



GOVERNMENTAL ETHICS & PUBLIC RECORDS UPDATE: FOR THE FACT ROUNDTABLE

Presented by
Caroline Klancke, JD, FCCM, CCEP

Executive Director
Florida Ethics
Institute

GOVERNMENTAL ETHICS IN FLORIDA

Article II, Section 8

- Creates constitutional guarantees concerning ethics in government
- Creates Commission on Ethics
- **Amended in 2018!**

Part III, Ch. 112, F.S.

- Protects against conflicts of interest.
- Establishes standards of conduct for public officers and employees on state and local levels of government.
- Promotes public's confidence in public officials and government.

FLORIDA COMMISSION ON ETHICS

- Nine member appointed board that is politically balanced.
- Primarily interpret and administer Art. II, s. 8, Fla. Const., and Part III, Chapter 112, F.S., via the issuance of advisory opinions and the investigation of ethics complaints/referrals.
- Oversees the filing of financial disclosure.



PERSONS SUBJECT TO THE CODE OF ETHICS

- ALL public officers—both state and local elected and appointed
- ALL public employees (state and local)
- Local government attorneys
- Candidates for public office
- Miscellaneous others

COMPLAINTS!

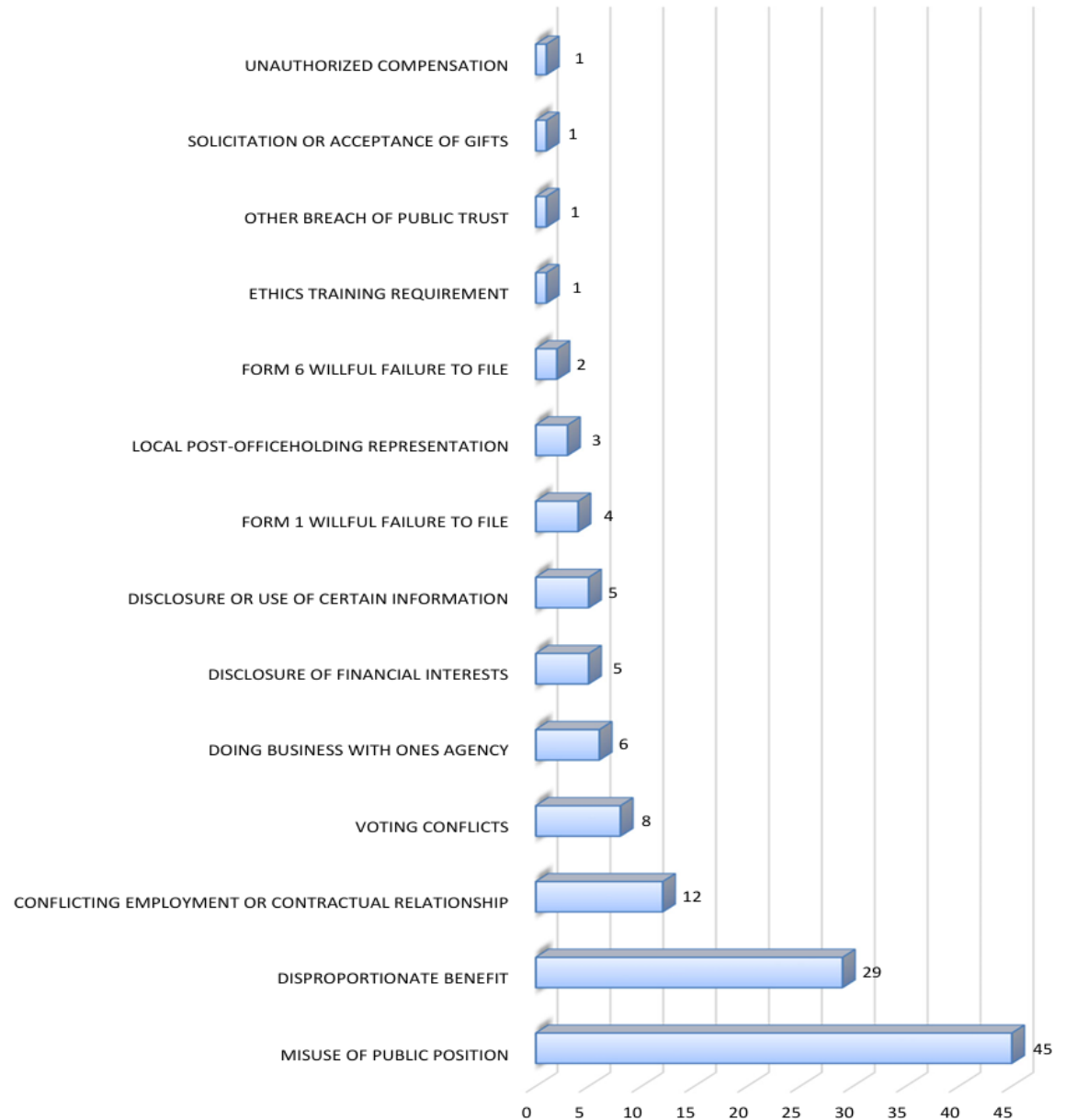
- May be filed by ANYONE possessing “personal knowledge or information other than hearsay”
- Must be filed on a notarized, sworn “Form 50”
- Confidential during investigation/review
- Cannot be initiated by Commission*
- 5-year statute of limitations. s. 112.3231, F.S.
- Since 2013 Commission also receives referrals from statutorily designated agencies

