



Office of the General Counsel

- Ethics Training
- School Board Workshop
October 24, 2017



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Part One – Open Government Overview

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Open Government Overview
Broward County School Board: October
24, 2017

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Special Counsel for Open Government
Attorney General Pam Bondi

SUNSHINE LAW

- Florida's Government in the Sunshine Law provides a right of access to governmental proceedings at both the state and local levels. In the absence of statutory exemption, it applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

Scope of the Sunshine Law

- Board members may not engage in private discussions with each other about board business, either in person or by telephoning, emailing, texting or any other type of electronic communication (i.e. Facebook, blogs).

Scope of the Sunshine Law

- While an individual board member is not prohibited from discussing board business with staff or a nonboard member, these individuals may not be used as a liaison to communicate information between board members. For example, a board member cannot ask staff to poll the other board members to determine their views on a board issue.

SCOPE OF THE SUNSHINE LAW

There are three basic requirements:

- 1) Meetings of public boards or commissions must be open to the public
- 2) Reasonable notice of such meetings must be provided; and
- 3) Minutes of the meetings must be prepared and open to public inspection.

SCOPE OF THE SUNSHINE LAW

- The Sunshine Law applies to advisory boards created pursuant to law or ordinance or otherwise established by public agencies or officials.

Scope of the Sunshine Law

- Staff meetings are not normally subject to the Sunshine Law.
- However, staff committees may be subject to the Sunshine Law if they are deemed to be part of the “decision making process” as opposed to traditional staff functions like factfinding or information gathering.

Scope of the Sunshine Law

- Only the Legislature may create an exemption from the Sunshine Law (by a two-thirds vote).
- An exemption from the Public Records Law does not allow a board to close a meeting. Instead, a specific exemption from the Sunshine Law is required.

Board meetings

- While boards may adopt reasonable rules and policies to ensure orderly conduct of meetings, the Sunshine law does not allow boards to ban nondisruptive videotaping, tape recording, or photography at public meetings.

Board meetings

- Section 286.0114, F.S., provides, subject to listed exceptions, that boards must allow an opportunity for the public to be heard before the board takes official action on a proposition. The statute does not prohibit boards from “maintaining orderly conduct or proper decorum in a public meeting.”

Penalties

- Civil action
- Criminal penalties
- Suspension or removal from office

PUBLIC RECORDS LAW

- Florida's Public Records Act, Chapter 119, Florida Statutes, provides a right of access to records of state and local governments as well as to private entities acting on their behalf.
- If material falls within the definition of "public record" it must be disclosed to the public unless there is a statutory exemption.

The term "public records" means:

- All "documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission" (**includes electronic communications like text messages, emails**).
- Made or received pursuant to law or ordinance or in connection with the transaction of official business
- By any agency [including a private entity acting on behalf of a public agency]
- Which are used to perpetuate, communicate, or formalize knowledge

PROVIDING PUBLIC RECORDS

- a) Public records cannot be withheld at the request of the sender
- b) A requestor is not required to show a "legitimate" or "noncommercial interest" as a condition of access
- c) A request cannot be denied because it is "overbroad"
- d) Unless authorized by another statute, an agency may not require that public records requests be in writing or require the requester to identify himself or herself

PROVIDING PUBLIC RECORDS

- The Public Records Act does not contain a specific time limit (such as 24 hours or 10 days).
- The Florida Supreme Court has stated that the only delay in producing records permitted under the statute is the reasonable time allowed the custodian to retrieve the record and redact those portions of the record the custodian asserts are exempt.

PROVIDING PUBLIC RECORDS

- An agency is not required to comply with a "standing" request for records that may be created in the future.
- An agency is not required to answer questions about the public records (other than information on how to obtain them, like the cost)
- An agency is not required to create a new record

PROVIDING PUBLIC RECORDS

- Chapter 119 authorizes the custodian to charge a fee of up to 15 cents per one-sided copy for copies that are 14 inches by 8 1/2 inches or less. An additional 5 cents may be charged for two-sided copies. For other copies, the charge is the actual cost of duplication of the record. Actual cost of duplication means the cost of the material and supplies used to duplicate the record but does not include labor or overhead cost.

