

City of Coral Gables
2011 Lobbyist Database

2011 Lobbyist Database			
Lobbyist	Principal	Principal Address	Principal Phone
Gregory T. Davis (727) 573-7757 Thomas Sign & Awning Company, Inc. 4590 118th Avenue North Clearwater, FL 33762	Publix Supermarket	106 Ponce De Leon Blvd.	(863) 688-1188
Juan Carlos Del Valle (305) 284-4085 1320 S. Dixie Highway, Suite 325 Coral Gables, FL 33146	University of Miami	1252 Memorial Drive, Suite 320 Coral Gables, FL 33146	(305) 284-5155
Rodolfo Fernandez (305) 284-4085 1320 S. Dixie Highway, Suite 325 Coral Gables, FL 33146	University of Miami	1252 Memorial Drive, Suite 320 Coral Gables, FL 33146	(305) 284-5155
Erik Fressen (305) 593-9959 Civica, LLC 8323 NW 12 Street, Suite 106 Doral, FL 33126	Andreina Figueroa Somerset Academy, Inc.	6340 Sunset Drive	(305) 669-2906
W. Tucker Gibbs (305) 448-8486 P.O. Box 1050 Coconut Grove, FL 33133	Jeff Bartel	6909 Mindello Street	(305) 310-9000
Jorge L. Hernandez (305) 774-0022 337 Palermo Avenue Coral Gables, FL 33134	Jesus & Liana Cabrera		(305) 905-6655

City of Coral Gables
2011 Lobbyist Database

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Lobbyist	Principal	Principal Address	Principal Phone
Rick Katz (305) 588-8020 6630 SW 70 Lane South Miami, FL 33143	Miami Jazz Cooperative	P. O. Box 44 South Miami, FL 33143	(305) 588-8020
Rolando Lianes (305) 593-9959 Civica, LLC 8323 NW 12 Street, Suite 106 Doral, FL 33126	Andreina Figueroa Somerset Academy, Inc.	6340 Sunset Drive	(305) 669-2906
Ines Marrero-Prigues (305) 789-7776 Holland & Knight LLP 701 Brickell Avenue, Suite 3000 Miami, FL 33131	Century Laguna, LLC	2301 NW 87 Avenue, 6th Floor Doral, FL 33172	(305) 599-8100
Juan J. Mayol (305) 789-7787 Holland & Knight LLP 701 Brickell Avenue, Suite 3000 Miami, FL 33131	Century Laguna, LLC	2301 NW 87 Avenue, 6th Floor Doral, FL 33172	(305) 599-8100
C. David Morton (305) 753-1798 C. David Morton & Associates 4444 S.W. 71 Avenue, Suite 103 Miami, FL 33155	Hammock Lakes H.O.A.		(305) 753-1798
Joe Natoli (305) 284-6100 1252 Memorial Drive, Suite 230 Coral Gables, FL 33146	University of Miami	1252 Memorial Drive, Suite 320 Coral Gables, FL 33146	(305) 284-5155

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2011 Lobbyist Database

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Lobbyist	Principal	Principal Address	Principal Phone
Richard M. Pacetti (305) 274-9949 Pacetti Architects, Inc. 7134 SW 117 Avenue Miami, FL 33183	Grossman, Consolo, Gidney	2875 NW 191 Street	(305) 682-1845
Theodore Roux (305) 443-8115 Theodore Roux Architect 116 Giralda Avenue Coral Gables, FL 33134	Principal University of Miami	Principal Address 1535 Levante Avenue Coral Gables, FL 33146	Principal Phone
Laura L. Russo (305) 476-8300 Laura L. Russo, Esq. LLC 2655 LeJeune Road, Suite 201 Coral Gables, FL 33134	Principal Alberto J. Perez Ponce Catalonia Gulliver Schools, Inc. Academica Corporation Fernando Zulueta Somerset Academy Gables Suzette Ruiz	Principal Address 2901 Ponce De Leon Blvd. 1500 San Remo Avenue, PH 400 6361 Sunset Drive Miami, FL 33143 624 Anastacia Avenue	Principal Phone (305) 444-1717 (305) 669-2906 (305) 442-8626

