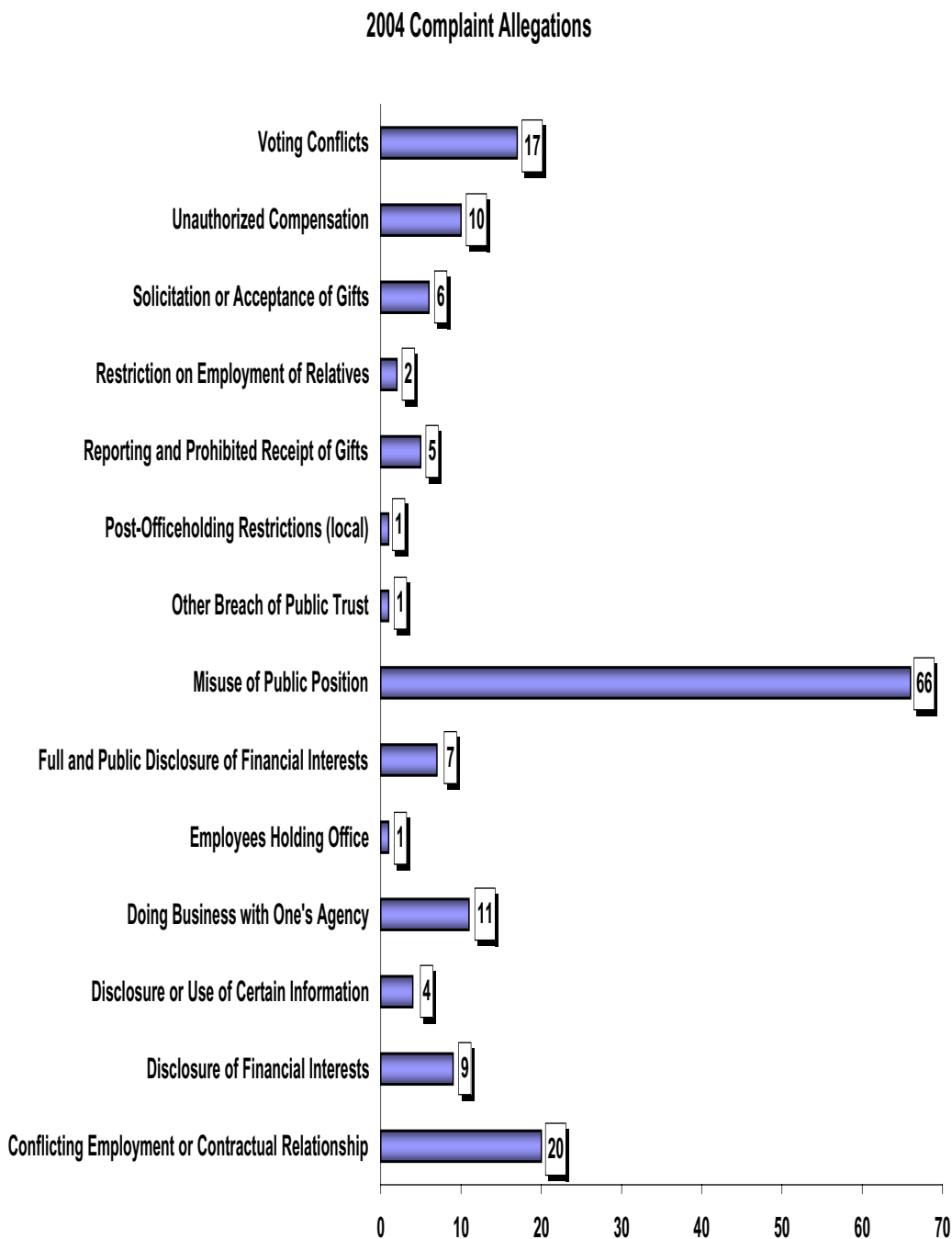
POSITION	NUMBER OF COMPLAINTS	PERCENT OF TOTAL
State Elected Officers	14	6%
State Appointed Officers	2	1%
State Employees	19	8%
State Candidates	2	1%
District Elected Officers	17	7%
District Appointed Officers	3	1%
District Employees	5	2%
District Candidates	1	0%
County Elected Officers	50	21%
County Appointed Officers	8	3%
County Employees	17	7%
Municipal Elected Officers	64	26%
Municipal Candidates	4	2%
Municipal Appointed Officers	8	3%
Municipal Employees	29	12%
TOTAL	243	100%

Of the 243 complaints received in 2004, 114 were dismissed for lack of legal sufficiency; 115 were ordered to be investigated; 11 were pending legal sufficiency determination; and 3 were on hold pending criminal investigation at the end of the calendar year.