Fees

- In addition to the actual cost of duplication, an agency may impose a reasonable service charge for the actual cost of extensive labor and information technology required due to the large volume of a request.

Retention

All public records must be retained in accordance with retention schedules approved by the Department of State

Even exempt records must be retained.

Penalties


- a) Criminal penalties
- b) Civil action
- c) Attorney's fees

Additional Information

- Office of Attorney General Pam Bondi
- **myfloridalegal.com**
- Access the Sunshine Manual, Attorney General Opinions

- Florida First Amendment Foundation
- **floridafaf.org**
- Access legislative info; open government news

Part Two – Ethics



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ETHICS UPDATE 2017-
BROWARD COUNTY SCHOOL BOARD MEMBERS
Gray Schafer
Senior Attorney
Florida Commission on Ethics
October 2017

- Topics to Cover**
- ▣ Overview of the Commission
 - ▣ Misuse of Public Position
 - ▣ Conflicts of Interest
 - Contracting with Students
 - Board Members Recruiting Teachers
 - ▣ Voting Conflicts
 - ▣ Gifts
 - ▣ Miscellaneous Topics
 - Nepotism, Dual Employment, Post-Public-Service Restrictions, Financial Disclosure

What is the Ethics Commission?

- ▣ Created by Article II, Section 8 of the Florida Constitution
- ▣ Nine-member uncompensated board
- ▣ Has jurisdiction over the ethics laws in Article II, Section 8, Florida Constitution, and Chapter 112, Florida Statutes (the Code of Ethics)



Training Requirements

- ❑ Section 112.3142 requires “constitutional officers” to receive 4 hours of annual ethics training
 - Includes District School Board members as “constitutional officers”
 - Must address the Code of Ethics, public records, and public meetings
 - See CEO 13-15, CEO 13-24, and CEO 15-5 for details
- ❑ No certification or documentation after completion is required by statute, but consider obtaining them in case a complaint is filed
- ❑ Must report completion of training on following year’s financial disclosure form

Misuse of Public Position

- ❑ Applies to district school board members/employees
- ❑ Section 112.313(6) – Public officer or employee cannot:
 - (1) “Corruptly” use or attempt to use;
 - (2) Public position or resources;
 - (3) To obtain a special benefit or privilege;
 - (4) For oneself or others
- ❑ This is not simply mismanagement or rude behavior



Conflicts of Interest – Doing Business with School District



- ❑ Applies to all district school boards/employees AND charter school boards both privately/publicly operated
- ❑ Section 112.313(3) has *two* prongs for public officers/employees:
 - Cannot purchase goods/services from their own business
 - Cannot sell goods/services to their own political subdivision or any agency of it

Recent Opinions on Section 112.313(3)

- CEO 15-2
 - Emphasized the statute prohibits sales from public employee to their “agency” or to the “political subdivision” where they serve
 - Defined “political subdivision” to cover the entire district—and all schools within it
 - Departed from past opinions permitting teacher to sell products to schools within the district, other than the one where they teach (CEO 77-109)
- Therefore, school employees/board members should not sell goods/services to their district or any schools within it

Conflicts of Interest – Conflicting Employment Relationship

- Section 112.313(7)(a) – Has Two Parts
 - Part One prohibits a public officer or employee from:
 - (1) Having an employment or contractual relationship with a business entity or agency...
 - (2) When that entity/agency is regulated by or doing business with the officer or employee’s own agency
- Critical to determine the public officer/employee’s “agency”
 - School Board member’s “agency” is the Board/District (CEO 14-21)

Conflicts of Interest – Conflicting Employment Relationships

- Section 112.313(7)(a) – Has Two Parts
 - Part Two prohibits a public officer or employee from having any employment or contract that will:
 - (1) Create a continuing or frequently recurring conflict with their public duties;
or
 - (2) Impede their ability to fully and faithfully discharge their public duties

