




BROWARD OFFICE OF THE INSPECTOR GENERAL

MEMORANDUM

To: Honorable Sue Gunzburger, Mayor, Broward County
and Members, Broward Board of County Commissioners

From: John W. Scott, Inspector General 
Broward Office of the Inspector General

Date: August 2, 2011

Subject: ***OIG Review of the Proposed Code of Ethics for Broward County Municipalities,
Ref. OIG 11-002***

Attached please find the report of the Broward Office of the Inspector General (OIG) regarding the above-captioned matter. The Broward Board of County Commissioners (BCC) requested the OIG's review of this matter.

The OIG review determined that the proposed municipal ethics code largely embodies the structure, application, and intent of the existing BCC ethics code. However, we also found that material differences exist between corresponding sections of the respective codes. The OIG review focuses only upon those differences that have been identified. As a result of our review, the OIG has offered a series of recommendations to the BCC for its consideration.

Should you have any further questions, please do not hesitate to contact me.

Attachment

cc: Joni Coffey Armstrong, County Attorney
Bertha Henry, County Administrator
Rhonda Calhoun, Executive Director, Broward League of Cities



BROWARD OFFICE OF THE INSPECTOR GENERAL

REVIEW OF THE PROPOSED CODE OF ETHICS FOR BROWARD COUNTY MUNICIPALITIES

SUMMARY

In June 2011, the Broward Office of the Inspector General (OIG) began this review at the request of the Broward Board of County Commissioners (BCC). Various parties have expressed a number of concerns with expanding the existing code of ethics (BCC Code) that regulates the conduct of the nine members of the BCC to include the elected officials of 31 County municipalities operating under a variety of local government structures. As a result, the Broward League of Cities (BLOC) created a task force which has drafted a proposed code of ethics (Proposed Code, attached as Exhibit 1) which would be separately applicable to the elected municipal officials. In its request, the BCC asked the OIG to conduct an independent analysis of the differences between the BCC Code and the Proposed Code.

The OIG review was guided by our analysis of prevailing authorities, ethics regulations and advisory opinions. In addition, we were informed by our perspective as an independent agency created, in part, to investigate, report, refer, and litigate ethics violations.¹

The OIG review determined that the Proposed Code largely embodies the structure, application, and intent of the BCC Code.² However, we also found that material differences exist between corresponding sections of the respective codes. The OIG review focuses only upon those material differences that have been identified.

As a result of our review, the OIG offers a series of recommendations to the BCC for its consideration. Specifically, we recommend that:

- the Proposed Code should reflect a gift policy that is consistent for all county-wide elected officials;
- the Proposed Code's removal of the requirement of quarterly disclosures of outside employment—including internet availability—be reinstated;

¹ The OIG acknowledges that it has a functional interest in whatever version of the Proposed Code is enacted by the BCC. In light of that interest, we welcomed the opportunity to review the Proposed Code, while declining to propound a version of our own.

² The Proposed Code is drafted in form to parallel the language of the BCC Code.

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- the Proposed Code’s exceptions to charitable contribution fundraising and campaign contribution fundraising disclosure requirements not be incorporated;
- the Proposed Code’s exception, with regard to procurement selection committees, for the procurement or hiring of individuals who report directly to a local governing body remain, but the “strong mayor” exception not be incorporated;
- the Proposed Code’s suggested change in financial disclosure forms remain, but that it reinstate the requirement that the forms be publicly available in a searchable internet database; and
- the Proposed Code’s additional provisions regarding enforcement not be incorporated.

The purpose of these recommendations is to strengthen the code by making it easier to understand, so that it is easier to comply with and easier to enforce. However, certain issues where differences exist are purely policy considerations. They affect the severity of the code, but not necessarily the enforceability. In those areas, the OIG has endeavored to distill comparative information, but resolution of those issues remains the province of the BCC.

BACKGROUND

The Broward Board of County Commissioners Code of Ethics

In August 2010, the BCC enacted the *Code of Ethics for Broward County Commission*, Section 1-19, Code of Broward County (BCC Code). The BCC Code was drafted by the Broward County Ethics Commission (Ethics Commission) with the express purpose of regulating the behavior of the members of the BCC.³

The Amendment to the Charter of Broward County

In November 2010, the voters of Broward County passed a charter amendment authorizing the BCC to enact an ethics code which would regulate the conduct of elected officials, appointed officials and public employees of the County municipalities. That amendment, *Conflict of County Ordinances with Municipal Ordinances*, Charter of Broward County, Section 11.01(C), provides that a County ordinance shall prevail over a municipal ordinance that “[r]egulates the conduct of elected officials, appointed officials, and public employees through an enacted Code of Ethics.”

³ The Ethics Commission was created to establish an ethics code for the BCC, and has now been disbanded.

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The Proposed Code of Ethics for Broward County Municipalities

The BLOC task force has drafted numerous versions of a code of ethics for Broward County municipalities. The most recent version of the Proposed Code was presented for consideration to the BCC on June 7, 2011.⁴ Although Section 11.01(C) of the Charter contemplates a municipal ethics code for elected officials, appointed officials, and public employees, the Proposed Code would be applicable only to elected municipal officials.

OIG REVIEW

During the course of this review, the OIG examined numerous materials including the BCC Code and the Proposed Code; Florida statutes, cases, ethics regulations, and advisory opinions, similar authorities, regulations, and opinions from other states and municipalities; ordinances of various County municipalities; model ethics codes and interpretations; law review articles and data provided by research institutes such as The Council on Governmental Ethics Laws; and transcripts from meetings of the Ethics Commission. In addition, where possible, the OIG conducted a comparative analysis of various ethics regulations with both the BCC Code and the Proposed Code. Finally, in order to ensure a fair and complete review, we met with County Attorney staff; BLOC members, staff, and attorneys; the BLOC Board of Directors. The OIG also discussed these issues with the mayors of a majority of the County municipalities.⁵ Following are selected findings from the OIG review.

Acceptance of Gifts

The BCC Code, at Section 1-19 (b)(1)(a), prohibits Commissioners, their spouses or registered domestic partners, other relatives and office staff, from accepting any gifts from registered lobbyists and their principals and employers, and from vendors and contractors. The corresponding section of the Proposed Code would allow elected municipal officials to accept food, beverages, and other *de minimis* items, valued at \$25 or less, from those same sources. The Proposed Code would also allow elected municipal officials to claim travel and meal reimbursements from governmental vendors and contractors.

As a part of the OIG review, we examined the gift prohibitions contained in the codes of various municipalities, as well as those contained in a number of model ethics codes. In addition, the OIG performed a comparative analysis of gift prohibitions contained in all fifty state legislative ethics codes. As a result, the OIG identified a spectrum of tolerance—rather than a narrow consensus—on gift restrictions. In Florida alone, a complex structure of gift restrictions has

⁴ On June 3, 2011, BLOC provided this version to the Office of the Broward County Attorney (County Attorney), which then submitted it to the BCC as additional agenda material. This is the revised version of the Proposed Code that the BCC asked the OIG to review.

⁵ The OIG appreciates the assistance and professionalism of the County Attorney staff and the BLOC representatives. The OIG also thanks the mayors for their candor and cooperation.

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been created, and the restrictions vary in applicability depending on which branch of government a public official falls under, and what duties are associated with that official's position. The Florida gift restrictions, as they relate to lobbyists, reflect three different policies which illustrate the range of possibilities when it comes to gift restrictions.

1. Qualified Gift Prohibition

This type of prohibition is associated with the intent or consequence of a gift. For example, Florida officers or employees of state executive, judicial or legislative agencies as well as regional, local or municipal government entities are prohibited from accepting any gifts that are based upon the understanding that the gift will influence an official act.⁶

2. Unqualified De Minimis Restriction

This type of prohibition imposes no qualifications relating to the intent or purpose of a gift. Instead, the mere act of giving or accepting a gift with a certain value and from certain persons is sufficient to prove a violation of the restriction. In Florida, individuals who must file an annual financial disclosure, including all elected officials, and procurement employees, are prohibited from accepting lobbyist gifts valued over \$100.⁷

3. Unqualified Zero Tolerance Prohibition

This type of prohibition strictly prohibits the receipt of a thing of value by a public official. To prove a violation of a zero tolerance prohibition, one need only prove that an official to whom the law applies accepted any gift from a prohibited person or entity. Although it is not referred to as a "gift law," Florida officials and employees of any agency under the executive branch,⁸ as well as members or employees of the legislature,⁹ may not knowingly accept any expenditure of anything of value from a lobbyist.¹⁰

Not surprisingly, the gift laws of the fifty states—as demonstrated above, with regard only to Florida—do not lend themselves to easy comparison. However, as acknowledged by the National Conference of State Legislatures, states often impose the most severe restrictions on gifts from lobbyists to legislators. This observation certainly reflects the status of the law in Florida, where legislators are subject to the strictest gift restrictions. The OIG reviewed lobbyist gift restrictions applicable to legislators in all fifty states, as reflected in the table below.

⁶ Fla. Stat. § 112.313(2). Another common type of qualified prohibition bans the acceptance of a gift "that relates to [a public official's] official duties." Ga. Code §§ 21-5-11, 21-5-3(14).

⁷ Fla. Stat. § 112.3148(4)

⁸ Fla. Stat. § 112.3215(6)(a)

⁹ Fla. Stat. § 11.045(4)(a)

¹⁰ A model code for cities published on CityEthics.org, a website associated with the Council on Governmental Ethics Laws, recommends a zero-tolerance gift restriction on gifts from "lobbyists." The model code prohibits the acceptance of "anything of value."

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Type of Lobbyist Gift Restriction	Number of States
Qualified	19
Unqualified <i>De Minimis</i>	15
Up to \$50	8
\$51 to \$100	3
Greater than \$100	4
Unqualified Zero Tolerance	13
Food and Beverage Exception	6
No Food and Beverage Exception	7
No Restriction	3

Source: National Conference of State Legislatures, *Ethics: Legislator Gift Restrictions Overview, May 2011*¹¹

Clearly, the prohibition of the receipt of gifts by public officials is not a novel issue. Thirteen states have enacted zero tolerance gift prohibitions such as the one contained in the BCC Code, seven of which make no exception for the provision of food and beverages. The OIG did not identify any legal or materially factual obstacles that would prevent the BCC from imposing the same gift prohibitions, to which its members are subject, upon their municipal counterparts. From an enforcement perspective, the OIG notes that because the zero tolerance approach does not require proof of intangible aspects of gift-giving, such as intent or effect, it is the least problematic to interpret.¹²

However, proponents of the Proposed Code have suggested that a zero tolerance gift prohibition will work social hardships on elected municipal officials, create awkward personal situations, and give offense to lobbyists who bear no corrupt intentions. Indeed, the practical effect of a zero tolerance policy can sometimes appear to be harsh.¹³ The concept of a *de minimus* exception was fully considered, and rejected, by the Ethics Commission when it included the zero tolerance lobbyist gift prohibition in the BCC Code.¹⁴

The OIG recommends that the Proposed Code should reflect a gift policy that is consistent for all county-wide elected officials. A consistent policy is susceptible to understanding by lobbyists, vendors, and contractors, and it will also alleviate any notions of awkwardness or lack of courtesy between those individuals and the elected officials with whom they interact.

¹¹ Available at <http://www.ncsl.org>. No comparable national database exists for municipal ethics codes.

¹² By contrast, the Florida Commission on Ethics has promulgated a three-page rule concerning the valuation of gifts, and has been called upon to issue dozens of opinions regarding the value of particular gifts over the years.

¹³ For example, the Florida Commission on Ethics has opined that an insurance company providing contractual pretax benefits to state employees could not distribute promotional trinkets, such as pens, gum, or coffee, at an open enrollment benefit fair. CEO 06-17, September 13, 2006.

¹⁴ Broward County Ethics Commission, Transcript of January 20, 2010 at 31-55.

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Outside/Concurrent Employment

One of the most expansive prohibitions in the BCC Code is the section relating to outside employment. Section 1-19 (b)(2)(a-c) prohibits Commissioners, their spouses or registered domestic partners, immediate family members, and office staff from engaging in lobbying activities before County municipalities and local governmental entities unless such activities are on behalf of the County. The BCC Code does allow Commissioners to engage in other outside employment, but requires quarterly disclosure of remuneration and the posting of those disclosures on a searchable internet database.

The Proposed Code alters the current restrictions in several significant ways. First, the Proposed Code would completely remove the lobbying restriction as it applies to elected officials. In addition, with respect to the restrictions against immediate family lobbying Broward local governmental agencies, the Proposed Code would only prohibit immediate family members from lobbying the specific municipality served by the elected municipal official. The prohibition would not apply to office staff of the elected municipal official, or to the lobbying of any other entity in Broward by either the official or staff. Further, even the limited prohibition retained by the Proposed Code would be subject to two new exceptions not contained in the BCC Code, namely (1) an exception for elected municipal officials who are Florida attorneys engaged in client representation,¹⁵ and (2) an exception for elected municipal officials who are performing “professional services.”

The proponents of the Proposed Code have reasoned, in appearances before the BCC and in other forums, that the changes conform to the intent of the Ethics Commission: to prohibit “lobbying down,” as opposed to prohibiting lobbying generally.¹⁶ The chief concern raised by lobbying down is that it is inherently coercive. Put simply, a municipality might feel compelled to supplicate a Commissioner in a private lobbying matter, lest it risk the Commissioner’s lack of support on separate matters the municipality had before the BCC. Supporters of the Proposed Code, including a number of mayors the OIG met with, have maintained that lobbying down would not be a concern for elected municipal officials, as—unlike the BCC—each has no legal jurisdiction over other local entities in Broward County.¹⁷ The OIG recognizes that this distinction casts the elected municipal officials in a different light than their BCC brethren, in contrast to that of the acceptance of gifts

¹⁵ The Ethics Commission discussed the issue and ultimately declined to adopt this exception. Some commissioners noted they did not want to allow lobbyists to hide behind a license to practice law. Broward County Ethics Commission, Transcript of February 12, 2010 at 29-32.

