

ETHICS OVERVIEW – OPINIONS, COMPLAINTS, AND FINANCIAL DISCLOSURE



Presented by:
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The Florida Commission on Ethics
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The History of the Ethics Commission



- ▣ State agency created by Article II, Section 8 of the Florida Constitution
- ▣ Has jurisdiction over laws in Chapter 112, Florida Statutes (the Code of Ethics)
 - Covers conduct committed in your public capacity, not your private capacity
- ▣ Does not deal with the Sunshine Law or laws about public meetings

Who serves on the Commission?

- ▣ Nine-member uncompensated board
- ▣ Appointed by the Governor, Speaker of the House, President of the Senate
- ▣ No lobbyists or public employees

Who is governed by the Code of Ethics?

- ▣ Public officers
- ▣ Public employees
- ▣ Local government attorneys
- ▣ Some charter school persons (see Sections 1002.33(24) and 1002.33(26), Florida Statutes)
- ▣ Not Federal employees and officers
- ▣ Not Article V Florida judges and justices
- ▣ Not most independent contractors
 - Although independent contractors who are “local government attorneys” are subject to provisions listed in Section 112.313(16)

Types of Ethics Law/Standards

- ▣ Conflicting outside employment or contractual relationships
- ▣ Voting Conflicts
- ▣ Gift/Expenditure Ban
- ▣ Honorarium Acceptance
- ▣ Post-public employment restrictions
- ▣ Financial Disclosure

Comm'n Overview: Opinions



Three Different Types

- ▣ Informal opinion given over the phone by staff
- ▣ Informal written opinion given in an email or letter by staff
- ▣ Formal written opinion, presented to and approved by full Commission

Conducting Research – Opinion Bank

- ▣ Formal Opinions are kept on the Commission’s website:
www.ethics.state.fl.us
- ▣ Accessible under the “Research” Tab
- ▣ Can search by word, phrase, or statute number

Advanced Search

You can **search a subset** of the site by choosing sections in the table of contents (in the frame on the left).

Search for documents...

containing **all** these words:

and **not** containing any of these words:

and containing **one or more** of these words:

and containing this **exact phrase**:

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NO Find alternate word forms (stemming)

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Off Short Medium Long

Comm’n Overview: Complaints



- ▣ Complaints must be signed, notarized and on the Commission’s official form (the CE Form 50)
- ▣ Anyone can file an ethics complaint
- ▣ Commission treats complaint as confidential until a certain stage
- ▣ Referrals can be accepted from certain agencies, including a state attorney’s office

Ethics Training for “Constitutional Officers”

- ▣ Section 112.3142 requires “constitutional officers” – a term including state attorneys and public defenders – to receive four hours of annual ethics training
 - Must address the Code of Ethics, public records, and public meetings
- ▣ No certification or documentation of completion is required by statute, although consider obtaining them in case a complaint is filed
- ▣ Verify you completed your training on next year’s financial disclosure form!

Financial Disclosure – An Overview



- ▣ Disclosure is an annual obligation for certain public officer and employees
 - Florida Constitution requires all elected constitutional officers to file a Form 6
 - Other specified state and local officers must file a Form 1
- ▣ The disclosure form requires information about net worth, sources of income, assets, and liabilities
- ▣ Not meant to be an exhaustive look at your finances; the instructions specify what must be included

Who has to file?

- ▣ Elected public officers (Art. II, Section 8, Fla. Const., Section 112.3144)
- ▣ Many specified state employees (Section 112.3145)
- ▣ Due each year on July 1 with a grace period extending until Sept. 1



Common Disclosure Questions

- ▣ Where do I file my CE Form 6?
 - Elected constitutional officers – such as state attorneys and public defenders – must file with the Commission on Ethics
- ▣ Where do I file my CE Form 1?
 - File with the Supervisor of Elections in the County where you permanently reside
- ▣ May I just scan my Form 1 and email it to the Supervisor of Elections?
 - Yes, contact your Supervisor's Office and they should give you an email address
- ▣ What happens if I do not file by the end of the grace period?
 - A fine of \$25 per day begins to accrue, up to a maximum of \$1,500

