

CODE OF ETHICS - STANDARDS OF CONDUCT - DISCLOSURES

BOCC (RI)	COUNTY EMPLOYEES (Non-Reporting)	COUNTY EMPLOYEES (RI)	ADVISORY BOARDS AND COMMITTEES (Non-Reporting)	ADVISORY BOARDS AND COMMITTEES (RI)
<u>112.313</u> - Standards of Conduct - Gifts to Influence - Doing Business with one's Agency (Form 3A & 4A(B)**) - Unauthorized Compensation - Misuse of Public Position - Conflicting Employment** - Disclosure of Information	<u>112.313</u> - Standards of Conduct - Gifts to Influence - Doing Business with one's Agency (Form 3A & 4A(B)**) - Unauthorized Compensation - Misuse of Public Position - Conflicting Employment** - Disclosure of Information	<u>112.313</u> - Standards of Conduct - Gifts to Influence - Doing Business with one's Agency (Form 3A & 4A(B)**) - Unauthorized Compensation - Misuse of Public Position - Conflicting Employment** - Disclosure of Information	<u>112.313</u> - Standards of Conduct - Gifts to Influence - Doing Business with one's Agency (Form 3A & 4A(B)**) - Unauthorized Compensation - Misuse of Public Position - Conflicting Employment** - Disclosure of Information	<u>112.313</u> - Standards of Conduct - Gifts to Influence - Doing Business with one's Agency (Form 3A & 4A(B)**) - Unauthorized Compensation - Misuse of Public Position - Conflicting Employment** - Disclosure of Information
<u>112.313(14)</u> - Post Employment Lobbying Restrictions				
<u>112.3143(a)</u> - Voting Conflicts (Form 8B)			<u>112.3143(b)</u> - Voting Conflicts (Form 8B)	<u>112.3143(b)</u> - Voting Conflicts (Form 8B)
<u>112.3145</u> - Financial Disclosure Form 6 and related forms as applicable <u>Form 2</u> - Quarterly Client <u>Form 9</u> - Quarterly Gift		<u>112.3145</u> - Financial Disclosure Form 1 and related forms as applicable. <u>Form 1X</u>-For corrections to Form 1 <u>Form 1F</u>-Final <u>Form 2</u> - Quarterly Client <u>Form 9</u> - Quarterly Gift		<u>112.3145</u> - Financial Disclosure Form 1 and related forms as applicable. <u>Form 1X</u>-For corrections to Form 1 <u>Form 1F</u>-Final <u>Form 2</u> - Quarterly Client <u>Form 9</u> - Quarterly Gift
<u>112.3135</u> - Restrictions on Employing Relatives	<u>112.3135</u> - Restrictions on Employing Relatives	<u>112.3135</u> - Restrictions on Employing Relatives		
<u>112.3148</u> - Enhanced Gift Restrictions. Gifts from Lobbyists, etc.		<u>112.3148</u> - Enhanced Gift Restrictions. Gifts from Lobbyists, etc.		<u>112.3148</u> - Enhanced Gift Restrictions. Gifts from Lobbyists, etc.

(RI) - Florida Statutes Designated Reporting Individual. (Must File Form 1) (Disclosure Filings and Enhanced Gift Restrictions.) Non-Reporting (Does not have to File Form 1).

** Form 3A-Sealed Bid Exemption. Form 4A(B) –Sole Source Exemption. Form 4A-Advisory Board member-Waiver. (This document is intended to be a **GENERAL** outline and guide and is not a dispositive listing and/or explanation of all applicable statutory provisions. Specific questions should be referred to the Lee County Attorney's Office 533-2236.)

FLORIDA OPEN MEETING LAW **FLORIDA STATUTES, SECTION 286.011**

Provides for the public's right of access to governmental proceeding and the decision-making process.

BASIC REQUIREMENTS:

- (1) Meetings of public boards or committees must be open to the public;
 - (2) Reasonable notice of such meetings must be given; and
 - (3) Minutes of the meetings must be taken.
- Law is equally applicable to elected and appointed boards. Can apply to certain committee meetings of staff.
 - Applies to any gathering of two or more members of the same board to discuss some matter which will foreseeable come before that board for action.

Question: Does it relate to board business? If so, there is a real probability that the matter will come up or if already decided, may come back before the board in some fashion. Point: Do not discuss board business outside the properly noticed and scheduled board meeting.

- Applies to the entire decision-making process. It is the how and why officials decided to act, not merely the final decision. Thus, the law applies to discussions between two board members on Board issues whether the discussions are formal, informal, or preliminary in nature. In addition, it does not matter what communication method is used - telephone, electronic, mail, etc.
- Board members cannot discuss Board business and/or reach a final decision by the use of secret ballots (they are open to review), codes, and/or the use of liaisons.
- Written correspondence between members. One member's position or information written notice to other members is generally o.k., however, there must not be any interaction among the members on the correspondence. The correspondence must not be used as a vehicle for a response or interaction from the other board members or used as a substitute for open meeting actions. If written correspondence is circulated among board members for comment with such written comments and/or responses being provided to the other board members, there is an interaction that must first meet the requirements of the open meeting law. Even though the correspondence itself is subject to disclosure under the Florida Public Records Law, the interactive written communication can be held violative of the open decision-making process. Due to the unintended consequence of other members providing responsive writings, the use of

written correspondence by one member to other members outside the public meeting is discouraged.

- Subcommittees: Subcommittee meetings are normally held to the same standard as the committee meetings. There is a limited exception for strictly fact-finding, however, if the subcommittee is making recommendations and/or taking other actions, they should comply with the open meeting requirements.
- Single Individual: Ordinarily the law does not apply to an individual member of the public board. Certain factual circumstances, however, have arisen where in order to assure public access to the decision-making process, the Courts have concluded that the presence of two members of the same board is not necessary to trigger the open meeting law requirements, i.e.:
 - (A) The individual has been delegated de facto authority on behalf of the board to take actions and/or make decisions on its behalf. The individual functions as the board's alter ego. The open meeting law does not allow the board to circumvent the open process by having one member make decisions for them outside the public meeting.
 - (B) If the member has been authorized only to gather information or function as a fact-finder with all such matters being related back for board consideration at the open meeting, the law does not normally apply. Individual members, committees and/or subcommittees delegated fact-finding and reporting activities can be an exception to the law. If used, caution dictates how such exception is first established, the authority given, and the need for full disclosure and discussion at the subsequent open meeting.
- Staff: Meetings of staff employees are not ordinarily subject to the Open Meeting Law. Some exceptions may be where there is:
 - (A) A delegated decision-making function outside the ambit of the normal staff function; or
 - (B) An acting as a liaison between board members; or
 - (C) An acting in place of board members at the board member's direction.

There are reported cases wherein the Courts have held that a staff member has ceased to function in his or her staff capacity when appointed to a specific committee or group that has been delegated authority to make material recommendations and/or take substantial acts that could affect certain rights and interests. In general, the Courts look at the nature of the act performed, not the make-up of the committee or the proximity of the act to the final decision. General Examples Noted: Certain appointed Budget, Grievance and Bid Selection Committees. In creating a staff committee it is important to review how and why members are selected, committee function in relation to job of members and intended results.

MEETING REQUIREMENTS:

- (1) Meeting Place: open to public, access available, opportunity for public participation, out-of-town meetings discouraged.
- (2) Reasonable Notice: Time and manner. Factual circumstances dictate what is "reasonable". Always better to provide as much notice as possible.
- (3) Minutes: Promptly recorded and written. Can be a written summary or synopsis. Can use a tape, but need written minutes. If tape used, it is retained as a public record. Minutes retained and open for public inspection as a public record.

PENALTIES:

Individual:

- (A) A knowing violation - 2nd degree criminal misdemeanor.
60 days/\$500.00
State Attorney's Office
- (B) Suspension and removal from official duties.
- (C) Non-criminal infraction - fine not to exceed \$500.00.
State Attorney's Office
- (D) Attorney fees - if civil action.

Government Body:

- (A) Civil action for injunctive or declaratory relief.
- (B) Acts of body may be held void.
- (C) Attorney fees.

PUBLIC RECORDS

FLORIDA STATUTES SECTION 119.011(1)

All documents and materials made or received by the County and its Advisory Boards in connection with the transaction of official business which are used to perpetuate, communicate or formalize knowledge are considered Public Records.

