

*Annual Report  
to the  
Florida Legislature  
for Calendar Year 2006*



*By the  
State of Florida  
Commission on Ethics*

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## *Chairman's Message*

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This December saw the retirement of Bonnie Williams as Executive Director of the Florida Commission on Ethics. Bonnie has been with the Commission since its inception and has served as the Executive Director for the past 19 years.

Through her leadership the Commission has gained a reputation as one of the foremost ethics agencies in the nation and Bonnie has been recognized both nationally and internationally as one of the finest Executive Directors.

Speaking for the Commission and staff, we have been fortunate to have Bonnie Williams. The State of Florida is a better place because she was here. Bonnie is retiring to Panama (Is there a Panamanian Commission on Ethics?). We all wish her the best.

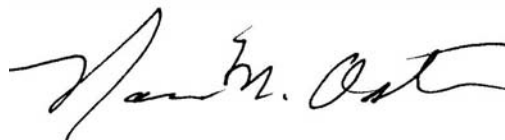
With Bonnie's departure the Commission selected Philip Claypool as the new Executive Director. Philip has been with the Commission since 1976 and has served as the General Counsel for 19 years. With this seamless transfer, the Commission continues its commitment to the fair and balanced interpretation and enforcement of the Florida Code of Ethics. In that regard the commission took 286 actions on complaint cases and issued 28 opinions.

Education and consultation is a major component of the Commission's work. Again this year the Commission co-sponsored a statewide Ethics conference with the following agencies: Office of the Attorney General; John Scott Dailey Florida Institute of Government; Florida Association of Counties; and Florida League of Cities. The conference drew an attendance of 225 elected officials and ethics practitioners. In addition, the staff daily consults with elected officials and attorneys giving guidance and help regarding the Code.

Finally, the Commission continues to perform its duty to recommend improvements to the Code of Ethics as needed. The Commission has adopted proposed legislation to clarify provisions of the Code and provide for additional conflict of interest provisions. The provisions are summarized in this report and are available in full from our office. This relationship and dialog with the legislative and executive branches is necessary to maintain the confidence of the citizens of Florida in their government.

On behalf of all the Commissioners, thank you for your support of the tasks that the Commission performs.

Sincerely,



Norman M. Ostrau  
Chairman



# *2006 Commission Members*

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**NORMAN M. OSTRU, Chair**

Plantation - Attorney (D)  
Term expires June 2007  
Appointed by Governor Bush

**ALBERT P. MASSEY, III, Vice-Chair**

Ft. Lauderdale - Attorney (R)  
Term expires June 2007  
Appointed by Governor Bush

**MICHAEL W. BROWN**

Lynn Haven - Insurance Executive (R)  
Term expires June 2008  
Appointed by Speaker of the House Bense

**MICHAEL CARR**

Naples - Attorney (R)  
Term expires June 2007  
Appointed by Governor Bush

**KURT D. JONES**

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

**LATOUR "LT" LAFFERTY**

Tampa - Attorney (R)  
Term expires June 2008  
Appointed by Senate President Lee

**CHARLES LYDECKER**

Daytona Beach - Insurance Executive (D)  
Term expires June 2008  
Appointed by Senate President Lee

**CHRISTOPHER T. McRAE**

Tallahassee - Attorney (R)  
Term expires June 2007  
Appointed by Governor Bush

**THOMAS P. SCARRITT, JR.**

Tampa - Attorney (D)  
Term expires June 2008  
Appointed by Speaker of the House Bense

# *Introduction & History*

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**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 2006.**

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 35,725 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*

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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.

Philip Claypool, Executive Director and General Counsel

Virlindia Doss, Deputy Executive Director



## *Legal Section*

C. Christopher Anderson, III, Chief Assistant General Counsel  
Virilindia Doss, Deputy Executive Director and Assistant General Counsel  
Julia Cobb Costas, Assistant General Counsel  
Millie Fulford, Executive Secretary



## *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*

Kerrie J. Stillman, Public Information and Education



## *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, as the official Clerk of the Commission, is responsible for maintaining the complaint tracking system and files.

### *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



## *Financial Disclosure Section*

The Program Manager, under the supervision of the 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 35,725 reporting officials and employees were notified of their filing requirements in 2006 by the Commission on Ethics and by the Supervisors of Elections.

### *Financial Disclosure Staff*

Shirley A. Taylor, Program Administrator

Kimberly Holmes, Program Specialist

Connie Evans, Executive Secretary

Saralynn Brown, Executive Secretary



## *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*

Sheri L. Gerety, Assistant to the Executive Director

Frances Craft, Office Manager

Lynn Blais, Receptionist

Dianne Wilson, Clerk (half-time)

Whitney Kirk, Clerk (half-time)

Lenedra Austin, Clerk (half-time)



# *Fiscal Report*

The following chart reflects revenues, expenditures, and changes in fund balances for the fiscal year ending June 30, 2006.