Teacher/Board Member contracting with students and their families



- CEO 10-15 and CEO 15-2
 - Conflict under second part of Section 112.313(7)(a) for teachers to sell goods or services to students (or parents of students) within their classes
 - But teacher can provide goods or services to students when not in their classes (CEO 12-23)
- CEO 10-12
 - In general, not a conflict for school board member to sell goods or services to students (or parents of students) within the district
 - But may depend on type of transaction (CEO 14-27)

Further Cases Involving Section 112.313(7)(a)

- CEO 14-21
 - Board member may not recruit teachers for a literacy foundation from within his own agency (i.e. from within his District)
 - Board member could recruit teachers from other Districts
 - Also see CEO 14-27, raising concerns about board member owning company employing teachers from his district
- CEO 16-12
 - Conflict under second part of statute for teacher to represent client in lawsuit against the School District where she was employed

Voting Conflicts – Section 112.3143(3)

- Applies to all elected board members, such as governing boards of public schools, as well as to charter school boards
- Section 112.3143(3)(a) – Two types of voting conflicts for such officers:
 - (1) May not vote on a measure which would inure to the officer's "special private gain or loss"

Or

 - (2) May not vote on a measure which the officer knows would inure to the "special private gain or loss" of a principal, relative, or business associate

Some More Voting Pointers

- ❑ Section 286.012 requires board members to vote on all measures coming before them, unless there is or appears to be a conflict
 - Outside jurisdiction of Ethics Commission
- ❑ Section 112.313(5) allows you to vote on measures affecting your public salary, expenses, or other compensation
- ❑ But what if you have a vote affecting a broad cross-section of employees that happens to include a relative?

Voting Conflicts - Three Considerations

- ❑ What is the size of the affected class?
- ❑ Is the gain or loss here remote and/or speculative?
- ❑ Is this merely a preliminary or procedural measure?



How to Respond to a Voting Conflict

- ❑ Three Steps:
 1. Abstain from the vote;
 2. Orally disclose the conflict prior to the vote; and
 3. File Form 8B within 15 days of the vote
- ❑ Provide sufficient detail in Form 8B so conflict is clear



Recent Cases on Voting Conflicts

- ❑ CEO 15-8
 - Member of District School Board served as member on Board of Trustees of State College
 - Not a voting conflict for her to vote as School Board member on measure affecting college
 - She was not compensated by college AND voting conflict statute won't apply if your "principal" is a public agency

- ❑ CEO 12-3
 - District Board member would have conflict on vote to select her for position with direct support organization that would set to begin after her term on the Board ended

Gifts - Quid Pro Quo

- ❑ Section 112.313(2) - Cannot solicit or accept anything of value in exchange for official action
 - Requires an agreement by both parties on what is expected

- ❑ Section 112.313(4) - Applies if public officer or employee knows or reasonably should know gift is related to official action
 - Extends to officer's/employee's spouse and children



Gifts - Lobbyists, Principals of Lobbyists, and Vendors

- ❑ Applies only to Reporting Individuals of Public School Districts and Charter Schools

- ❑ Section 112.3148(3) - Cannot solicit gifts from lobbyists, principals of lobbyists, or vendors of your District

- ❑ Section 112.3148(4) - Cannot accept gifts of over \$100 from lobbyists, principals of lobbyists, or vendors of your District
 - But see Section 1001.421 - District Board members and their relatives may not accept gifts of over \$50 from vendors doing business with their District

Some Vendor/Lobbyist Scenarios

- ❑ What if a prohibited source offers a table at a social event?
 - Gift law and CEO 16-10 indicates admission to event qualifies as a "gift"
 - Could be a prohibited indirect gift if given by prohibited source to School District (see factors in Rule 34-13.310(8)(c))
- ❑ What if a prohibited source offers to reimburse travel or conference costs?
 - Still is prohibited gift; although School District could pay and then prohibited source can reimburse the District (CEO 91-21)
- ❑ Reportable campaign contributions are not gifts (Section 112.312(12)(b)2)