The term "Public Record" is not limited to traditional written documents. Public Records means maps, tapes, photographs, sound recordings, e-mail, film, or other material regardless of the physical form, characteristics, or means of transmission.

All such materials, regardless of whether they are in final form, are open for public inspection and copying unless the Legislature has specifically exempted them from disclosure.

If the purpose of the document and/or material prepared is in connection with the official business, it is a public record regardless of whether it is in final form or the ultimate product of the Board. Thus, however prepared, if any such document is circulated for review, comment or information it is a public record, even if marked or intended to be a "preliminary" or "draft" document.

It is only those uncirculated materials which are merely preliminary or precursors to future documents and which are not in and of themselves intended to serve as final evidence of the knowledge to be recorded which are outside the scope of the law.

Examples: Preliminary notes to be used in preparing a public record, uncirculated rough drafts not intended for filing or final evidence of knowledge.

THE PUBLIC HAS THE RIGHT TO INSPECT AND COPY PUBLIC RECORDS:

Inspection and Copying Points:

- Custodian must keep records secure and readily available.
- Custodian must allow the record to be inspected and examined by any person desiring to do so, at any reasonable time.
- Inspection can be done under reasonable conditions, but the custodian may not impose a condition of inspection which operates to restrict the right of access. The custodians role is to see that the record is reasonably protected from alteration or destruction, but not to frustrate the inspection.
- No special or legitimate interest need be shown. (Don't have to tell you their name, why they want it, or sign any document saying they received it).

- Request need not be in writing or contain any special information.
- Custodian cannot refuse because request is "over broad".
- Custodian not required to answer questions, create or reformat its records in a particular form.
- Custodian must allow inspection and copying within limited reasonable time. Custodian can retrieve the record, review for exemption, and redact or delete any portion claimed exempt. No automatic delay permissible.
- If a record is exempt or confidential from inspection pursuant to law, the basis for the refusal to release must be provided in writing. If only a portion of the records is exempt, only that portion can be deleted, but the remaining record must be provided for examination.
- All exemptions of a public record or portions of a public record must be specifically authorized by law. Exemptions are strictly construed in favor of open records.

EMAIL

- Public records maintained in an electronic record keeping system must provide a copy of any public record in such system which is not exempt, in the medium requested if the agency maintains the record in that medium.
- Lee County charges a fee if a substantial amount of manipulation or programming is required for the request.
- As an additional means of inspecting or copying public records, access may be provided by remote electronic means, provided exempt or confidential information is not disclosed; and a fee for remote electronic access, granted under a contractual arrangement with a user, for direct and indirect costs of providing such access.

FEES

- 15¢ per one-sided copy for up to 14" x 18 ½ " sheets.
- 20¢ per double-sided copy for up to 14" x 18 ½ " sheets.
- For all other copies, the actual cost of duplication of the public record.
- \$1.00 per copy for a certified copy of a public record.

LABOR COSTS

- If the nature or volume of public records requested to be inspected or copied requires extensive use of information technology resources or extensive clerical or supervisory assistance by personnel, the County may charge, in addition to the actual cost of duplication a special service charge.

SIGNING OF CONFIDENTIALITY AGREEMENTS

- Only those exemptions in Florida Statutes, Section 119.071 is applicable, if there are not exemptions applicable that waiver means absolutely nothing.

PENALTIES:

Individual:

- Willful and knowing violation - 1st Degree Criminal Misdemeanor.
One (1) year/\$1,000.00
State Attorney's Office
- Non-criminal infraction - Fine not to exceed \$500.00.
State Attorney's Office

Government Body:

- Injunctive/Declaratory Civil Action - reasonable costs and attorney fees imposed.

RECORDS RETENTION:

- Public records are maintained, stored and then destroyed pursuant to the rules of the State of Florida.

STANDARDS OF CONDUCT AND CODE OF ETHICS
FLORIDA STATUTES, CHAPTER 112, PART III

SUBJECTS:

STANDARD OF CONDUCT (Florida Statutes, Sections 112.311-112.313)
VOTING CONFLICTS

RESOURCES:

Lee County Advisory Board Information Brochure

Florida Guide to Code of Ethics

Florida Statutes: 112.311

112.312

112.313

112.3143

112.316

Form 8B Memorandum of Voting Conflict

ADVISORY BOARDS:

Appointed members are "public officials" subject to Standards of Conduct and Code of Ethics, Voting Conflicts and Certain Gift Restrictions.

Defined: Budget less than \$100,000.00 and whose powers are solely advisory and do not include the final determination of other parties personal or property rights.

INTENT OF STATUTES:

The overriding objective is to protect and maintain the integrity of the government process.

(a) It is essential to the proper conduct and operation of government that public officials be independent and impartial. That public office not be used for private gain other than that specifically provided by law.

(b) The public interest requires that the law protect against conflicts of interest and establish standards for disclosure and conduct in situations where conflicts may exist.

(c) It is also essential that government attract those citizens best qualified to serve. The law should not be designed to unreasonably impede the appointment and retention by government of those best qualified to serve.

(d) Public officials should not be denied the opportunity available to all other citizens to acquire and retain private economic interests, except when conflicts with

responsibility of such officials to the public cannot be avoided.

(A) STANDARDS OF CONDUCT (F.S. Section 112.313)

(i) Solicitation or Acceptance of Gifts. (General) F.S. Section 112.313(2)

You should not solicit or accept anything of value, including a gift, loan, promise of future employment or favor based upon any understanding that your vote, official action or judgment would be influenced thereby.

- Gift -

"Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of an indebtedness.
7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
8. Food or beverage.
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
2. Except as provided in s. 112.31485, contributions or expenditures reported pursuant to chapter 106, contributions or expenditures reported pursuant to federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or

expenditure by a political party or affiliated party committee.

3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.

4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.

5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.

6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.

7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

(c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(d) For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

- This prohibition is separate and apart from Gift Disclosure Requirements.

- Fact question - was there an understanding?

(ii) Unauthorized Compensation. F.S. Section 112.313(4)

You, your spouse or child should not accept any compensation, payment or thing of value if you with the exercise of reasonable care should know that it was given to influence your official action.

- Fact sensitive: amounts, timing, issues pending, intent, etc.

- Question: Why is this being given to me?

(iii) Misuse of Public Position. F.S. Section 112.313(6)

You should not corruptly use or attempt to use official position or any property or resource which may be within your trust or perform your official duties to secure a special privilege, benefit or exemption for yourself or others.

- Corruptly –

"Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

- Mismanagement and negligent acts are not sufficient. Must be an intentional act to benefit oneself. Defense - legitimate public purpose.

(iv) Disclosure or Use of Certain Information: F.S. Section 112.313(8)

You should not disclose or use information not available to members of the general public and gained by reason of your official position, for your personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(v) Doing Business with One's Agency: F.S. Section 112.313(3)

(a) You, as a public officer, should not in your official capacity, either directly or indirectly purchase, rent or lease any realty goods or services for your agency from any business entity of which you or your spouse or child is an officer, partner, director or proprietor in which you or your spouse or child has a material interest.

- Material Interest - Director or indirect ownership of more than 5% of the total assets or capital stock of a business entity.

(b) A public official acting in a private capacity cannot rent, lease or sell any realty, goods or services to his or her agency or to the political subdivision served by the official or any agency of the political subdivision.

- Acting in Private Capacity - Includes situations where one personally is involved with the sale to the agency or officer or owner of more than 5% interest in the business. Does not apply to situations where one merely is an employee of an entity and personally is uninvolved in the sale.

- See Exemptions below:

(vi) Conflicting Employment and Contractual Relationships:
F.S. Section 112.313(7)

(a) You are prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with an agency of which you are an officer.

- Employment - Requires one to be compensated or receive some consideration. Can include owner, partner and compensated directors of not-for-profits. Non-compensated service does not constitute a contractual relationship even if travel and lodging expenses are received. Past or possible future employment or contractual relationship does not violate the statute.

- Agency -

"Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state

therein; or any public school, community college, or state university.

- Regulated By - Modes of doing business are subject to the control or authority of the agency. Occupational licensing and being subject to the general enactment of broad county ordinances are not sufficient.

