



## Legislation Text

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File #: 170712., Version: 2

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### **Conflict of Interest and Financial Disclosure Form (B)**

Discuss as Committee deems appropriate.

At the January 4, 2018 City Commission Meeting, at the request of Commissioner Hayes-Santos, the City Commission referred this issue to the General Policy Committee. Currently, the City has not enacted any local ethics code or requirements for its elected or appointed officers; but instead relies on State law and the Florida Commission on Ethics for such matters. The State ethics laws are generally comprised of three components: mandatory disclosures; prohibited actions and business relationships; and mandatory training. The Florida Commission on Ethics interprets and applies Florida's ethics laws by acting on complaints, recommending penalties, issuing legally binding advisory opinions interpreting the ethics laws, and serving as an ethics resource to elected and appointed officers.

#### **Disclosure Filings**

As to disclosure filings that apply to municipal officers, the State law requires disclosures of: financial interests; voting conflicts; gifts; clients represented before any City board; and business transactions, relationship or interest for purpose of obtaining exemption/waiver.

State law imposes a monetary fine, collected by the Florida Commission on Ethics, for failure to timely file required disclosures. A reference chart and a copy of each State disclosure form is attached as back-up to this agenda item. The forms are helpful because they clearly describe who must file and what information must be provided.

#### **Prohibited Actions & Relationships**

As to prohibited actions and relationships that apply to municipal officers, the State law prohibits:

- (a) Solicitation and Acceptance of Gifts;
- (b) Unauthorized Compensation;
- (c) Misuse of Public Position;
- (d) Disclosure of Use of Certain Information for personal benefit;
- (e) Solicitation or Acceptance of Honoraria;
- (f) Doing Business with One's Agency;
- (g) Having Conflicting Employment or Contractual Relationships;
- (h) Dual Public Employment;
- (i) Appointing, Employing or Contracting with Relatives;
- (j) Lobbying One's Agency after Leaving Office; and
- (k) Voting Conflicts of Interest.

#### **Mandatory Training**

As to mandatory training, elected municipal officers must complete 4 hours of ethics training each calendar

year which addresses, at a minimum, Article. II, Section 8 of the State Constitution, the State Code of Ethics for Public Officers and Employees, and public records and public meetings laws. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

### **Penalties**

The State law provides the following penalties for violations of the ethics laws by municipal officers: fines, impeachment, removal from office, suspension from office, public censure and reprimand, forfeiture of no more than one-third of his/her salary per month for no more than 12 months, a civil penalty not to exceed \$10,000, restitution of pecuniary benefits received because of the violation committed.

### **City Ethics Requirements**

The City may enact local ethics requirements that are supplemental to, but do not conflict with, the State law. In crafting any local ethics requirements, the City Commission should consider what concern(s) it is trying to address and determine that local action is necessary because the concern is not adequately addressed by State law. In addition, the Commission should consider whether any new requirements or the associated penalties, would deter citizens from serving on City boards. New local requirements could range from requiring members of all City boards to file a Form 1 - Disclosure of Financial Interests with the Clerk of the Commission, with the penalty for failure to file being removal from the City board, to creating an entire local ethics code and local ethics officer and board with investigation and enforcement authority.

If the Commission considers creating City ethics requirements, the Commission should consider the City resources (primarily cost and time/availability of City employees) necessary to administer and enforce such requirements.