More Disclosure Questions

- ☐ Is there any way to protect personal information on my Form?
 - Bank account numbers, social security information, and credit card numbers are automatically redacted
 - Certain public officers can have additional information redacted upon a written and notarized request, based on their past or current position

- ☐ Do I have to file a Form 6 or Form 1 when I leave my position?
 - Yes, file a Form 6F with the Commission within 60 days of leaving office
 - Yes, file a Form 1F with the Supervisor of Elections in the County where you reside within 60 days of leaving your position

Form 6 Part A – Net Worth

PART A – NET WORTH

Please enter the value of your net worth as of December 31, 2021 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 December 31, 20 21 was \$ 75,248.

- ☐ Calculate as of December 31 or a more current date
- ☐ Use an exact figure; do not approximate
- ☐ Do not simply take your Assets (Part B) and subtract your Liabilities (Part C)

Form 6 Part B -- Assets

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, whether owned or leased.

The aggregate value of my household goods and personal effects (described above) is \$ 38,380

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
<i>Townhouse - 123 Elm Street, Tallahassee, Florida 32311</i>	\$110,000
<i>Vacant lot in Monticello, Florida - Insufficient Information</i>	\$195,000
<i>Property - Intersection of Main St & 5th Ave (NW Corner), Monticello, FL</i>	\$195,000
<i>2009 Ford Mustang</i>	\$3,000

- ☐ Report all assets valued at over \$1,000
- ☐ Property - Provide either a street address or enough information so that the property can be readily identified

Part B - Assets (Con't)

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, whether owned or leased.

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
<i>Checking Account - Insufficient Information</i>	\$ 1,200
<i>Checking Account - Bank of America</i>	\$ 1,200
<i>IRA Account - Kodak Stock</i>	\$ 4,000
<i>IRA Account - AFLAC Stock</i>	\$ 10,000

- ☐ Bank accounts - Disclose type of account and name of institution
- ☐ IRAs/401Ks - Disclose each individual investment exceeding \$1,000
- ☐ Mutual Funds - Disclose if value of entire fund exceeds \$1,000

Form 6 Part C – Liabilities

PART C – LIABILITIES	
LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):	
NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
<i>Quicken Loans, 530 Money Tree Street, Miami, Florida 33136</i>	<i>\$6,300</i>
<i>Bank of America, 1600 College Avenue, Tallahassee, Florida 32301</i>	<i>\$50,000</i>
<i>Mickey Mouse, 100 Esplanade Way, Thomasville, GA 10023</i>	<i>\$3,200</i>
JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:	
NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
<i>Bank of America, 1600 College Avenue, Tallahassee, Florida 32301</i>	<i>\$50,000</i>

- Report all liabilities exceeding \$1,000
- Does not include credit card debt, taxes owed, or contingent liabilities
- Break up Joint and Several Liabilities to reflect your percentage of liability

Form 6 Part D – Income

PART D – INCOME			
Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2021 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.			
<input type="checkbox"/> I elect to file a copy of my 2021 federal income tax return and all W2s, schedules, and attachments. (If you check this box and attach a copy of your 2020 tax return, you need not complete the remainder of Part D.)			
PRIMARY SOURCES OF INCOME (See instructions on page 5):			
NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT	
<i>Leon County Government</i>	<i>2800 Mahan Dr, Tallahassee, FL 32301</i>	<i>\$80,120</i>	
<i>Joe's Orange Grove</i>	<i>57 Peach Tree Lane, Monticello, FL 38501</i>	<i>\$3,000</i>	
SECONDARY SOURCES OF INCOME (Major customers, clients, etc., of businesses owned by reporting person—see instructions on page 5):			
NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCE OF BUSINESS INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
<i>Joe's Orange Grove</i>	<i>PUBLIX Supermarkets, Inc.</i>	<i>100 Grocery Park Drive Orlando, Florida 36213</i>	<i>Grocery Store Chain</i>