- Doing Business With - Parties have entered into a contract or other type of arrangement where one party has a cause of action against the other in the event of a breach or default.

(b) You are prohibited from holding any employment or contract which will pose a continuing and frequently recurring conflict between your private interests and public duties or that would impede the full and faithful discharge of the public duties.

- Does not require proof of unsatisfactory performance or corruption, etc. Intended to prevent situations in which private economic considerations may override faithful discharge of public duties.

WAIVERS AND EXEMPTIONS:

The requirements to doing business with one's agency and conflicting employment as they pertain to persons serving on advisory boards (solely advisory and no final determination of rights) can be waived in a particular instance by a super majority vote of the County Commission. F.S. Section 112.313(12)

Exemptions: The private business or services are acquired by: rotation, sealed bids, emergency purchase, sole source of supply, for less than \$500.00 per year, legal advertising, utility services or for passage on a common carrier; deposit of agency funds in a bank; acquired by official in private capacity on terms available to general public.

(D) VOTING CONFLICTS (F.S. Section 112.3143)

A voting conflict arises when you are called upon to vote on a measure which would inure special private gain or loss to:

- (i) Yourself.
- (ii) Principal by whom you are retained (employer, clients).
- (iii) Parent organization or subsidiary of a corporate principal by whom you are retained.
- (iv) Relative

"Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent,

step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

(v) Business associate

"Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or coowner of property.

- If you do not intend to participate in the measure, you must make oral declaration, abstain and follow-up with the Form 8b (Voting Conflict) within 15 days.

- If you do intend to participate, you abstain, but must make the disclosure before you participate (discussion, correspondence, etc.) by:

- Filing the Form 8b prior to the meeting and given to Board at meeting.

- If prior disclosure not made or if conflict unknown prior to the meeting, disclosure orally made at meeting before participation, followed by written Form 8b in 15 days and then read at next meeting.

Special Private Gain or Loss. The concept of "special gain" must relate to the number of persons affected that stand to benefit from the measure.

General Rule:

Class Large - Special gain if circumstances unique and official will gain more than other members of the class.

Class Small - Possibility of special gain more likely.

- (i) Size or class of persons affected (1-2% of the size of Class Rule).
- (ii) Remote or speculative.
- (iii) Procedural or preliminary issues.

(C) PENALTIES (F.S. Section 112.317)

Non-criminal penalties for violations of the Code of Ethics and Standards of Conduct Disclosure Laws and Gift Provisions:

- (i) Removal or Suspension from position.
- (ii) Public censure and reprimand.
- (iii) Civil penalty not to exceed \$10,000.00.

(iv) Restitution of any pecuniary benefits received by violation.

- Can apply to past public service. (Violation must be filed with COE within five (5) years of the alleged violation.)

FINANCIAL AND OTHER FORM DISCLOSURE REQUIREMENTS

I. Statement of Financial Interests (Financial Disclosure - Form 1 (Attachment A))

A. WHO MUST FILE

- Persons holding certain positions in local government, including, but not limited to:
 - County Manager
 - Chief Administrative Employee or Finance Director
 - Building Inspector
 - County Attorney
 - County Administrator with power to grant land development permits
 - Resource Coordinator
 - Environmental Control Director
 - Purchasing agent having the authority to make any purchase exceeding \$20,000

B. WHAT MUST BE FILED AND WHEN

- Form 1 Statement of Financial Interests (Found online at www.ethics.state.fl.us/)
- Initially needs to be filed within 30 days of appointment or hiring.
- Thereafter by July 1st of the following calendar year. Filing is for the previous tax year January 1 through December 31.
- Due no later than 5 p.m. on the due date.
- If this due date falls on a Saturday, Sunday, or holiday, then the due date is the next day that is not one of these three.
- Form 1 is filed with the local Supervisor of Elections.
- Only file one form – not one for every board or committee, however, if you move to another position then you must file a copy of the original form when qualify for that position.
- Within 60 days after leaving office or employment, unless you assume another position that also requires filing, a final disclosure, Form 1F must be filed.

C. HOW TO FILE

- Filers have the option of reporting income by:
 - 1) Dollar Value Thresholds
 - 2) Comparative (Percentage) Thresholds
- In either case, you do not have to disclose the dollar amount of income received and do not have to list your public salary from serving in the position which requires you to file Form 1. However, this amount will be necessary when computing gross income.

D. DOLLAR VALUE THRESHOLD

- PART A Primary Sources of Income
 - “Gross Income” means the same as it does for tax purposes, therefore needs to

include items such as: compensation for services, income from business, gains from property, interest, rents dividends, pensions, IRA, alimony but not child support.

- Need to list businesses for income that exceeds \$2,500 of your gross income.
- PART B Secondary Sources of Income
 - For major customers, clients, and other sources of income to business which you own an interest.
 - Not for reporting second jobs
 - Should not have to report anything, unless during the disclosure period:
 - You owned more than 5% of the total assets of that business; and
 - You received more than \$5,000 of your gross income from that business.
- PART C Real Property
 - All real property in Florida that you owned directly or indirectly (trust beneficiary, partner) in excess of 5% of the property's value.
 - Does not include your residence or vacation home.
- PART D Intangible Personal Property
 - Provide general description of intangible personal property worth more than \$10,000 and list the business entity to which the property is related.
 - Includes items such as money, stocks, bonds, IRA, interests in trusts and partnerships (not cars or jewelry)
- PART E Liabilities
 - Provide name and address of each creditor to whom you owe more than \$10,000.
 - DO NOT have to list the actual amount of any indebtedness or credit cards, retail installment payments, taxes or contingent liabilities.
- PART F Specified Business
 - Interests owned in state and federal banks, cemetery company, insurance company, mortgage company, credit unions, alcoholic beverage licensee, etc.
 - Report if owned more than 5% of the total assets of the business and title, if applicable.

E. COMPARATIVE (PERCENTAGE) THRESHOLD

- PART A Primary Sources of Income
 - Uses same definition of "Gross Income" as Dollar Value Threshold.
 - Need to list businesses for income which exceeds 5% of your gross income.
- PART B Secondary Sources of Income
 - Same sources of income as above
 - Should not have to report anything, unless during the disclosure period:
 - You owned more than 5% of the total assets of that business; and

- You received more than 10% of your gross income from that business; and
 - You received more than \$1,500 in gross income from that business.
- PART C Real Property
 - Same threshold as Dollar Value
- PART D Intangible Personal Property
 - Provide general description of intangible personal property worth more than 10% of your total assets.
 - To calculate, total the value of all your assets (do not subtract any liabilities) and multiply that figure by 10%. List only the intangibles that exceed this threshold amount.
- PART E Liabilities
 - Provide the name and address of each creditor you owed any amount that exceeded your net worth.
 - To calculate: total all of your liabilities and subtract this amount from the total value of your assets (Part D). List each creditor to whom your debt exceeds this amount.
 - Credit card and retail installment accounts, etc. should not be listed.
- PART F Interests in Specified Business
 - Same threshold as Dollar Value

F. PENALTIES

- Senate Bill (SB) 846
- Section 112.3145(6)(c) F.S. - \$25.00 per day, maximum of \$1,500.00 fine.
- Section 112.317 F.S.
 - Public Officers
 - a. Impeachment.
 - b. Removal from office.
 - c. Suspension from office.
 - d. Public censure and reprimand.
 - e. Forfeiture of no more than one-third salary per month for no more than 12 months.
 - f. A civil penalty not to exceed \$10,000.00.
 - g. Restitution of any pecuniary benefits received because of the violation committed.
 - Employees
 - a. Dismissal from employment.
 - b. Suspension from employment for not more than 90 days without pay.
 - c. Demotion.
 - d. Reduction in salary.
 - e. Forfeiture of no more than one-third salary per month for no more than 12 months.

months.

- f. A civil penalty not to exceed \$10,000.
- g. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue fund.
- h. Public censure and reprimand.

FORM 1**STATEMENT OF****2013**

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

FINANCIAL INTERESTS**FOR OFFICE USE ONLY:**

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****** 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, 2013 OR ☐ SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: _____**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 other details). CHECK THE ONE YOU ARE USING:

☐ COMPARATIVE (PERCENTAGE) THRESHOLDS OR ☐ DOLLAR VALUE THRESHOLDS**PART A -- PRIMARY SOURCES OF INCOME** [Major sources of income to the reporting person - See instructions]

(If you have nothing to report, 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 - See instructions]

(If you have nothing to report, 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 - See instructions]

(If you have nothing to report, 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.