## 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, 2006  
(Amounts in dollars)

	<u>Budget</u>	<u>Actual</u>	<u>Variance - Favorable (Unfavorable)</u>
<b>REVENUES:</b>			
Released General Revenue Appropriations	2,407,047	2,407,047	0
Fines	0	161,294	161,294
Miscellaneous Receipts	0	3,327	3,327
<b>Total Revenues</b>	<b><u>2,407,047</u></b>	<b><u>2,571,668</u></b>	<b><u>164,621</u></b>
<b>EXPENDITURES:</b>			
Salaries and Related Benefits	1,660,707	1,658,338	2,369
Other Personal Services	328,453	327,064	1,389
Expenses	255,056	257,463	(2,407)
Operating Capital Outlay	17,000	15,507	1,493
Transfers to Administrative Hearings	42,726	42,726	0
Risk Management Insurance	3,105	3,105	0
Nonoperating	100,000	3,300	96,700
<b>Total Expenditures</b>	<b><u>2,407,047</u></b>	<b><u>2,307,503</u></b>	<b><u>99,544</u></b>
 Excess of Revenues over Expenditures	 0	 264,165	 <u>264,165</u>
Budgetary Fund Balances June 30, 2005		<u>264,165</u>	

### EXECUTIVE BRANCH LOBBYIST REGISTRATION SUMMARY

FEES REVENUES: \$157,350

FINES: \$5,150

# 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.

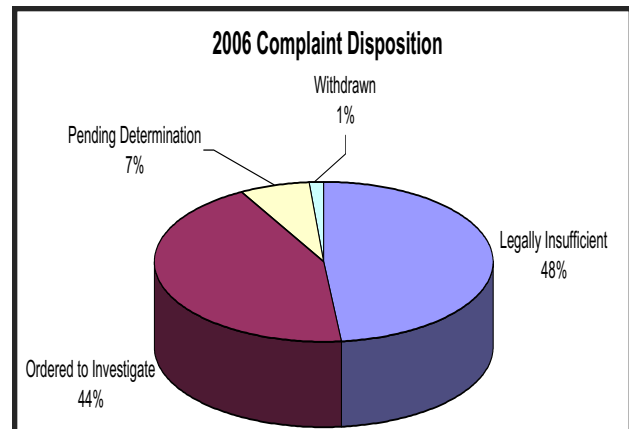
## Complaints

### Statistical Summary of Complaints Filed January 1, 2006 through December 31, 2006

Total number of complaints filed in 2006 ..... 288

POSITION	NUMBER OF COMPLAINTS	PERCENT OF TOTAL
State Elected Officers	14	5%
State Appointed Officers	3	1%
State Employees	28	10%
State Candidates	0	0%
District Elected Officers	16	6%
District Appointed Officers	9	3%
District Employees	5	2%
District Candidates	0	0%
County Elected Officers	36	12%
County Candidates	2	1%
County Appointed Officers	4	1%
County Employees	19	7%
Municipal Elected Officers	71	25%
Municipal Candidates	0	0%
Municipal Appointed Officers	18	6%
Municipal Employees	62	21%
Other	1	1%
<b>TOTAL</b>	<b>288</b>	<b>100%</b>