Allegations

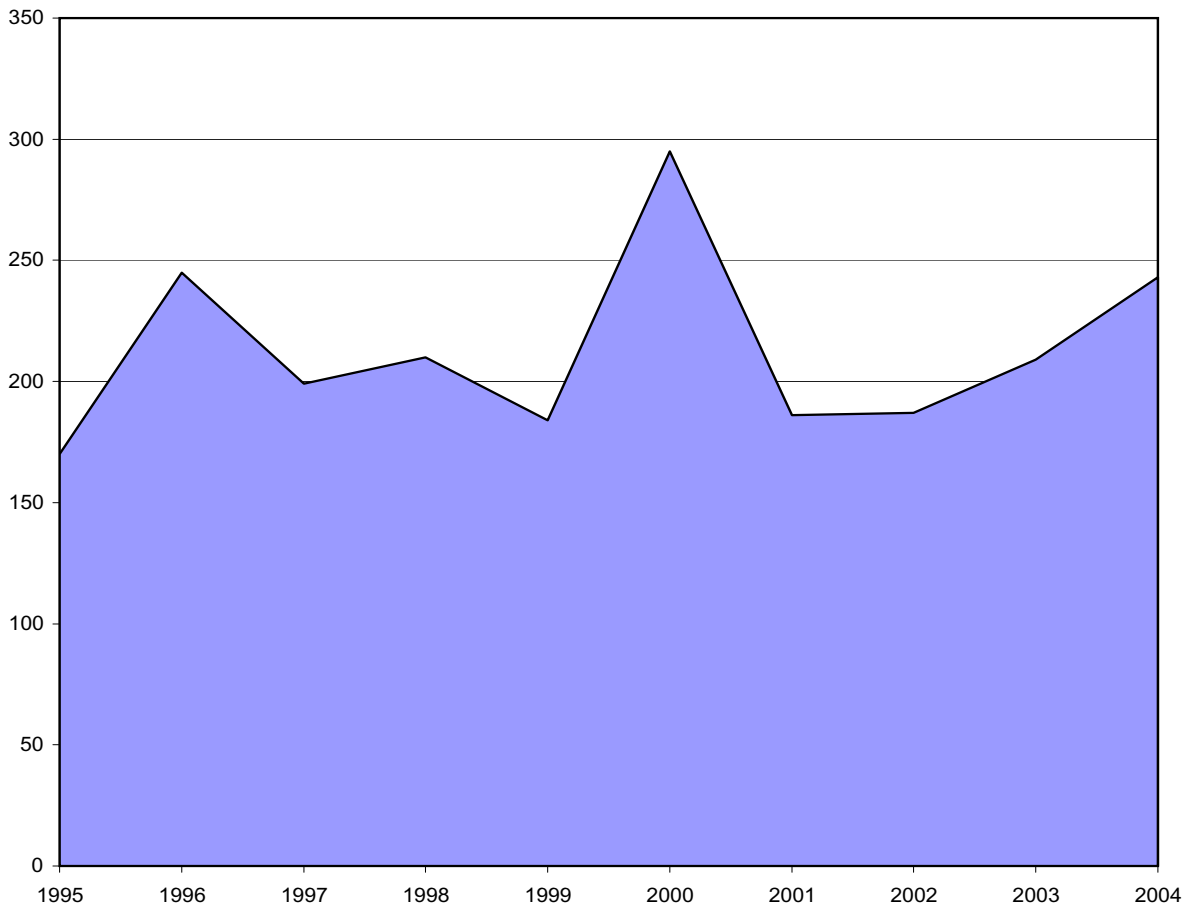
Of the 243 complaints received in 2004, the Commission's Executive Director ordered an investigation of 115 complaints as of December 31, 2004. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below.