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

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

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

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
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):

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, _____, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

Signature

Date

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).

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: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303.

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.

Facsimiles will not be accepted.

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. However, filing a CE Form 1F (Final Statement of Financial Interests) does ***not*** relieve the filer of filing a CE Form 1 if he or she was in their position on December 31, 2013.

NOTICE

Annual Statements of Financial Interests are due July 1. If the annual form is not filed or postmarked by September 2, an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. [Sec. 112.3145, Florida Statutes - applicable to non-judicial officials]

In addition, 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]

WHO MUST FILE FORM 1:

All persons who fall within the categories of "state officers," "local officers/employees," or "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:

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 solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Workforce Florida; and members of 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, board members of the Northeast Fla. Regional Transportation Commission, and members of the board of Triumph Gulf Coast, Inc.

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:

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 Form 6.

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a 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; pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits.

3) Any 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 or finance director of a county, municipality, 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.

6) Members of governing boards of charter schools operated by a city or other public entity.

SPECIFIED STATE EMPLOYEES include:

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, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, 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 \$20,000.

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, and 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.

OFFICE OR POSITION HELD OR SOUGHT: Use the title of the office or position you hold, are seeking, or held during the disclosure period even if you have since left that position. If you are a candidate for office or are a new employee or appointee, check the appropriate box.

PUBLIC RECORD: The disclosure form and everything attached to it is a public record. **Your Social Security Number is not required and you should redact it from any documents you file.** 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 2013; 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 INTEREST

As noted on the form, filers have 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. 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.

IF YOU HAVE CHOSEN DOLLAR VALUE THRESHOLDS THE FOLLOWING INSTRUCTIONS APPLY

PART A — PRIMARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)1 or (b)1, F.S.]

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, and you need not list your public salary 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 you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded \$2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, 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 \$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 \$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 \$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 \$2,500, rather than aggregating all of your investment income.

— If more than \$2,500 of your gross 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 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 \$2,500 of your gross 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 its principal business activity.

PART B — SECONDARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)2 or (b)2, F.S.]

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. It is not for reporting income from second jobs. That kind of income should be reported as "Primary Sources of Income," if it meets the

reporting threshold. You will not have anything to report unless, during the disclosure period:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, 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 these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 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 \$5,000. 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.

PART C — REAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of 5% of the property's value. You are not required to list your residences and vacation homes.

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. A street address should be used, if one exists.

PART D — INTANGIBLE PERSONAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, F.S.]

Provide a general description of any intangible personal property that, at any time during the disclosure period, was worth more than \$10,000 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, assets held in IRA's, Deferred Retirement Option accounts, Florida Prepaid College Plan accounts and bank accounts. Things like automobiles, houses, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, certificates of deposit and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship should be valued at 100%.

PART E — LIABILITIES

[Required by Sec. 112.3145(3)(a)4 or (b)4, F.S.]

In this part of the form, list the name and address of each creditor to whom you owed more than \$10,000, at any time during the disclosure period.

You are not required to list the amount of any indebtedness. 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, or contingent liabilities. 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 the total amount of the debt exceeds \$10,000 it should be reported.

PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by Sec. 112.3145(5), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; 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.

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 5% of the total assets or capital stock of one of the types of business entities 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 the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, you must indicate that fact and describe the nature of your interest.

(End of Dollar Value Thresholds Instructions.)

IF YOU HAVE CHOSEN COMPARATIVE (PERCENTAGE) THRESHOLDS THE FOLLOWING INSTRUCTIONS APPLY

PART A — PRIMARY SOURCES OF INCOME

[Required by Sec. 112.3145(3)(a)1 or (b)1, F.S.]

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, and 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 you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded 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.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, 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, 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, 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, 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, rather than aggregating all of your investment income.

— If more than 5% of your gross 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 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 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, F.S.]

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. It is not for reporting income from second jobs. That kind of income should be reported as a "Primary Source of Income," if it meets the reporting threshold. You will not have anything to report unless during the disclosure period:

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

(2) You received more than 10% of your gross income from that business entity; and

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

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 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. 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.

PART C — REAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of 5% of the property's value. You are not required to list your residences and vacation homes.

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. A street address should be used, if one exists.

PART D — INTANGIBLE PERSONAL PROPERTY

[Required by Sec. 112.3145(3)(a)3 or (b)3, F.S.]

Provide a general description of any intangible personal property that, at any time during the disclosure period, was worth more than 10% of your total assets, 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, assets held in IRA's, Deferred Retirement Option accounts, Florida Prepaid College Plan accounts and bank accounts. Things like automobiles, houses, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CD's and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship 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. Property that is only jointly owned property should be valued according to the percentage of your joint ownership. Property owned as tenants by the entirety or as joint tenants with right of survivorship should be valued at 100%. None of your calculations or the value of the property have to be disclosed on the form.

Example:

— You own 50% of the stock of a small corporation that is worth \$100,000, 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.

PART E — LIABILITIES

[Required by Sec. 112.3145(3)(a)4 or (b)4, F.S.]

In this part of the form, list the name and address of each creditor to whom you owed any amount that, at any time during the disclosure period, exceeded your net worth.

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, or contingent liabilities. 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.

Calculations: 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, 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 at 100% of the amount owed.

Examples:

— You owe \$15,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with 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.

PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by Sec. 112.3145(5), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; 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.

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 5% of the total assets or capital stock of one of the types of business entities 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 the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, you must indicate that fact and describe the nature of your interest.

(End of Percentage Thresholds Instructions.)

II. Quarterly Client Disclosure - Form 2 (Attachment B)

A. WHO MUST FILE

- All persons listed for Form 1.

B. WHAT MUST BE FILED AND WHEN

- Form 2 - Quarterly Client Disclosure (Found online at www.ethics.state.fl.us/)
- File quarterly if any representation during that quarter, does not need to be filed if no reportable representations were made.
- List names of clients who were represented by you or a member, partner, associate, of your firm, and the agencies before which they were represented.

C. HOW TO FILE

- Filed with the Supervisor of Elections.

D. PENALTIES

- All penalties pursuant to Section 112.317, F.S. as listed above.

FORM 2 QUARTERLY CLIENT DISCLOSURE

LAST NAME—FIRST NAME—MIDDLE NAME			NAME OF AGENCY	
MAILING ADDRESS			OFFICE HELD	
CITY	ZIP	COUNTY	<input type="checkbox"/> ELECTED CONSTITUTIONAL OFFICER <input type="checkbox"/> STATE OFFICER <input type="checkbox"/> LOCAL OFFICER	
FOR QUARTER ENDING (Check One)			YEAR	POSITION HELD
<input type="checkbox"/> MARCH <input type="checkbox"/> JUNE <input type="checkbox"/> SEPTEMBER <input type="checkbox"/> DECEMBER				<input type="checkbox"/> SPECIFIED STATE EMPLOYEE

DISCLOSURE OF CLIENTS REPRESENTED BEFORE AGENCIES [Required by Fla.Stat. § 112.3145(4)]

[NOTE: Under Art. II, §8(e), Fla. Const., and §112.313(9), Fla. Stat., members of the Legislature are prohibited from personally representing another person or entity for compensation before State agencies (other than judicial tribunals). However, members of the Legislature are required to list below any such appearances before State agencies made by any partner or associate of a professional firm of which the legislator is a member. Also, public officers and their firms are prohibited by §112.313(7), Fla. Stat., from representing clients before boards on which they serve. Note also that local government attorneys and their firms are prohibited by §112.313(16), Fla. Stat., from representing private clients before the local governments they serve.]

1. If you are a state officer, elected constitutional officer of state government, or specified employee—

Please list below the names of all clients who were represented for a fee or commission during the previous calendar quarter before any agency at the state level of government either by you or by any partner or associate of a professional firm of which you are a member and of which representation you have actual knowledge. Also list the name of the agencies before which such clients were represented.