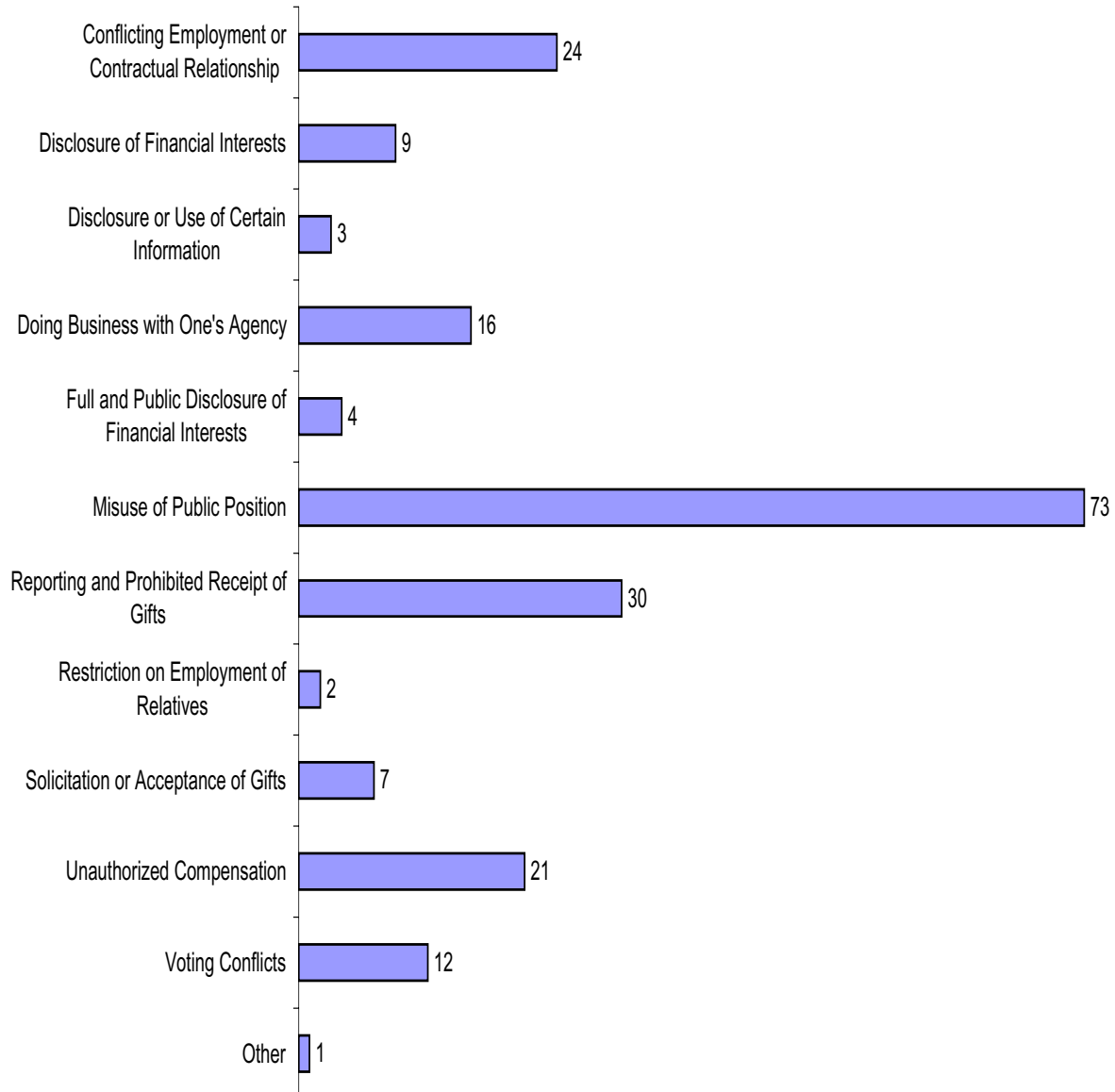
Of the 288 complaints received in 2006, 139 were dismissed for lack of legal sufficiency; 126 were ordered to be investigated; 19 were pending legal sufficiency determination at the end of the year; and 4 were withdrawn.



# Allegations

Of the 288 complaints received in 2006, the Commission's Executive Director ordered an investigation of 126 complaints as of December 31, 2006. A breakdown of the allegations made in complaints found sufficient for investigation is illustrated below.

**2006 Complaint Allegations**



Ten Year History of Complaints

2006 .....	288
2005.....	190
2004 .....	243
2003 .....	209
2002.....	187
2001.....	186
2000 .....	295
1999 .....	184
1998 .....	210
1997.....	199

Complaint History



## Actions Taken on Complaints in 2006

In addition to handling the 288 new complaints received in 2006, 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 2006 on all active complaints.

Dismissed for lack of legal sufficiency .....	154
Probable cause hearings held .....	103
No probable cause - dismissed .....	81
Probable cause - pending public hearing or stipulation .....	17
Probable cause - no further action .....	5
Request for withdrawal of complaint - granted .....	4
Public hearings at Division of Administrative Hearings .....	7
Violation found .....	3
No violation found .....	4
Stipulated settlement agreements - violation found .....	14
Costs and attorney's fees petitions - dismissed .....	3
Insufficient petition - dismissed .....	1
Hearing at Division of Administrative Hearings - dismissed .....	2
Dismissed on motion by Advocate under Section 112.324(11)* .....	1
<b>TOTAL NUMBER OF ACTIONS TAKEN ON COMPLAINTS . . .</b>	<b>286</b>

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\*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 compensation report filings of executive branch lobbyists.

As of January 1, 2006, executive branch lobbying firms are required to 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 being 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.”