¹⁶ “Lobbying down” is a term used to describe a scenario where an official of a governmental unit lobbies—for a private purpose—a subordinate governmental unit.

¹⁷ However, other mayors admitted that the appearance, at least, of a conflict of interest arises—as well as the potential for personal discomfort—when a fellow elected municipal official, particularly one from a contiguous jurisdiction, lobbies in a private capacity. In addition, at least one local code of ethics, the City of Hollywood’s, prohibits members of its city commission from lobbying *any* elected official. *City of Hollywood Code of Ordinances* § 34.05(a).

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prohibition.¹⁸ The Ethics Commission did hear extensive testimony regarding the dangers of lobbying down and expressed concern with the notion of Commissioners, as elected officials, being able to use their position to leverage personal gain from municipalities.¹⁹ In fact, in its early meetings, the Ethics Commission often discussed lobbying down.²⁰

In later hearings, however, one significant exchange reflected that the Ethics Commission's concern was broader. In a debate which transpired during a vote to approve finalized language for this provision, members of the Ethics Commission expressed that the intent behind the prohibition was to prohibit *all* lobbying by County Commissioners, not just with agencies that did business with the County. When a proposal was offered limiting the lobbying ban to only those entities with which the County had financial ties, a majority of the members maintained that such a limitation would be inappropriate since they believed that the provision section should prohibit County Commissioners from lobbying *any* governmental entity. Ultimately, the amendment was withdrawn and the broader prohibition was enacted.²¹

As part of the OIG review, we canvassed model codes, ethics commentaries and other sources in an attempt to identify a general consensus on the issue of the scope of lobbying prohibitions. The OIG did not locate any salient guidance on this issue addressing counties or municipalities. Absent access to competent evaluative facts and information or expert analysis on this issue, the OIG declines to recommend a specific policy to the legislators of Broward County. The OIG does recommend that the Proposed Code's removal of the requirement of quarterly disclosures of outside employment—including internet availability—be reinstated. Such disclosures promote transparency in government and should remain consistent for all elected public officials.

Solicitation and Receipt of Contributions

The BCC Code, at Sections 1-19 (b)(5)(a)(1), (b)(5)(a)(2) and (b)(5)(a)(4), requires Commissioners to disclose the identity of charitable contributors and the amounts contributed, unless the fundraising is County-sponsored. Similarly, at Sections 1-19(b)(5)(b)(1-3), Commissioners are required to disclose the names of campaign contributors and the amounts contributed. The corresponding sections of the Proposed Code would, with regard to charitable fundraising, create additional exceptions to disclosure when (1) the charity or event is sponsored by a non-profit entity created by a municipality or with which the municipality is currently partnering; (2) the elected municipal official is employed by a non-profit organization and the official's job description includes solicitation of charitable contributions on behalf of the official's private employer; and (3) the

¹⁸ The OIG is also aware of, but did not consider, the specter invoked by some mayors that they would be forced to resign their positions if the Proposed Code prohibits them from engaging in lobbying activities. However unintended, that notion insinuates that public service and private gain are intertwined, thus magnifying the appearance of a conflict of interest with respect to outside lobbying employment.

¹⁹ Broward County Ethics Commission, Transcript of May 13, 2009 at 21; Transcript of June 10, 2009 at 22-23; Transcript of September 9, 2004 at 40-49.

²⁰ For example, Broward County Ethics Commission, Transcript of June 10, 2009 at 54, Transcript of July 8, 2009 at 22.

²¹ Broward County Ethics Commission, Transcript of February 12, 2010 at 23-27.

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elected municipal official serves on a non-profit's board of directors, steering committee, or host committee, or has permitted the official's name to be used in connection with a charitable solicitation. With regard to campaign fundraising, the Proposed Code would not require elected municipal officials who collect contributions for other candidates to disclose the names of campaign contributors and the amounts contributed.

1. Charitable Contribution Fundraising

“The point of ethics laws for municipal officials is to improve both the perception and the reality of integrity in local government and to encourage, not discourage, citizens from participating in that government.”²² Although donations to worthy causes appear to benefit both residents and public officials, Florida has had first-hand experience with conflicts resulting from charitable contribution fundraising at both the state and municipal level. In 2005, insurance companies doing business in Florida were identified as significant contributors to charities endorsed by public officials. These same companies were facing potential investigations into their practices in the state.²³ In 2010, a City of Miami commissioner was charged with soliciting a bribe from a vendor in connection with a charitable donation she solicited on behalf of a non-profit organization. At the time the commissioner solicited the donation, the vendor had an item pending before the city commission.²⁴

Some jurisdictions have dealt with this issue by completely prohibiting public officials from soliciting charitable contributions. For example, the City of Fort Lauderdale has enacted a complete prohibition on the solicitation of donations from anyone doing business with the city.²⁵ The BCC Code merely requires the disclosure of rudimentary information concerning the solicitation. The requirement of such limited disclosure reaps a comparably great dividend of public transparency, while not unnecessarily prohibiting legal, ethical, and beneficial conduct.

The Proposed Code carves out a number of exceptions to the basic charitable fundraising disclosure requirements contained in the BCC code. The OIG has found no evidence that the exceptions urged in the Proposed Code are unreasonable, but they do not outweigh the need for “both the perception and reality of integrity in local government.” The exceptions risk a diminution of that perception and reality of integrity because they result in a concealment of information from Broward residents. The OIG recommends that they not be incorporated into the enacted version of the Proposed Code.

²² Mark Davies, *Keeping the Faith: A Model Local Ethics Law-Content and Commentary*, 21 Fordham Urban Law Journal 66 (1993).

²³ David E. Freel, “Trends and Issues in State Ethics Agencies,” *The Book of States 2005*, (Lexington, KY: The Council of State Governments, 2005)

²⁴ The commissioner was acquitted in March 2011.

²⁵ Fort Lauderdale Code of Ordinances § 2-282.

2. Campaign Contribution Fundraising

The Proposed Code eliminates the requirement that elected municipal officials publicly disclose the contribution amounts they solicit on behalf of other candidates. For the reasons set forth above, the OIG recommends that this section of the Proposed Code also not be incorporated.

Procurement Selection Committees

The BCC Code, at Section 1-19 (b)(6)(a), states that it shall be a conflict of interest for a Commissioner to serve on a County procurement selection committee. The corresponding section of the Proposed Code acknowledges that conflict of interest, but exempts (1) the procurement of individuals who report directly to the local governing body of a municipality pursuant to the municipality's charter, and (2) municipalities that have a "strong mayor" form of government.

Procurement selection committees are vulnerable to the appearance of impropriety and potential abuse because they are empowered to designate a particular contractor or vendor as the favorite, and recommend specific contracts or vendors to the governing body. Thus, selection committees are the focus of significant attention from interested businesses, competing bidders, elected officials, and those residents of the community who readily grasp the importance of the role they play in the expenditure of tax dollars. Consequently, this section of the BCC Code was the subject of extensive debate and consideration by the Ethics Commission, which heard testimony from many sources, questioned sitting Commissioners, and compared Broward's procurement processes to those of Miami-Dade and Palm Beach Counties.²⁶ By enacting Section 1-19(b)(6)(a), the Ethics Commission determined that elected officials inherently engage in a conflict of interest when they serve on selection committees.

The same determination is reflected in the Proposed Code, with the two exceptions described above. With regard to the first exception, some municipalities outsource, for example, city attorney services pursuant to a procurement process. As a part of the OIG review, we learned that such a scenario was simply not considered by the Ethics Commission, perhaps because the Charter offices of the County—such as the County Attorney and the County Auditor—contain specific Charter provisions regarding the process for filling those positions.²⁷ The OIG can identify nothing improper about the Proposed Code's inclusion of such a limited exception.

With regard to the strong mayor exception, the OIG's review revealed that the decision of the Ethics Commission was influenced by the policies of neighboring counties including Miami-Dade County, which has a strong mayor form of government, yet prohibits elected officials from serving on

²⁶ Broward County Ethics Commission, Transcript of August 12, 2009 at 24-66. See also, Transcripts of December 16, 2009 at 2-23, and Transcript of January 13, 2010.

²⁷ A process which leads to the direct hiring of an employee is not generally considered a procurement process.

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selection committees.²⁸ The OIG has not found any structural impediments inherent to strong mayor forms of government that would prevent compliance with the BCC Code, nor any strong mayor system attributes that negate the Ethics Commission's concerns.

Financial Disclosure

The BCC Code, at Section 1-19 (b)(7)(a), requires each Commissioner to file a Form 6 financial disclosure with the Florida Commission on Ethics, and make it available for public inspection through a searchable internet database. The corresponding section of the Proposed Code requires elected municipal officials to file a Form 1 instead of a Form 6, and eliminates the requirement that it independently be made available for public inspection.

Currently, the Florida Constitution and certain statutes require county commissioners to file annual disclosures of their financial interests on Florida Commission on Ethics *Form 6: Full and Public Disclosure of Financial Interests* (Exhibit 2).²⁹ Elected municipal officials are required to file *Ethics Form 1: Statement of Financial Interests* (Exhibit 3), which obliges a more limited annual disclosure of financial interests. Form 6 requires reporting of all assets valued at over \$1,000, as well as a disclosure of a Commissioner's net worth. By comparison, Form 1 requires that only certain assets be listed, including real and intangible property. Both forms require a listing of other sources of income, liabilities, and interests in specified businesses, and carry identical penalties for non-disclosure.

It is important to note that the BCC Code does not require Commissioners to make any additional or more burdensome disclosures, but merely comply with existing Florida law. In this regard, the change reflected in the Proposed Code properly accounts for the fact that elected municipal officials are not currently required to file an annual disclosure on Form 6. The Proposed Code's omission of the requirement that the forms be publicly available in a searchable database, on the other hand, nullifies a responsibility intended to expand transparency in government, and to encourage public participation in the oversight of public officials. The OIG recommends that the corresponding requirement present in the BCC Code—that the documents be made available for public internet inspection—be returned to the Proposed Code.

Enforcement

Both the BCC Code, at Section 1-19 (d), and the Proposed Code recognize the OIG's enforcement authority.³⁰ However, the Proposed Code also contemplates a mechanism through which advisory

²⁸ Broward County Ethics Commission, Transcript of August 12, 2009 at 24-66 and January 13, 2010. Broward County Ethics Commission, Transcript of July 8, 2009 at 42-43 and 52-53 (testimony detailing Miami-Dade's prohibition of elected officials serving on selection committees). The Home Rule Amendment and Charter of Miami-Dade County §2.02 (reflecting the strong mayor form of government).

²⁹ Compare Fla. Stat. § 112.3144 to § 112.3145(2).

³⁰ The specific language in the BCC Code purporting to create an Office of the Inspector General has since been preempted by the subsequent amendment to the Charter of Broward County, Section 12.01, which established the OIG.

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opinions will be issued by an unnamed authority. The additional language in the corresponding section of the Proposed Code also states that the advisory opinions would be binding upon the OIG.

As the only investigative agency specifically empowered to address violations of all ethics ordinances in the County, the OIG is uniquely sensitive to the concerns manifested in the additions put forward in the Proposed Code. We understand that the effect and application of all ethics enforcement provisions should be clearly understood, so that those officials required to comply with them will have fair notice and opportunity to act in conformance therewith. We also recognize that unlike Miami-Dade County and Palm Beach County, Broward County does not have an ethics commission authorized to provide advisory opinions and rule upon ethics complaints.³¹ In an attempt to deal with this omission, the Proposed Code not only authorizes an unspecified person or agency to issue advisory opinions to elected municipal officials, it prohibits the OIG from enforcing the Code against an official who acted in accordance with an advisory opinion. Although these additions to the Proposed Code may spring from an understandable desire to fill a vacuum in the ethics enforcement process, they are legally untenable.

No county ordinance can limit, or have the effect of limiting, powers specifically enumerated in the charter.³² The additions to the Proposed Code would usurp the OIG's Charter-enumerated powers by limiting investigations, and preventing it from bringing ethics complaints whenever a municipal elected official waves the exonerating flag of an advisory opinion.³³ The Proposed Code would further limit Charter authority by prohibiting hearing officers from exercising those sanctioning powers granted them by the Charter. If the BCC determines that the issuance of advisory opinions is a desirable policy, it clearly must seek a Charter amendment to that effect.

We agree that advisory opinions and other ethics guidance have a valuable place in government, so long as they do not undermine the function of an independent investigative agency such as the OIG. Therefore, should any process enabling the issuance of protective advisory opinions be adopted, it must be free from potential abuse. The protective aspect of an advisory opinion must be conditional on the provision of all relevant and material facts, and the ability to investigate those facts, as well as whether the recipient of the opinion adhered to it, must remain unfettered.³⁴

³¹ Instead, Section 12.01(C)(2) directs the OIG, upon its own finding of probable cause, to bring ethics complaints in the name of the Inspector General. Section 12.01(C)(2-6) authorizes hearing officers selected by the Inspector General Selection-Oversight Committee to consider those complaints, but does not authorize them to issue advisory opinions.

³² "All powers of the County shall be carried into execution as provided by this Charter..." Sec. 1.02(b), Charter of Broward County, Florida; *Metro Dade Fire Rescue Service Dist. v. Metropolitan Dade County*, 616 So. 2d 966 (Fla. 1993) (A county commission cannot use its legislative authority contrary to the express terms of a county charter.)