Ten Year History of Complaints

2004	243
2003	209
2002.....	187
2001.....	186
2000	295
1999	184
1998	210
1997.....	199
1996	245
1995	170

Complaint History



Actions Taken on Complaints in 2004

In addition to handling the 243 new complaints received in 2004, the Commission also took action during its eight regularly-scheduled Commission meetings on complaints filed in previous years. The following is a summary of action taken in 2004 on all active complaints.

Dismissed for lack of legal sufficiency	143
Probable cause hearings held.....	105
No probable cause - dismissed	65
Probable cause - pending public hearing or stipulation	22
Probable cause - no further action	18
Request for withdrawal of complaint - granted.....	1
Public hearings at Division of Administrative Hearings	2
Violation found	1
No violation found	1
Stipulated settlement agreements - violation found	12
Informal hearing.....	0
Costs and attorney's fees petitions - dismissed	3
Dismissed on motion by Advocate - RUDD Amendment*	1
TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS . . .	267

*Public interest not served by further proceedings.

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.

2004 Summary of Activity

Total number of executive branch lobbyist registrants	1,340
Total number of principals represented by the registrants	5,702
Percent increase in number of principals from 2003 to 2004	10%
Total number of registrants delinquent in filing their expenditure reports	
First Semi-Annual Period of 2004	67
Second Semi-Annual Period of 2003	79
(Filings for the Second Period of 2004 are due February 14, 2005.)	
Total number of registrants assessed a fine in 2004	
First Semi-Annual Period of 2004	27
Second Semi-Annual Period of 2003 (assessed in February 2004)	25
Number of appeals considered by the Commission in 2004	2
Action taken on appeals in 2004:	
Number of Fine Appeals Granted by the Commission	6
Number of Fine Appeals Reduced by the Commission	2
Number of Fine Appeals Denied by the Commission	0
Number of Fine Appeals Withdrawn by Appellant	1

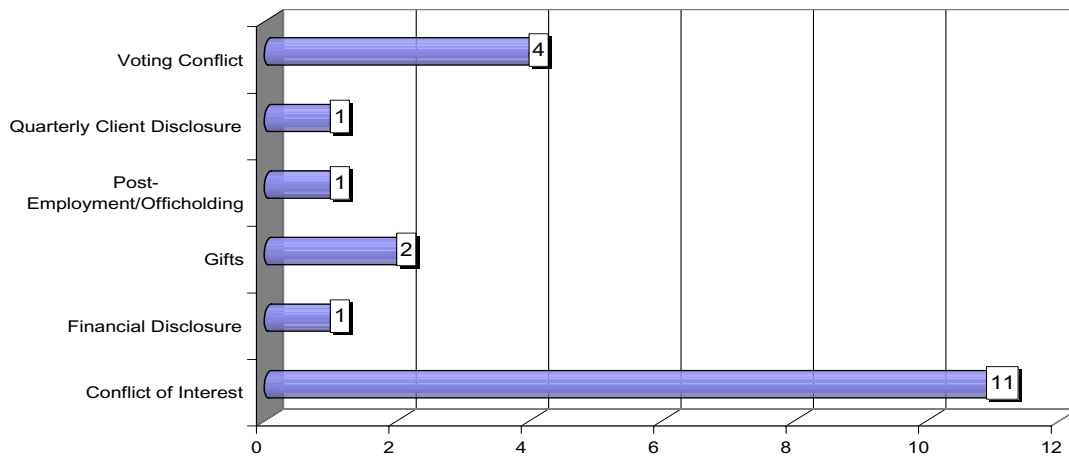
Advisory Opinions

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 2004, the Commission on Ethics issued 17 advisory opinions, bringing the total issued since 1974 to 2,316.

Eleven of the opinions rendered in 2004 were in response to requests by local officers, employees, or local government attorneys, and six of the opinions were issued regarding state level officers or employees.

Of the seventeen total opinions rendered, conflicts of interest were addressed in eleven opinions; voting conflict questions were addressed in four opinions; gift questions were addressed in two; financial disclosure, quarterly client disclosure, and post-employment were each addressed in one. Some opinions addressed more than one provision of law.

Laws Addressed in 2004 Advisory Opinions



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:

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. In 2004, the Commission sponsored the Florida Ethics Law Conference in Tampa, Florida. Many Commission staff members participated as speakers and panelists for the conference, which was attended by more than 200 public officers and employees.