2. If you are a local officer or elected constitutional officer of local government—

Please list below the names of all clients who were represented for a fee or commission during the previous calendar quarter before any agency within the political subdivision you serve either by you or by any partner or associate of a professional firm of which you are a member and of which representation you have actual knowledge. Also list the names of the agencies before which such clients were represented.

NOTE: "Representation" includes actual physical attendance on behalf of a client in an agency proceeding, letters written or documents filed on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client. "Representation" DOES NOT include appearances before any court, or Chief Judges of Compensation Claims or judges of compensation claims, representations on behalf of your agency in your official capacity, the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency, or a license or operation permit to engage in a profession, business or occupation, so long as the issuance or granting of such license, permit, or transfer, a variance, a special consideration, or a certificate of public convenience and necessity does not require substantial discretion.

You are NOT required to disclose appearances in ministerial matters, i.e., where the person before whom you represent a client takes action in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgement or discretion as to the propriety of the action taken. For example, filing a document with a Circuit Court Clerk is a ministerial matter since it requires no discretionary action by the Clerk.

NAME OF CLIENTS	NAME OF AGENCIES	CHECK IF REPRESENTED BY YOU

☐ CHECK IF CONTINUED ON SEPARATE SHEET

SIGNATURE:**DATE:**

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FILING INSTRUCTIONS

Local officers: This form, when completed and signed, should be filed with the Supervisor of Elections of the county in which you are principally employed or a resident.

State officers, elected constitutional officers, or specified state employees: Please file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709.

It is due not later than the last day of the calendar quarter following the calendar quarter during which the representation was made. (Example: If a representation was made in March, the form disclosing it should be filed by June 30.) **This form need not be filed if no reportable representations were made during the quarter.**

III. **Interest in Competitive Bid for Public Business - Form 3A** (Attachment C)

A. **WHO MUST FILE**

- All persons listed in Form 1.

B. **WHAT MUST BE FILED AND WHEN**

- Form 3A – Interest in Competitive Bid for Public Business (Found online at www.ethics.state.fl.us/)
- Must be filed prior to or at the time of submission of the bid.
- Filed with Supervisor of Elections.

C. **HOW TO FILE**

- Used when claiming “sealed bid” exemption for otherwise prohibited business relationship.

D. **PENALTIES**

- All penalties pursuant to Section 112.317, F.S. as listed above.

ATTACHMENT C

FORM 3A INTEREST IN COMPETITIVE BID FOR PUBLIC BUSINESS

LAST NAME - FIRST NAME - MIDDLE INITIAL	OFFICE / POSITION HELD
MAILING ADDRESS	AGENCY
CITY ZIP COUNTY	ADDRESS OF AGENCY

WHO MUST FILE THIS STATEMENT

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, their spouses, and their children. *See* Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, provides certain limited exemptions to the above-referenced prohibitions, including one where the business is awarded under a system of sealed, competitive bidding; the public official has exerted no influence on bid negotiations or specifications; AND where disclosure is made, prior to or at the time of the submission of the bid, of the official's or his spouses's or child's interest and the nature of the intended business. This form has been promulgated by the Commission on Ethics for such disclosure, *if and when applicable* to a public officer or employee.

INTEREST IN COMPETITIVE BID FOR PUBLIC BUSINESS (Required by Section 112.313(12)(b), Fla. Stat.)

1. The competitive bid to which this statement applies has been / will be (strike one) submitted to the following government agency:		
2. The person submitting the bid is:	NAME ▼	POSITION ▼
3. The business entity with which the person submitting the bid is associated is:		
4. My relationship to the person or business entity submitting the bid is as follows:		
5. The nature of the business intended to be transacted in the event that this bid is awarded is as follows:		
a. The realty, goods, and / or services to be supplied specifically include: _____		
b. The realty, goods, and / or services will be supplied for the following period of time: _____		
c. Will the contract be subject to renewal without further competitive bidding? <input type="checkbox"/> Yes <input type="checkbox"/> No. If so, how often?		
6. Additional comments:		
7. SIGNATURE	DATE SIGNED	DATE FILED

FILING INSTRUCTIONS

If you are a state officer or employee required to disclose the information above, please file this form with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 3600 Maclay Blvd. South, Suite 201, Tallahassee, FL 32312. If you are an officer or employee of a political subdivision of this state and are subject to this disclosure, please file the statement with the Supervisor of Elections of the county in which the agency in which you are serving has its principal office.

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES SECTION 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

IV. Disclosure of Business Transaction, Relationship or Interest - Form 4A
(Attachment D)

A. WHO MUST FILE

- Advisory Board Members and Public Officer and Employees.

B. WHAT MUST BE FILED AND WHEN

- Form 4A – Disclosure of Business Transaction, Relationship or Interest (Found online at www.ethics.state.fl.us/)
- Must be filed as soon as you have knowledge of situation.
- Filed with Supervisor of Elections.

C. HOW TO FILE

- Used when claiming “waiver” or “sole source” exemption to otherwise prohibited business relationship.
- For Advisory Board Members:
 - Permits certain prohibited business relationships in particular instances if:
 - 1) Waiver by the appointing body must be upon a 2/3 affirmative vote of that body or
 - 2) Waiver by the appointing person must be effected after a public hearing and
 - 3) In either case, the advisory board member must fully disclose the relationship or transaction that would otherwise be prohibited.
- For Public Officers and Employees:
 - Provides an exemption from certain business relationships in the event that the business involved is the only source of supply.
 - The officers’ or employees’ interest must be fully disclosed.

D. PENALTIES

- All penalties pursuant to Section 112.317, F.S. as listed above.

ATTACHMENT D

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL			OFFICE / POSITION HELD
MAILING ADDRESS			AGENCY OR ADVISORY BOARD
CITY	ZIP	COUNTY	ADDRESS OF AGENCY

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- **Fill out** Part A or Part B, as applicable.
- **Sign** and date the form on the reverse side.
- **File Part A** with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- **File Part B** with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; *and* (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - () The reporting person;
 - () The spouse of the reporting person, whose name is _____; or
 - () A child of the reporting person, whose name is _____.
2. The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - () Supplying the following realty, goods, and/or services: _____.
 - () Regulation of the business entity by the governmental agency served by the advisory board member.
3. The following business entity is doing business with or regulated by the governmental agency:

_____.
4. The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - () Officer; () Partner; () Associate; () Sole proprietor; () Stockholder; () Director; () Owner of in excess of 5% of the assets of capital stock in such business entity; () Employee; () Contractual relationship with the business entity;
 - () Other, please describe:

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:

☐ The reporting person;

☐ The spouse of the reporting person, whose name is _____; or

☐ A child of the reporting person, whose name is _____.
2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME OF ENTITY)(ADDRESS OF ENTITY)
4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
☐ Officer; ☐ Partner; ☐ Associate; ☐ Sole proprietor; ☐ Stockholder; ☐ Director; ☐ Owner of in excess of 5% of the assets or capital stock in such business entity; ☐ Employee; ☐ Contractual relationship with the business entity;
☐ Other, please describe:

SIGNATURE

SIGNATURE	DATE SIGNED	DATE FILED

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

GIFTS, PUBLIC OFFICERS AND EMPLOYEES **AND FLORIDA LAW (CHAPTER 112, PART III, F.S.)**

PART I - PURPOSE AND GENERAL STATEMENTS OF THE LAW

Chapter 112, Florida Statutes, governs the prohibitions to, and the reporting of, the receipt of gifts, honoraria, and other expenses related to honorarium events, with respect to public officials, candidates, and employees.

A. Persons Who are Subject to the Law

1. Public officers, whether elected or appointed to hold office, including members serving on advisory boards, at any level of government in Florida. This includes local governments, county government, county municipalities, and district governmental entities.
2. Public employees at any level of government in Florida including employees of the governmental units described above.
3. Candidates for elective public office, whether or State or Local.
4. Spouses and minor children of public officers and public employees.
5. Persons paid a salary, fee, or other compensation for lobbying any State or local governmental official or agency, the employers and principals of any lobbyist, and the partners and firms of the lobbyist. The compensation paid does not have to be specifically designated for the purpose of lobbying.
6. Political committees and committees of continuous existence as defined under Florida's elections law.
7. Local government attorneys.