ETHICS COMPLAINTS BY THE NUMBERS

- On average the Commission receives 300 ethics complaints and referrals a year.
- In **2025 the Commission received 386 complaints** and referrals (up from 286 in 2024!)
 - 25.4% filed against elected city officials
 - 11.7% filed against elected county officials
 - **40.2% filed against state, county, city, and district employees**
 - 4.2% filed against appointed officials
- Approximately 50% of complaints investigated annually

Ethics Complaints By The Numbers

2025 Complaint Allegations



WE WILL COVER

Key Ethics Laws

- Gifts, Bribes, & Unauthorized Compensation
- Conflicts of Interest
- Voting Conflict
- Misuse of Technology

NEW Ethics Requirements

- NEW stolen valor
- NEW foreign influence
- Prohibited Disproportionate Benefit
- Required changes to financial disclosure



REQUIREMENTS IN FINANCIAL DISCLOSURE



WHO FILES FINANCIAL DISCLOSURE?

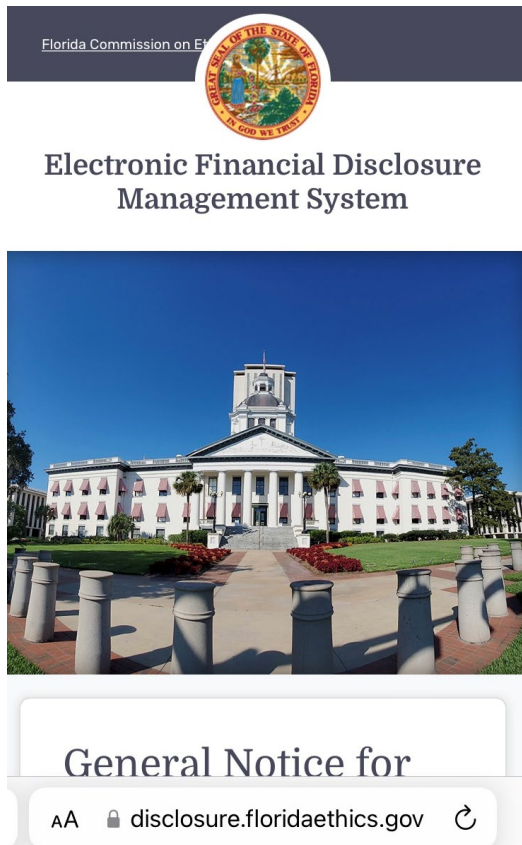
Form 6
Full & Public
Disclosure of
Financial Interests
(5,000 +filers)

- All constitutional officers
- Art. II, s. 8(a), Fla. Const.
- Section 112.3144, F.S.

Form 1
Statement of Financial
Interests (35,000+
filers)

- Local Officers
- State Officers
- Specified State Employees
- Section 112.3145, F.S.