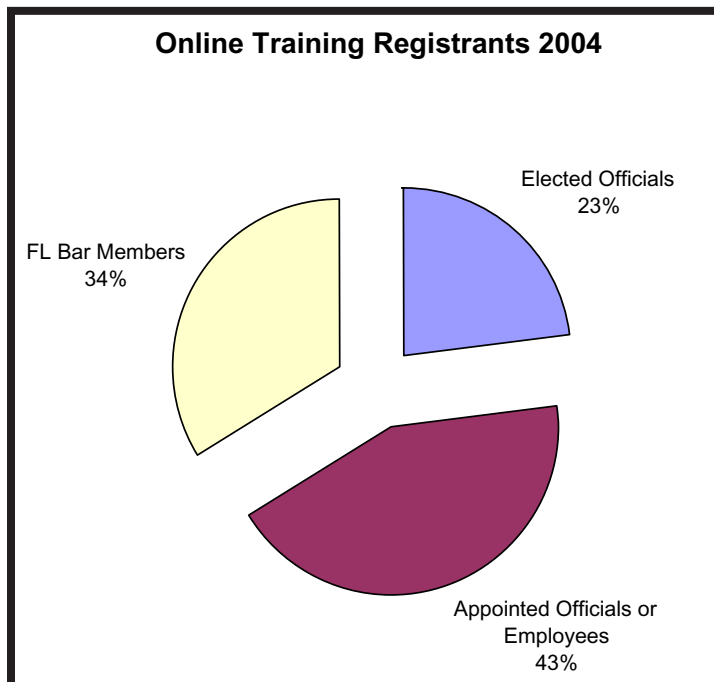
Speaking Engagements

- Judicial Nominating Commission
- Florida State University College of Law
- “Psychology Training Day,” Florida State Hospital
- Florida Association of Court Clerks
- The Florida Bar’s Pat Dore Administrative Law Conference
- “Sheriffs’ School” for newly-elected Sheriffs
- Florida School Superintendents
- Florida Bar Government Lawyer Section
- Tax Collector Certification Course
- Inspector Generals of State departments and universities
- Florida Tax Collectors Conference
- Escambia County employees
- State & Local Governmental Accounting Conference
- Florida Tax Collectors’ Fall Conference
- Police Officers’ & Firefighters’ Pension Trustees’ Conference
- City, County & Local Government Law Section’s Certification Exam Review
- Florida Association of Property Appraisers
- Florida Gulf Coast University faculty, staff, and students
- Council on Governmental Ethics Laws Annual Conference
- Department of Health’s County Health Department Leadership Meeting
- Commission for the Transportation Disadvantaged
- Tallahassee Women Lawyers
- Agency for Workforce Innovation
- Florida Association of County Attorneys’ Annual Conference
- Boys’ State
- New Motor Vehicle Arbitration Board (Lemon Law)
- Holmes County officials
- Albania government officials
- South Africa government officials

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 Insitute 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 2004, 244 individuals registered for the online training course, with 188 completing the training by the end of the year. Of the registrants, 57 were elected officials, 106 were appointed officials or employees, and 84 of the registrants were members of the Florida Bar. A total of 854 public officers and employees have completed the course since its inception in 2002.

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(3), 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(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 Commission on Ethics 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 1, 2004, 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 97% overall compliance with the annual reporting requirement in 2004. This is the same overall compliance rate as 2003, which maintains the 5% increase since the inception of the automatic penalties in 2000. On the local level, 24 counties reported 100% compliance in 2004.