B. General Statement of the Law Regarding Gifts, Honoraria, Honorarium Event Related Expenses

The Florida Code of Ethics contains provisions that: (1) prohibit soliciting, giving, or accepting certain gifts, honoraria, and honorarium event related expenses; and, (2) require the public disclosure of gifts, honoraria, and honorarium event related expenses under certain circumstances.

1. All public officers, public employees, local government attorneys, and candidates are subject to the prohibition in FS s. 112.313(2) against soliciting or accepting anything of value based upon any understanding that their official action would be influenced thereby.
2. All public officers, local government attorneys, and public employees, and their spouses and minor children, are subject to this same prohibition against accepting anything of value when they know or should know that it is given to influence their official action.
3. All public officers and employees are subject to the prohibition in FS s. 112.313(7) against having certain conflicting employment or contractual relationships. While the acceptance of a gift will not usually create an employment or contractual relationship, the acceptance of an honorarium or the payment of expenses related to an honorarium event may constitute an employment or contractual relationship that could create a prohibited conflict of interest. For example, if you are hired on a long-term contract that includes a recurring requirement to speak at certain events this relationship could present a conflict under FS s. 112.313(7).
4. In addition, persons who are classified as **"reporting individuals"** or **"procurement employees"** are subject to the extensive prohibitions and disclosure requirements under FS ss. 112.3148 and 112.3149 that pertain to receiving gifts, honoraria, and expenses related to an honorarium event.
5. Lobbyists, the employers and principals of lobbyists, the partners and firms of lobbyists, and political committees and committees of continuous existence are also subject to the extensive prohibitions and disclosure requirements pertaining to the giving of gifts, honoraria, and expenses related to honorarium events under FS ss. 112.3148 and 112.3149.

C. General Considerations for Public Officers, Employees and Candidates Who Are "Reporting Individuals" or "Procurement Employees"

1. Reporting Individuals and Procurement Employees cannot solicit or accept a gift, honorarium, or the payment of honorarium event related expenses:
 - a. If it is based on the understanding that the person's official action would be influenced thereby; or
 - b. If the person knows, or with the exercise of reasonable care should know, that it is being given to influence the person's official action.

2. If the acceptance of an honorarium or the payment of the expenses related to an honorarium event involves an employment or contractual relationship, it will be prohibited if it presents a conflict of interest.
3. Gifts from close relatives and certain other persons in close relationships are **not restricted by this prohibition** and gifts may be solicited or accepted. However, a gift to the spouse or minor child or children of a **reporting individual** or **procurement employee** from a lobbyist who lobbies the agency of the reporting individual or procurement employee may be treated as an indirect gift to the reporting individual or procurement employee. Specific rules about when these prohibitions apply are contained in Chapter 34, Part III of the Florida Administrative Code (FAC).
4. If it is determined that the gift, honorarium, or the payment of honorarium event related expenses can be solicited or accepted, then the reporting individual or procurement employee should determine whether public disclosure must be made, according to the following general principles.
 - a. Gifts worth over \$100.00 should be disclosed on a quarterly basis, except for gifts from close relatives and certain other persons in close relationships. Gifts worth over \$100.00 from certain governmental entities or from certain private organizations supporting governmental entities should be disclosed on an annual basis. Gifts worth a \$100.00 or less do not have to be reported by the person receiving them.
 - b. The payment of expenses related to an honorarium event by a lobbyist, partner, firm, employer, or principal of a lobbyist, or by a political committee or committee of continuous existence should be disclosed on an annual basis.

D. General Considerations for Public Officers and Employees Who Are Not "Reporting Individuals" or "Procurement Employees"

1. Persons in this category should determine whether they can solicit or accept a gift, honorarium, or the payment of honorarium event related expenses, according to the following general principles.
 - a. No gift, honorarium, or payment of honorarium event related expenses can be accepted if it is based on the understanding that the person's official action would be influenced thereby or if the person knows, or with the exercise of reasonable care should know, that it is being given to influence the person's official action.
 - b. If the acceptance of an honorarium or the payment of expenses related to an honorarium event involves an employment or contractual relationship, it will be prohibited if it presents a conflict of interest.

2. Public officers and employees who are not reporting individuals or procurement employees are not required by the Florida Code of Ethics to publicly disclose any gift, honorarium, or the payment of honorarium event related expenses.

PART II - DEFINITIONS

A. General Definition of "Gift"

The term "gift" in FS Chapter 112 is construed more broadly than in other parts in Florida Law or for federal income tax purposes. For public officers and employees, a gift may include not only those items that one would ordinarily consider a gift, but also many other things. Examples of items that are considered gifts under Florida law include: durable goods, personal property, real property, the use of real property, preferential treatment for loans or goods or services (i.e. "discounts" not ordinarily available to the general public or governments), professional services, individual labor, plants, flowers, floral arrangements, transportation of any kind, memberships, dues or fees, food, beverages or tickets of admission to events and performances.

B. Specific Examples of What Does Not Constitute a Gift

The following are specifically excluded from being a "gift".

1. Salary, benefits, services, fees, commissions, expenses, or other things associated primarily with the officer or employee's employment or business or service as an officer or director of a corporation or organization.
2. Contributions or expenditures reported pursuant to the campaign financing law (FS ch. 106), campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party as long as it is not an indirect gift from a prohibited source.
3. An honorarium or an expense related to an honorarium event paid to a person or his spouse.
4. An award, plaque, certificate, or similar personalized item given in recognition of the public officer or employee's public, civic, charitable, or professional service.
5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
6. The use of a public facility or public property, made available by a governmental entity, for a public purpose.
7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.

8. Gifts provided directly or indirectly by a state, regional, or national organization that promotes the exchange of ideas between, or the professional development of, government officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

C. "Honorarium" Defined

Honorarium means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on behalf of the reporting individual or procurement employee, as consideration for:

1. A speech, address, oration, or other oral presentation, including a formal address, lecture, panel discussion, or other presentation that a reporting individual or procurement employee has been invited to make to a gathering of persons.
2. The term honorarium does not include:
 - a. Payment for services related to employment held outside the reporting individual's or procurement employee's public position that resulted in the person becoming a reporting individual or procurement employee.
 - b. Any ordinary payment or salary received in consideration for services related to the reporting individual's or procurement employee's public duties.
 - c. A campaign contribution reported pursuant to Florida Law.
 - d. The payment or provision of actual and reasonable transportation, lodging, food and beverage expenses related to the honorarium event, including any event or meeting registration fee, for a reporting individual or procurement employee and spouse.

D. "Honorarium Event" Defined

An honorarium event means a meeting or function, or a series of related meetings or functions such as a convention held over several days, where the reporting individual or procurement employee has been invited to make a speech, address, oration, or other oral presentation.

E. "Lobbyist" Defined

A lobbyist is defined as a natural person who is paid a salary, fee or other compensation for seeking to: (1) influence the governmental decision-making of; or, (2) encourage the passage, defeat, or modification of, any recommendation or proposal by a reporting individual

or procurement employee in their official capacity or the reporting individual or procurement employee's agency.

1. The term lobbyist includes any person that has taken action as a lobbyist during the preceding 12 months.
2. Lee County Ordinance 03-14 expands the definition of lobbyist to include unpaid volunteers acting in the capacity or in the nature of a lobbyist. While a lobbyist is usually paid, an unpaid volunteer could be considered a lobbyist if they are included in the Lee County Ordinance definition of lobbyist. This means a volunteer could potentially violate the State law by virtue of failure to comply with the County ordinance when they give a gift.

F. "Procurement Employee" Defined

A "procurement employee" means a person employed by an officer, department, board, commission, council or agency of the State or local government, who has participated in the preceding 12 months, through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in the procurement of contractual services or commodities with a value in excess of \$10,000.00 in any fiscal year.

G. "Reporting Individual " Defined

A "reporting individual" means any individual who is required by law, to file either full or limited disclosure of financial interest.

PART III - PROHIBITIONS AGAINST SOLICITING, ACCEPTING, OR GIVING GIFTS

A. Prohibition Against Soliciting Gifts

A reporting individual or procurement employee is prohibited from soliciting any gift, food, or beverage from a vendor doing business with the County or a lobbyist who lobbies the reporting individual's or procurement employee's agency, where such gift, food, or beverage is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any parent, spouse, child, or sibling of the reporting individual or procurement employee. (Note: This prohibition does not apply to gifts solicited from a relative of the reporting individual or procurement employee, regardless of whether the relative is a lobbyist.)