³³ As noted above, we have acknowledged the role of such opinions. Yet, as the executive directors of both the Miami-Dade County and Palm Beach County Commissions on Ethics informed the BCC in its May 2011 ethics training, such opinions are only as good as the facts upon which they are based—facts provided, of course, by the requesting officials—and should never act as a bar to further investigation.

³⁴ For example, with regards to the Florida Commission on Ethics, "[an advisory] opinion, until amended or revoked, shall be binding on the conduct of the officer, employee, or candidate who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion." 112.322(3)(b), Fla. Stat.

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In summary, although the ends the proposed enforcement provision seeks to reach are valid, the means set forth to bring them about are legally unsound and insufficient. Accordingly, the OIG recommends that the enforcement language in the Proposed Code be rejected.

CONCLUSION

The OIG believes that the BLOC task force has in good faith drafted a revised version of the Proposed Code which would be separately applicable to elected municipal officials, but embrace the spirit of the ethics regulations grounded in the BCC Code. Indeed, the OIG review determined that the Proposed Code largely embodies the structure, application, and intent of the BCC Code.

The OIG review was guided by our analysis of prevailing authorities, ethics regulations and advisory opinions. One recurring theme throughout many of the topics addressed in this report is the OIG's support of disclosure requirements—including the ease of public access—as originally required in the BCC Code. Our extensive review of the transcripts of the Ethics Commission revealed that its members, as well as the other sources we consulted, all saw disclosure requirements as a valuable tool for increasing transparency and earning the public's trust. Accordingly, in addition to the specific recommendations we have made, the OIG suggests that the BCC also rely on this basic precept in its consideration of the Proposed Code.

EXHIBIT 1

REVISED PROPOSED CODE

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ORDINANCE NO. 20110-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO A CODE OF ETHICS FOR ~~ELECTED MUNICIPAL OFFICIALS IN BROWARD COUNTY~~; CREATING CHAPTER 1, ARTICLE II, SECTION 1-19 OF THE BROWARD COUNTY CODE OF ORDINANCES, RELATING TO A CODE OF ETHICS FOR THE ELECTED MUNICIPAL OFFICIALS IN BROWARD COUNTY; ~~BROWARD COUNTY BOARD OF COUNTY COMMISSIONERS~~; CREATING AN OFFICE OF INSPECTOR GENERAL TO INVESTIGATE AND PROVIDE FOR THE ENFORCEMENT OF THE CODE OF ETHICS; ~~PROVIDING FOR SEVERABILITY~~; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

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(Sponsored by the Board of County Commissioners)

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA:

Section 1. Section 1-19 of the Broward County Code of Ordinances is hereby created to read as follows:

Sec. 1-19. Code of Ethics for Elected Municipal Officials in Broward County~~the Broward County Commission~~.

(a) Statement of Policy.

It is the policy of Broward County that all elected municipal officials in Broward County~~the Board of County Commissioners~~ works for the benefit of the citizens of their respective municipalities, and that all elected municipal officials within Broward County should be held to a common standard of ethics~~the County~~. Elected municipal officials~~A County Commissioner~~ shall not receive any personal economic or financial benefit

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1 resulting from his or her service as an elected official within Broward County beyond
2 that legally authorized compensation which may be established by their local governing
3 body, on the Board beyond legally authorized direct County compensation. It is the
4 responsibility of each County-Commissionerelected municipal official to act in a manner
5 that promotes public trust and confidence in government with complete transparency
6 and honesty in their services, and to avoid even the appearance or perception of
7 impropriety. To that end, the voters of Broward County amended Section 11.01created
8 Section 11.08 of the Broward County Charter, to provide that a County ordinance shall
9 prevail over municipal ordinances whenever the County acts with respect to the
10 regulation of conduct of elected officials, appointed officials, and public employees
11 through which requires the Board of County Commissioners to consider a Code of Ethics
12 ("Code"), drafted by the Broward County Ethics Commission, with the sole and express
13 purpose of regulating the behavior of the Broward County Commissioners. Upon the
14 adoption of this Code by either the Board of County Commissioners or by the electors of
15 Broward County, the Board of County Commissioners shall, as expeditiously as
16 possible but no longer than 120 days after adoption, enact an ordinance consistent with
17 the Resolution previously adopted by the Board which would impose the Code, where
18 applicable and appropriate, on County staff and advisory boards.

19 (b) Definitions.

20 (1) Elected municipal officials shall mean those individuals serving on the
21 local governing body of a municipality in Broward County, including any
22 individuals appointed to serve on a municipality's local governing body as a
23 result of a vacancy created on the governing body.
24

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1 (2) Filed for Public Inspection shall mean filed with a municipality's chief
2 administrative official or city clerk and in an online database maintained on
3 the city's website. Those municipalities without the capability to maintain an
4 online database may utilize Broward County's online database for filing
5 pursuant to this section.

6 (3) Government organization shall mean a non-profit, non-partisan
7 organization whose primary purpose is to provide educational opportunities to
8 public officials or to promote or enhance the exchange of ideas among public
9 officials, including, but not limited to, the Florida League of Cities and the
10 Broward League of Cities.

11 (4) Immediate family member shall be defined as set forth in Section
12 112.3148, F.S., as may be amended from time to time.

13 (5) Lobbying or lobbying activities shall mean communicating directly or
14 indirectly, in person, by letter or by any other form of communication, on
15 behalf of any other person with any elected municipal official or any member
16 of any decision-making body under the jurisdiction of the municipality's local
17 governing body, where the lobbyist seeks to influence a decision to be made
18 by the governing body, or a decision to be made by any decision-making
19 body under the jurisdiction of the governing body. Appearing before a local
20 governing body or other decision-making body under the jurisdiction of the
21 local governing body at a publicly noticed meeting does not constitute
22 lobbying or lobbying activities.

23 (6) Lobbyist shall mean any individual who engages in lobbying, regardless of
24 whether he or she receives any compensation for such lobbying. Any

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1 individual who, in his or her individual capacity, merely communicates with an
2 elected municipal official or a decision-making body under the jurisdiction of
3 the local governing body of a municipality for the purpose of self-
4 representation, without compensation, to express support of or opposition to
5 any item shall not be considered a lobbyist. Additionally, "lobbyist," does not
6 include any public officer, public employee, or public appointee when acting in
7 his or her official capacity; any public officer engaged pursuant to a
8 contractual arrangement when acting in his or her official capacity; any
9 employee or officer of a homeowners' association, condominium association,
10 or neighborhood association when addressing, in his or her capacity as an
11 employee or officer of such association, an issue impacting the association or
12 its members, or any employee of a nonprofit public interest entity (e.g. Sierra
13 Club, NAACP, ACLU) when addressing an issue impacting a constituent of
14 that entity.

15 (7) Person shall mean any individual, business, corporation, association, firm,
16 partnership, organization, group or other entity, whether operated for profit or
17 not-for-profit.

18 (8) Professional services shall mean any service performed by an elected
19 municipal official in their personal, professional capacity that is outside of the
20 scope of their duties as an elected official.

21 (9) Relative shall mean ~~an individual who is related to an elected municipal~~
22 ~~official as father, mother, son, daughter, brother, sister, uncle, aunt, first~~
23 ~~cousin, nephew, niece, husband, wife, registered domestic partner, father-in-~~
24 ~~law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,~~

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1 ~~stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half~~
2 ~~brother, half sister, grandparent, great grandparent, grandchild, great~~
3 ~~grandchild, step-grandparent, step-great-grandparent, step-grandchild, step~~
4 ~~great-grandchild, person who is engaged to be married to the elected~~
5 ~~municipal official, or who otherwise holds himself or herself out as or is~~
6 ~~generally known as the person whom the elected municipal officer intends to~~
7 ~~marry or with whom the elected municipal official intends to form a~~
8 ~~household.~~ be defined as set forth in Section 112.3135, F.S., as may be
9 amended from time to time.

10 (10) Vendor or contractor shall mean a person or entity that has entered into or
11 that lobbies to enter into a contract with the elected municipal official's
12 municipality, or that seeks an award from the elected municipal official's
13 municipality, to provide goods, perform a service, render an opinion or advice,
14 or make a recommendation related to a Competitive Solicitation for
15 compensation or other consideration. Additionally, "vendor" or "contractor"
16 does not include any public officer, public employee, or public appointee
17 when acting in his or her official capacity; any public officer engaged pursuant
18 to a contractual arrangement when acting in his or her official capacity; any
19 employee or officer of a homeowners' association, condominium association,
20 or neighborhood association when addressing, in his or her capacity as an
21 employee or officer of such association, an issue impacting the association or
22 its members, or any employee of a nonprofit public interest entity (e.g. Sierra
23 Club, NAACP, ACLU) when addressing an issue impacting a constituent of
24 that entity.

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1 (bc) Standards of Conduct.

2 In addition to the provisions of Florida Statutes Chapter 112, Part III, Code of
3 Ethics for Public Officers and Employees; Florida Statutes Chapters 838 and 839; and
4 Title 18, Chapter 63 of the United States Code; and Chapter 26, Article V of the
5 Broward County Code of Ordinances, sec. 26-67 et seq., the following Standards of
6 Conduct shall apply to all elected municipal officials within Broward County, the
7 individual members of the Broward County Board of County Commissioners.

8 The operative words or terms used in this Code, unless otherwise defined
9 herein, shall be as defined, in order of priority in the event of inconsistency, by Part III of
10 Florida Statutes Chapter 112, the Broward County Code of Ordinances and the Broward
11 County Administrative Code. ~~Unless otherwise provided for herein, the terms~~
12 ~~"registered lobbyist" or "lobbyist", "lobbying" or "lobbying activities", "vendor" and~~
13 ~~"contractor" shall be as construed and defined in the Broward County Lobbyist~~
14 ~~Registration Act and the Broward County Procurement Code. The term "relative" shall~~
15 ~~be as defined in Florida Statutes section 112.3135 and the term "immediate family" shall~~
16 ~~be as defined in Florida Statutes section 112.3148.~~

17 (1) Limitation on Acceptance of Gifts.

- 18 a. County Commissioners Elected municipal officials, their spouses or
19 registered domestic partners, other relatives and office staff, shall
20 not accept gifts, directly or indirectly, regardless of value, from
21 lobbyists, registered with the County or any principal or employer of
22 any lobbyists such ~~—~~ registered lobbyist, or from vendors or
23 contractors doing business, or seeking to do business with their
24

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1 respective municipality of Broward County. This section shall not
2 apply to the following:

3 1) Gifts Food, beverage and other de
4 minimis items valued at -valued at \$25.00 or less.

5 2) Travel or meal reimbursements from governmental
6 organizations provided to elected municipal officials if such
7 organizations are vendors or contractors doing business with the
8 municipality served by the elected municipal official.

9 b. County CommissionersElected municipal officials may accept gifts
10 from other sources given to them in their official capacity, where not
11 otherwise inconsistent with the provisions of Florida Statutes
12 Chapter 112, Part III, up to a maximum value of \$50.00 per
13 occurrence. Gifts given to an elected municipal official a County
14 Commissioner in his or her official capacity up to \$50.00 in value
15 are deemed to be *de minimis*. The above restrictions and
16 limitations do not apply to gifts given to County
17 Commissionersselected municipal officials in their personal (non-
18 official) capacity, and such gifts are still subject to the reporting
19 requirements of Florida Statutes section 112. 3148.

20 (2) Outside/Concurrent employment.

21 a. ~~County Commissioners shall not be employed as a lobbyist or~~
22 ~~engage in lobbying activities before municipalities within Broward~~
23 ~~County, or before other local governmental entities within Broward~~
24 ~~County, including taxing authorities, quasi judicial boards,~~

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1 appointed boards, and commissions, except on behalf of Broward
2 County as authorized by action of the Board of County
3 Commissioners. This form of employment and activity is deemed to
4 be in substantial conflict with the proper discharge of a
5 Commissioner's duties in the public interest.

6 ba. ~~County Commissioners~~Elected municipal officials may engage in
7 other employment consistent with their public duties and where not
8 otherwise inconsistent with the provisions of Florida Statutes
9 Chapter 112, Part III. All ~~Outside~~Outside or concurrent employment by an
10 elected municipal official~~County Commissioner~~, including
11 employment pursuant to contract, must be disclosed on a Form 1
12 pursuant to Ch. 112, F.S.~~as well as any remuneration received from~~
13 ~~that employment, must be disclosed quarterly on a form provided~~
14 ~~by the County Attorney's Office. The disclosure form must be~~
15 ~~completed~~completely legibly and filed for public inspection in a
16 ~~database designated by the County Administrator, which database~~
17 ~~shall be searchable both in hard copy and by internet with the~~
18 ~~municipality's chief administrative official, city clerk, or in an online~~
19 ~~database maintained on the city's website.~~

20 eb. An immediate family member ~~spouse or registered domestic~~
21 ~~partner, immediate family members and office staff of a County~~
22 ~~Commissioner relative of an elected municipal official shall not~~
23 ~~engage in lobbying activities before the Board of County~~
24 ~~Commissioners or before other local governmental entities within~~

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1 ~~Broward County, including taxing authorities, quasi-judicial boards,~~
2 ~~appointed boards and commissions the local governing body on~~
3 ~~which the elected municipal official serves, engage in employment~~
4 ~~which may be inconsistent with Florida Statutes, Part III, Chapter~~
5 ~~112., or otherwise conduct business as a vendor or contractor with~~
6 ~~Broward County the city in which their relative immediate family~~
7 ~~member serves as an elected municipal official.~~

8 c. This section shall not preclude the following:

9 1) Elected municipal officials who are attorneys licensed to
10 practice law by the Supreme Court of the State of Florida from
11 representing clients before other local governing bodies within
12 Broward County

13 2) Elected municipal officials who perform professional services
14 from appearing before other local governing bodies within Broward
15 County.