Gifts – Relatives and Friends

- ❑ Applies only to Reporting Individuals of Public School Districts and Charter Schools
- ❑ Section 112.3148(1) – Gifts from "relatives" of any amount can be accepted
 - No reporting requirement
- ❑ Section 112.3148(8)(a) – Gifts from friends in community of any amount can be accepted
 - Have to report if over \$100 on a Form 9
 - CEO 16-01 – Do not accept gift of over \$100 if friend is a lobbyist

Gift- Calculating Valuation



- ❑ Lodging in a private residence is valued at \$44 per night
- ❑ Private transportation is valued at what commercial carrier would charge for the same trip
- ❑ Tickets are valued by multiplying face value by number of tickets received

Gifts – Further Points on Valuation

- ❑ Food and beverages consumed in a single sitting are valued as one gift
- ❑ If you are at a function with food/beverages/entertainment for more than 10 people, value by dividing the total cost of the event by the number of people invited
- ❑ When in doubt, value will be cost to the donor

Nepotism – To Whom will it Apply?

- ❑ District School Boards and employees are not subject to the nepotism law in the Code of Ethics
 - But board members are subject to a similar provision in Section 1012.23(2)
- ❑ Section 1012.23(2) prohibits a District Board member from employing or appointing relatives to work under the direct supervision of the board member
 - “Relative” is defined as anyone included on the list in Section 112.3135(1)(d)

Nepotism and Voting Conflicts



- ❑ You are prohibited from casting vote bringing “special private gain or loss” to a relative
- ❑ Will be prohibited from voting to hire relative or to give a relative a raise
- ❑ Will not apply to across-the-board decisions affecting all employees, including a relative

Dual Office-Holding

- ❑ Applies to District School Board members and employees
- ❑ Section 112.313(10) – No employee of an agency may serve on that agency’s governing body
- ❑ Section 112.3125 – Places additional restrictions on circumstances where an elected officer can accept additional public employment (see CEO 15-7 and CEO 13-10)

Post-Public Office Restriction

- ❑ Applies to Elected District Board Members
- ❑ Section 112.313(14) – Prohibits elected local officers from doing the following for two years after they leave their positions:
 - (1) Representing another person or entity;
 - (2) For compensation
 - (3) Before their former “government body or agency”
- ❑ Just attending a meeting on a client’s behalf can be a problem!

Financial Disclosure – Form 6



- ❑ A Form 6 must be filed annually by District School Board members, as well as elected school superintendents
- ❑ Contains information on net worth, assets, liabilities, and sources of income
- ❑ Due on July 1, with a grace period until September 1

Common Questions About Disclosure

- ❑ Where do I file my Form 6?
 - If you are serving as a public officer, file with the Commission on Ethics
- ❑ Is there any way to protect personal information included on the Form?
 - Certain public officers can submit a written request to have information redacted based on their past or current position
- ❑ What happens if I do not file by the close of the grace period?
 - A fine of \$25 per day begins to accrue, up to \$1,500

More Common Questions About Disclosure

- ❑ May I email or fax in my form?
 - No, at the current time, you must submit by hand delivery or through the mail
- ❑ Do I have to file a disclosure form when leaving the school board?
 - A Form 6F must be filed with the Commission on Ethics within 60 days of leaving your position

Thank you!



Contact Info

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Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

(850)-488-7864

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 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 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 would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a 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 (CRAs) 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 are not prohibited by Section 112.3143 from otherwise participating 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 page 2)

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 or more)

- 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 subsidiary, or sibling 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:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

_____ 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.

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

OF 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 :

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2016 or a more current date. [Note: Net worth is not calculated by subtracting your *reported* liabilities from your *reported* assets, so please see the instructions on page 3.]