### *2006 Summary of Activity*

Total number of executive branch lobbying firms .....	1,428
Total number of principals represented by the registrants .....	6,144
Percent increase in number of principals from 2005 to 2006 .....	2.3%
Total number of registrants <b>delinquent</b> in filing their compensation reports	
January - March 2006 .....	26
March - May 2006 .....	18
July - September 2006 .....	12

*Filing deadline for fourth period is February 2007*

Total number of registrants <b>assessed a fine</b> in 2006	
Number of lobbyists assessed a fine first quarter 2006.....	0
Number of lobbyists assessed a fine second quarter 2006.....	2
Number of lobbyists assessed a fine third quarter 2006 .....	4
Number of appeals considered by the Commission in 2006.....	2
Number of Fine Appeals <b>Granted</b> by the Commission .....	2
Number of Fine Appeals <b>Reduced</b> by the Commission .....	0
Number of Fine Appeals <b>Denied</b> by the Commission .....	0

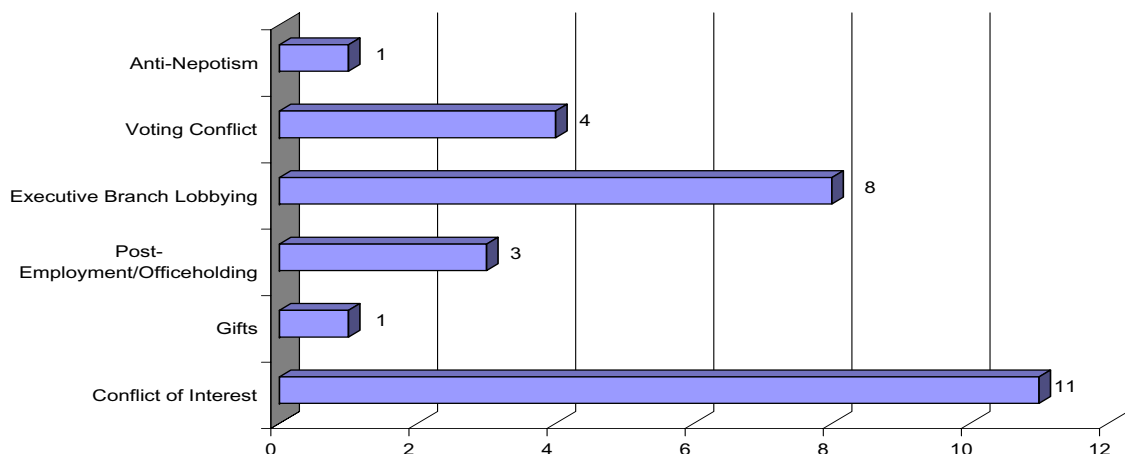
## Advisory Opinions

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 2006, the Commission on Ethics issued 28 advisory opinions, bringing the total issued since 1974 to 2,363.

Fourteen of the opinions rendered in 2006 were in response to requests by local officers, employees, or local government attorneys, and another fourteen opinions were issued regarding state level officers or employees.

Of the twenty-eight total opinions rendered anti-nepotism was addressed in one opinion; voting conflicts were addressed in four opinions; executive branch lobbying was addressed in eight opinions; post-employment/officeholding was addressed in three opinions; gifts were addressed in one opinion; and conflicts of interest were addressed in eleven opinions.

**Laws Addressed in 2006 Advisory Opinions**



Printed volumes of past opinions 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. All Commission advisory opinions, from 1974 to present, can be accessed and researched without cost 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. In 2006, the Commission co-sponsored, with the Office of the Attorney General, The John Scott Dailey Florida Institute of Government at Florida State University, The Florida Association of Counties and the Florida League of Cities, the Florida Ethics Conference and Attorney General's Sunshine Summit in Tampa, Florida. Many Commission staff members participated as speakers and panelists for the conference, which was attended by over 200 public officers and employees. Commission staff also presented educational programs to the following groups and organizations during 2006:

### *Speaking Engagements*

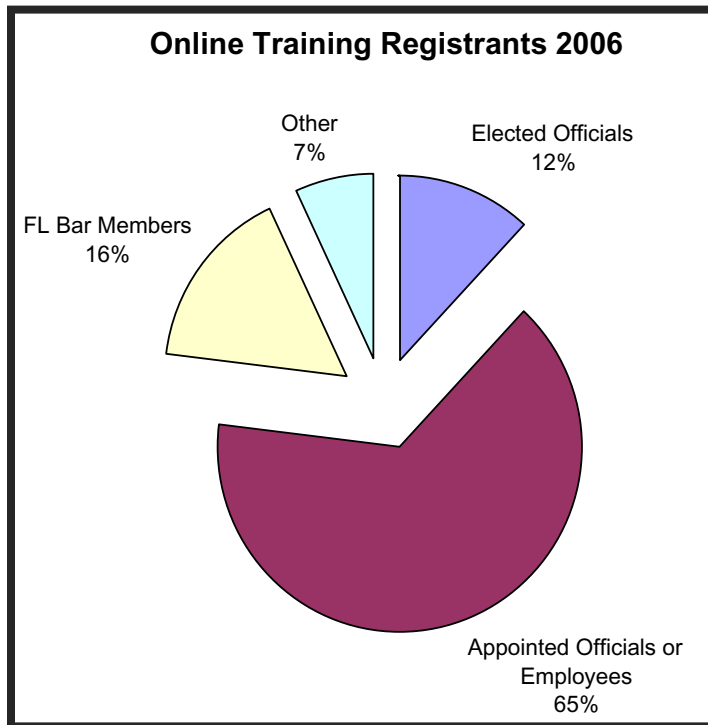
- Council on Governmental Ethics Laws (COGEL)
- Hillsborough County Tax Collector
- Department of Children and Families Senior Management Employees
- Orlando City Attorney's Office
- 27th Annual Police and Firefighter Pension Trustees' School
- Florida League of Cities
- Ethics Task Force, West Palm Beach
- Tallahassee Chapter of the Institute of Internal Auditors
- Florida Council on Crime and Delinquency
- Department of Revenue's Tax Collector School
- Department of Business and Professional Regulation
- Educational Retreat for Community College Attorneys
- Florida Commission on Marriage and Family Support Initiatives
- Florida Bar Business Law
- Florida Agency for Persons with Disabilities
- Escambia County Public Officers and Employees

- Panhandle Chapter of Florida Government Finance Officers Association
- Florida Bar's 2006 City, County & Local Government Law Certification Exam Review Course
- 2006 Florida School Board Attorney's Association Conference
- City of Port Richey, City Commission
- Florida Tax Collectors
- Tallahassee Area Chapter of the National Institute of Government Purchasing (TACNIGP)
- Florida Government Purchasing Conference
- United Way of Florida - FSECC Statewide Agency Conference
- Florida Association of Court Clerks
- Florida Public Pension Trustees Association
- Florida Association of County Attorneys
- New Motor Vehicle Arbitration (Lemon Law) Board
- National Conference of State Legislators

## *Online Training*

In Section 13 of Chapter 2000-243, 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.

Faced with the challenge of reaching as many people as possible with meaningful training, the Ethics Commission sought the advice of The John Scott Dailey 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 for a small fee via the Commission's website (<http://www.ethics.state.fl.us>) or by visiting: <http://www.iog.learnsomething.com>.



In 2006, 107 individuals registered for the online training course, with 69 completing the training by the end of the year. Of the registrants, 13 were elected officials, 64 were appointed officials or employees, and 17 of the registrants were members of the Florida Bar. A total of 1,122 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, 2006, 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 98% overall compliance with the annual reporting requirement in 2006. This represents a 6% increase since the inception of the automatic penalties in 2000. On the local level, 26 counties reported 100% compliance in 2006.

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, 2006, the percentages of compliance, and comparable percentages from the previous year. Also listed is a chart which outlines filing compliance from 1985 to present.

## FINANCIAL DISCLOSURE COMPLIANCE FIGURES

County	Timely Filers	Delinquent Filers	Total Filers	2006 Compliance Rate	2005 Compliance Rate
Alachua	285	10	295	97%	98%
Baker	49	0	49	100%	100%
Bay	294	1	295	100%	99%
Bradford	94	0	94	100%	99%
Brevard	900	30	930	97%	97%
Broward	2207	58	2265	97%	97%
Calhoun	30	0	30	100%	100%
Charlotte	170	0	170	100%	100%
Citrus	122	0	122	100%	100%
Clay	191	2	193	99%	99%
Collier	343	4	347	99%	98%
Columbia	88	0	88	100%	100%
Miami-Dade	1440	95	1535	94%	94%
Desoto	55	2	57	96%	97%
Dixie	37	0	37	100%	100%
Duval	378	14	392	96%	96%
Escambia	140	1	141	99%	100%
Flagler	181	6	187	97%	98%
Franklin	79	0	79	100%	100%
Gadsden	134	1	135	99%	99%
Gilchrist	40	0	40	100%	96%
Glades	41	0	41	100%	100%
Gulf	56	0	56	100%	100%
Hamilton	62	0	62	100%	100%
Hardee	70	1	71	99%	95%
Hendry	94	0	94	100%	100%
Hernando	102	2	104	98%	100%
Highlands	175	2	177	99%	100%
Hillsborough	1065	44	1109	96%	99%
Holmes	78	1	79	99%	99%
Indian River	233	4	237	98%	95%
Jackson	171	0	171	100%	99%
Jefferson	34	0	34	100%	100%
Lafayette	21	0	21	100%	100%
Lake	468	3	471	99%	99%
Lee	941	24	965	98%	98%
Leon	176	8	184	96%	100%
Levy	127	8	135	94%	95%
Liberty	15	0	15	100%	100%
Madison	77	0	77	100%	100%
Manatee	466	3	469	99%	99%
Marion	238	1	239	100%	100%
Martin	191	4	195	98%	99%
Monroe	206	1	207	100%	100%
Nassau	131	0	131	100%	100%
Okaloosa	344	3	347	99%	99%
Okeechobee	92	1	93	99%	99%
Orange	676	16	692	98%	97%