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 1, 2004, 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	2004 Compliance Rate¹	2003 Compliance Rate¹
Alachua	314	15	95%	96%
Baker	53	0	100%	100%
Bay	309	13	96%	99%
Bradford	85	0	100%	100%
Brevard	954	28	97%	96%
Broward	2211	79	96%	97%
Calhoun	30	0	100%	100%
Charlotte	185	0	100%	100%
Citrus	169	0	100%	99%
Clay	194	2	99%	99%
Collier	316	2	99%	100%
Columbia	88	0	100%	100%
Dade	1670	193	88%	91%
Desoto	67	8	88%	97%
Dixie	42	0	100%	100%
Duval	378	18	95%	99%
Escambia	144	2	99%	100%
Flagler	192	9	95%	96%
Franklin	75	0	100%	100%
Gadsden	148	3	98%	95%
Gilchrist	48	1	98%	100%
Glades	50	0	100%	100%
Gulf	54	0	100%	100%
Hamilton	65	3	95%	97%
Hardee	74	0	100%	100%
Hendry	111	0	100%	100%
Hernando	101	2	98%	99%
Highlands	195	0	100%	100%
Hillsborough	1069	69	94%	95%
Holmes	78	0	100%	99%
Indian River	244	14	94%	99%
Jackson	180	1	99%	100%
Jefferson	35	0	100%	97%
Lafayette	21	0	100%	100%
Lake	502	24	95%	100%
Lee	1046	36	97%	97%
Leon	176	9	95%	97%
Levy	150	8	95%	95%
Liberty	16	0	100%	100%
Madison	82	0	100%	100%
Manatee	465	11	98%	98%
Marion	246	5	98%	92%
Martin	211	10	95%	100%
Monroe	194	0	100%	99%
Nassau	140	0	100%	100%
Okaloosa	361	3	99%	98%
Okeechobee	99	0	100%	100%

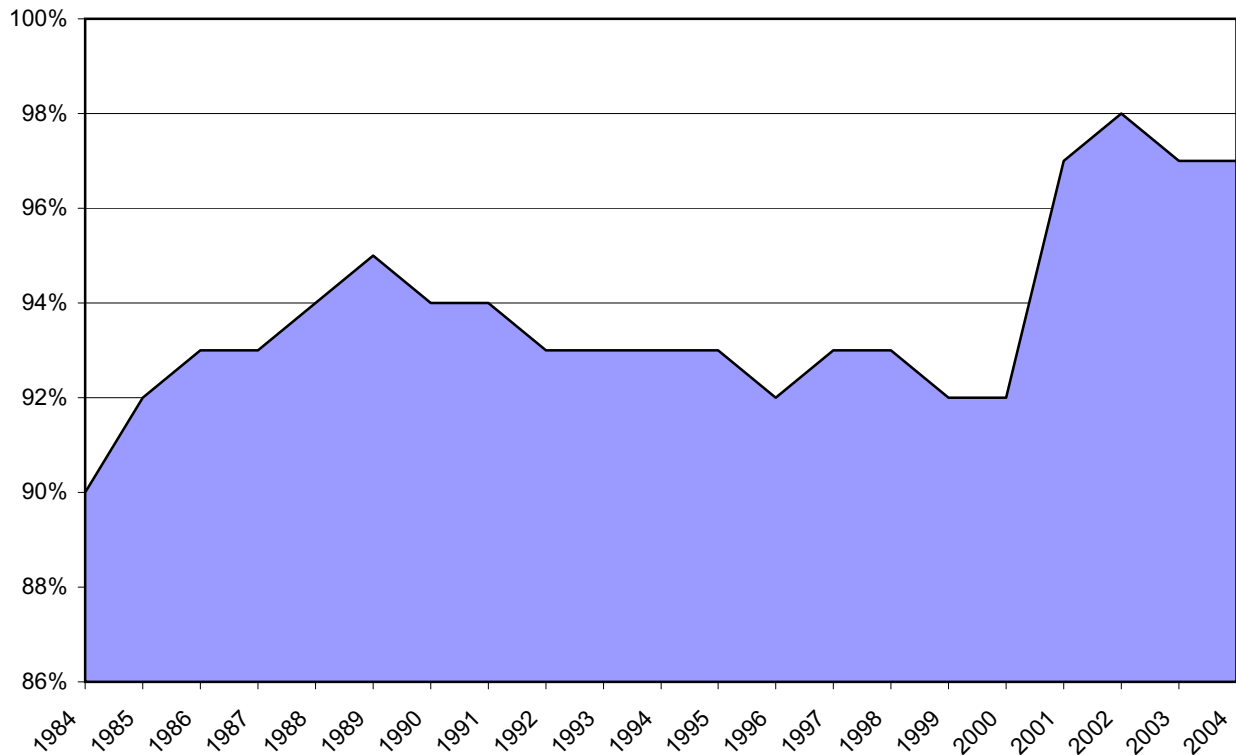
FINANCIAL DISCLOSURE COMPLIANCE FIGURES				
County	Number of Individuals	Number of Delinquent	2004 Compliance Rate¹	2003 Compliance Rate²
Orange	676	28	96%	97%
Osceola	177	13	93%	93%
Palm Beach	1664	130	92%	94%
Pasco	250	7	97%	99%
Pinellas	1264	67	95%	97%
Polk	716	39	95%	98%
Putnam	184	2	99%	97%
St. Johns	196	6	97%	100%
St. Lucie	245	7	97%	93%
Santa Rosa	161	7	96%	100%
Sarasota	395	9	98%	98%
Seminole	447	19	96%	98%
Sumter	166	2	99%	99%
Suwannee	82	1	99%	100%
Taylor	59	0	100%	98%
Union	43	3	93%	100%
Volusia	747	9	99%	99%
Wakulla	50	0	100%	100%
Walton	106	0	100%	94%
Washington	84	4	95%	98%
TOTAL - FORM 1 LOCAL	21349	921	96%	97%
TOTAL - FORM 1 STATE	12217	167	99%	98%
TOTAL - FORM 6	1386	17	99%	99%
TOTAL-JUDGES	877	13	99%	
TOTAL - SENIOR JUDGES	155	6	96%	
OVERALL TOTAL*	35984	1124	97%	97%
* Overall total does not include judges required to file annual disclosure				