16 (3) Lobbyists.

17 a. ~~County Commissioners~~ Elected municipal officials should avoid
18 even the appearance of impropriety in their interaction and dealings
19 with lobbyists registered under the ~~Broward County Lobbyist~~
20 ~~Registration Act~~ and the principals or employers of lobbyists. All
21 municipalities in Broward County are encouraged to adopt a
22 lobbyist registration system similar to the Broward County Lobbyist
23 Registration Act.
24

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b. To promote full and complete transparency, lobbyists and their principals or employers who intend to meet or otherwise communicate with an elected municipal official ~~County Commissioner~~ for the purpose of engaging in lobbying activities, must record such interaction by completing a contact log ~~either at the Commissioner's offices or elsewhere on County government premises, must register by completing a contact log as provided under Sec. 1-267 of the Broward County Code of Ordinances.~~ This registration ~~recordation~~ shall be made for each individual County Commissioner elected municipal official the lobbyist, principal or employer intends on meeting or communicating with.

1. The registration ~~recordation~~ shall include the lobbyist's name; the name of his or her principal, including the employer or business; the name of the entity for which he or she is lobbying; the name of the County Commissioner elected municipal official he or she is meeting or communicating with; the date and time of the meeting; and the specific purpose and subject matter of the meeting.

2. The registration ~~recordation~~ shall be made contemporaneous with the meeting, shall be legible, and shall be filed for public inspection ~~with the municipality's chief administrative official, city clerk, or in an online database maintained on the city's website.~~ in a database

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1 designated by the County Administrator, which database
2 shall be searchable both in hard copy and by internet.

3 c. To further promote full and complete transparency, County
4 Commissionersselected municipal officials must disclose any and all
5 lobbying activity that knowingly occurs between themselves and
6 individual lobbyists or their principals or employers outside of their
7 County Commission municipal offices. This shall include
8 communicating by any form of telephonic or electronic media.

9 1. The disclosure shall include the lobbyist's name; the
10 lobbyist's principal, including his or her employer or
11 business; the entity for which he or she is lobbying; the date,
12 time and location of the meeting; and the specific purpose
13 and subject matter of the meeting.

14 2. The disclosure shall be made within ten (10) business days of
15 the lobbying activity, but must, in any event, be made prior to
16 any vote on a matter that was the subject of the lobbying
17 activity.

18 3. The disclosure shall be made in a legible manner and filed
19 for public inspection ~~with the chief administrative official, city~~
20 ~~clerk, or in an online database maintained on the city's~~
21 ~~website, in a database designated by the County~~
22 Administrator, which database shall be searchable both in
23 hard copy and by internet.

24 (4) Honest Services.

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1 a. An elected municipal official ~~County Commissioner~~ may not engage
2 in a scheme or artifice to deprive another of the material intangible
3 right of honest services or any activity in contravention of his or her
4 duty to provide loyal service and honest governance for the
5 residents of their respective municipality.

6 ~~Broward County.~~

7 ~~b. This section shall be construed, to the extent possible, in~~
8 ~~accordance with the standards and intent set forth under 18 U.S.C.~~
9 ~~s.1346, as may be amended, and Florida Statutes Chapter 838, as~~
10 ~~may be amended.~~

11 (5) Solicitation and Receipt of Contributions.

12 a. Charitable Contribution Fundraising.

- 13 1. The solicitation of funds by an elected municipal official
14 ~~County Commissioner~~ for a non-profit charitable
15 organization, as defined under the Internal Revenue Code, is
16 permissible so long as there is no quid pro quo or other
17 special consideration, including any direct or indirect benefit
18 between the parties to the solicitation.
- 19 2. To promote the full and complete transparency of any such
20 solicitation, ~~a County Commissioner~~ elected municipal
21 officials shall disclose, on a form provided by the
22 municipality ~~County Attorney's Office~~, the name of the
23 charitable organization, the event for which the funds were
24 solicited, and the name of any individual or entity that may

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1 have promoted the solicitation. The form shall be completed
2 legibly and shall be filed for public inspection ~~with the chief~~
3 ~~administrative official, city clerk, or in an online database~~
4 ~~maintained on the city's website.~~ in a database designated
5 by the County Administrator, which database shall be
6 searchable both in hard copy and by internet.

7 3. ~~County Commissioners~~ Elected municipal officials may not
8 use the staff of their municipality ~~County staff~~ or other
9 municipal ~~County~~ resources in the solicitation of charitable
10 contributions.

11 4. ~~The requirements and prohibitions of this subpart shall not~~
12 ~~apply to Broward County sponsored charities or fundraising~~
13 ~~events.~~ Unless otherwise provided, the requirements and
14 prohibitions of this subpart shall not apply to the following:

15 (A) Charities or fundraising events sponsored by the
16 municipality for whom the elected municipal official serves as
17 a public officer.

18 (B) Charities or fundraising events sponsored by a non-
19 profit entity created by the municipality or with which the
20 municipality has ~~partnered~~ is currently partnering.

21 (C) Elected municipal officials who are employed by a
22 qualified non-profit organization where the job description
23 includes solicitation of charitable contributions on behalf of
24 their employer. Elected municipal officials may not use the

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1 staff of their municipality or other municipal resources in the
2 solicitation of charitable contributions pursuant to this
3 subsection.

4 (D) Elected municipal officials who serve on a non-profit's
5 board of directors, steering committee or host committee or
6 who permit their name to be used on a mass mailing or
7 similar fundraising solicitation effort by a qualified non-profit.
8 Elected municipal officials may not use the staff of their
9 municipality or other municipal resources in the solicitation of
10 charitable contributions pursuant to this subsection.

11 b. Campaign Contribution Fundraising.

- 12 1. It is the intent of this Code to promote the full and complete
13 transparency of campaign contributions received by ~~County~~
14 Commissioner~~selected municipal officials~~, consistent with
15 the disclosure requirements provided by state statute or
16 federal law.
- 17 2. Any campaign finance disclosure that an elected municipal
18 official ~~County Commissioner~~ must submit to the Supervisor
19 of Elections in accordance with the provisions of Florida
20 Statutes Chapter 106 shall, contemporaneously, be filed for
21 public inspection ~~with the chief administrative official, city~~
22 clerk, or in an online database maintained on the city's
23 website in a database designated by the County

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1 Administrator, which database shall be searchable both in
2 hard copy and by internet.

3 3. ~~County Commissioners~~ Elected municipal officials who solicit
4 campaign contributions for other candidates for public office
5 shall disclose, on a form provided by the County Attorney's
6 Office and filed for public disclosure in a manner designated
7 by the ~~County Administrator~~ each municipality, the name of
8 the candidate for which they are soliciting, the location and
9 date of any associated event, ~~and both the name and~~
10 ~~contribution amounts of any individual who provided~~
11 ~~contributions, directly or indirectly, to the County~~
12 ~~Commissioner for subsequent delivery to the candidate.~~

13 4. ~~County Commissioners~~ Elected municipal officials may not
14 use ~~County staff~~ the staff of their municipality or other
15 ~~County municipal~~ resources in the solicitation or receipt of
16 campaign contributions.

17 5. Unless otherwise permitted by the Florida Election Code,
18 Campaign or political contributions may not be made,
19 solicited or accepted in any government-owned building.

20 ~~c. The Board of County Commissioners shall be prohibited from~~
21 ~~waiving the provisions of Section 18.63 of the Broward County~~
22 ~~Administrative Code as it pertains to the County's acceptance of~~
23 ~~donations in excess of five hundred (\$500.00) dollars.~~

24 (6) Procurement Selection Committees.

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1 a. It shall be a conflict of interest for an elected municipal official
2 ~~member of the Board of County Commissioners~~ to serve as a
3 voting member of a County municipal procurement
4 Selection/Evaluation Committee in their municipality. ~~County~~
5 ~~Commissioners~~ Elected municipal officials shall not be included as
6 members on any municipal procurement Selection/Evaluation
7 Committee in their municipality and shall not participate or interfere
8 in any manner at Committee meetings or in the selection of
9 Committee members, which members shall be appointed by the
10 ~~County Administrator~~ Chief Administrative Official. Upon the
11 completion of the selection process by the Committee, ~~County~~
12 ~~Commissioners~~ selected municipal officials may inquire into any and
13 all aspects of the selection process and express any concerns they
14 may have to the ~~Purchasing Director~~ municipality's chief
15 administrative officer, or his or her designee.

16 b. ~~This section shall not apply to the procurement or hiring of those~~
17 ~~individuals who report directly to the local governing body of a~~
18 ~~municipality pursuant to the municipality's charter or to those~~
19 ~~municipalities in Broward County that have a strong mayor form of~~
20 government.

21 (7) Financial Disclosure.

22 a. ~~Each County Commissioner~~ elected municipal official,
23 contemporaneous with the annual filing of the Form 1 & Disclosure
24 of Financial Interest, pursuant to Florida Statutes, Chapter 112,

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1 Part III, shall also file for public inspection a copy of the Form 1
2 Disclosure of Financial Interest with the chief administrative official,
3 city clerk, or in an online database maintained on the city's website.
4 with the State of Florida Commission on Ethics, shall file such form
5 for public inspection in a database designated by the County
6 Administrator, which database shall be searchable both in hard
7 copy and by internet.

8 (c) Training and Education.

9 (1) New County Commissioner selected municipal officials shall receive a
10 minimum of four (4) hours of training from the Office of the County
11 Attorney on the topics of the Sunshine Law, public records and public
12 service ethics. The training may be conducted by a municipality's legal
13 counsel, regional universities, municipal or government organizations, or
14 the state or regional Bar associations. The County Commissioner
15 Elected municipal officials shall certify or acknowledge his or her
16 participation in this training. Such certification shall be filed for public
17 inspection. through the municipality's chief administrative official, city
18 clerk, or in an online database maintained on the city's website. County
19 Administrator. Additional training for new Commissioners offered by the
20 Florida Association of Counties is strongly encouraged.

21 (2) Each member of the Board of County Commissioners selected municipal
22 official shall, on an annual basis, attend or participate in a minimum of
23 eight (8) hours of continuing education training on the topic of public
24 service ethics. These programs may be available through regional

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1 universities, the municipality's legal counsel, municipal or local
2 government organizations, or the state or regional Bar associations. The
3 County Commissioner- elected municipal official shall annually certify or
4 acknowledge his or her participation in this program. Such certification
5 shall be filed for public inspection. through the municipality's chief
6 administrative official, city clerk, or in an online database maintained on
7 the city's website. County Administrator.

8 (d) Municipal Opt-Out Certification of Local Law. A conflict for purposes of
9 Section 11.01(c) of the Broward County Charter shall not exist if the
10 provisions of a municipal ordinance are substantially similar to or more
11 restrictive than the provisions of this ordinance. The local governing body
12 of a municipality may, by ordinance adopted by a four-fifths (4/5) vote of
13 the municipality's governing body after providing public notice and
14 conducting two (2) public hearings, opt out of any or all provisions of this
15 Code of Ethics. An ordinance adopted pursuant to this section shall state
16 the public purpose for the municipality's decision to opt out of certain
17 provisions of this Code. The determination pursuant to this section shall be
18 made by the Office of the Inspector General.

19 (ed) Enforcement. This section shall be enforced by the Office of the Inspector
20 General pursuant to Section _____ of the Broward County Code of
21 Ordinances/Charter. The Office of the Inspector General shall not enforce
22 the provisions of this section with respect to an elected municipal official
23 that obtains an advisory opinion from _____ and acts in good faith in
24 accordance therewith.