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Harvey Ruvin
CLERK of the COURTS
MIAMI-DADE COUNTY, FLORIDA



Marriage License Bureau - License Information

License Number: (Year-Sequence) 2006-000915	Status: MARRIED*	Issued Date: JAN-13-2006
Groom Name: (First Middle Last) FERNANDO JOSE ZULUETA	Birth Date: MAR-16-1959	Birth Place: CUBA
Groom Reside, City: CORAL GABLES	County: MIAMI-DADE	State or Foreign Country: FL
Bride Name: (First Middle Last / Maiden) MAGDALENA FRESEN	Birth Date: JUL-15-1975	Birth Place: FLORIDA
Bride Reside, City: MIAMI	County: MIAMI-DADE	State or Foreign Country: FL
Married By: CLERGY	Marriage Date: JAN-21-2006	Marriage Location: CORAL GABLES, FL

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*Please Note: This record does not reflect subsequent termination of marriage by Divorce, Death, or Annulment.

ORDER 1 CERTIFICATE(S) OF MARRIAGE

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S0141756

PreK-12 Appropriations Subcommittee

Location: 221 The Capitol * 402 South Monroe Street * Tallahassee, FL 32399-1300

Contact: (850) 488-0482

Next Meeting: March 29, 2011 9:30 AM

[View Notice](#)



Representatives:

Coley, Marti (R)	Chair
Fresen, Erik (R)	Vice Chair
Kiar, Martin David (D)	Democratic Ranking Member
Adkins, Janet H. (R)	
Bileca, Michael (R)	
Brodeur, Jason T. (R)	
Clarke-Reed, Gwyndolen (D)	
Fullwood, Reggie (D)	
Hager, Bill (R)	
Logan, Ana Rivas (R)	
Plakon, Scott (R)	
Smith, Jimmie T. (R)	
Stargel, Kelli (R)	
Thompson, Geraldine F. (D)	
Watson, Barbara (D)	

Staff:

Heflin, Allyce | Budget Chief

Committee Documents

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[Action Packets](#)
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Committee Video Archives

- March 15, 2011
- March 8, 2011
- February 17, 2011
- February 16, 2011
- February 8, 2011

K-20 Competitiveness Subcommittee

Location: 313 House Office Building * 402 South Monroe Street * Tallahassee, FL 32399-1300

Contact: (850) 488-3711

Next Meeting: March 29, 2011 12:00 PM

[View Notice](#) 

Representatives:

Fresen, Erik (R)	Chair
Adkins, Janet H. (R)	Vice Chair
Clarke-Reed, Gwyndolen (D)	Democratic Ranking Member
Broxson, Douglas Vaughn (R)	
Bullard, Dwight M. (D)	
Burgin, Rachel V. (R)	
Chestnut IV, Charles S. (D)	
Coley, Marti (R)	
Corcoran, Richard (R)	
Davis, Daniel (R)	
Fullwood, Reggie (D)	
Núñez, Jeanette M. (R)	
Perry, W. Keith (R)	
Reed, Betty (D)	
Trujillo, Carlos (R)	

Staff:

Ahearn, Marleen | Policy Chief

Committee Documents

All Committee Documents
 Meeting Notices
 Meeting Packets
 Proposed Committee Bills (PCBs)

District 111



Rep. Erik Fresen
 District Office:
 6255 Bird Road
 Miami, FL 33155-4883
 Phone: (305) 663-2011 Ext.

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[Request Form](#)

Video Archives

- March 23, 2011
- March 17, 2011
- February 23, 2011
- February 9, 2011
- January 26, 2011

**CHAPTER 112
PUBLIC OFFICERS AND EMPLOYEES: GENERAL PROVISIONS
PART III
CODE OF ETHICS FOR PUBLIC OFFICERS AND EMPLOYEES (ss. 112.311-112.326)**

- 112.311** Legislative intent and declaration of policy.
- 112.312** Definitions.
- 112.313** Standards of conduct for public officers, employees of agencies, and local government.
- 112.3135** Restriction on employment of relatives.
- 112.3136** Standards of conduct for officers and employees of entities serving as chief administrators.
- 112.3143** Voting conflicts.
- 112.3144** Full and public disclosure of financial interests.
- 112.3145** Disclosure of financial interests and clients represented before agencies.
- 112.3146** Public records.
- 112.3147** Forms.
- 112.3148** Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure and procurement employees.
- 112.3149** Solicitation and disclosure of honoraria.
- 112.3151** Extensions of time for filing disclosure.
- 112.316** Construction.
- 112.317** Penalties.
- 112.3173** Felonies involving breach of public trust and other specified offenses by public officers and employees.