¹ The 2004 compliance rate reflects compliance for the 2003 Form 1's and 2003 Form 6's, which were due no later than September 1, 2004.

² The 2003 compliance rate reflects compliance for the 2002 Form 1's and 2002 Form 6's, which were due no later than September 2, 2003.

FINANCIAL DISCLOSURE FILING COMPLIANCE (1984 - 2004)			
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%
2003	34,298	878	97%
2004	35,984	1,124	97%

Financial Disclosure Compliance History



Summary of Local Level Form 1 Compliance

- Total compliance rate for Form 1 Statement of Financial Interests was 96%.
- Of the 21,349 individuals required to file, only 940 were delinquent as of September 1, 2004. This is an increase of 300 from the previous year's delinquency list.
- 24 counties reported 100% compliance in 2004. This is down from 27 in 2003.

Summary of State Level Form 1 Compliance

- The Form 1 compliance rate was 98%.
- Of the 12,217 individuals required to file, only 167 were delinquent as of September 1, 2004. This is a decrease from the previous year's total of 221 delinquent filers.

Summary of Full Disclosure (Form 6) Compliance

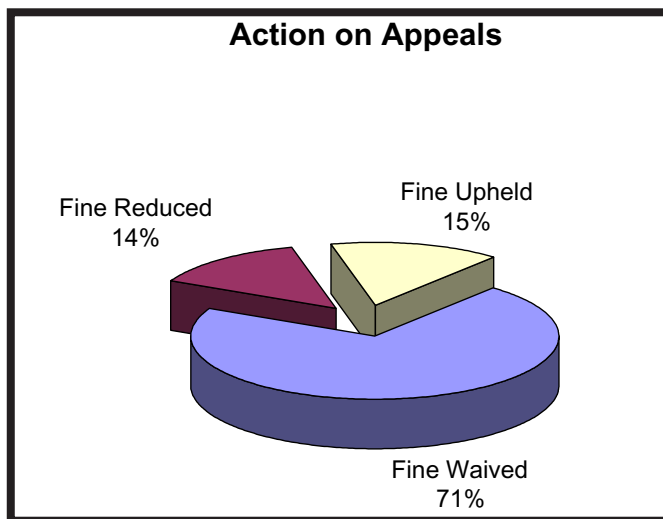
- Form 6 Full and Public Disclosure of Financial Interests compliance rate for elected, constitutional officers and employees was 99%.
- There were only 17 delinquencies out of a total of 1,386 individuals required to file Form 6.

Summary of 2004 Overall Compliance

- As of September 1, 2004, out of the 35,984 individuals required to file disclosure, there were only 1,124 officers and employees who failed to do so.
- The 2004 total of 35,984 officials (including judges) required to file disclosure represents an increase of 587 individuals from 2003. We continue to work with agency coordinators to ensure the filer list is pared down to only those required to file by statute or local option.