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- 1 ~~(1) Office of Inspector General.~~
- 2 ~~a. Created and Established.~~
- 3 ~~1. The Office of Inspector General is created to detect misconduct involving waste,~~
- 4 ~~fraud, abuse, mismanagement, corruption, as well as the violation of County and~~
- 5 ~~municipal ordinances, state or federal statutes, and the state and federal constitution by~~
- 6 ~~any member of the Board of County Commissioners.~~
- 7 ~~2. The Inspector General shall head the Office.~~
- 8 ~~3. The organization and administration of the Office of Inspector General shall be~~
- 9 ~~independent to assure that no interference or influence external to the Office of~~
- 10 ~~Inspector General adversely affects the objectivity of the Inspector General.~~
- 11 ~~b. Functions, Authority and Powers.~~
- 12 ~~1. The authority of the Inspector General shall extend over the Board of County~~
- 13 ~~Commissioners.~~
- 14 ~~2. Upon a determination by the Inspector General that good cause exists, including~~
- 15 ~~but not limited to the receipt of a filed complaint or a credible published report, the~~
- 16 ~~Inspector General shall commence an investigation of any member of the Board of~~
- 17 ~~County Commissioners.~~
- 18 ~~3. Any complaint received by the Office of Inspector General that is made against a~~
- 19 ~~candidate for the office of County Commissioner and received within sixty (60) days of~~
- 20 ~~the date of the election shall be held in abeyance until the election is determined or, if~~
- 21 ~~the complaint is made within sixty (60) days of a primary election, until the general~~
- 22 ~~election is determined if the individual against whom the complaint was filed remains a~~
- 23 ~~candidate in the general election.~~
- 24

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- 1 ~~4. The Inspector General shall have the authority to investigate any member of the~~
2 ~~Board of County Commissioners. Each member of the Board of County Commissioners~~
3 ~~shall fully cooperate with the Inspector General.~~
- 4 ~~5. In connection with an investigation, the Inspector General shall have the power to~~
5 ~~subpoena witnesses, administer oaths, and require the production of documents and~~
6 ~~records.~~
- 7 ~~6. The Inspector General shall have the authority to prepare reports and~~
8 ~~recommendations based upon its investigation.~~
- 9 ~~7. Upon a finding of probable cause and the good faith belief that a violation of a~~
10 ~~state, federal or local law, rule, regulation or policy has occurred, the Inspector General~~
11 ~~shall notify the appropriate civil, criminal or administrative agencies charged with~~
12 ~~enforcement of said violation.~~
- 13 ~~a) The Inspector General shall refer findings of alleged criminal offenses to the~~
14 ~~State Attorney and/or the Office of the United States Attorney.~~
- 15 ~~b) The Inspector General shall refer findings of alleged civil offenses involving a~~
16 ~~violation of Florida Statutes Chapter 112, Part III, to the Florida Commission on Ethics.~~
- 17 ~~e) Civil infractions involving local ordinances or code provisions not covered by~~
18 ~~Florida Statutes Chapter 112, Part III shall be stated in a complaint brought in the name~~
19 ~~of the Inspector General on behalf of Broward County, which complaint shall be referred~~
20 ~~to a Hearing Officer randomly chosen from among the panel of hearing officers selected~~
21 ~~by the Inspector General Selection Oversight Committee. Upon the finding of a~~
22 ~~violation, the Hearing Officer shall impose sanctions in accordance with Florida Statutes~~
23 ~~sections 112.317 and 125.69, or as provided within this Code.~~

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1 ~~i. In addition to all other authority granted in this section, the hearing officer shall~~
2 ~~have the authority to:~~
3 ~~a. Issue notices of hearings;~~
4 ~~b. Administer oaths and affirmations;~~
5 ~~c. Issue subpoenas authorized by law, including those requiring the attendance of~~
6 ~~witnesses and the preservation and production of documents and other items which~~
7 ~~may be used as evidence;~~
8 ~~d. Rule upon motions presented and offers of proof and receive relevant evidence;~~
9 ~~e. Issue appropriate orders to effectuate discovery;~~
10 ~~f. Regulate the course of the hearing;~~
11 ~~g. Dispose of procedural requests or similar matters; and~~
12 ~~h. Enter any order, consistent with his or her authority, to carry out the purposes of~~
13 ~~this chapter.~~
14 ~~ii. Except to any extent inconsistent with any provision of this subsection, the~~
15 ~~Florida Rules of Civil Procedure and Florida Evidence Code, as amended, shall apply to~~
16 ~~hearings under this section.~~
17 ~~iii. Within thirty (30) days after completion of the hearing, the hearing officer shall~~
18 ~~issue a final order determining whether a violation of the Code has occurred. The final~~
19 ~~order shall contain detailed findings of fact and conclusions of law. If a violation has~~
20 ~~occurred, the final order shall specify the sanction(s) imposed.~~
21 ~~iv. Orders issued by the hearing officer, including the final order, are subject to~~
22 ~~judicial review as provided by applicable law.~~
23
24

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscoring type are additions.

- 1 ~~8. The Inspector General shall provide adequate notice to the subject of any~~
2 ~~investigation and an opportunity to be heard with respect to the charges or allegations~~
3 ~~made.~~
- 4 ~~9. The Inspector General's records related to active investigations shall be and are~~
5 ~~confidential and exempt from disclosure, as provided by F.S. 112.3188(2).~~
- 6 ~~10. The Inspector General shall be deemed "an appropriate local official" for~~
7 ~~purposes of whistleblower protection provided by F.S. 112.3188(1).~~
- 8 ~~11. The Inspector General may recommend remedial action and may follow up to~~
9 ~~determine whether recommended remedial actions have been taken.~~
- 10 ~~12. The Inspector General shall establish policies and procedures and monitor the~~
11 ~~costs of investigations undertaken.~~
- 12 ~~13. The Inspector General is hereby deemed to be a public official and shall be~~
13 ~~subject to all applicable provisions of this Code.~~
- 14 ~~e. Minimum Qualifications, Selection and Term of Office.~~
- 15 ~~1. Minimum qualifications. The Inspector General shall be a person who:~~
- 16 ~~a) Has at least ten (10) years of experience in any one, or a combination of, the~~
17 ~~following fields:~~
- 18 ~~1) as a Federal, State or local Law Enforcement Officer;~~
- 19 ~~2) as a Federal or State court judge;~~
- 20 ~~3) as a Federal, State or local government attorney with expertise in investigating~~
21 ~~fraud, mismanagement and corruption; or~~
- 22 ~~4) as a person with progressive supervisory experience in an investigative public~~
23 ~~agency similar to an inspector general's office.~~
- 24

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscored type are additions.

- 1 ~~b) Has managed and completed complex investigations involving allegations of~~
2 ~~fraud, theft, deception and conspiracy;~~
- 3 ~~c) Has demonstrated the ability to work with local, state and federal law~~
4 ~~enforcement agencies and the judiciary;~~
- 5 ~~d) Has a four-year degree from an accredited institution of higher learning;~~
- 6 ~~e) Has experience in the management of a private or public entity; and~~
- 7 ~~f) Has not been employed by Broward County or served in an elected office within~~
8 ~~the State of Florida during the five (5) year period immediately prior to selection.~~
- 9 ~~2. Highly qualified candidates will also have audit-related skills and/or hold one or~~
10 ~~more of the following professional certifications at the time of selection: certified~~
11 ~~inspector general (CIG), certified inspector general investigator (CIGI), certified~~
12 ~~inspector general auditor (CIGA), certified public accountant (CPA), certified internal~~
13 ~~auditor (CIA), or certified fraud examiner (CFE).~~
- 14 ~~3. Selection.~~
- 15 ~~a) Responsibility for selecting the Inspector General shall be vested solely with the~~
16 ~~Inspector General Selection Oversight Committee ("Selection Oversight Committee").~~
- 17 ~~b) The Selection Oversight Committee shall be comprised of:~~
- 18 ~~1) The Chief Judge of Seventeenth Judicial Circuit or, if he or she is unable or~~
19 ~~unwilling to serve, then his or her designee.~~
- 20 ~~2) The State Attorney of the Seventeenth Judicial Circuit or, if he or she is unable or~~
21 ~~unwilling to serve, then his or her designee.~~
- 22 ~~3) The Public Defender for the Seventeenth Judicial Circuit or, if he or she is unable~~
23 ~~or unwilling to serve, then his or her designee.~~
- 24

Coding: Words in ~~struck-through~~ type are deletions from existing text. Words in underscored type are additions.

1 ~~4) The Special Agent in charge of the Miami Regional Operation Center of the~~
2 ~~Florida Department of Law Enforcement or, if he or she is unable or unwilling to serve,~~
3 ~~then his or her designee.~~

4 ~~5) The Dean of the Nova Southeastern University Law Center or, if he or she is~~
5 ~~unable or unwilling to serve, then his or her designee. In the event that no individual in~~
6 ~~this category agrees to serve, the Selection Oversight Committee shall fill the vacancy.~~

7 ~~e) In the event any of the above individuals are unable or unwilling to serve, the~~
8 ~~members of the Selection Oversight Committee shall fill the vacancy by majority vote.~~

9 ~~d) The members of the Selection Oversight Committee shall elect a chairperson~~
10 ~~who shall preside over the actions of the Committee. The Selection Oversight~~
11 ~~Committee shall establish its own rules of procedure.~~

12 ~~e) The Human Resources Division of Broward County shall be responsible for~~
13 ~~providing staffing to the Selection Oversight Committee and for the solicitation of~~
14 ~~qualified candidates for the position of Inspector General.~~

15 ~~f) In addition to its other responsibilities under this Code, the Selection Oversight~~
16 ~~Committee shall select qualified hearing officers to preside over hearings in connection~~
17 ~~with civil infractions as specified above.~~

18 ~~g) In addition to the factors specified above, in selecting the Inspector General and~~
19 ~~qualified hearing officers, the Selection Oversight Committee shall take into~~
20 ~~consideration the rich diversity of the County's residents.~~

21 ~~4. Term. The Inspector General shall be appointed for a term of four (4) years. The~~
22 ~~Selection Oversight Committee shall convene at least six (6) months prior to the end of~~
23 ~~each contract term to determine whether to renew the contract of the Inspector General~~
24 ~~or solicit new candidates.~~

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscored type are additions.

1 ~~5. Vacancy. In the event of a vacancy in the position of Inspector General, the~~
2 ~~Chairperson of the Selection Oversight Committee shall appoint an interim Inspector~~
3 ~~General until such time as a successor Inspector General is selected and assumes~~
4 ~~office.~~
5 ~~6. The presence of all five (5) members of the Selection Oversight Committee is~~
6 ~~necessary to constitute a quorum for purposes of any vote to select or remove the~~
7 ~~Inspector General. For all other votes, a quorum shall consist of three (3) or more~~
8 ~~members being present.~~
9 ~~d. Contract. The Director of the Broward County Human Resources Division, with~~
10 ~~the assistance of the County Attorney of Broward County, shall negotiate a contract of~~
11 ~~employment with the Inspector General substantially consistent with the terms included~~
12 ~~in contracts of other contractual employees of Broward County.~~
13 ~~e. Physical Facilities and Staff.~~
14 ~~1. The County shall provide the Office of Inspector General with appropriately~~
15 ~~located office space and sufficient physical facilities together with necessary office~~
16 ~~supplies, equipment and furnishings to enable the Office to perform its functions.~~
17 ~~2. The Inspector General shall have the power to appoint, employ, and remove~~
18 ~~such assistants, employees and personnel, and establish personnel procedures as~~
19 ~~deemed necessary for the efficient and effective administration of the activities of the~~
20 ~~Office of Inspector General.~~
21 ~~3. The Office of the County Auditor shall be a resource to the Inspector General and~~
22 ~~shall make staff available as necessary to assist the Inspector General in its~~
23 ~~investigations.~~

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscoring type are additions.

1 ~~f. Procedure for Finalization of Reports and Recommendations Which Make~~
2 ~~Findings as to the Person or Entity Being Reviewed or Inspected. The Inspector~~
3 ~~General shall publish and deliver finalized reports and recommendations to the Board of~~
4 ~~County Commissioners and to the Offices represented on the Selection Oversight~~
5 ~~Committee. Whenever the Inspector General concludes a report or recommendation~~
6 ~~which contains findings as to a member of the Board of County Commissioners, the~~
7 ~~Inspector General shall provide the affected County Commissioner with a copy of the~~
8 ~~report or recommendation and the County Commissioner shall have ten (10) working~~
9 ~~days to submit a written explanation or rebuttal of the findings before the report or~~
10 ~~recommendation is finalized. A timely submitted written explanation or rebuttal shall be~~
11 ~~attached to the finalized report or recommendation. The requirements of this~~
12 ~~subsection shall not apply when the Inspector General, in conjunction with the State~~
13 ~~Attorney or United States Attorney, determines that supplying the County Commissioner~~
14 ~~with such report will jeopardize a pending criminal investigation.~~

15 ~~g. Reporting.~~

16 ~~1. The Inspector General shall annually prepare and publish a written report to all~~
17 ~~covered entities concerning the work and activities of the Office of Inspector General~~
18 ~~including, but not limited to, statistical information regarding the disposition of closed~~
19 ~~investigations. The annual report of the Inspector General shall, promptly after it is~~
20 ~~completed, be posted on Broward County's public website and presented to the~~
21 ~~Selection Oversight Committee.~~

22 ~~2. The Selection Oversight Committee shall convene at least annually, shortly after~~
23 ~~its receipt of the annual report, to consider the report and the performance of the~~
24 ~~Inspector General. Other meetings of the Committee may be set by majority vote~~

Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscoring type are additions.

1 during the annual meeting or at the request of the Inspector General. A meeting to vote
2 upon setting a public hearing to consider removal of the Inspector General shall be set
3 by the Chairperson upon his or her own volition or upon being requested to do so by
4 any member of the Committee.

5 h. Financial Support and Budgeting.

6 1. ~~The Charter Government of Broward County shall be responsible for the funding
7 of the Office of Inspector General.~~

8 2. ~~Pursuant to its annual budget process, the Broward County Board of County
9 Commissioners shall provide sufficient and adequate financial support for the Inspector
10 General's Office to fulfill its duties. The costs of reviews, inspections and investigations
11 by the Inspector General may be defrayed in part by the imposition of a fee imposed by
12 the County which shall be equal to one quarter of one percent (0.25%) of the contract
13 price (hereinafter "IG contract fee") added to each County contract, as well as a fee on
14 lobbyist registrations.~~

15 3. ~~The Inspector General shall timely deliver to the Board of County Commissioners
16 a budget request including a reasonable estimate of operating and capital expenditures.
17 The budget request shall include funds to enable the Inspector General to retain outside
18 counsel to represent the Inspector General in connection with complaints referred to a
19 hearing officer. The Inspector General's budget shall not be implemented until a public
20 hearing is held by the Broward County Board of County Commissioners. The Inspector
21 General shall establish a fiscal year which coincides with that of Broward County.
22 Nothing contained herein shall be construed to prohibit the Inspector General from
23 transmitting to the Board of County Commissioners supplemental budget requests,
24 which shall be scheduled for a public hearing and if approved by the Commission, shall~~

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underscoring type are additions.

