

FLORIDA SHERIFFS ASSOCIATION



Protecting, Leading, Uniting Since 1893



FSA Headquarters • 2617 Mahan Drive • Tallahassee, Florida



Ethics in Elections



Protecting, Leading, Uniting Since 1893

Thank you for joining us!

- Please mute your phones during the presentation.
- Please do not put the conference call on hold.
- This presentation will be posted to our website this afternoon.



Ethics in Elections



Protecting, Leading, Uniting Since 1893

- Sheriff John Rutherford
 - Sheriff of Jacksonville
 - 34 years, Jacksonville Sheriff's Office
 - Sergeant, Captain, Jacksonville's first Director of Corrections;
 - Criminal Justice Standards and Training Commission
 - Elected Sheriff in 2003, re-elected, 2007 and 2011
- Wayne Evans
 - Florida Sheriffs Association General Counsel



Resign to Run

- §99.012, Fla. Stat.
- Subordinate officer: §99.012(1)(b)
 - Delegated sovereign power of state (e.g. arrest authority)(deputy sheriff)



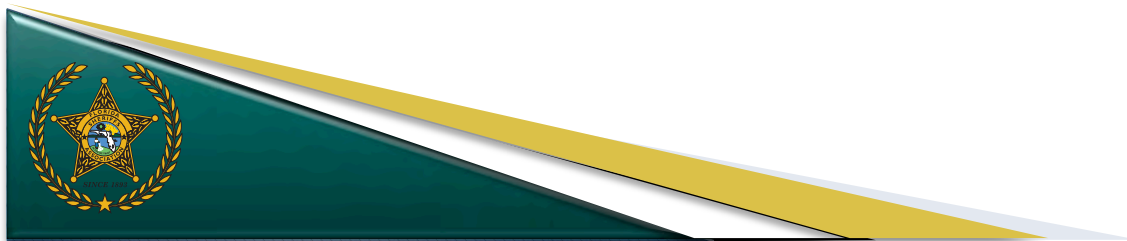
Resign to Run

- §99.012, Fla. Stat.
- Subordinate officer/deputy sheriff-campaigning for incumbent sheriff's position (Sheriff seeks reelection)
- Deputy must resign upon qualifying: §99.012(4), Fla. Stat.



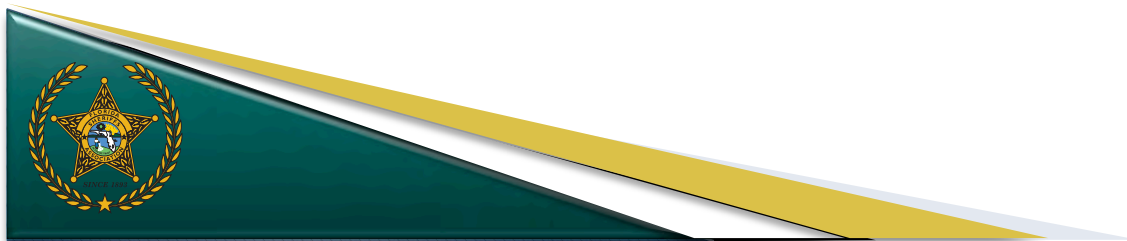
Resign to Run

- §99.012, Fla. Stat.
- Subordinate officer/deputy sheriff-campaigning for vacant sheriff's position or another office
- No resignation unless elected
- Dual-office holding prohibition



Dual Office Holding

- Article II, Section 5(a) Florida Constitution
- Prohibits deputy from holding another public office
- Interim appointment to county commission or other public office prohibited



Hatch Act

- 5 U.S.C. §§ 1501-1508
- Applies to executive agencies with programs financed by federal grants
 - Employee must have connection with federal funds
- Prohibits employees from campaigning for partisan political office
- Office of Special Counsel
 - Investigates Hatch Act complaints



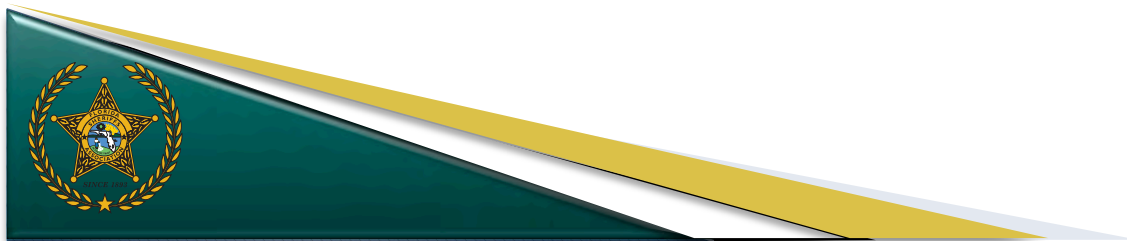
Hatch Act

- Merit Systems Protection Board
 - Adjudicates complaint
- Violation
 - Termination of Employee up to 18 months
 - Failure to terminate employee: loss of federal funding twice amount of employee's salary
- Elected Officials exempt from campaigning prohibition
- Endorsing political candidates
 - OSC: Personal capacity only



Campaigning: Use of Title

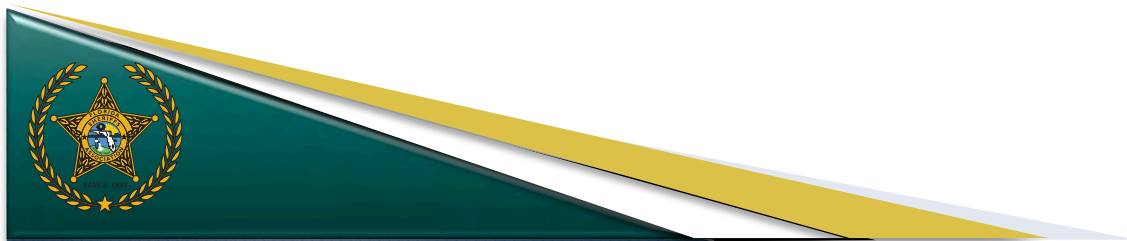
- Permissible Activity
 - Sheriff may appear in his uniform and official insignia while engaging in political activity/campaigning without violating Hatch Act
- Non-elected candidates
 - Hatch Act precludes use of official title to influence election
- OSC No HA-10-1351 (April 19, 2011)



Wearing Uniform and Equipment

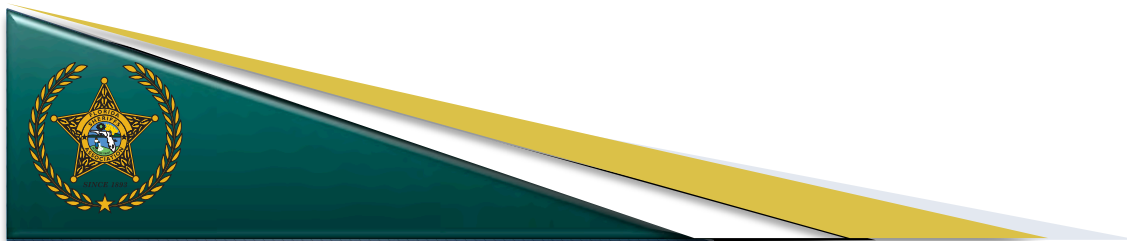
- ▶ CEO 07-24 (Oct. 24, 2007)
 - No “misuse of public position” for deputy sheriff to wear uniform and associated equipment
 - Wearing uniform must be “in accord with the directives, policies, or orders of their superiors”

- ▶ Note: §112.313(6), Fla. Stat.
 - Prohibits *corrupt* use of public position
 - Corrupt if actions wrongful and inconsistent with proper performance of public duty



Campaign Contributions

- Chapter 106, Fla. Stat.
 - General Chapter on Campaign Finance Laws
 - Fundraising Rules, Contribution Limits, Advertisements, etc.
- §106.15, Fla. Stat.
 - Lists Certain Acts Prohibited



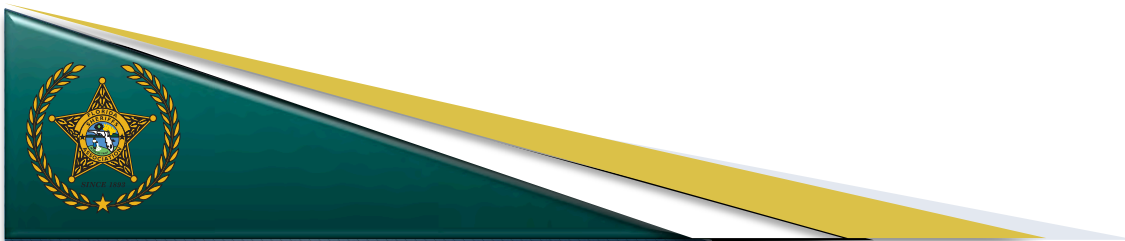
Campaigning: Prohibited Acts

- §106.15(1), Fla. Stat.
- Speaking at Political Meetings in Furtherance of Campaign
 - “No person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of his or her candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege”



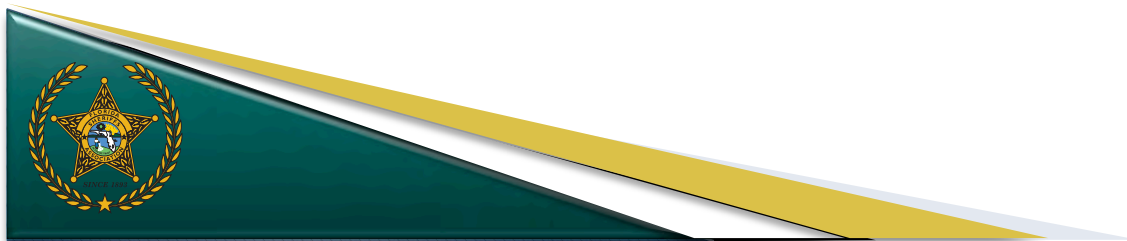
Campaigning: Prohibited Acts

- §106.15(3), Fla. Stat.
- Use of Agency Personnel
 - “A candidate may not, in the furtherance of his or her candidacy for nomination or election to public office in any election, use the services of any state, county, municipal, or district officer or employee during working hours”



Campaigning: Prohibited Acts

- §106.15(4), Fla. Stat.
- Soliciting in Government-Owned Buildings
 - No solicitation or acceptance of any political contributions in building owned by government entity



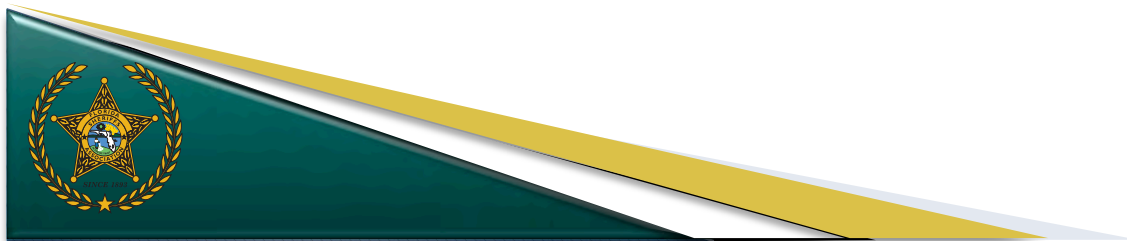
Political Advertisements

- §106.143, Fla. Stat.
- Political advertisement must include:
 - “Political advertisement paid for and approved by (name of candidate) , (party affiliation) , for (office sought) ”; **or**
 - “Paid by (name of candidate) , (party affiliation) , for (office sought)”
- Must include “in-kind” if advertisement is made as in-kind contribution



Common Election Law Violations

- Campaign Contributions: §106.07, Fla. Stat.
 - Failure to report in-kind contributions;
 - Failure to certify certain monetary expenditures
 - Failure to list full name and addresses of contributors or payees



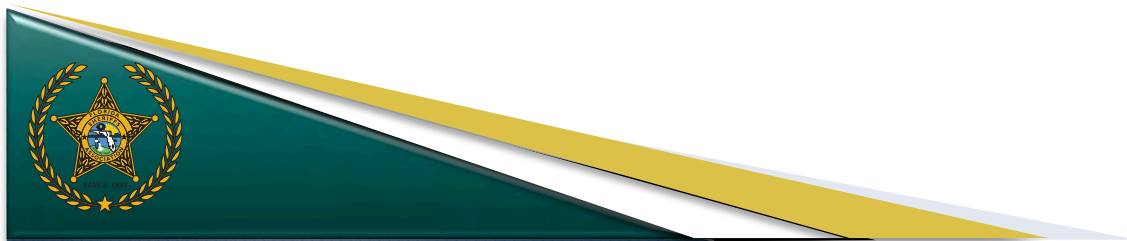
Common Election Law Violations

- Campaign Contributions: §106.08, Fla. Stat.
 - \$500.00 limit per donor
 - Person may not make contribution through or in the name of another, directly or indirectly—Candidate prohibited from accepting (§106.08(5)(a))
 - Candidate may not solicit from religious, charitable, or civic organizations or groups established primarily for public good (§106.08(5)(c))



Common Election Law Violations

- Advertising: §106.143, Fla. Stat.
 - Failure to put word “for” between name and office sought
 - Failure to provide proper disclaimers



Election Laws Violations

► Fines:

- §106.19(1)(d), Fla. Stat.
 - Campaign funds authorized solely to influence election results
- Payment of fines from campaign funds prohibited
 - Separate violation of Chapter 106



Questions?

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