- 112.3175** Remedies; contracts voidable.
- 112.3185** Additional standards for state agency employees.
- 112.3187** Adverse action against employee for disclosing information of specified nature prohibit
- 112.3188** Confidentiality of information given to the Chief Inspector General, internal auditors, in
officers, or other appropriate local officials.
- 112.3189** Investigative procedures upon receipt of whistle-blower information from certain state (
- 112.31895** Investigative procedures in response to prohibited personnel actions.
- 112.31901** Investigatory records.
- 112.3191** Short title.
- 112.320** Commission on Ethics; purpose.
- 112.321** Membership, terms; travel expenses; staff.
- 112.3213** Legislative intent and purpose.
- 112.3215** Lobbying before the executive branch or the Constitution Revision Commission; regist
commission.
- 112.32151** Requirements for reinstatement of lobbyist registration after felony conviction.
- 112.32155** Electronic filing of compensation reports and other information.
- 112.3217** Contingency fees; prohibitions; penalties.
- 112.322** Duties and powers of commission.
- 112.3231** Time limitations.
- 112.3232** Compelled testimony.

112.324 Procedures on complaints of violations; public records and meeting exemptions.

112.3241 Judicial review.

112.326 Additional requirements by political subdivisions and agencies not prohibited.

112.311 Legislative intent and declaration of policy.-

(1) It is essential to the proper conduct and operation of government that public officials be independent and impartial and that public office not be used for private gain other than the remuneration provided by law. The public interest, therefore, requires that the law protect against any conflict of interest and establish standards for the conduct of elected officials and government employees in situations where conflicts may exist.

(2) It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.

(3) It is likewise essential that the people be free to seek redress of their grievances and express their opinions to all government officials on current issues and past or pending legislative and executive actions at every level of government. In order to preserve and maintain the integrity of the governmental process, it is necessary that the identity, expenditures, and activities of those persons who regularly engage in efforts to persuade public officials to take specific actions, either by direct communication with such officials or by solicitation of others to engage in such efforts, be regularly disclosed to the people.

(4) It is the intent of this act to implement these objectives of protecting the integrity of government and of facilitating the recruitment and retention of qualified personnel by prescribing restrictions against conflicts of interest without creating unnecessary barriers to public service.

(5) It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest. To implement this policy and strengthen the faith and confidence of the people of the state in their government, there is enacted a code of ethics setting forth standards of conduct required of state, county, and city officers and employees, and of officers and employees of other political subdivisions of the state, in the performance of their official duties. It is the intent of the Legislature that this code shall serve not only as a guide for the official conduct of public servants in this state, but also as a basis for discipline of those who violate the provisions of this part.

(6) It is declared to be the policy of the state that public officers and employees, state and local, are agents of the people and hold their positions for the benefit of the public. They are bound to uphold the Constitution of the United States and the State Constitution and to perform efficiently and faithfully their duties under the laws of the federal, state, and local governments. Such officers and employees are

bound to observe, in their official acts, the highest standards of ethics consistent with this code and the advisory opinions rendered with respect hereto regardless of personal considerations, recognizing that promoting the public interest and maintaining the respect of the people in their government must be of foremost concern.

History. s. 1, ch. 67-469; s. 1, ch. 69-335; s. 1, ch. 74-177; s. 2, ch. 75-208; s. 698, ch. 95-147.

112.312 Definitions.

As used in this part and for purposes of the provisions of s. 8, Art. II of the State Constitution, unless the context otherwise requires:

- (1) "Advisory body" means any board, commission, committee, council, or authority, however selected, whose total budget, appropriations, or authorized expenditures constitute less than 1 percent of the budget of each agency it serves or \$100,000, whichever is less, and whose powers, jurisdiction, and authority are solely advisory and do not include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relating to its internal operations.
- (2) "Agency" means any state, regional, county, local, or municipal government entity of this state, whether executive, judicial, or legislative; any department, division, bureau, commission, authority, or political subdivision of this state therein; or any public school, community college, or state university.
- (3) "Breach of the public trust" means a violation of a provision of the State Constitution or this part which establishes a standard of ethical conduct, a disclosure requirement, or a prohibition applicable to public officers or employees in order to avoid conflicts between public duties and private interests, including, without limitation, a violation of s. 8, Art. II of the State Constitution or of this part.
- (4) "Business associate" means any person or entity engaged in or carrying on a business enterprise with a public officer, public employee, or candidate as a partner, joint venturer, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or coowner of property.
- (5) "Business entity" means any corporation, partnership, limited partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, or trust, whether fictitiously named or not, doing business in this state.
- (6) "Candidate" means any person who has filed a statement of financial interest and qualification papers, has subscribed to the candidate's oath as required by s. 99.021, and seeks by election to become a public officer. This definition expressly excludes a committeeman or committeewoman regulated by chapter 103 and persons seeking any other office or position in a political party.
- (7) "Commission" means the Commission on Ethics created by s. 112.320 or any successor to which its duties are transferred.
- (8) "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.
- (9) "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.

(10) "Disclosure period" means the taxable year for the person or business entity, whether based on a calendar or fiscal year, immediately preceding the date on which, or the last day of the period during which, the financial disclosure statement required by this part is required to be filed.

(11) "Facts materially related to the complaint at issue" means facts which tend to show a violation of this part or s. 8, Art. II of the State Constitution by the alleged violator other than those alleged in the complaint and consisting of separate instances of the same or similar conduct as alleged in the complaint, or which tend to show an additional violation of this part or s. 8, Art. II of the State Constitution by the alleged violator which arises out of or in connection with the allegations of the complaint.

(12)(a) "Gift," for purposes of ethics in government and financial disclosure required by law, means that which is accepted by a donee or by another on the donee's behalf, or that which is paid or given to another for or on behalf of a donee, directly, indirectly, or in trust for the donee's benefit or by any other means, for which equal or greater consideration is not given within 90 days, including:

1. Real property.
2. The use of real property.
3. Tangible or intangible personal property.
4. The use of tangible or intangible personal property.
5. A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
6. Forgiveness of an indebtedness.
7. Transportation, other than that provided to a public officer or employee by an agency in relation to officially approved governmental business, lodging, or parking.
8. Food or beverage.
9. Membership dues.
10. Entrance fees, admission fees, or tickets to events, performances, or facilities.
11. Plants, flowers, or floral arrangements.
12. Services provided by persons pursuant to a professional license or certificate.
13. Other personal services for which a fee is normally charged by the person providing the services.
14. Any other similar service or thing having an attributable value not already provided for in this section.

(b) "Gift" does not include:

1. Salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with the donee's employment, business, or service as an officer or director of a corporation or organization.
2. Contributions or expenditures reported pursuant to chapter 106, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
3. An honorarium or an expense related to an honorarium event paid to a person or the person's spouse.
4. An award, plaque, certificate, or similar personalized item given in recognition of the donee's public, civic, charitable, or professional service.
5. An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
6. The use of a public facility or public property, made available by a governmental agency, for a public purpose.
7. Transportation provided to a public officer or employee by an agency in relation to officially approved governmental business.
8. Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, governmental officials or employees,

and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

(c) For the purposes of paragraph (a), "intangible personal property" means property as defined in s. 192.001(11)(b).

(d) For the purposes of paragraph (a), the term "consideration" does not include a promise to pay or otherwise provide something of value unless the promise is in writing and enforceable through the courts.

(13) "Indirect" or "indirect interest" means an interest in which legal title is held by another as trustee or other representative capacity, but the equitable or beneficial interest is held by the person required to file under this part.

(14) "Liability" means any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for credit card and retail installment accounts, taxes owed unless reduced to a judgment, indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, or accrued income taxes on net unrealized appreciation. Each liability which is required to be disclosed by s. 8, Art. II of the State Constitution shall identify the name and address of the creditor.