1 ~~constitute amendments to the county budget. The Board of County Commissioners'~~
2 ~~approval of the Inspector General's budget request shall not be unreasonably withheld.~~
3 i. ~~Removal. The Inspector General may be removed only for cause based upon~~
4 ~~specified charges of the following: neglect of duty, abuse of power or authority,~~
5 ~~discrimination, or ethical misconduct. Removal shall be considered at a duly noticed~~
6 ~~public hearing of the Selection Oversight Committee. The Inspector General shall be~~
7 ~~provided sufficient advance notice of the reasons for the possible removal, and shall be~~
8 ~~given an opportunity to be heard on the charges. The Inspector General may only be~~
9 ~~removed upon the affirmative vote of no fewer than three (3) members of the Selection~~
10 ~~Oversight Committee.~~
11 ~~(2) Sanctions.~~
12 a. ~~Fines.~~
13 1. ~~A County Commissioner who violates any provision of this Code shall be~~
14 ~~assessed a monetary fine of between \$250.00 and \$5,000.00 per violation.~~
15 2. ~~Additionally, the Hearing Officer may order the Commissioner to pay restitution or~~
16 ~~to disgorge any sums wrongfully received by the Commissioner or by any relative of the~~
17 ~~Commissioner or entity substantially affiliated with the Commissioner.~~
18 1. ~~In determining the amount of the fine, the Hearing Officer shall consider:~~
19 ~~— a) The gravity of the violation;~~
20 ~~— b) Whether it was intentional; and~~
21 ~~— c) Whether it is a repeat offense.~~
22 1. ~~The Hearing Officer may determine that no fine shall be imposed upon making~~
23 ~~an affirmative, express finding that the violation was unintentional and *de minimis*.~~
24 1. ~~Public Reprimand/Censure.~~

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1 1. ~~A County Commissioner who is found to have violated any provision of this Code~~
2 ~~shall be subject to public reprimand or censure.~~

3 ~~c. Incarceration.~~

4 1. ~~A County Commissioner who is convicted of a violation of this Code may,~~
5 ~~pursuant to Florida Statutes section 125.69, be subject to imprisonment for a maximum~~
6 ~~of sixty (60) days, in addition to a fine and public censure.~~

7 ~~Section 2. RESTRICTIONS ON AMENDMENT.~~

8 ~~Except as to any amendments required as a result of changes in governing law:~~

9 ~~(a) The Board of County Commissioners may at any time strengthen or supplement~~
10 ~~the restrictions and protections provided under this Code, but the restrictions and~~
11 ~~protections hereof may be weakened or removed, in whole or in part, only by citizen~~
12 ~~initiative as referenced in Section 7.01 of the Broward County Charter.~~

13 ~~(b) If any Court determines that the above provided requirement of a citizen initiative~~
14 ~~is inconsistent with applicable law, then, to the full extent permitted under applicable~~
15 ~~law, the restrictions and protections of this Code may be weakened or removed, in~~
16 ~~whole or in part, only by an affirmative vote of a majority plus (1) member of the full~~
17 ~~Board of County Commissioners.~~

18 Section 3. SEVERABILITY.

19 If any portion of this Ordinance is determined by any Court to be invalid, the
20 invalid portion shall be stricken, and such striking shall not affect the validity of the
21 remainder of this Ordinance. If any Court determines that this Ordinance, or any portion
22 hereof, cannot be legally applied to any individual(s), group(s), entity(ies), property(ies),
23 or circumstance(s), such determination shall not affect the applicability hereof to any
24 other individual, group, entity, property, or circumstance.

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underscoring type are additions.

1 Section 4. INCLUSION IN CODE.

2 It is the intention of the Board of County Commissioners that the provisions of
3 this Ordinance shall become and be made a part of the Broward County Code; and that
4 the sections of this Ordinance may be renumbered or re-lettered and the word
5 "ordinance" may be changed to "section," "article," or such other appropriate word or
6 phrase in order to accomplish such intentions.

7 Section 5. EFFECTIVE DATE.

8 This ordinance shall become effective as provided by law.

9
10 ENACTED

11 FILED WITH THE DEPARTMENT OF STATE

12 EFFECTIVE
13
14

15 RLT/ab
16 02/17/10
CodeofEthics2010.doc
10-400.01
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Coding: Words in ~~struck through~~ type are deletions from existing text. Words in underscored type are additions.

EXHIBIT 2

FLORIDA ETHICS FORM 6

FORM 6

FULL AND PUBLIC DISCLOSURE OF

2010

Please print or type your name, mailing address, agency name, and position below :

FINANCIAL INTERESTS

LAST NAME — FIRST NAME — MIDDLE NAME:

MAILING ADDRESS:

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

FOR OFFICE USE ONLY:

ID Code

ID No.

Conf. Code

P. Req. Code

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2010, or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of _____, 20__ was \$ _____.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ _____.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

You may **EITHER** (1) file a complete copy of your 2010 federal income tax return, including all attachments, **OR** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my 2010 federal income tax return. [If you check this box and attach a copy of your 2010 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

OATH

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me this _____ day of

_____, 20__ by _____.

(Signature of Notary Public--State of Florida)

(Print, Type, or Stamp Commissioned Name of Notary Public)

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

Personally Known _____ OR Produced Identification _____

Type of Identification Produced _____

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
OTHER FORMS you may need to file are described on page 6.

INSTRUCTIONS FOR COMPLETING AND FILING FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

WHAT TO FILE:

After completing the form, file only the first sheet (pages 1 and 2). **Facsimiles will not be accepted.** A candidate who has filed Form 6 for 2010 before qualifying may file a copy of that disclosure at the time of qualifying.

WHERE TO FILE:

Officeholders file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 3600 Maclay Blvd. South, Suite 201, Tallahassee, FL 32312. Candidates file with the officer before whom they qualify.

WHEN TO FILE:

Officeholders must file no later than July 1, 2011.

Candidates must file during the qualifying period.

WHO MUST FILE FORM 6:

- All persons holding the following elective positions, and candidates for such offices: Governor, Lieutenant Governor, Cabinet members, members of the Legislature, Circuit Court Judges, County Judges, State Attorneys, Public Defenders, Clerks of Circuit Courts, Sheriffs, Tax Collectors, Property Appraisers, Supervisors of Elections, County Commissioners, elected Superintendents of Schools, members of District School Boards, Mayor and members of the Jacksonville City Council.
- All persons holding the following appointive positions: Justices of the Supreme Court; Judges of the District Court of Appeals; Judges of Compensation Claims; the Duval County Superintendent of Schools; and members of the Florida Housing Finance Corporation Board, and the Florida Prepaid College Board, and members of each expressway authority, transportation authority, bridge authority, or toll authority created pursuant to F.S. Chapter 348, 343, 349, or other legislative enactment.

INSTRUCTIONS FOR COMPLETING FORM 6:

INTRODUCTORY INFORMATION (At Top of Form):

If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, then contact your agency's financial disclosure coordinator. Your coordinator is identified in the financial disclosure portal on the Commission on Ethics website: www.ethics.state.fl.us.

NAME OF AGENCY: This should be the name of the governmental unit which you serve or served, or for which you are a candidate. For example, "House of Representatives," "Leon County," or "First Judicial Circuit."

OFFICE OR POSITION HELD OR SOUGHT: List the title of the office or position you hold, are seeking, or held during 2010 (in some cases you may not hold that position now, but you still would be required to file to disclose your interests during the last year you held that position). For example, "Comptroller," "Member," "County Commissioner," "Circuit Judge." If you are a candidate for office, check the box below your name and address.

MAILING ADDRESS: If your home address appears on the form but you prefer another address be shown, change the address as described above. If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home address **if you submit a written request for confidentiality.** Persons listed in Section 119.071(4)(d), F.S., are encouraged to provide an address other than their home address.

PART A — NET WORTH

[Required by Art. II, Sec. 8(a)(i)(1), Fla. Const.]

Report your net worth as of December 31, 2010, or a more current date, and list that date. This should be the same date used to value your assets and liabilities. In order to determine your net worth, you will need to total the value of all your assets and subtract the amount of all of your liabilities. Simply subtracting the liabilities reported in Part C from the assets reported in Part B will not result in an accurate net worth figure in most cases.

To total the value of your assets, add:

- (1) The aggregate value of household goods and personal effects, as reported;
- (2) The value of all assets worth over \$1,000, as reported; and
- (3) The total value of any assets worth less than \$1,000 that were not reported or included in the category of "household goods and personal effects."

To total the amount of your liabilities, add:

- (1) The total amount of each reported liability over \$1,000 (do not include any of the amounts listed in the "joint and several liabilities" portion of the form.); and
- (2) The total amount of unreported liabilities (including those under \$1,000, credit card and retail installment accounts, and taxes owed).


NOTE: In order to avoid a net worth figure that unrealistically portrays your liabilities, business-related loans that were taken into account when valuing your interest in the business as an asset in Part B should not be included again as liabilities, even though you may be personally liable for the loan.

Examples:

— You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with your spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth \$80,000 and your other assets are worth \$20,000. Your net worth should be reported as \$25,000 [\$100,000 of assets (\$80,000 + \$20,000) minus \$75,000 of liabilities (\$10,000 + \$5,000 + \$60,000)].

— You and your 50% business partner have a business loan from a bank of \$100,000, for which you both are jointly and severally liable. The value of the business, taking into account the loan as a liability of the business, is \$50,000. Your other assets are worth \$30,000, and you owe \$5,000 on a credit card. Your total assets will be \$55,000 (half of a business worth \$50,000 plus \$30,000 of other assets). Your liabilities, for net worth purposes, will be only \$5,000, because the full amount of the business loan already was included in valuing the business. Therefore, your net worth is \$50,000.

— You and three others own investment property worth \$100,000 and are jointly and severally liable for the mortgage of \$80,000. Your other assets, including household goods and personal effects, amount to \$50,000, and you have no other debts. Your net worth is \$55,000 [\$75,000 of assets (1/4 of \$100,000 plus \$50,000) minus \$20,000 of liabilities (1/4 of \$80,000)].

(CONTINUED on page 4) 

PART B — ASSETS WORTH MORE THAN \$1,000

[Required by Art. II, Sec. 8(a)(i)(1), Fla. Const.; Sec. 112.3144, F.S.]

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

As noted on the form, the value of your household goods and personal effects may be aggregated and reported as a lump sum, if their aggregate value exceeds \$1,000. The types of assets that can be reported in this manner are described on the form.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

In this part, please provide a description of each asset of yours on the reporting date chosen for your net worth (Part A), that was worth more than \$1,000 and that is not included as household goods and personal effects, and list its value. Assets include: interests in real property (land and buildings), such as your home, vacant land, real property, etc.; tangible personal property not aggregated as household goods and personal effects, such as collections of art or other objects held for investment purposes, animals, musical instruments, etc.; and intangible personal property, such as money, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interests in a trust, promissory notes owed to you, accounts receivable by you, IRA's, and bank accounts. You are not required to disclose assets owned solely by your spouse.

How to Identify or Describe the Asset:

— Real property (land and buildings): Identify by providing a description of the property and its location. Although a legal description of the property will do, such a lengthy description is not required. Using simpler descriptions, such as "duplex, 115 Terrace Avenue, Tallahassee" or "40 acres located at the intersection of Hwy. 60 and I-95, Lake County" is sufficient. In some cases, the property tax identification number of the property will help in identifying it: "120 acre ranch on Hwy. 902, Hendry County, Tax ID # 131-45863."

— Intangible property: Identify the type of property and the business entity or person to which or whom it relates. Do not list simply "stocks and bonds" or "bank accounts." For example, list "Stock (Williams Construction Co.)," "Bonds (Southern Water and Gas)," "Bank accounts (First National Bank)," "Smith family trust," "Promissory note and mortgage (owed by John and Jane Doe)."

How to Value Assets:

— Value each asset by its fair market value on the date used in Part A for your net worth.

— Jointly held assets: If you hold real or personal property jointly with another person, your interest equals your legal percentage of ownership in the property. However, assets that are held jointly with right of survivorship must be reported at 100% of their value.

— Partnerships: You are deemed to own an interest in a partnership which corresponds to your interest in the capital (equity) of that partnership.

— Trusts: You are deemed to own an interest in a trust which corresponds to your percentage interest in the trust corpus. If you are a beneficiary of a trust and your interest depends on the duration of an individual's life, the value of your interest should be determined by applying the appropriate actuarial table to the value of the property owned by the trust.

— Real property may be valued at its market value for tax purposes, unless a more accurate appraisal of its fair market value is available.

— Marketable securities which are widely traded and whose prices are generally available should be valued based upon the closing price on the valuation date.

— Accounts, notes, and loans receivable: Value at fair market value, which generally is the amount you reasonably expect to collect.

— Closely-held businesses: Use any method of valuation which in your judgment most closely approximates fair market value, such as book value, reproduction value, liquidation value, capitalized earnings value, capitalized cash flow value, or value established by "buy-out" agreements. It is suggested that the method of valuation chosen be indicated in a footnote on the form.

— Life Insurance: Use cash surrender value less loans against the policy, plus accumulated dividends.

PART C— LIABILITIES

[Required by Art. II, Sec. 8(a)(i)(1), Fla. Const.; Sec. 112.312(14), F.S.]

LIABILITIES IN EXCESS OF \$1,000 :

In this part, list the name and address of each creditor to whom you were indebted on the reporting date chosen for your net worth (Part A) in an amount that exceeded \$1,000 and list the amount of the liability. Liabilities include: accounts payable; notes payable, whether secured by a lien or mortgage or unsecured; interest payable; real estate mortgages payable; debts or obligations to governmental entities other than taxes (except when the taxes have been reduced to a judgment); and judgments against you. You are not required to disclose liabilities owed solely by your spouse.