ELECTRONIC FINANCIAL DISCLOSURE MANAGEMENT SYSTEM



- Launched on Jan 1, 2022
- Enables the **electronic creation, submission, and publication** of financial disclosures
- ALL Form 1 and Form 6 filers are now required to **electronically** create and file disclosures
- <https://disclosure.floridaethics.gov>

KEY FORM 1 DISCLOSURE FACTS

- Initially due within 30 days of appointment or election
- Forms are due annually by **July 1** every year
- **After Sept. 1**, fines of \$25/day for up to 60 days (\$1,500)
- Failure to file financial disclosure in any calendar year can result in removal from public office/employment if willful
- The only manner of calculating reportable interests is the **Dollar Value Threshold** method
- **Dollar Value Threshold:**
 - Disclose primary sources of income over \$2,500
 - Secondary sources > \$5,000
 - Liabilities over \$10,000
 - Real property in Fla.
 - Intangible personal property over \$10,000
- **Remember—no actual dollar amounts need be disclosed!**

REDACTION REQUEST FOR PERSONAL INFO

Florida Commission on Ethics Public Records Exemption Request

Florida law provides that an agency shall treat social security numbers, bank account numbers, and debit, charge, and credit card numbers as automatically exempt from public disclosure. In addition, Florida law allows eligible persons to submit a written and notarized request that a non-employing agency maintain as exempt from public disclosure certain identification and/or location information contained in records within the agency's custody.

The person entitled to the additional exemptions must submit a written and notarized request directly to this agency to maintain the exemption to the records in our custody. § 119.071(4)(d)3., F.S. You are not required to use this form; however doing so will help us keep your information confidential. Please return this completed form or a written and notarized request to: Florida Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317.

If you or your spouse qualify; or if you are the child of someone who qualifies; you are eligible to receive additional public records exemptions. Please check the box for any of the following that apply:

Active or Former:

- ☐ Sworn or civilian law enforcement personnel, including correctional and correctional probation officers.
- ☐ Department of Children and Families personnel whose duties include investigating criminal activities.
- ☐ Department of Health personnel whose duties are to support the investigation of child abuse or neglect.
- ☐ Department of Revenue or local government personnel whose responsibilities include revenue collection and enforcement or child support enforcement.

Current or Active:

- ☐ General magistrate, special magistrate, judge of compensation claims, administrative law judge of the Division of Administrative Hearings, or child support enforcement hearing officer.
- ☐ County Tax Collector.
- ☐ Child protection team members.

Current or Former:

- ☐ Department of Financial Services nonsworn investigative personnel whose duties include investigating criminal activities, workers' compensation coverage requirements and compliance, or state regulatory requirement violations.
- ☐ Supreme Court Justice, or judge of district court of appeal, circuit court, or county court.
- ☐ State attorney, assistant state attorney, statewide prosecutor, or assistant statewide prosecutor.
- ☐ Public defender, assistant public defender, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel.
- ☐ Human resource, labor relations, or employee relations director, assistant director, manager, or assistant manager of any local government agency or water management district whose duties include hiring/firing employees, labor contract negotiation, administration, or other personnel-related duties.
- ☐ Code Enforcement Officer.
- ☐ Guardian ad litem, as defined in s. 39.820, F.S.
- ☐ Guardian ad litem, as defined in s. 39.820, F.S.
- ☐ Juvenile probation officer, juvenile probation supervisor, detention superintendent, assistant detention superintendent, juvenile justice detention officers I and II, juvenile justice detention officer supervisor, juvenile justice residential officer, juvenile justice

residential officer supervisors I and II, juvenile justice counselor, juvenile justice counselor supervisor, human services counselor administrator, senior human services counselor administrator, rehabilitation therapist, or social services counselor of the Department of Juvenile Justice.

- ☐ Department of Business and Professional Regulation investigator or inspector.
- ☐ Department of Health personnel involved in determining or adjudicating eligibility for social security disability benefits, investigating or prosecuting complaints filed against health care practitioners, or inspecting health care practitioners or health care facilities licensed by the Department of Health.
- ☐ Impaired practitioner consultant retained by an agency, or employees of such a consultant.
- ☐ Certified emergency medical technician or paramedic.
- ☐ Personnel employed in an agency's office of inspector general or internal audit department whose duties include auditing or investigating activities that could lead to criminal prosecution or administrative discipline.
- ☐ U.S. Attorney or Assistant U.S. Attorney, U.S. Courts of Appeal judge, U.S. district judge, or U.S. magistrate.*
- ☐ Victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence (if applicable, must attach official verification that crime occurred; exemption applies only to individual victim of specified crime, not to the spouse or child of the victim).**
- ☐ Certified firefighter.
- ☐ Nonsworn investigative personnel of the Office of Financial Regulation whose duties include investigating fraud, theft, criminal activities related to fraud or theft, and violations of state regulatory requirements.
- ☐ Child Advocacy Center Directors, managers, supervisors, and clinical employees.
- ☐ County addiction treatment facility directors, managers, supervisors, nurses, and clinical employees.
- ☐ Public guardians, and those employees of public guardians with fiduciary responsibilities.
- ☐ Staff and domestic violence advocates of domestic violence centers certified by the Department of Children and Families under Chapter 39, F.S.

☐ Yes, I qualify ☐ Yes, my spouse qualifies ☐ Yes, my parent qualifies

Printed Name: _____ Phone Number: _____

The residence address(es) you wish us to maintain as confidential _____

OATH

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.

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE _____

STATE OF FLORIDA COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of
☐ physical presence or ☐ online notarization, 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 _____

Type of Identification Produced _____

*-- If this category is selected, person also certifies, by signing this form, that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public.

** -- Exemption valid for 5 years from date of request.

CONDUCT TO BE AVOIDED



MISUSE OF PUBLIC POSITION, RESOURCES & INFORMATION

- **All** public officers, public employees, and local government attorneys are prohibited from **corruptly** using or attempting to use their public position or resources to secure a **special benefit, privilege, or exemption for themselves or others.** s. 112.313(6), F.S.
- Current and former public officers/employees prohibited from using info gleaned in public capacity and **not available to public** for their personal benefit or for the benefit of persons or entities connected to them in a private capacity. s. 112.313(8), F.S.

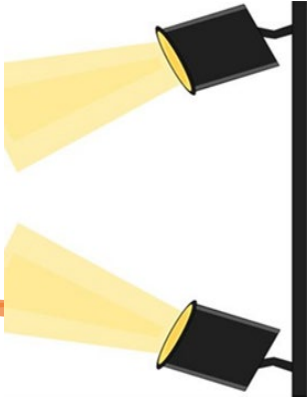


PROHIBITED DISPROPORTIONATE BENEFIT

- Article II, Section 8 of the Florida Constitution.
- Effective **Dec. 31, 2020.**
- Rule 34-18.001, Florida Administrative Code.
- CEO 19-23 and CEO 21-1.
- Prohibits all public officers and employees from **abusing** their position in order to obtain a **disproportionate benefit** for:
 - Themselves
 - Spouse or Children
 - Employer
 - Any business entity with whom they contract or serve as officer, partner, director, **or** own an interest.

Spotlight on 2025 Changes to Ethics:

Stolen Valor



- Became effective July 1, 2025
- New ‘stolen valor’ law prohibits public officers, public employees, and candidates from:
 - Misrepresenting military service or
 - Wearing unauthorized military uniforms, medals, or insignia for ‘material gain.’ s. 112.3131, F.S.
- “Material gain” defined to preclude the acceptance of *anything of value* to the recipient and includes instances of public officials using stolen valor in their official capacity or while running a campaign. s. 112.3131(1)(b), F.S.

Anti-Nepotism Prohibitions

s. 112.3135, F.S.

- Prohibits public officials from appointing, employing, or promoting a relative.

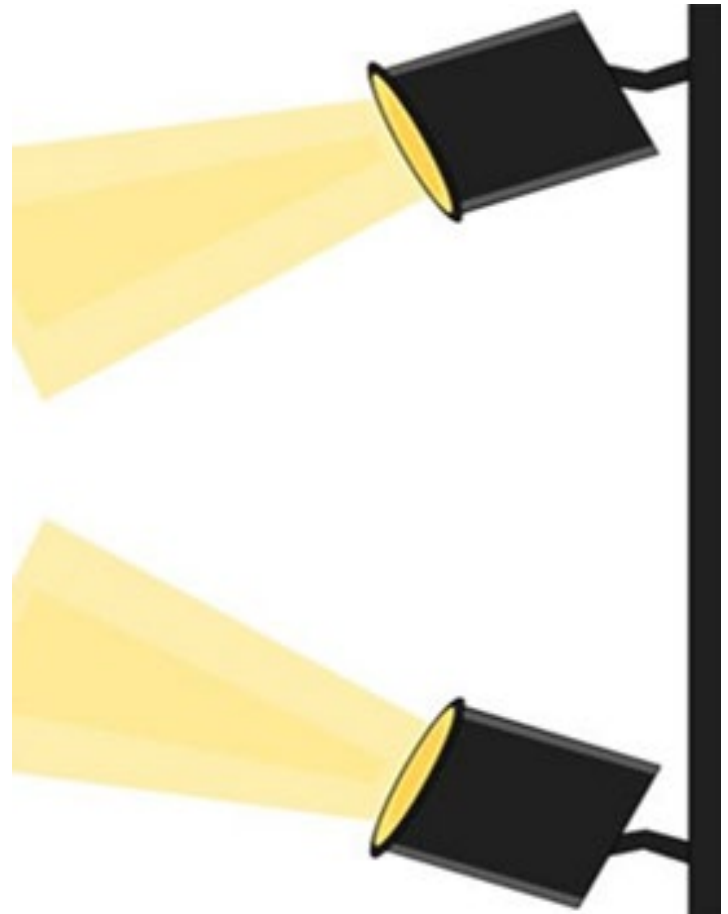
AND

- Prohibits one from advocating for the appointment, employment, or promotion of a relative.



Spotlight on 2026 Changes to **Nepotism**

- **SB 572 (2026)** – Amended the anti-nepotism law s. 112.3135, F.S., to allow relatives serving on the same collegial body to appoint, employ, or advance each other concerning leadership positions on the board.
- **SB 1452 (2026)**– Amended the anti-nepotism law to permit **firefighters** as public officials to appoint, employ, promote, advance, or advocate for their own relatives as firefighters.



Ethics Pop Quiz!

Who is subject to the Code of Ethics?

- a) All public officers and employees on the State and local level, candidates for public office, and local government attorneys
- b) Only public officers & employees on the State level
- c) Only candidates for public office
- d) Only elected public officers and candidates for public office

Ethics Pop Quiz!

Who can file an ethics complaint with the Commission on Ethics?

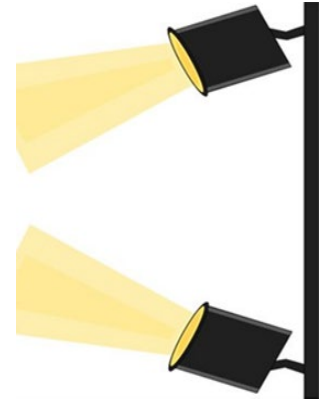
- a) Any Florida resident
- b) Only public officials
- c) Only attorneys
- d) Anyone with personal knowledge/info other than hearsay

GIFTS, BRIBES & UNAUTHORIZED COMPENSATION!



SPOTLIGHT ON 2026 CHANGES

BRIBES: **FOREIGN INFLUENCE**



- Became effective **July 1, 2026**
- HB 905 (2026), known as the Foreign Interference Restriction and Enforcement Act — or the FIRE Act
- Heightened penalties for the solicitation/acceptance of things of value given by “designated foreign terrorist organization” and “foreign countries of concern”
- NEW annual ethics educational requirements for city and county commissioners, and others!

ANTI-BRIBERY ETHICS REQUIREMENTS

Prohibited Solicitation or Acceptance of Things of Value s. 112.313(2), F.S.

- Prohibits all public officials, and candidates from asking for or accepting *anything of value* based upon an understanding that their vote, official action, or judgment would be influenced.
- **Amended in 2026 to provide enhanced penalties re bribes from “Designated foreign terrorist organization” or “Foreign country of concern”**

Unauthorized Compensation s.112.313(4), F.S.

- Prohibits all public officers, public employees, and local government attorneys, or their spouse or minor child, from accepting *anything of value* when the official knows, or under the circumstances should know, that it was given to influence a vote or other official action.

ADVISORY OPINIONS APPLYING 112.313(2) & (4), F.S.

- CEO 21-1:** Finding that a police officer's acceptance of an offer from a landlord of reduced rent in exchange for off duty work at complex would not violate s. 112.313(2) or (4), F.S.
- CEO 14-26:** Finding that a City Council member's acceptance of a chamber of commerce designation of the councilmember's business as an "endorsed vendor" did not violate s. 112.313(2) and (4), F.S.
- CEO 80-27:** Finding that s. 112.313(4) would be violated where a university employee received a "meal card" which could be used for unlimited free meals from a food service company contracting with the university.

ADDITIONAL GIFTS RESTRICTIONS APPLICABLE TO REPORTING INDIVIDUALS

- The traditional Gifts Law — s. 112.3148, F.S.

- Gifts from political committees — s. 112.31485, F.S.

- Honoraria Law — s. 112.3149, F.S.

- See also* Locality-Specific Restrictions Imposed by City or County

THE GIFTS LAW

s. 112.3148, F.S.



- X Cannot solicit gifts from lobbyists, employers of lobbyists, and vendors of your agency.
- X Cannot accept gifts worth more than \$100 from lobbyists, principal/employers of lobbyists, vendors, certain others.
- ✓ Must report gifts worth more than \$100 received from non-restricted sources on Form 9
- ✓ May accept gifts of any value from relatives!
- ✓ Restricted donor giving gift valued at \$25 to \$100 must report the gift on Form 30 quarterly

DEFINITION OF “GIFT”

Definition of “gift”

Includes:

- Tangible or intangible personal property
- Food or beverages
- Transportation
- Real property and use of real property
- Flowers and floral arrangements
- Entrance fees and tickets
- Preferential rates
- Membership dues
- Any other similar service or thing having an attributable value**

Definition of “gift” does

NOT Include:

- Salary/benefits/expenses associated with **private** "employment, business, or service as an officer or director of a corporation or organization"
- Campaign contributions
- Honorarium and honorarium event related expenses
- Awards in recognition of donee's "public, civic, charitable, or professional service"
- The use of public facility/property for public purpose
- And more!

RESTRICTED DONORS: WHO ARE “LOBBYISTS” AND “VENDORS”?

PAID TO PERSUADE

- “Lobbyist”: Anyone who, for compensation, is seeking or has sought in the last 12 months to influence the governmental decisions of a RIPE or his or her agency. s. 112.3148(2)(b), F.S.
- “Vendor”: A business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services. s. 112.3148(2)(f), F.S.

PROHIBITED GIFTS RESTRICTIONS FOR FORM 1 & FORM 6 FILERS

Anti-solicitation Restriction

- A Form 1/6 filer cannot **solicit** (ask for) a gift, **regardless of value**, from a “lobbyist” who lobbies their agency, the principal/partner/firm or employer of such a lobbyist, a “vendor,” or political committee, if the gift is for the personal benefit of the RIPE, another RIPE, or immediate family of either.
- Limited exception for charitable solicitations not benefiting the RIPE or their family—CEO 91-52 and CEO 95-25.

Gifts Over \$100 from Restricted Givers

- A Form 1/6 filer cannot **accept**, directly or indirectly, a gift from a lobbyist who lobbies their agency (or the principal/partner/firm or employer of such a lobbyist), a vendor, or political committee **IF valued at over \$100**.
- Reporting a prohibited gift (over \$100 from a restricted gift giver) will not cure its unacceptability.

PROHIBITED v. PERMISSIBLE GIFT EXAMPLE

Scenario 1: A County vendor offers you a \$300 gift card that can be redeemed at its restaurants. When offering you the card, the representative of the vendor states that he hopes that you will “help him out” when it comes the evaluations of his company’s services which are important for contract renewal. CEO 80-27 and CEO 01-2

Scenario 2: You attend a Humane Society benefit where you **buy** a \$4 ticket to a raffle and win an all expense paid trip to Cape Cod worth \$2,850! The prize was donated by a County vendor. CEO 26-2 and CEO 13-2.



Ethics Pop Quiz!

Where do local public officers file financial disclosure?

- a) With the Sup. of Elections in the county where they reside
- b) With the Clerk's Office
- c) With the City Attorney
- d) Electronically with the Florida Commission on Ethics

**CONFLICTS
OF
INTEREST**
s. 112.313, F.S.

**Doing Business with
One's Own Agency**

&

**Conflicting
Employment and
Contractual
Relationships**

WHAT IS A CONFLICT OF INTEREST?

“Conflict” or “Conflict of Interest” means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

s. 112.312(8), F.S.



CONFLICTS OF INTEREST

s. 112.313(3) and (7), F.S.

Doing Business with One's Own Agency

- Cannot do business with a company in which you or your spouse or child are an officer/director, or own a material interest (of more than 5%)
- Cannot sell realty, goods, or services to your own agency

Conflicting Employment & Contractual Relationship

- Cannot have an employment or contractual relationship with any businesses that is doing business with your agency/board
- Nor can you have employment or contractual relationships that causes a frequently recurring conflict with public duties

EXEMPTIONS

- **Grandfathering**—Contracts entered into prior to qualification for elective office, appointment to public office, or beginning public employment are **automatically exempted**. *See* CEO 96-30 and CEO 09-1.
- Exemptions in s. 112.313(12), F.S.
 - Sole source of supply
 - Sealed competitive bid
 - Sales of less than \$500 in any calendar year
 - Rotating business transactions
 - And more!
- Additional exemption in s. 112.316, F.S. *See* CEO 91-55.