<b>FINANCIAL DISCLOSURE COMPLIANCE FIGURES</b>					
<b>County</b>	<b>Timely Filers</b>	<b>Delinquent Filers</b>	<b>Total Filers</b>	<b>2006 Compliance Rate</b>	<b>2005 Compliance Rate</b>
Osceola	190	1	191	99%	98%
Palm Beach	1464	70	1534	95%	95%
Pasco	246	11	257	96%	95%
Pinellas	1190	23	1213	98%	98%
Polk	632	25	657	96%	96%
Putnam	160	2	162	99%	98%
Saint Johns	228	9	237	96%	98%
Saint Lucie	210	7	217	97%	97%
Santa Rosa	163	3	166	98%	98%
Sarasota	383	6	389	98%	99%
Seminole	380	5	385	99%	98%
Sumter	157	0	157	100%	99%
Suwannee	83	0	83	100%	100%
Taylor	52	1	53	98%	98%
Union	43	0	43	100%	100%
Volusia	671	24	695	97%	99%
Wakulla	48	0	48	100%	100%
Walton	120	1	121	99%	100%
Washington	80	2	82	98%	100%
<b>TOTAL-FORM 1 LOCAL</b>	<b>20107</b>	<b>540</b>	<b>20647</b>	<b>97%</b>	<b>98%</b>
<b>TOTAL-FORM 1 STATE</b>	<b>12344</b>	<b>173</b>	<b>12517</b>	<b>99%</b>	<b>98%</b>
<b>TOTAL-FORM 6</b>	<b>1347</b>	<b>11</b>	<b>1358</b>	<b>99%</b>	<b>99%</b>
<b>TOTAL-JUDGES</b>	<b>1068</b>	<b>0</b>	<b>1068</b>	<b>100%</b>	<b>99%</b>
<b>TOTAL-SENIOR JUDGES</b>	<b>135</b>	<b>0</b>	<b>135</b>	<b>100%</b>	<b>97%</b>
<b>OVERALL TOTAL</b>	<b>35001</b>	<b>724</b>	<b>35725</b>	<b>98%</b>	<b>98%</b>

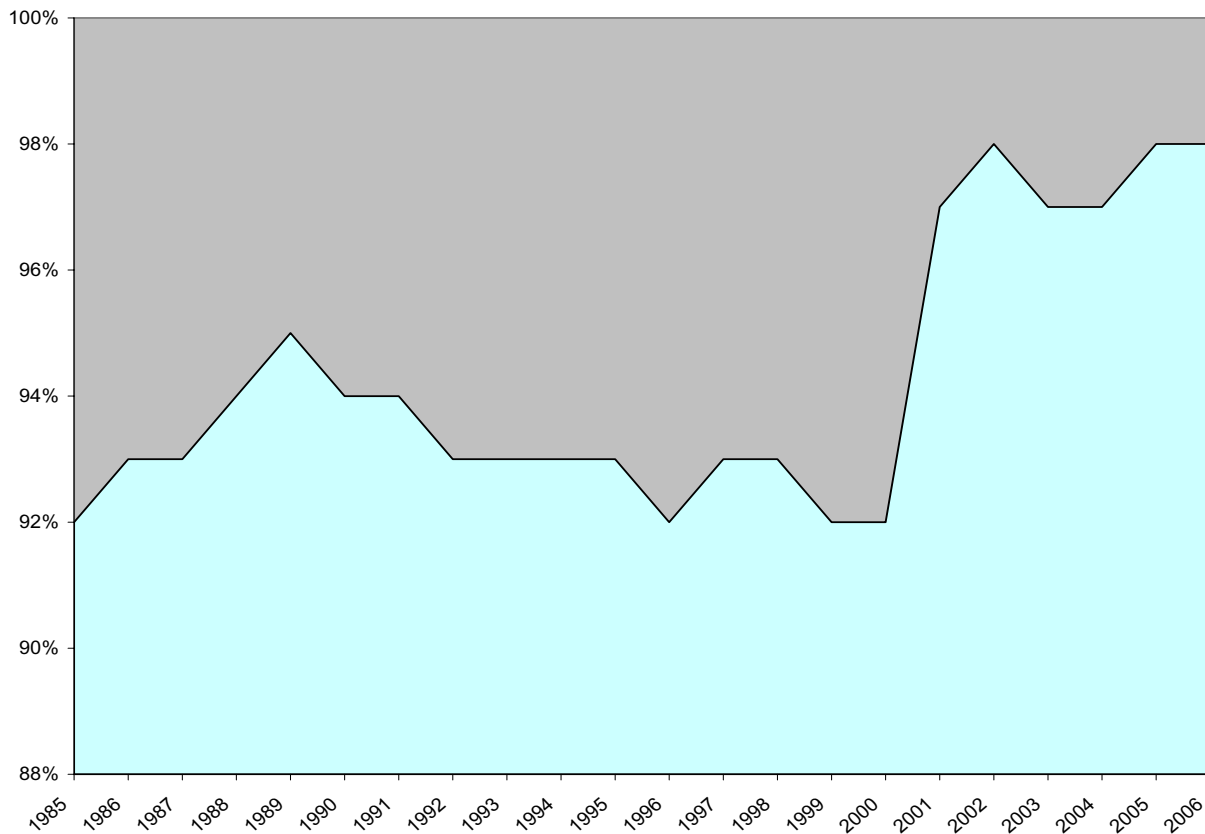
<sup>1</sup> The 2006 compliance rate reflects compliance for the 2005 Form 1's and 2005 Form 6's, which were due no later than September 1, 2006.