B. Prohibition Against Accepting and Giving Gifts

1. A reporting individual or procurement employee is prohibited from knowingly accepting, directly or indirectly, a gift from a lobbyist who lobbies the reporting individual's or procurement employee's agency if the reporting individual or

procurement employee knows or reasonably believes that the gift has a value in excess of \$100.00.

2. The reporting individual or procurement employee has the responsibility to make reasonable inquiry into the source of the proposed gift to determine whether it is prohibited.

C. Exceptions to Prohibitions Against Accepting and Giving Gifts

Following is a list of gifts that are permitted.

1. A gift valued in excess of \$100.00 accepted on behalf of a governmental entity or charitable organization. If the gift is accepted on behalf of the governmental entity or charitable organization, the person receiving the gift may not maintain custody of the gift for a period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.
2. Charitable organization means an organization described in s. 501(c)(3) of the Internal Revenue Code.
3. An entity of the legislative or judicial branch, a county, a municipality, an airport authority, a water management district, or school board may give, directly or indirectly, to a reporting individual or procurement employee a gift having a value in excess of \$100.00 (and it may be accepted) if a public purpose can be shown for the gift.
 - a. In order to show a public purpose for the gift, not only must there be a public purpose for the governmental entity's having given the gift, but there must also be a public purpose in the reporting individual's or procurement employee's accepting the gift.
 - b. "Public purpose" means that which promotes the public health, safety, and welfare of the citizens of the State or a political subdivision therein, rather than the welfare of a specific individual or class of persons.

PART IV - DISCLOSURE REQUIREMENTS FOR REPORTING GIFTS

Please refer to Chapter 34-13.400, FAC, for detailed disclosure requirements for reporting gifts.

PART V - VALUATION OF GIFTS

1. **General Rule:** Actual cost to the donor, with some exceptions. "Actual cost" is the price paid by the donor to allow the donor to provide the gift to the donee. For example, if the donor manufactures the item, the actual costs includes the total cost associated with providing the item or services divided by the number of units of goods produced.

"Personal services" are valued at the reasonable and customary charge in the community.

2. **The \$100.00 Deductible Rule:** Since reporting individuals and procurement employees may keep a gift valued under \$100.00, if the official received a gift with a value greater than \$100 and pays the donor all but \$100.00 of the value of the gift, the gift may be accepted. The payment must be made within 90 days of the date the gift is received.

Example: An expensive flower arrangement costs the lobbyist \$125.00 to purchase, so the reporting individual or procurement employee would pay the lobbyist \$25.00 to keep the gift.

Example: A reporting individual receives an invitation to join a foursome, comprised of reporting and non-reporting individuals, at a charity golf event. The event fee paid by the donor is \$600 for the foursome and includes greens fees and the golf cart. The value of the gift to each reporting individual is \$150. If the reporting individual pays the donor \$50, the gift may be accepted.

3. **Transportation:** Valued on a round-trip basis and as a single gift, unless one-way transportation is provided.

Same value as transportation in a comparable commercial conveyance. Transportation in a private plane is valued as an unrestricted coach fare. If more than one person in a single conveyance is transported, the value to each person is the same as if it had been in a commercial conveyance.

4. **Tickets to an Event:** Face value of the ticket or admission fee to a charitable event, that portion representing a charitable contribution is not included in value in the gift.

PART VI - PENALTIES

Penalties for violation of the provisions of Chapter 112, Part III, are set out at FS s. 112.317. The penalties are all civil, but are in addition to any other criminal penalties that may apply due to the activity of the person charged.

PART VII - CONCLUSION

Gift giving and receiving in the public domain is not a simple matter. However, in an effort to maintain the public's confidence in its public officials, Florida law provides that all transactions between the public officials and lobbyists and political action organizations are both regulated and documented. In this way, public decisions are truly public, and not subject to unseen, unknown or undisclosed influences.

FORM 3A INTEREST IN COMPETITIVE BID FOR PUBLIC BUSINESS

LAST NAME — FIRST NAME — MIDDLE INITIAL			OFFICE / POSITION HELD
MAILING ADDRESS			AGENCY
CITY	ZIP	COUNTY	ADDRESS OF AGENCY

WHO MUST FILE THIS STATEMENT

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, their spouses, and their children. *See* Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, provides certain limited exemptions to the above-referenced prohibitions, including one where the business is awarded under a system of sealed, competitive bidding; the public official has exerted no influence on bid negotiations or specifications; AND where disclosure is made, prior to or at the time of the submission of the bid, of the official's or his spouse's or child's interest and the nature of the intended business. This form has been promulgated by the Commission on Ethics for such disclosure, *if and when applicable* to a public officer or employee.

INTEREST IN COMPETITIVE BID FOR PUBLIC BUSINESS (Required by § 112.313(12)(b), Fla. Stat.)

1. The competitive bid to which this statement applies has been / will be (strike one) submitted to the following government agency:		
2. The person submitting the bid is:	NAME ▼	POSITION ▼
3. The business entity with which the person submitting the bid is associated is:		
4. My relationship to the person or business entity submitting the bid is as follows:		
5. The nature of the business intended to be transacted in the event that this bid is awarded is as follows:		
a. The realty, goods, and / or services to be supplied specifically include: _____		
b. The realty, goods, and / or services will be supplied for the following period of time: _____		
c. Will the contract be subject to renewal without further competitive bidding? <input type="checkbox"/> Yes <input type="checkbox"/> No. If so, how often?		
6. Additional comments:		
7. SIGNATURE	DATE SIGNED	DATE FILED

FILING INSTRUCTIONS

If you are a state officer or employee required to disclose the information above, please file this form with the Department of State in Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250. If you are an officer or employee of a political subdivision of this state and are subject to this disclosure, please file the statement with the Supervisor of Elections of the county in which the agency in which you are serving has its principal office.

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL			OFFICE / POSITION HELD
MAILING ADDRESS			AGENCY OR ADVISORY BOARD
CITY	ZIP	COUNTY	ADDRESS OF AGENCY

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- Fill out Part A or Part B, as applicable.
- Sign and date the form on the reverse side.
- File Part A with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- File Part B with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) of (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - () The reporting person;
 - () The spouse of the reporting person, whose name is _____; or
 - () A child of the reporting person, whose name is _____
2. The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - () Supplying the following realty, goods, and/or services: _____
 - () Regulation of the business entity by the governmental agency served by the advisory board member.
3. The following business entity is doing business with or regulated by the governmental agency:

4. The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - () Officer; () Partner; () Associate; () Sole proprietor; () Stockholder; () Director; () Owner of in excess of 5% of the assets of capital stock in such business entity; () Employee; () Contractual relationship with the business entity;
 - () Other, please describe:

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:

☐ The reporting person;

☐ The spouse of the reporting person, whose name is _____; or

☐ A child of the reporting person, whose name is _____.
2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME OF ENTITY)(ADDRESS OF ENTITY)
4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
☐ Officer; ☐ Partner; ☐ Associate; ☐ Sole proprietor; ☐ Stockholder; ☐ Director; ☐ Owner of in excess of 5% of the assets or capital stock in such business entity; ☐ Employee; ☐ Contractual relationship with the business entity;
☐ Other, please describe:

SIGNATURE

SIGNATURE	DATE SIGNED	DATE FILED

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
MAILING ADDRESS	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:
CITY COUNTY	<input type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED	NAME OF POLITICAL SUBDIVISION:
	MY POSITION IS: <input type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, _____, hereby disclose that on _____, 20 _____:

(a) A measure came or will come before my agency which (check one)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☐ inured to the special gain or loss of _____, by whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY: Committees/Boards/Councils/Commissions/Examiners	CODE NUMBER: AC-2-3
TITLE: Advisory Committees, Boards and Commissions	ADOPTED: 07-30-86
	AMENDED: 12/09/92; 08/31/94; 08/09/05
	ORIGINATING DEPARTMENT: Public Resources

PURPOSE/SCOPE:
 To establish procedures for creation and function of Advisory Committees, Boards, Councils, Examiners or Commissions.