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

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

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

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

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

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

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000 (See instructions on page 4):

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2016 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2016 federal income tax return and all W2's, schedules, and attachments.
 [If you check this box and attach a copy of your 2016 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME (See instructions on page 5):

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

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions on page 5]:

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

PART E -- INTERESTS IN SPECIFIED BUSINESSES [Instructions on page 6]

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

PART F - TRAINING

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

I CERTIFY THAT I HAVE COMPLETED THE REQUIRED TRAINING.

OATH

STATE OF FLORIDA
 COUNTY OF _____

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

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20 ____ by _____.

 (Signature of Notary Public--State of Florida)

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

Personally Known _____ OR Produced Identification _____

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

 Type of Identification Produced _____

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 6 in accordance with Art. II, Sec. 8, Florida Constitution, Section 112.3144, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

 Signature

 Date

Preparation of this form by a CPA or attorney does not relieve the filer of the responsibility to sign the form under oath.

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

NOTICE

Annual Full and Public Disclosure of Financial Interests is due July 1. If the annual form is not filed or postmarked by September 1, an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. Failure to file also can result in removal from public office or employment. [s. 112.3144, F.S. - applicable to officials other than judges]

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. [s. 112.317, F.S.]

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

WHAT TO FILE

File only the first sheet (pages 1 and 2). **Facsimiles will not be accepted.** A candidate who has filed Form 6 for 2016 with the Commission, prior to qualifying, may file a copy of that Form 6 at the time of qualifying.

WHERE TO FILE

Officeholders: 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: The officer before whom they qualify. **If a Form 6 is filed with a qualifying officer, it need not also be filed with the Commission.**

WHEN TO FILE

Officeholders: No later than July 1, 2017.

Candidates: During the qualifying period.

WHO MUST FILE FORM 6:

All persons holding the following positions: Governor, Lieutenant Governor, Cabinet members, members of the Legislature, State Attorneys, Public Defenders, Clerks of Circuit Courts, Sheriffs, Tax Collectors, Property Appraisers, Supervisors of Elections, County Commissioners, elected Superintendents of Schools, members of District School Boards, Mayor and members of the Jacksonville City Council, Judges of Compensation Claims;

the Duval County Superintendent of Schools, and members of the Florida Housing Finance Corporation Board, the Florida Prepaid College Board, each expressway authority, transportation authority (except the Jacksonville Transportation Authority), bridge authority, or toll authority created pursuant to Chapter 348 or 343, F.S., or any other general law, and judges, as required by Canon 6, Code of Judicial Conduct.

INSTRUCTIONS FOR COMPLETING FORM 6:

INTRODUCTORY INFORMATION (At Top of Form):

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

NAME OF AGENCY: The name of the governmental unit which you serve or served, or for which you are a candidate.

OFFICE OR POSITION HELD OR SOUGHT: The title of the office or position you hold, are seeking, or held as of December 31, 2016, even if you have since left that position. If you are a candidate, check the box below your name and address.

PUBLIC RECORD: The disclosure form and everything attached to it is a public record and is required by law to be posted to the Commission's website. **Your Social Security number and bank account and credit card numbers are not required and you should redact them from any documents you file.** If you are an active or former officer or employee listed in Section 119.071, F.S., whose home address or other information is exempt from disclosure, the Commission will maintain that confidentiality **if you submit a written request.**

PART A — NET WORTH

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


Report your net worth as of December 31, 2016, or a more current date, and list that date. This should be the same date used to value your assets and liabilities. In order to determine your net worth, you will need to total the value of all your assets and subtract the amount of all of your liabilities. Simply subtracting the liabilities reported in Part C from the assets reported in Part B will not result in an accurate net worth figure in most cases.

To total the value of your assets, add:

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

To total the amount of your liabilities, add:

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

(CONTINUED on page 4) 

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

[Required by Art. II, s. 8, Fla. Const.; s. 112.3144, F.S.]