(15) "Material interest" means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity. For the purposes of this act, indirect ownership does not include ownership by a spouse or minor child.

(16) "Materially affected" means involving an interest in real property located within the jurisdiction of the official's agency or involving an investment in a business entity, a source of income or a position of employment, office, or management in any business entity located within the jurisdiction or doing business within the jurisdiction of the official's agency which is or will be affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected.

(17) "Ministerial matter" means action that a person takes in a prescribed manner in obedience to the mandate of legal authority, without the exercise of the person's own judgment or discretion as to the propriety of the action taken.

(18) "Parties materially related to the complaint at issue" means any other public officer or employee within the same agency as the alleged violator who has engaged in the same conduct as that alleged in the complaint, or any other public officer or employee who has participated with the alleged violator in the alleged violation as a coconspirator or as an aider and abettor.

(19) "Person or business entities provided a grant or privilege to operate" includes 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, and entities controlled by the Public Service Commission or granted a franchise to operate by either a city or county government.

(20) "Purchasing agent" means a public officer or employee having the authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for an agency, as opposed to the authority to request or requisition a contract or purchase by another person.

(21) "Relative," unless otherwise specified in this part, means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

(22) "Represent" or "representation" means actual physical attendance on behalf of a client in an agency proceeding, the writing of letters or filing of documents on behalf of a client, and personal communications made with the officers or employees of any agency on behalf of a client.

(23) "Source" means the name, address, and description of the principal business activity of a person or business entity.

(24) "Value of real property" means the most recently assessed value in lieu of a more current appraisal..

History. s. 2, ch. 67-469; ss. 11, 12, ch. 68-35; s. 8, ch. 69-353; s. 2, ch. 74-177; s. 1, ch. 75-196; s. 1, ch. 75-199; s. 3, ch. 75-208; s. 4, ch. 76-18; s. 1, ch. 77-174; s. 2, ch. 82-98; s. 1, ch. 83-282; s. 2, ch. 90-502; s. 2, ch. 91-85; s. 3, ch. 91-292; s. 699, ch. 95-147; s. 1, ch. 96-328; s. 1, ch. 2000-243.

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.-

(1) DEFINITION.—As used in this section, unless the context otherwise requires, the term "public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(2) SOLICITATION OR ACCEPTANCE OF GIFTS.—No public officer, employee of an agency, local government attorney, or candidate for nomination or election shall solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of the public officer, employee, local government attorney, or candidate would be influenced thereby.

(3) DOING BUSINESS WITH ONE'S AGENCY.—No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer's or employee's own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision. The foregoing shall not apply to district offices maintained by legislators when such offices are located in the legislator's place of business or when such offices are on property wholly or partially owned by the legislator. This subsection shall not affect or be construed to prohibit contracts entered into prior to:

- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

(4) **UNAUTHORIZED COMPENSATION.**-No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise of reasonable care, should know, that it was given to influence a vote or other action in which the officer, employee, or local government attorney was expected to participate in his or her official capacity.

(5) **SALARY AND EXPENSES.**-No public officer shall be prohibited from voting on a matter affecting his or her salary, expenses, or other compensation as a public officer, as provided by law. No local government attorney shall be prevented from considering any matter affecting his or her salary, expenses, or other compensation as the local government attorney, as provided by law.

(6) **MISUSE OF PUBLIC POSITION.**-No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**-

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency shall not be prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section shall be deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

(b) This subsection shall not prohibit a public officer or employee from practicing in a particular profession or occupation when such practice by persons holding such public office or employment is required or permitted by law or ordinance.

(8) **DISCLOSURE OR USE OF CERTAIN INFORMATION.**-A current or former public officer,

employee of an agency, or local government attorney may not disclose or use information not available to members of the general public and gained by reason of his or her official position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

(9) POSTEMPLOYMENT RESTRICTIONS; STANDARDS OF CONDUCT FOR LEGISLATORS AND LEGISLATIVE EMPLOYEES.-

(a)1.It is the intent of the Legislature to implement by statute the provisions of s. 8(e), Art. II of the State Constitution relating to legislators, statewide elected officers, appointed state officers, and designated public employees.

2.As used in this paragraph:

a. "Employee" means:

(I)Any person employed in the executive or legislative branch of government holding a position in the Senior Management Service as defined in s. 110.402 or any person holding a position in the Selected Exempt Service as defined in s. 110.602 or any person having authority over policy or procurement employed by the Department of the Lottery.

(II)The Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, the Sergeant at Arms and Secretary of the Senate, and the Sergeant at Arms and Clerk of the House of Representatives.

(III)The executive director of the Legislative Committee on Intergovernmental Relations and the executive director and deputy executive director of the Commission on Ethics.

(IV)An executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, analyst, or attorney of the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, Senate Minority Party Office, House Majority Party Office, or House Minority Party Office; or any person, hired on a contractual basis, having the power normally conferred upon such persons, by whatever title.

(V)The Chancellor and Vice Chancellors of the State University System; the general counsel to the Board of Governors of the State University System; and the president, provost, vice presidents, and deans of each state university.

(VI)Any person, including an other-personal-services employee, having the power normally conferred upon the positions referenced in this sub-subparagraph.

b. "Appointed state officer" means any member of an appointive board, commission, committee, council, or authority of the executive or legislative branch of state government whose powers, jurisdiction, and authority are not solely advisory and include the final determination or adjudication of any personal or property rights, duties, or obligations, other than those relative to its internal operations.

c. "State agency" means an entity of the legislative, executive, or judicial branch of state government over which the Legislature exercises plenary budgetary and statutory control.

3.No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit.

4.An agency employee, including an agency employee who was employed on July 1, 2001, in a Career Service System position that was transferred to the Selected Exempt Service System under chapter 2001-43, Laws of Florida, may not personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government.

5.Any person violating this paragraph shall be subject to the penalties provided in s. 112.317 and a civil penalty of an amount equal to the compensation which the person receives for the prohibited conduct.

6. This paragraph is not applicable to:

- a. A person employed by the Legislature or other agency prior to July 1, 1989;
- b. A person who was employed by the Legislature or other agency on July 1, 1989, whether or not the person was a defined employee on July 1, 1989;
- c. A person who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994;
- d. A person who has reached normal retirement age as defined in s. 121.021(29), and who has retired under the provisions of chapter 121 by July 1, 1991; or
- e. Any appointed state officer whose term of office began before January 1, 1995, unless reappointed to that office on or after January 1, 1995.

(b) In addition to the provisions of this part which are applicable to legislators and legislative employees by virtue of their being public officers or employees, the conduct of members of the Legislature and legislative employees shall be governed by the ethical standards provided in the respective rules of the Senate or House of Representatives which are not in conflict herewith.

(10) EMPLOYEES HOLDING OFFICE.-

(a) No employee of a state agency or of a county, municipality, special taxing district, or other political subdivision of the state shall hold office as a member of the governing board, council, commission, or authority, by whatever name known, which is his or her employer while, at the same time, continuing as an employee of such employer.

(b) The provisions of this subsection shall not apply to any person holding office in violation of such provisions on the effective date of this act. However, such a person shall surrender his or her conflicting employment prior to seeking reelection or accepting reappointment to office.

(11) PROFESSIONAL AND OCCUPATIONAL LICENSING BOARD MEMBERS.-No officer, director, or administrator of a Florida state, county, or regional professional or occupational organization or association, while holding such position, shall be eligible to serve as a member of a state examining or licensing board for the profession or occupation.

(12) EXEMPTION.-The requirements of subsections (3) and (7) as they pertain to persons serving on advisory boards may be waived in a particular instance by the body which appointed the person to the advisory board, upon a full disclosure of the transaction or relationship to the appointing body prior to the waiver and an affirmative vote in favor of waiver by two-thirds vote of that body. In instances in which appointment to the advisory board is made by an individual, waiver may be effected, after public hearing, by a determination by the appointing person and full disclosure of the transaction or relationship by the appointee to the appointing person. In addition, no person shall be held in violation of subsection (3) or subsection (7) if:

(a) Within a city or county the business is transacted under a rotation system whereby the business transactions are rotated among all qualified suppliers of the goods or services within the city or county.