POLICY/PROCEDURE:

The Board of County Commissioners shall have the power to designate and create Advisory Committees, Boards, Councils, Examiners or Commissions (jointly referred to in this code as Advisory Groups) by Ordinance, Resolution, Board Action, Administrative Code, Interlocal Agreement, or Florida Statute, as may be necessary for the administration of the affairs of the County and shall provide for their duties and powers in said Ordinance, Resolution, Board Action, Administrative Code, Interlocal Agreement, or Florida Statute. Lee County, an equal opportunity/affirmative action employer, considers the selection and appointment of persons to advisory committees in a non-discriminatory manner consistent with the requirements of Federal, State and Local non-discrimination laws.

The Board of County Commissioners is authorized to dissolve Standing Advisory Groups or rescind an appointment to an Advisory Group by a vote of the majority of the Board of County Commission members.

Each Advisory Group shall have an anniversary month that shall be the month in which the Board of County Commissioners created the Advisory Groups unless specified otherwise.

Members of the Advisory Groups shall serve without compensation unless otherwise specified. A County staff member, designated by the commissioner, will be appointed as County Liaison to the Advisory Groups and will assist as appropriate. Applications to serve on a Lee County Advisory Group can be obtained from the Public Resources Division, First Floor, 2115 Second Street, Fort Myers, by mail from the Public Resources Division, P. O. Box 398, Fort Myers or by calling 239-335-2269. Applications are also available on our website at www.lee-county.com

AC-2-3 (Continued)

The Public Resources Division shall be responsible for maintaining an accurate and up-to-date roster of all Advisory Groups, their respective members and shall advise the Board of County Commissioners prior to the expiration of any term of appointment.

No member of any Advisory Group, whether paid or unpaid, shall have any financial or personal interest in the outcome of any matter coming before such member in their official capacity. Such member shall disclose in the records of the Advisory Group, the existence of an interest therein and shall disqualify themselves from voting or action on such matters.

All Advisory Groups shall fall into the following categories:

STANDING ADVISORY GROUP

The Standing Advisory Group shall function in an advisory capacity that serves on a continual basis for on-going projects and programs.

SPECIAL ADVISORY GROUP

From time to time, the Board of County Commissioners may desire to have a special project or program studied. Special Advisory Groups serve until the assignment is completed. The Board of County Commissioners, at their discretion, may request the Special Advisory Group to continue after a report is filed for additional study or collection of additional data. However, if it appears that this Special Advisory Group will function for a period of over one year, the Special Advisory Group would be made a Standing Committee.

ESTABLISHING AN ADVISORY GROUP:

When establishing a new Advisory Group, the originating document shall specify the following:
(See Checklist-Attachment 1)

- Category
- Committee Name
- Number of Members
- How Appointed
- Length of Term
- Form 1 Financial Disclosure Requirement
- Anniversary Month (if different from the month established)
- County Liaison Name
- County Liaison Department/Division
- County Liaison Phone Number
- Sunset Date (if applicable)
- Purpose

Upon the establishment of an Advisory Group, one-half of the Advisory Group will be appointed for one year and one half will be appointed for two years commencing with the anniversary month. Odd numbered members, such as an Advisory Group with nine members, shall be appointed for the term that will allow the expiration in an odd year. Even numbered members, such as ten members, shall be appointed for the term that will allow the expiration in an even year. All appointments after the

Advisory Group has functioned for one year shall be for the length of term specified in the establishing document.

The Board of County Commissioners will periodically review the purpose, function, membership and continued need for the Advisory Group at regular intervals. The date for this "sunset" review will be established by the Board of County Commissioners.

ORGANIZATION OF ADVISORY COMMITTEES, BOARDS OR COMMISSIONS

All Advisory Groups shall be organized as follows:

- (A) Roberts Rules of Order shall govern the proceedings of all meetings.
- (B) The Board of County Commissioners will fill any vacancies.
- (C) A Chair and Vice Chair shall be elected by the other members of the Advisory Committee, Board or Commission.
- (D) The Chair shall appoint, from the committee membership, one member to act as Secretary, who shall, with the Chair, sign all minutes.
- (E) Meetings shall be called by the Chair, by the Board of County Commissioners, and/or the County Staff Liaison.
- (F) The Secretary shall record the proceedings of each meeting. Draft Minutes should be marked "draft", signed by the Secretary and Chair and forwarded to the County Staff Liaison and Public Resources Division within two (2) weeks of the meeting. Approved Minutes should be marked "Approved", signed by the Secretary and Chairman and forwarded to the County liaison and the Public Resources Division ten (1) days following approval. These records shall become Official Records of the Advisory Groups and a copy shall be distributed to the following:
 - Committee Chairperson
 - County Staff Liaison
 - Public Resources Division
- (G) All meetings of the committee are open to the public, must be held where there is reasonable public access and sufficient notice of each meeting must be provided by:
 - 1) Advertisement in a paper of general circulation, or
 - 2) Posting notice in the County Administration Building Lobby, 2115 Second Street, Fort Myers, Florida or by sending a notice to the Public Resources Division, PO Box 398, Fort Myers, Florida 33902 for posting.

ATTACHMENT 1

NEW COMMITTEE CHECKLIST:

ESTABLISHED BY: (CHECK ONE AND ATTACH ESTABLISHING DOCUMENT (SEE BELOW))

- ORDINANCE ☐
RESOLUTION ☐
BOARD ACTION ☐
ADMINISTRATIVE CODE ☐
INTERLOCAL AGREEMENT ☐
FLORIDA STATUTE ☐
OTHER ☐

ESTABLISHING DOCUMENT SHALL CONTAIN THE FOLLOWING:

CATEGORY: (CHECK ONE)

- STANDING ☐
SPECIAL ☐
(WITH ESTABLISHED SUNSET DATE)

COMMITTEE NAME

NUMBER OF MEMBERS

HOW APPOINTED:

- AT LARGE ☐
(CAN BE APPOINTED BY ANY COMMISSIONER)
- AT LARGE/AT LARGE BY CATEGORY ☐
(CAN BE APPOINTED BY ANY COMMISSIONER
CAN BE APPOINTED BY ANY COMMISSIONER AND
MUST QUALIFY FOR THE LISTED CATEGORY*)
- CATEGORY ☐
(MUST QUALIFY FOR THE LISTED CATEGORY*)
- DISTRICT SENSITIVE ☐
(CAN ONLY BE APPOINTED BY SPECIFIED
DISTRICT COMMISSIONER)
- DISTRICT SENSITIVE/AT LARGE BY CATEGORY/
AT LARGE ☐
(CAN ONLY BE APPOINTED BY SPECIFIED
DISTRICT COMMISSIONER*
CAN BE APPOINTED BY ANY COMMISSIONER AND
MUST QUALIFY FOR THE LISTED CATEGORY*
CAN BE APPOINTED BY ANY COMMISSIONER

DISTRICT SENSITIVE/BY CATEGORY ☐
(CAN ONLY BE APPOINTED BY SPECIFIED
DISTRICT COMMISSIONER AND MUST QUALIFY
FOR THE LISTED CATEGORY*)

DISTRICT SENSITIVE/DISTRICT ROTATING ☐
(CAN ONLY BE APPOINTED BY SPECIFIED
DISTRICT COMMISSIONER*
ROTATES BETWEEN COMMISSION DISTRICTS
LIST SCHEDULE OF APPOINTMENTS)

AT LARGE/CITY ROTATING ☐
(CAN BY APPOINTED BY ANY COMMISSIONER BUT
MUST FOLLOW ROTATING CITY APPOINTMENT
SCHEDULE
LIST SCHEDULE OF APPOINTMENTS)

NOT BOARD APPOINTED ☐

OTHER ☐

***LIST CATEGORIES AND DISTRICT SPECIFIC APPOINTMENTS**

LENGTH OF TERM _____ YEARS

FORM 1 FINANCIAL DISCLOSURE REQUIRED:

YES ☐
NO ☐

ANNIVERSARY MONTH _____
(IF DIFFERENT FROM THE MONTH ESTABLISHED)

COUNTY LIAISON NAME _____

LIAISON DEPARTMENT/DIVISION _____

LIAISON PHONE NUMBER _____

SUNSET DATE (IF APPLICABLE) _____

PURPOSE: