FLORIDA SHERIFFS ASSOCIATION

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Thank you for joining us!

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- Please do not put the conference call on hold.
- This presentation will be posted to our website this afternoon.
ETHICS REFORM: HOW IT’S GOING TO IMPACT YOUR OFFICE

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PROVISIONS FOR DISCUSSION

- Gift Acceptance and Reporting
  - Sections 112.3148, F.S., 112.31485, F.S.
- Solicitation or Acceptance
  - Section 112.313(2), F.S.
- Unauthorized Compensation
  - Section 112.313(4), F.S.
- Honoraria
  - Section 112.3149, F.S.
- Training
  - Section 112.3142, F.S.
- Penalties
  - Section 112.31455
WHO IS A “REPORTING INDIVIDUAL” (R.I.)?

- Gift reporting required (CE Form 9)
- Financial disclosure (CE Form 6)
  - Sheriffs
  - Finance Directors
    - Financial disclosure required within 30 days if appointed after May 1, 2013
    - Financial disclosure required by July 1, 2014 if position held prior to May 1, 2013
    - Gift reports required if applicable, e.g. gifts exceeding $100 in value
    - Sheriffs should notify finance directors of status for compliance
WHO IS A “LOBBIYST?”

- Anyone who, for compensation, sought in past 12 months to influence decision-making of R.I. or that of your agency, or to encourage the passage, defeat, or modification of any proposal by R.I., or your agency
  - Section 112.3148(2), F.S.
WHO IS A "VENDOR?"

- A BUSINESS ENTITY WHICH IS DOING BUSINESS DIRECTLY WITH A SHERIFF’S OFFICE
  - Section 112.3148(2)(f)
GIFT ACCEPTANCE BY R.I.

- Gift valued in excess of $100 cannot be accepted from lobbyist or vendor.
  - 90 days from receipt to reimburse in part or in full
- Gifts exceeding $100 from non-lobbyists or non-vendors must be reported.
  - If in doubt, report the gift
- Reporting on quarterly statement required by lobbyist or vendor of gift valued at over $25 and not more than $100 (CE Form 30)
  - Section 112.3148(4),(5), F.S.
WHAT GIFTS CAN BE ACCEPTED BY R.I.?

- Gifts from relatives: Section 112.3148(1)
- Gifts on behalf of charities or agency: Section 112.3148(4)
- Gifts from vendors or lobbyists that are less than $100: Section 112.3148(4)
- Gifts from non-vendors or non-lobbyists (must report if more than $100): Section 112.3148(8)
WHAT IS A GIFT?

- Anything accepted for person’s benefit, directly or indirectly for which equal or greater consideration is not given within 90 days of receipt
- Section 112.312(12), F.S.
WHAT IS A GIFT?

- EXAMPLES:
  - Transportation, lodging, parking
  - Food or beverages
  - Dues, fees, and tickets
  - Plants and flowers
  - Personal services if a fee is normally charged
  - Hunting trips, green fees, county club memberships
  - Section 112.312(12), F.S.
Soliciting or accepting a gift from P.A.C. prohibited

- Gift: Anything of value not primarily related to campaign activities

- Section 112.31485, F.S.
VALUATION:
Is it worth more than $100?

- General rule is: Cost to the donor
- Lodging in a private residence - $44 per night
- Transportation, lodging and recreation or entertainment must be added together when calculating the value of a trip
  - Section 112.3148(8), F.S.
QUARTERLY GIFT DISCLOSURE:
Form 9

- Filing required by end of calendar quarter
- Receipt of gift valued more than $100
- Excluded: Gifts from relatives
  - Section 112.3148, F.S.
Solicitation of Gifts from Lobbyist or Vendor

- A reporting individual may not solicit any gift of any amount from a lobbyist or the partner, firm, employer or principal of the lobbyist, or vendor.
  - Section 112.3148(3), F.S.
SOLICITATION OR ACCEPTANCE OF GIFTS

- Prohibits public officer or employee from asking for, or accepting, *anything* of value based on an understanding that it will influence official action
- If contract for services or goods is pending, don’t accept a gift from prospective vendor
- Section 112.313(2), F.S.
Prohibits public officer or employee from accepting anything of value knowing or having reasonable notice, based upon the circumstances, that it is being given to influence official action.

Section 112.313(4), F.S.

“Look a gift horse in the mouth” – question the motivation.
HONORARIUM

- Payment of money or anything of value:
  - *Speech or other oral presentation*
  - *Writing, other than a book, which has been or is intended to be published*
  - *Excludes reasonable expenses (e.g., lodging, food)*

- Solicitation of payment by R.I. for speaking engagement or writing related to official duties is prohibited
  - *Section 112.3149(1), F.S.*
HONORARIA

- The honoraria law prohibits a reporting individual from accepting fee from a lobbyist or vendor for speaking, but allows acceptance of actual or reasonable expenses:
  - Transportation
  - Lodging
  - Food and beverage
  - Registration fees
- If invited, R.I. can speak on subject related to official duties (or any other matter)
- Disclosure of expenses required on annual report to Commission on Ethics (CE Form 10)
  - Section 112.3149, F.S.
PENALTIES

- Ethics Commission can impose fines for violations
- Collection of fines:
  - Salary deductions
  - Garnishments
  - Section 112.31455, F.S.
ETHICS TRAINING

- As of May 1, 2013, all constitutional officers are required to complete 4 hours of ethics training annually that addresses, at a minimum:
  - Art. II §. 8 of the Florida Constitution (Sunshine Amendment),
  - The Code of Ethics for Public Officers and Employees, and
  - The public records and Government in the Sunshine laws of Florida
  - Section 112.3142, F.S.
RESOURCES

- Ethics Commission website: www.ethics.state.fl.us
- Guide to Sunshine Amendment and Code of Ethics
- Ethics Commission Staff: 850-488-7864
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