You do not have to list on the form any of the following: credit card and retail installment accounts, taxes owed (unless the taxes have been reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, and accrued income taxes on net unrealized appreciation (an accounting concept). A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where there is pending or threatened litigation, where you are liable only as a partner (without personal liability) for partnership debts, or where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" on a note payable and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability.

How to Determine the Amount of a Liability:

— Generally, the amount of the liability is the face amount of the debt.

— If you are the only person obligated to satisfy a liability, 100% of the liability should be listed.

— If you are jointly and severally liable with another person or entity, which often is the case where more than one person is liable on a promissory note, you should report here only the portion of the liability that corresponds to your percentage of liability. However, if you are jointly and severally liable with your spouse for a debt which relates to property owned by you and the other(s) jointly, with right of survivorship, report in this part of the form 100% of the total amount owed.

— If you are only jointly liable with another person or entity, your share of the liability should be determined in the same way as you determined your share of jointly-held assets. Therefore, if a liability is a lien on an asset which is owned jointly, the same percentage responsibility for that liability should be used in calculating the amount of the liability as was used for calculating the value of the asset.

Examples:

— You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 with your spouse to a savings and loan for the mortgage on your home (owned by you and your spouse). You must report the name and address of the bank (\$10,000 being the amount of that liability) and the name and address of the savings and loan (\$60,000 being the amount of this liability). The credit card debts do not need to be reported.


— You and your 50% business partner have a business loan from a bank of \$100,000, for which you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability. If your liability for the loan is only as a partner, without personal liability, then the loan would be a contingent liability.

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

List in this part of the form the amount of each debt for which you were jointly and severally liable that is not reported in the "Liabilities in Excess of \$1,000" part of the form.

Example:

— You and your 50% business partner have a business loan from a bank of \$100,000, for which you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability, as you reported the other 50% of the debt earlier.

CONTINUED on page 5) 

PART D — INCOME

[Required by Art. II, Sec. 8(a)(i)(1), Fla. Const.]

As noted on the form, you have the option of either filing a copy of your complete 2010 federal income tax return, including all schedules and attachments, with Form 6, or of completing Part D of the form. If you do not attach your tax return, you must complete Part D.

PRIMARY SOURCES OF INCOME:

List the name of each source of income that provided you with more than \$1,000 of income during 2010, the address of that source, and the amount of income received from that source. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property held by the entireties (such as interest or dividends from a bank account or stocks held by the entireties), you should include all of that income.

"Income" means the same as "gross income" for federal income tax purposes, including all income from whatever source derived, such as compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, distributive share of partnership gross income, and alimony, but not child support. It includes items of income, regardless of whether they actually are taxable for federal income tax purposes, such as interest on municipal bonds. Where income is derived from a business activity (such as proprietorship, partnership, or property rentals), the amount of income stated on the form should reflect the net income to you from that business activity (as calculated for income tax purposes), rather than the amount of gross income. If the gross income from that business activity exceeded \$1,000, but the net did not, you should list the business activity as a source of income and indicate in the "amount" column that the net income did not exceed \$1,000.

Examples:

- If you owned stock in and were employed by a corporation and received more than \$1,000 of income (salary, commissions, dividends, interest from loans to the corporation, etc.) from the company, then you should list the name of the company, its address, and the total amount of income received from it.
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$1,000, then you should list the name of the firm, its address, and the amount of your net distributive share.
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded \$1,000, then you should list the name of the business, its address, and the amount of net income received from the business. If your net income from the business did not exceed \$1,000, you should list the name and address of the business and note in the "amount" column that net income was not more than \$1,000.
- If you received dividend or interest income from investments in stocks and bonds, you are required to list only each individual company from which you received more than \$1,000, rather than aggregating income from all of these investments.
- If more than \$1,000 of income was gain from the sale of property (not just the selling price), then you should list as a source of income the name of the purchaser, the purchaser's address, and the amount of gain from the sale. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.
- If more than \$1,000 of your income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and the amount of income from that institution.

SECONDARY SOURCES OF INCOME:

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. You will not have anything to report unless:

- (1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five

percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and

- (2) You received more than \$1,000 in gross income from that business entity during the period.

If your ownership and gross income exceeded the two thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded ten percent (10%) of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, the source's principal business activity, and the name of the business entity in which you owned an interest. You do not have to list the amount of income the business derived from that major source of income.

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$1,000 in gross income last year. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of your business, the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your gross partnership income exceeded \$1,000. You should list the name of the partnership, the name of each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.
- You own an orange grove and sell all your oranges to one marketing cooperative (for a gross income exceeding \$1,000). You should list the name under which you operate the grove, the name of the cooperative, its address, and its principal business activity if your income met the thresholds.

PART E — INTERESTS IN SPECIFIED BUSINESSES

[Required by Sec. 112.3145(5), Fla. Stat.]

The types of businesses covered in this section of the disclosure form are **only**: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies (including insurance agencies); mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies; utility companies; entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

In this part of the form you are required to disclose the fact that you owned, during the disclosure period, an interest in, or held any of certain positions with, particular types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than five percent (5%) of the total assets or capital stock of one of the types of business entities granted a privilege to operate in Florida that are listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during 2010, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list (vertically for each business): the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

(End of Instructions. See page 6 for more information.)

PENALTIES

A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [Sec. 112.317, Florida Statutes]

Also, if the annual form is not filed by September 1st, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. [Sec. 112.3144, Florida Statutes - applicable to non-judicial officials]

OTHER FORMS YOU MAY NEED TO FILE IN ORDER TO COMPLY WITH THE ETHICS LAWS

In addition to filing Form 6, you **may** be required to file one or more of the special purpose forms listed below, depending on your particular position, business activities, or interests. As it is your duty to obtain and file any of the special purpose forms which may be applicable to you, you should carefully read the brief description of each form to determine whether it applies.

Judges (Supreme Court, District Courts of Appeal, Circuit Courts, and County Courts) are required to file Form 6 by the Code of Judicial Conduct, Canon 6, which requires other disclosures as well. The forms listed below are **not** applicable to Judges, **unless** specifically noted below or they hold another public position to which these forms would apply.

Form 6F — Final Full and Public Disclosure of Financial Interests:

Required of elected constitutional officers, Judges, and others who must file financial disclosure using Form 6; to be filed within 60 days after leaving office or employment. This form is used to report financial interests between January 1st of the last year of office or employment and the last day of office or employment. [Sec. 112.3144(6), Fla. Stat.]

Form 6X — Amended Full and Public Disclosure of Financial Interests:

To be used by elected constitutional officers and others who must file financial disclosure using Form 6 to correct mistakes on previously filed Form 6's. [Sec. 112.3144(6), Fla. Stat.]

Form 2 — Quarterly Client Disclosure:

Required of elected constitutional officers, local officers, state officers, and specified state employees to disclose the names of clients represented for compensation by themselves or a partner or associate before agencies at the same level of government as they serve. The form should be filed by the end of the calendar quarter (March 31, June 30, Sept. 30, Dec. 31) following the calendar quarter in which a reportable representation was made. [Sec. 112.3145(4), Fla. Stat.]

Form 3A — Statement of Interest in Competitive

Bid for Public Business: Required of public officers and public employees prior to or at the time of submission of a bid for public business which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12)(b), Fla. Stat.]

Form 4A — Disclosure of Business Transaction, Relationship, or Interest:

Required of public officers and employees to disclose certain business transactions, relationships, or interests which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12) and (12)(e), Fla. Stat.]

Form 8A — Memorandum of Voting Conflict for State Officers:

Required to be filed by a state officer within 15 days after having voted on a measure which inured to his or her special private gain (or loss) or to the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed state officer who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

Form 8B — Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers:

Required to be filed (within 15 days of abstention) by each local officer who must abstain from voting on a measure which would inure to his or her special private gain (or loss) or the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed local official who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

Form 9 — Quarterly Gift Disclosure:

Required of elected constitutional officers and others who must file financial disclosure using Form 6 (as well as persons who file disclosure using Form 1 and State procurement employees) to report gifts over \$100 in value. The form should be filed by the end of the calendar quarter (March 31, June 30, September 30, or December 31) following the calendar quarter in which the gift was received. [Sec. 112.3148, Fla. Stat.]

Form 10 — Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses:

Required of elected constitutional officers and others who must file financial disclosure using Form 6 (as well as persons who file disclosure using Form 1 and State procurement employees) to report gifts over \$100 in value received from certain agencies and direct support organizations; also to be utilized by these persons to report honorarium event-related expenses paid by certain persons and entities. The form should be filed by July 1 following the calendar year in which the gift or honorarium event-related expense was received. [Sec. 112.3148 and 112.3149, Fla. Stat.]

AVAILABILITY OF FORMS; FOR MORE INFORMATION

Copies of these forms are available from the Supervisor of Elections in your county; from the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864; and at the Commission's web site: www.ethics.state.fl.us.

Questions about any of these forms or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864.

EXHIBIT 3

FLORIDA ETHICS FORM 1

FINANCIAL INTERESTS

Please print or type your name, mailing address, agency name, and position below:

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF CANDIDATE OR NEW EMPLOYEE OR APPOINTEE

FOR OFFICE USE ONLY:

ID Code

ID No.

Conf. Code

P. Req. Code

****BOTH PARTS OF THIS SECTION MUST BE COMPLETED****

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

DECEMBER 31, 2010 OR SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: _____

MANNER OF CALCULATING REPORTABLE INTERESTS:

THE LEGISLATURE ALLOWS FILERS THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). PLEASE STATE BELOW WHETHER THIS STATEMENT REFLECTS EITHER (must check one):

COMPARATIVE (PERCENTAGE) THRESHOLDS OR DOLLAR VALUE THRESHOLDS

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person]
(If you have nothing to report, you must write "none" or "n/a")

NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY

PART B -- SECONDARY SOURCES OF INCOME [Major customers, clients, and other sources of income to businesses owned by the reporting person]
(If you have nothing to report, you must write "none" or "n/a")

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person]
(If you have nothing to report, you must write "none" or "n/a")

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

OTHER FORMS you may need to file are described on page 6.

PART D — INTANGIBLE PERSONAL PROPERTY [Stocks, bonds, certificates of deposit, etc.]
 (If you have nothing to report, you must write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

PART E — LIABILITIES [Major debts]
 (If you have nothing to report, you must write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR

PART F — INTERESTS IN SPECIFIED BUSINESSES [Ownership or positions in certain types of businesses]
 (If you have nothing to report, you must write "none" or "n/a")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

SIGNATURE (required):

DATE SIGNED (required):

FILING INSTRUCTIONS:

WHAT TO FILE:

After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).

Facsimiles will not be accepted.

NOTE:

MULTIPLE FILING UNNECESSARY:

Generally, a person who has filed Form 1 for a calendar or fiscal year is not required to file a second Form 1 for the same year. However, a candidate who previously filed Form 1 because of another public position must at least file a copy of his or her original Form 1 when qualifying.

WHERE TO FILE:

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

Local officers/employees file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

State officers or specified state employees file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 3600 Maclay Boulevard, South, Suite 201, Tallahassee, FL 32312.

Candidates file this form together with their qualifying papers.

To determine what category your position falls under, see the "Who Must File" Instructions on page 3.

WHEN TO FILE:

Initially, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

Candidates for publicly-elected local office must file at the same time they file their qualifying papers.

Thereafter, local officers/employees, state officers, and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

Finally, at the end of office or employment, each local officer/employee, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment.

INSTRUCTIONS FOR COMPLETING FORM 1 STATEMENT OF FINANCIAL INTERESTS

WHO MUST FILE FORM 1:

All persons who fall within the categories of "state officers," "local officers/employees," "specified state employees," as well as candidates for elective local office, are required to file Form 1. Positions within these categories are listed below. Persons required to file full financial disclosure (Form 6) and officers of the judicial branch do not file Form 1 (see Form 6 for a list of persons who must file that form).

STATE OFFICERS include the following positions for state officials:

- 1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
- 2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of sole advisory bodies; but including judicial nominating commission members; Directors of the Florida Black Business Investment Board, Enterprise Florida, Scripps Florida Funding Corporation, Workforce Florida, and Space Florida; Members of the Florida Commission on Tourism, Florida Substance Abuse and Mental Health Corporation, and the Council on the Social Status of Black Men and Boys; and Governors and senior managers of Citizens Property Insurance Corporation and Florida Workers' Compensation Joint Underwriting Association.
- 3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, and the local Boards of Trustees and Presidents of state universities.

LOCAL OFFICERS/EMPLOYEES include the following positions for local and employees of local government:

- 1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
- 2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a board of adjustment; a planning or zoning board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.
- 3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.
- 4) Persons holding any of these positions in local government: Mayor; county or city manager; chief administrative employee of a county, municipal-

ity, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$20,000 for the local governmental unit.

5) Officers and employees of entities serving as chief administrative officer of a political subdivision.

SPECIFIED STATE EMPLOYEES include the following positions for state employees:

- 1) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.
- 2) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.
- 3) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, Assistant Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.
- 4) Assistant State Attorneys, Assistant Public Defenders, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
- 5) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.
- 6) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$15,000.
- 7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

INSTRUCTIONS FOR COMPLETING FORM 1:

INTRODUCTORY INFORMATION (At Top of Form):

If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, then contact your agency's financial disclosure coordinator. Your coordinator is identified in the financial disclosure portal on the Commission on Ethics website: www.ethics.state.fl.us.

NAME OF AGENCY: This should be the name of the governmental unit which you serve or served, by which you are or were employed, or for which you are a candidate. For example, "City of Tallahassee," "Leon County," or "Department of Transportation."