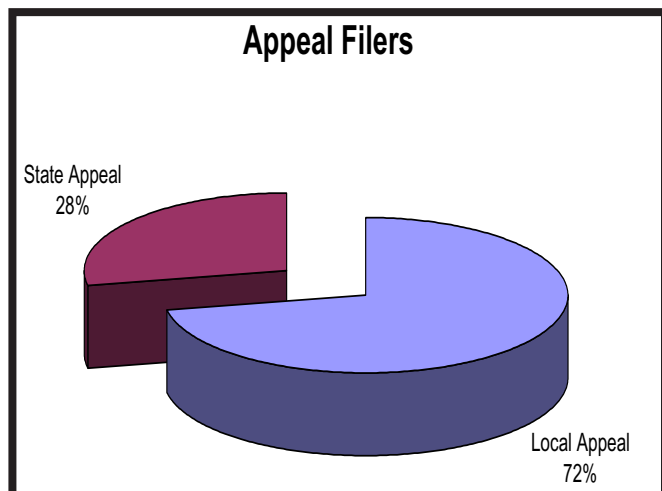
Financial Disclosure Fine Appeals

In 2004, 823 individuals who were delinquent in filing the 2002 disclosure form, which was due no later than September 1, 2003,* were fined \$25 per day for each day late, up to a statutory maximum of \$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 file the appropriate disclosure form on time. There were 385 appeals filed in 2004 and the Commission on Ethics took action on 368 of them. The following is a breakdown of action taken on appeals:



In 2004, the Commission on Ethics heard 368 appeals filed for the year 2002 disclosure period. In 261 appeals, the Commission waived the fine. The fine was reduced in 50 of the appeals, while the Commission upheld the assessed fine in 57 appeals.

There were 385 appeals filed for the year 2002 disclosure forms. Of the appeals, 278 were filed by local officials or employees. State employees and officials filed 107 appeals.



* 2003 disclosure forms were due no later than September 1, 2004. Appeals for those delinquencies will be filed in 2004 and reported in the Annual Report for calendar year 2005.

2005 Legislative Recommendations

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.
- Allow quarterly gift disclosure forms to be considered timely-filed if they are postmarked on or before the due date.

Penalties for violations

- Would allow restitution to be paid by the violator to an agency that was damaged by the violation, rather than just 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.
- Remove the language of Section 112.317(6), Florida Statutes, which the federal courts have declared unconstitutional (this used to make it a misdemeanor to breach the confidentiality of an ethics proceeding).

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 switching sides to represent a client before their former agency in connection with the same matter in which they participated while an agency employee.
- Clarify the application of the "revolving door" prohibition to OPS state employees.

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 it applies to former employees and officers--except for information relating exclusively to governmental practices or procedures.

Commission Investigations

- Would allow the Commission to investigate without a complaint, based on a written referral from the Governor, the Chief Financial Officer, Florida Department of Law Enforcement, a State Attorney, or the Statewide Prosecutor, provided members of the Commission unanimously agree.
- Would allow the Commission to investigate based on receipt of evidence which it deems sufficient to indicate a breach of the public trust, provided that the information is deemed reliable and members of the Commission unanimously agree.

Financial Disclosure

- Would change the automatic penalty for filing the “limited” annual financial disclosure statement from the current \$25 per day up to a maximum of \$1,500 to a maximum of \$300, and 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 should remain capped at \$1,500.
- Would change the method for disclosing assets, and liabilities relating to assets, that are held by the reporting person as a joint tenant with the right of survivorship.
- Currently the law requires our office and the Supervisors of Elections to send a follow-up notice by certified mail. Most do so with a return receipt requested, which allows us to determine whether the mailing was actually received and by whom. However, the law technically does not require a return receipt, and a few Supervisors do not go to the extra expense. Especially now that the fine system is in place, it would be helpful to amend the statute to require that the certified mailing have a return receipt.

Witness Tampering

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

Executive Branch Lobbyists

- Clarify the Commission’s rule-making authority regarding appeals of fines for untimely expense report filings.
- Automatically suspend the registration of a lobbyist who has failed to pay a fine until the fine is paid or waived (as is done for legislative lobbyists).

Public Employees Campaigning while on Duty

- Extend the “Little Hatch Act” to prohibit all government employees from being involved in political campaigns while on duty.

Miscellaneous

- Have the conflict of interest disclosure statement that is applicable for competitive bidding filed with the Ethics Commission instead of the Department of State.
- Allow witnesses required to testify outside the county of their residences to receive per diem and travel expenses reimbursed at the State rate.