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

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

ASSETS INDIVIDUALLY VALUED AT MORE THAN \$1,000:

Describe, and state the value of, each asset you had on the reporting date you selected for your net worth in Part A, if the asset was worth more than \$1,000 and if you have not already included that asset in the aggregate value of your household goods and personal effects. Assets include, but are not limited to, things like interests in real property; cash; stocks; bonds; certificates of deposit; interests in businesses; beneficial interests in trusts; money owed you; bank accounts; Deferred Retirement Option Program (DROP) accounts; and the Florida Prepaid College Plan. Assets also include investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product *contained in* a brokerage account, IRA, or the Florida College Investment Plan, is your asset—not the account or plan itself.

You are not required to disclose assets owned solely by your spouse.

How to Identify or Describe the Asset:

- Real property: Identify by providing the street address of the property. If the property has no street address, identify by describing the property's location in a manner sufficient to enable a member of the public to ascertain its location without resorting to any other source of information.
- Intangible property: Identify the type of property and the business entity or person to which or to whom it relates. **Do not list simply "stocks and bonds" or "bank accounts."** For example, list "Stock (Williams Construction Co.)," "Bonds (Southern Water and Gas)," "Bank accounts (First National Bank)," "Smith family trust," "Promissory note and mortgage (owed by John and Jane Doe)."

How to Value Assets:

- Value each asset by its fair market value on the date used in Part A for your net worth.
- Jointly held assets: If you hold real or personal property jointly with another person, your interest equals your legal percentage of ownership in the property. However, assets that are held as tenants by the entirety or jointly with right of survivorship must be reported at 100% of their value.
- Partnerships: You are deemed to own an interest in a partnership which corresponds to your interest in the equity of that partnership.
- Trusts: You are deemed to own an interest in a trust which corresponds to your percentage interest in the trust corpus.
- Real property may be valued at its market value for tax purposes, unless a more accurate appraisal of its fair market value is available.
- Marketable securities which are widely traded and whose prices are generally available should be valued based upon the closing price on the valuation date.
- Accounts, notes, and loans receivable: Value at fair market value, which generally is the amount you reasonably expect to collect.

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

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

— The asset value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

PART C — LIABILITIES

[Required by Art. II, s. 8, Fla. Const.; s. 112.312, F.S.]

LIABILITIES IN EXCESS OF \$1,000 :


List the name and address of each creditor to whom you owed more than \$1,000 on the date you chose for your net worth in Part A, and list the amount you owed. Liabilities include: accounts, notes, and interest payable; debts or obligations (excluding taxes, unless the taxes have been reduced to a judgment) to governmental entities; judgments against you, and the unpaid portion of vehicle leases.

You are not required to disclose liabilities that are solely your spouse's responsibility.

You do not have to list on the form any of the following: credit card and retail installment accounts, taxes owed (unless the taxes have been reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, 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 partner (without personal liability) for partnership debts, or where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" on a note and are jointly liable or jointly and severally liable, then it is not a contingent liability.

How to Determine the Amount of a Liability:

- Generally, the amount of the liability is the face amount of the debt.
- The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments.
- If you are the only person obligated to satisfy a liability, 100% of the liability should be listed.
- If you are jointly and severally liable with another person or entity, which often is the case where more than one person is liable on a promissory note, you should report here only the portion of the liability that corresponds to your percentage of liability. *However*, if you are jointly and severally liable for a debt relating to property you own with one or more others as tenants by the entirety or jointly, with right of survivorship, report 100% of the total amount owed.
- If you are only jointly (not jointly and severally) liable with another person or entity, your share of the liability should be determined in the same way as you determined your share of jointly held assets.

(CONTINUED on page 5) 

Examples:

- You owe \$10,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 with your spouse to a savings and loan for the mortgage on the home you own with your spouse. You must report the name and address of the bank (\$10,000 being the amount of that liability) and the name and address of the savings and loan (\$60,000 being the amount of this liability). The credit card debts need not be reported.
- You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability. If your liability for the loan is only as a partner, without personal liability, then the loan would be a contingent liability.