OFFICE OR POSITION HELD OR SOUGHT: Use the title of the office or position you hold, are seeking, or held during the disclosure period (in some cases you may not hold that position now, but you still would be required to file to disclose your interests during the last year you held that position). For example, "City Council Member," "County Administrator," "Purchasing Agent," or "Bureau Chief." If you are a candidate for office or are a new employee or appointee, check the appropriate box.

MAILING ADDRESS: If your home address appears on the form but you prefer another address be shown, change the address as described above. If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home

address if you submit a written request for confidentiality. Persons listed in Section 119.071(4)(d), F.S., are encouraged to provide an address other than their home address.

DISCLOSURE PERIOD: The tax year for most individuals is the calendar year (January 1 through December 31). If that is the case for you, then your financial interests should be reported for the calendar year 2009; just check the box and you do not need to add any information in this part of the form. However, if you file your IRS tax return based on a tax year that is not the calendar year, you should specify the dates of your tax year in this portion of the form and check the appropriate box. This is the time frame or "disclosure period" for your report.

MANNER OF CALCULATING REPORTABLE INTERESTS: As noted in this portion of the form, the Legislature has given filers the option of reporting based on either thresholds that are comparative (usually, based on percentage values) or thresholds that are based on absolute dollar values. The instructions on the following pages specifically describe the different thresholds. Simply check the box that reflects the choice you have made. You must use the type of threshold you have chosen for each part of the form. In other words, if you choose to report based on absolute dollar value thresholds, you cannot use a percentage threshold on any part of the form.

(CONTINUED on page 4) 

PART A — PRIMARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)1 or (b)1, Fla. Stat.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose the amount of income received. The sources should be listed in descending order, with the largest source first. Please list in this part of the form the name, address, and principal business activity of each source of your income which (depending on whether you have chosen to report based on percentage thresholds or on dollar value thresholds) either:

exceeded five percent (5%) of the gross income received by you in your own name or by any other person for your benefit or use during the disclosure period, **or**

exceeded \$2,500.00 (of gross income received during the disclosure period by you in your own name or by any other person for your use or benefit).

You need not list your public salary received from serving in the position(s) which requires you to file this form, but this amount should be included when calculating your gross income for the disclosure period. The income of your spouse need not be disclosed. However, if there is joint income to you and your spouse from property held by the entireties (such as interest or dividends from a bank account or stocks held by the entireties), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the threshold.

"Gross income" means the same as it does for income tax purposes, including all income from whatever source derived, such as compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, social security, distributive share of partnership gross income, and alimony, but not child support.

Examples:

— If you were employed by a company that manufactures computers and received more than 5% of your gross income (salary, commissions, etc.) from the company (or, alternatively, \$2,500), then you should list the name of the company, its address, and its principal business activity (computer manufacturing).

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded 5% of your gross income (or, alternatively, \$2,500), then you should list the name of the firm, its address, and its principal business activity (practice of law).

— If you were the sole proprietor of a retail gift business and your gross income from the business exceeded 5% of your total gross income (or, alternatively, \$2,500), then you should list the name of the business, its address, and its principal business activity (retail gift sales).

— If you received income from investments in stocks and bonds, you are required to list only each individual company from which you derived more than 5% of your gross income (or, alternatively, \$2,500), rather than aggregating all of your investment income.

— If more than 5% of your gross income (or, alternatively, \$2,500) was gain from the sale of property (not just the selling price), then you should list as a source of income the name of the purchaser, the purchaser's address, and the purchaser's principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.

— If more than 5% of your gross income (or, alternatively, \$2,500) was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

PART B — SECONDARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)2 or (b)2, Fla. Stat.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. You will **not** have anything to report **unless**:

(a) If you are reporting based on percentage thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than ten percent (10%) of your gross income during the disclosure period from that business entity; **and**

(3) You received more than \$1,500 in gross income from that business entity during the period.

(b) If you are reporting based on dollar value thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded the appropriate thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded ten percent (10%) of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

Examples:

— You are the sole proprietor of a dry cleaning business, from which you received more than 10% of your gross income (an amount that was more than \$1,500) (or, alternatively, more than \$5,000, if you are using dollar value thresholds). If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.

— You own an orange grove and sell all your oranges to one marketing cooperative. You should list the cooperative, its address, and its principal business activity if your income met the thresholds.


PART C — REAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

In this part, please list the location or description of all real property (land and buildings) in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of five percent (5%) of the property's value. This threshold is the same, whether you are using percentage thresholds or dollar thresholds. You are not required to list your residences and vacation homes; nor are you required to state the value of the property on the form.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you are more than a 5% partner in a partnership or stockholder in a corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more current appraisal.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. Although a legal description of the property will do, such a lengthy description is not required. Using simpler descriptions, such as "duplex, 115 Terrace Avenue, Tallahassee" or "40 acres located at the intersection of Hwy. 60 and I-95, Lake County" is sufficient. In some cases, the property tax identification number of the property will help in identifying it: "120 acre ranch on Hwy. 902, Hendry County, Tax ID # 131-45863."

(CONTINUED on page 5) 

Examples:

— You own 1/3 of a partnership or small corporation that owns both a vacant lot and a 12% interest in an office building. You should disclose the lot, but are not required to disclose the office building (because your 1/3 of the 12% interest—which equals 4%—does not exceed the 5% threshold).

— If you are a beneficiary of a trust that owns real property and your interest depends on the duration of an individual's life, the value of your interest should be determined by applying the appropriate actuarial table to the value of the property itself, regardless of the actual yield of the property.

PART D — INTANGIBLE PERSONAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

Provide a general description of any intangible personal property that, at any time during the disclosure period, was worth more than:

- (1) ten percent (10%) of your total assets (if you are using percentage thresholds), or
- (2) \$10,000 (if you are using dollar value thresholds),

and state the business entity to which the property related. Intangible personal property includes such things as money, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interests in a trust, promissory notes owed to you, accounts receivable by you, IRA's, and bank accounts. Such things as automobiles, houses, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity should be aggregated; for example, two certificates of deposit and a savings account with the same bank. Where property is owned by husband and wife as tenants by the entirety (which usually will be the case), the property should be valued at 100%.

Calculations: In order to decide whether the intangible property exceeds 10% of your total assets, you will need to total the value of all of your assets (including real property, intangible property, and tangible personal property such as automobiles, jewelry, furniture, etc.). When making this calculation, do not subtract any liabilities (debts) that may relate to the property—add only the fair market value of the property. Multiply the total figure by 10% to arrive at the disclosure threshold. List only the intangibles that exceed this threshold amount. Jointly owned property should be valued according to the percentage of your joint ownership, with the exception of property owned by husband and wife as tenants by the entirety, which should be valued at 100%. None of your calculations or the value of the property have to be disclosed on the form. If you are using dollar value thresholds, you do not need to make any of these calculations.

Examples for persons using comparative (percentage) thresholds:

— You own 50% of the stock of a small corporation that is worth \$100,000, according to generally accepted methods of valuing small businesses. The estimated fair market value of your home and other property (bank accounts, automobile, furniture, etc.) is \$200,000. As your total assets are worth \$250,000, you must disclose intangibles worth over \$25,000. Since the value of the stock exceeds this threshold, you should list "stock" and the name of the corporation. If your accounts with a particular bank exceed \$25,000, you should list "bank accounts" and bank's name.

— When you retired, your professional firm bought out your partnership interest by giving you a promissory note, the present value of which is \$100,000. You also have a certificate of deposit from a bank worth \$75,000 and an investment portfolio worth \$300,000, consisting of \$100,000 of IBM bonds and a variety of other investments worth between \$5,000 and \$50,000 each. The fair market value of your remaining assets (condominium, automobile, and other personal property) is \$225,000. Since your total assets are worth \$700,000, you must list each intangible worth more than \$70,000. Therefore, you would list "promissory note" and the name of your former partnership, "certificate of deposit" and the name of the bank, "bonds" and "IBM," but none of the rest of your investments.

PART E — LIABILITIES

[Required by Sec. 112.3145(3)(a)4 or (b)4, Fla. Stat.]

In this part of the form, list the name and address of each private or governmental creditor to whom you were indebted for a liability in any amount that, at any time during the disclosure period, exceeded:

- (1) your net worth (if you are using percentage thresholds), or
- (2) \$10,000 (if you are using dollar value thresholds).

You are not required to list the amount of any indebtedness or your net worth. You do not have to disclose any of the following: credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, and accrued income taxes on net unrealized appreciation (an accounting concept). A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability; if you are using the \$10,000 threshold and the total amount of the debt (not just the percentage of your liability) exceeds \$10,000, such debts should be reported.

Calculations for persons using comparative (percentage) thresholds: In order to decide whether the debt exceeds your net worth, you will need to total all of your liabilities (including promissory notes, mortgages, credit card debts, lines of credit, judgments against you, etc.). Subtract this amount from the value of all your assets as calculated above for Part D. This is your "net worth." You must list on the form each creditor to whom your debt exceeded this amount unless it is one of the types of indebtedness listed in the paragraph above (credit card and retail installment accounts, etc.). Joint liabilities with others for which you are "jointly and severally liable," meaning that you may be liable for either your part or the whole of the obligation, should be included in your calculations based upon your percentage of liability, with the following exception: joint and several liability with your spouse for a debt which relates to property owned by both of you as "tenants by the entirety" (usually the case) should be included in your calculations by valuing the asset at 100% of its value and the liability at 100% of the amount owed.

Examples for persons using comparative (percentage) thresholds:


— You owe \$15,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with your spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth \$80,000 and your other property is worth \$20,000. Since your net worth is \$20,000 (\$100,000 minus \$80,000), you must report only the name and address of the savings and loan.

— You and your 50% business partner have a \$100,000 business loan from a bank, for which you both are jointly and severally liable. The value of the business, taking into account the loan as a liability of the business, is \$50,000. Your other assets are worth \$25,000, and you owe \$5,000 on a credit card. Your total assets will be \$50,000 (half of a business worth \$50,000 plus \$25,000 of other assets). Your liabilities, for purposes of calculating your net worth, will be only \$5,000, because the full amount of the business loan already was included in valuing the business. Therefore, your net worth is \$45,000. Since your 50% share of the \$100,000 business loan exceeds this net worth figure, you must list the bank.

PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by Sec. 112.3145(5), Fla. Stat.]

The types of businesses covered in this disclosure are **only**: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies (including insurance agencies); mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

(CONTINUED on page 6) 

You are required to disclose in this part of the form the fact that you owned during the disclosure period an interest in, or held any of certain positions with, particular types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than five percent (5%) of the total assets or capital stock of one of the types of business entities granted a privilege to operate in Florida that are listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the

disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list (vertically for each business): the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

(End of Instructions.)

PENALTIES

A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [Sec. 112.317, Florida Statutes]

Also, if the annual form is not filed by September 1st, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. [Section 112.3145, F.S.]

OTHER FORMS YOU MAY NEED TO FILE IN ORDER TO COMPLY WITH THE ETHICS LAWS

In addition to filing Form 1, you *may* be required to file one or more of the special purpose forms listed below, depending on your particular position, business activities, or interests. As it is your duty to obtain and file any of the special purpose forms which may be applicable to you, you should carefully read the brief description of each form to determine whether it applies.

Form 1F — Final Statement of Financial Interests: Required of *local officers, state officers, and specified state employees* within 60 days after leaving office or employment. This form is used to report financial interests between January 1st of the last year of office or employment and the last day of office or employment. [Sec. 112.3145(2)(b), Fla. Stat.]

Form 1X — Amended Statement of Financial Interests: To be used by *local officers, state officers, and specified state employees* to correct mistakes on previously filed Form 1's. [Sec. 112.3145(9), Fla. Stat.]

Form 2 — Quarterly Client Disclosure: Required of *local officers, state officers, and specified state employees* to disclose the names of clients represented for compensation by themselves or a partner or associate before agencies at the same level of government as they serve. The form should be filed by the end of the calendar quarter (March 31, June 30, Sept. 30, Dec. 31) following the calendar quarter in which a reportable representation was made. [Sec. 112.3145(4), Fla. Stat.]

Form 3A — Statement of Interest in Competitive Bid for Public Business: Required of public officers and public employees prior to or at the time of submission of a bid for public business which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12)(b), Fla. Stat.]

Form 4A — Disclosure of Business Transaction, Relationship, or Interest: Required of public officers and employees to disclose certain business transactions, relationships, or interests which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12) and (12)(e), Fla. Stat.]

Form 8A — Memorandum of Voting Conflict for State Officers: Required to be filed by a state officer within 15 days after having voted on a measure which inured to his or her special

private gain (or loss) or to the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed state officer who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

Form 8B — Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers: Required to be filed (within 15 days of abstention) by each local officer who must abstain from voting on a measure which would inure to his or her special private gain (or loss) or the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed local official who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

Form 9 — Quarterly Gift Disclosure: Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value. The form should be filed by the end of the calendar quarter (March 31, June 30, September 30, or December 31) following the calendar quarter in which the gift was received. [Sec. 112.3148, Fla. Stat.]

Form 10 — Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses: Required of *local officers, state officers, specified state employees, and state procurement employees* to report gifts over \$100 in value received from certain agencies and direct support organizations; also to be utilized by these persons to report honorarium event-related expenses paid by certain persons and entities. The form should be filed by July 1 following the calendar year in which the gift or honorarium event-related expense was received. [Sec. 112.3148 and 112.3149, Fla. Stat.]

AVAILABILITY OF FORMS; FOR MORE INFORMATION

Copies of these forms are available from the Supervisor of Elections in your county; from the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864; and at the Commission's web site: www.ethics.state.fl.us.

Questions about any of these forms or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864.