<sup>2</sup> The 2005 compliance rate reflects compliance for the 2004 Form 1's and 2004 Form 6's, which were due no later than September 2, 2005.



FINANCIAL DISCLOSURE FILING COMPLIANCE (1985 - 2006)			
Year	# of Individuals Required to File	# of Form 1 & 6 Delinquent Filers	Overall Compliance Rate
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%
2005	36,504	723	98%
2006	35,725	724	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 20,647 individuals required to file, 540 were delinquent as of September 1, 2006. This is an increase of 161 from the previous year's delinquency list.
- 26 counties reported 100% compliance in 2006. This is up from 25 in 2005.

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

- The Form 1 compliance rate was 99%.
- Of the 12,517 individuals required to file, only 173 were delinquent as of September 1, 2006. This is a decrease from the previous year's total of 212 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 11 delinquencies out of a total of 1,358 individuals required to file Form 6 (excluding judges).

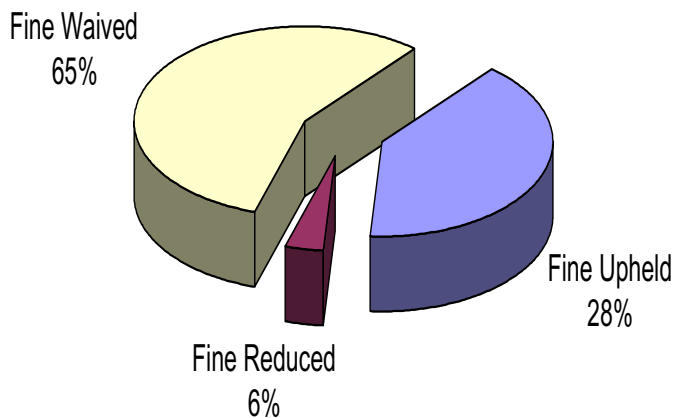
### **Summary of 2005 Overall Compliance**

- As of September 1, 2006, out of the 35,725 individuals required to file disclosure, there were only 724 (2%) officers and employees who failed to do so.
- The 2006 total of 35,725 officials (including judges) required to file disclosure represents a decrease of 779 individuals from 2005.

## *Financial Disclosure Fine Appeals*

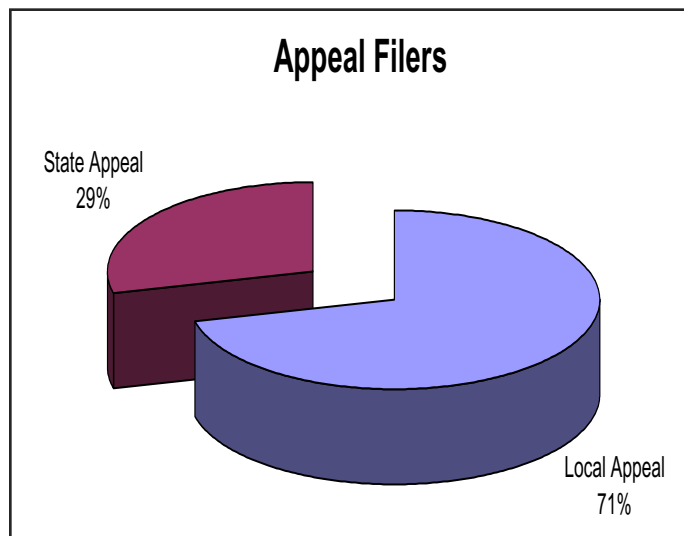
In 2006, 723 individuals who were delinquent in filing the 2004 disclosure form, which was due no later than September 1, 2005,\* were fined \$25 per day for each day late, up to a statutory maximum of \$1,500. Under the law, the Commission has the authority to waive or reduce an assessed fine if an appeal is filed reflecting that “unusual circumstances” caused the failure to file the appropriate disclosure form on time. There were 329 appeals filed in 2006. One appeal was withdrawn and the fine paid. It was determined that 61 individuals who appealed should not have been placed on the list of required disclosure filers. Their names were removed from the list.