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

List in this part of the form the amount of each debt for which you were jointly and severally liable, that is not reported in the "Liabilities in Excess of \$1,000" part of the form. Example: You and your 50% business partner have a \$100,000 business loan from a bank and you both are jointly and severally liable. Report the name and address of the bank and \$50,000 as the amount of the liability, as you reported the other 50% of the debt earlier.

PART D — INCOME

[Required by Art. II, s. 8, Fla. Const.]

As noted on the form, you have the option of either completing Part D of the form or attaching a copy of your complete 2016 federal income tax return, including all schedules, W2's and attachments, with Form 6, or. If you do not attach your tax return, you must complete Part D.

PRIMARY SOURCES OF INCOME:

List the name of each source of income that provided you with more than \$1,000 of income during 2016, the address of that source, and the amount of income received from that source. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income.

"Income" means the same as "gross income" for federal income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples of income include: compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, distributive share of partnership gross income, and alimony, but not child support. Where income is derived from a business activity you should report the income to you, as calculated for income tax purposes, rather than the income to the business.

Examples:

- If you owned stock in and were employed by a corporation and received more than \$1,000 of income (salary, commissions, dividends, etc.) from the company, you should list the name of the company, its address, and the total amount of income received from it.
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$1,000, you should list the name of the firm, its address, and the amount of your distributive share.

- If you received dividend or interest income from investments in stocks and bonds, list only each individual company from which you received more than \$1,000. Do not aggregate income from all of these investments.
- If more than \$1,000 of income was gained from the sale of property, then you should list as a source of income the name of the purchaser, the purchaser's address, and the amount of gain from the sale. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.
- If more than \$1,000 of your income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and the amount of income from that institution.

SECONDARY SOURCES OF INCOME:

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. **It is not for reporting income from second jobs.** That kind of income should be reported as a "Primary Source of Income." You will **not** have anything to report **unless:**

- (1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period, more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, LLC, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and
- (2) You received more than \$1,000 in gross income from that business entity during the period.

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

Examples:

- You are the sole proprietor of a dry cleaning business, from which you received more than \$1,000 in gross income last year. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of your business, the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% partner in a partnership that owns a shopping mall and your gross partnership income exceeded \$1,000. You should list the name of the partnership, the name of each tenant of the mall that provided more than 10% of the partnership's gross income, and the tenant's address and principal business activity.

(CONTINUED on page 6) 

PART E – INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145, F.S.]

The types of businesses covered in this section 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 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 2016, 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). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

PART F – TRAINING CERTIFICATION

[Required by s. 112.3142, F.S.]

If you are a Constitutional or elected municipal officer whose service began before March 31 of the year for which you are filing, you are required to complete four hours of ethics training which addresses Article II, Section 8 of the Florida Constitution, the Code of Ethics for Public Officers and Employees, and the public records and open meetings laws of the state. You are required to certify on this form that you have taken such training.

(End of Instructions.)

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

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

Form 6F — *Final Full and Public Disclosure of Financial*

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

Form 6X — *Amended Full and Public Disclosure of Financial*

Interests: To be used by elected constitutional officers and others who must file financial disclosure using Form 6 or 6F to correct mistakes on previously filed form. [s. 112.3144, F.S.]

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

Form 9 — *Quarterly Gift Disclosure:* Required of elected constitutional officers and others who must file financial disclosure using Form 1 or 6 (as well as State procurement employees) to report gifts worth more than \$100. The form should be filed by the end of the calendar quarter (March 31, June 30, September 30, or December 31) following the calendar quarter in which the gift was received. [s. 112.3148, F.S.]

Form 3A — *Statement of Interest in Competitive Bid for Public Business*

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

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

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

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

WHO MUST FILE FORM 6:

Copies of these forms are available from the Supervisor of Elections in your county; from the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864; and at the Commission's website: www.ethics.state.fl.us.

Questions about any of these forms or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303; telephone (850) 488-7864.