- Report all sources of income exceeding \$1,000
- Primary Sources of Income does not include child support
- Secondary Sources of Income does not include income from part-time jobs

Form 6

Part E – Interests in Specified Businesses

PART E – INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]			
	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	<i>Eastside Pari-Mutuel</i>	<i>Shady Lane Cemetery Co</i>	
ADDRESS OF BUSINESS ENTITY	<i>123 Speed Way, Monticello, FL</i>	<i>110 Under Tow Dr, Monticello</i>	
PRINCIPAL BUSINESS ACTIVITY	<i>Cardroom/Slots</i>	<i>Cemetery Management</i>	
POSITION HELD WITH ENTITY	<i>Sole Proprietor</i>	<i>Proprietor</i>	
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS	<i>Yes</i>	<i>Yes</i>	
NATURE OF MY OWNERSHIP INTEREST	<i>100%</i>	<i>15%</i>	

- ❑ Only concerns those types of businesses specified in the instructions
- ❑ Even then, only disclose if you owned over 5% of the business or were involved in a leadership position with it

Form 6

Part F – Training

PART F - TRAINING

For officers required to complete annual ethics training pursuant to section 112.3142, F.S.

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

- ❑ “Constitutional officer” – such as state attorneys and public defenders – must receive 4 hours of ethics training annually (see Section 112.3142)
- ❑ This is where you indicate you have received the training

Form 1 - Choosing a Reporting Threshold

**** THIS SECTION <u>MUST</u> BE COMPLETED ****	
DISCLOSURE PERIOD: THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2021.	
MANNER OF CALCULATING REPORTABLE INTERESTS: FILERS HAVE 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). CHECK THE ONE YOU ARE USING (must check one):	
<input type="checkbox"/> COMPARATIVE (PERCENTAGE) THRESHOLDS	<input checked="" type="checkbox"/> OR <input type="checkbox"/> DOLLAR VALUE THRESHOLDS

- ☐ Need to select a reporting threshold and consistently apply it to each section of the Form
- ☐ No matter which threshold is selected, you do not have to disclose any dollar amounts, unlike the Form 6

Form 1 - Other Differences from Form 6

- ☐ Income
 - You do not have to disclose any public salary or public positions
 - Primary and Secondary source of income are listed as separate sections
 - You don't have the option to include a tax return in place of listing your sources of income
- ☐ Real Property
 - Only requires disclosure of property owned in Florida
 - You do not have to disclose personal residence(s)

Correcting Errors on your Form

- ▣ You can amend your Form 6 or Form 1 by filing a Form 6X or Form 1X
 - Looks just like a Form 6 or Form 1
 - Has a space for you to explain your change(s)
 - Must be sworn and notarized

- ▣ If you file a Form 6X or Form 1X before September 1, it will be considered part of your initial filing



Challenging a Disclosure Fine

- ▣ In what circumstances will you begin accruing a fine?
 - If you miss not only the filing deadline (July 1), but also the 60-day grace period (September 1)

- ▣ Fines accrue at a rate of \$25 per day; up to a maximum of \$1,500

- ▣ How do I challenge the fine?
 - Must file an appeal within 30 days after notice is sent of payment due
 - Must be able to demonstrate that “unusual circumstances” prevented you from timely filing

Electronic Filing

- ▣ Form 6 filers begin filing electronically in 2023 (with the 2022 Form 6)
 - Will no longer be able to attach income tax returns
 - Qualifying candidates will complete Form electronically, and then print paper copy to include with qualifying documents

- ▣ Form 1 filers begin filing electronically in 2024 (with the 2023 Form 1)

- ▣ At that point, you will no longer be able to file Forms by paper!
 - Will no longer need to file paper copies of Forms with Commission on Ethics (Form 6s) or with Supervisor of Elections (Form 1s)

Thank you!



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