VOTING CONFLICT

s. 112.3143, F.S.

- Memorandum of Voting Conflict (Form 8B)
- Applies only to members of collegial bodies



IDENTIFYING & APPLYING VOTING CONFLICTS LAW

s. 112.3143, F.S.

Measure would result in a special
(economic) private gain or loss TO YOU

OR

Which you know would result in a
special private gain or loss to:

- A relative
- A business associate
- A principal/employer by whom you are retained or the parent or subsidiary of your principal/employer



WHAT TO DO

s. 112.3143(3), F.S.

Appointed Public Officers:

1. Publicly disclose conflict;
2. Abstain from voting; AND
3. File a memorandum (CE Form 8B) prior to vote or within 15 days.

PENALTIES

- Sect. 112.317, F.S., provides non-criminal penalties for current and former public officers and public employees, candidates for public office, and others.
 - Impeachment,
 - Removal/suspension from public office/employment,
 - Public censure and reprimand,
 - Forfeiture of up to one third of public salary,
 - Civil penalties \$20,000 per violation (as of May 11, 2023),
 - Restitution of pecuniary benefits

FLORIDA PUBLIC RECORDS ACT

Florida's Public Records Act is primarily contained in Ch. 119, F.S., and is enshrined in Article I, s. 24, of the Florida Constitution

Provides a right of access to regarding all state, county, and municipal records.

"Providing access to public records is a duty of each agency." s. 119.01(1). F.S.

Exceptions must be established by law or by the Constitution.

WHAT IS A “PUBLIC RECORD”?

- Sec. 119.011(12), F.S., defines “public records” to include:
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, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.
- Public records include “any material prepared in connection with official agency business which is intended to **perpetuate, communicate, or formalize knowledge** of some type.” *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So.2d 633, 640 (Fla. 1980).

WHAT IS A “PUBLIC RECORD”?

- Public records are not limited to traditional written documents.
- Public records law can apply to any “material, regardless of the physical form, characteristics, or means of transmission.”
- Also includes electronic communications such as text messages and emails.
- Public records may include draft or other non-final documents.

RETENTION OF PUBLIC RECORDS REQUIRED

- Public records should be kept in buildings in which they are regularly used. *See* s. 119.021(1), F.S.; *See also* *The Basics of Records Management* handbook, [Records Management - Division of Library and Information Services - Florida Department of State](#)
- All public records must be retained in accordance with retention schedules approved by the Division of Library and Information Services of the Department of State. *See* s. 119.021(2), F.S.
- Even exempt records must be retained in accordance with retention schedules.
- Public records may only be disposed of in accordance with State retention requirements. s. 257.36(6), F.S.

WHO CAN REQUEST PUBLIC RECORDS?

➤ **Anyone for any reason or no reason at all!**

Sec. 119.01(1), F.S., provides “It is the policy of this state that all state, county, and municipal records are open for personal inspection and copying by any person.”

- Sec. 1.01(3), F.S., defines “person” broadly to include “individuals, children, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.”
- Public employees. AGO 75-175.
- A county has been determined to fall within the “any person” definition.
- No distinction between Florida citizens and non-citizens.

Public Records Requests

Public records requests may be made orally (either in person or over the phone) or in writing (via letter, email, etc.). *See e.g.,* AGO 80-57.

Agencies cannot require certain forms be used to make a public records request. AGOs 92-38 and 91-76.

Agencies cannot impose **unreasonable** restrictions upon access to public records.

Agencies Not Required to Create New Records or Answer Questions

- The Public Records Act provides for a right of public access to records but it does not require an agency to create new records responsive to requests. AGO 80-57 and AGO 08-29. For example, agencies not required to create new lists of information in response to requests. *Wootton v. Cook*, 590 So. 2d 1039 (Fla. 1st DCA 1991).
- Agencies not required to answer questions regarding public records that were produced. AGO 92-38.
- **Agencies not required to comply with standing requests for future records. See *Inf. Op. Worch*, June 15, 1995.**
 - Protections against repeated AI generated requests—supported by FAC

Thank You!

Caroline Klancke

Executive Director

Florida Ethics Institute

2241 N. Monroe St. #1441

Tallahassee, Fl 32303

Ph: 850.404.1113

www.floridaethics.org

info@floridaethics.org