### **Action on Appeals**



In 2006, the Commission on Ethics took action on 328 appeals filed for the year 2004 disclosure period. In 216 appeals, the Commission waived the fine. The fine was reduced in 20 of the appeals, while the Commission upheld the assessed fine in 92 appeals.

Of the 329 appeals filed for the year 2004 disclosure forms, 232 were filed by local officials or employees. State employees and officials filed 97 appeals.



\* 2005 disclosure forms were due no later than September 1, 2006. Appeals for those delinquencies will be filed in 2006 and reported in the Annual Report for calendar year 2007.

# 2007 Legislative Recommendations

## Blind Trusts

- The Commission recommends that the Legislature require that personal investments made by the Governor, Lt. Governor, or a Cabinet member either be in the form of mutual funds or be held in a blind trust that cannot be controlled by the official.

## Business Entities Serving as the Chief Executive Officer of a Political Subdivision

- Officers and employees of business entities that have contracted to serve as the chief executive officer of a political subdivision are not subject to any of the ethical standards that apply to public officers and employees, even though they are acting in a public capacity and exercising governmental authority. Therefore, the Commission recommends that the Legislature apply the standards of conduct set by Section 112.313, Florida Statutes, the limited financial disclosure law created in Section 112.3145, Florida Statutes, and the gift and honoraria laws provided in Sections 112.3148 and 112.3149, Florida Statutes, to the business entity's officers, directors, chief executive officer, and any other employee who is acting as the chief administrative or executive officer or employee of the political subdivision.

## Financial Disclosure

- The Commission recommends that the following local government officials be required to file limited financial disclosure under Section 112.3145, Florida Statutes: members of community redevelopment agency boards, finance directors of cities, counties, and other political subdivisions, and special masters having the authority to decide any personal or property rights, duties, or obligations.
- Also, for purposes of the limited financial disclosure under Section 112.3145, the Commission recommends that the Legislature require that the filing persons specifically designate on the form which method of reporting they are using.

## Executive Branch Lobbyist Registration and Reporting

- Currently, the penalties and prohibitions applicable to Legislative lobbyists are not identical to those which are applicable to Executive Branch lobbyists. Therefore, the Commission recommends that the Legislature amend Section 112.3215, Florida Statutes, to track the language provided in Section 11.045, Florida Statutes.

### Gift Law

- The gift and honoraria laws contained in Sections 112.3148 and 112.3149, Florida Statutes, apply to executive and judicial branch employees who fall within the category of “procurement employees.” The definition of “procurement employee” is very broad and has proven difficult to apply over the years, so the Commission recommends that the Legislature amend this definition to clarify and make more specific the employees who are subject to these laws.
- Under the gift law, a reporting individual or procurement employee is prohibited from taking most gifts worth over \$100 from someone who has lobbied their agency within the past 12 months or from the employer or principal of such a lobbyist. In the executive branch, however, many agencies think in terms of who is a “vendor” doing business with their agency, rather than who is a “lobbyist.” Therefore, the Commission recommends that the Legislature apply the gift and honoraria laws to vendors as well as to the employers and principals of lobbyists.

### Voting Conflicts Law

- Currently, the voting conflicts law in Section 112.3143, Florida Statutes, allows elected and appointed local government officials to participate in trying to influence their agency’s decision, even though they have a voting conflict of interest that requires them to abstain from voting on the issue. The Commission recommends that the Legislature amend the law to prohibit these officials from making any attempt to influence the matter if they have a voting conflict sufficient to require them to abstain from voting on the matter.
- Also, the Commission recommends that the statute be amended to make it clear that the official who is faced with a voting conflict of interest disclose to the public all of his or her conflicting interests in the matter.

### Definition of “Business Entity”

- New forms of business entities are allowed by the Legislature from time to time. Currently, the definition of “business entity” used in the Code of Ethics does not specifically include a “limited liability company.” Although the definition may be broad enough to encompass such vehicles, the Commission recommends that the definition of “business entity” in Section 112.312(5), Florida Statutes, be amended to include any “company.”