(b) The business is awarded under a system of sealed, competitive bidding to the lowest or best bidder and:

1. The official or the official's spouse or child has in no way participated in the determination of the bid specifications or the determination of the lowest or best bidder;
2. The official or the official's spouse or child has in no way used or attempted to use the official's influence to persuade the agency or any personnel thereof to enter such a contract other than by the mere submission of the bid; and
3. The official, prior to or at the time of the submission of the bid, has filed a statement with the Commission on Ethics, if the official is a state officer or employee, or with the supervisor of elections of the county in which the agency has its principal office, if the official is an officer or employee of a political subdivision, disclosing the official's interest, or the interest of the official's spouse or child, and the nature of the intended business.

- (c) The purchase or sale is for legal advertising in a newspaper, for any utilities service, or for passage on a common carrier.
- (d) An emergency purchase or contract which would otherwise violate a provision of subsection (3) or subsection (7) must be made in order to protect the health, safety, or welfare of the citizens of the state or any political subdivision thereof.
- (e) The business entity involved is the only source of supply within the political subdivision of the officer or employee and there is full disclosure by the officer or employee of his or her interest in the business entity to the governing body of the political subdivision prior to the purchase, rental, sale, leasing, or other business being transacted.
- (f) The total amount of the transactions in the aggregate between the business entity and the agency does not exceed \$500 per calendar year.
- (g) The fact that a county or municipal officer or member of a public board or body, including a district school officer or an officer of any district within a county, is a stockholder, officer, or director of a bank will not bar such bank from qualifying as a depository of funds coming under the jurisdiction of any such public board or body, provided it appears in the records of the agency that the governing body of the agency has determined that such officer or member of a public board or body has not favored such bank over other qualified banks.
- (h) The transaction is made pursuant to s. 1004.22 or s. 1004.23 and is specifically approved by the president and the chair of the university board of trustees. The chair of the university board of trustees shall submit to the Governor and the Legislature by March 1 of each year a report of the transactions approved pursuant to this paragraph during the preceding year.
- (i) The public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.
- (j) The public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency and:
 1. The price and terms of the transaction are available to similarly situated members of the general public; and
 2. The officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

(13) COUNTY AND MUNICIPAL ORDINANCES AND SPECIAL DISTRICT AND SCHOOL DISTRICT RESOLUTIONS REGULATING FORMER OFFICERS OR EMPLOYEES.-The governing body of any county or municipality may adopt an ordinance and the governing body of any special district or school district may adopt a resolution providing that an appointed county, municipal, special district, or school district officer or a county, municipal, special district, or school district employee may not personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or employee for a period of 2 years following vacation of office or termination of employment, except for the purposes of collective bargaining. Nothing in this section may be construed to prohibit such ordinance or resolution.

(14) LOBBYING BY FORMER LOCAL OFFICERS; PROHIBITION.-A person who has been elected to any county, municipal, special district, or school district office may not personally represent another person or entity for compensation before the government body or agency of which the person was an officer for a period of 2 years after vacating that office. For purposes of this subsection:

- (a) The "government body or agency" of a member of a board of county commissioners consists of the commission, the chief administrative officer or employee of the county, and their immediate support staff.
- (b) The "government body or agency" of any other county elected officer is the office or department headed by that officer, including all subordinate employees.
- (c) The "government body or agency" of an elected municipal officer consists of the governing body of

the municipality, the chief administrative officer or employee of the municipality, and their immediate support staff.

(d)The "government body or agency" of an elected special district officer is the special district.

(e)The "government body or agency" of an elected school district officer is the school district.

(15)ADDITIONAL EXEMPTION.-No elected public officer shall be held in violation of subsection (7) if the officer maintains an employment relationship with an entity which is currently a tax-exempt organization under s. 501(c) of the Internal Revenue Code and which contracts with or otherwise enters into a business relationship with the officer's agency and:

(a)The officer's employment is not directly or indirectly compensated as a result of such contract or business relationship;

(b)The officer has in no way participated in the agency's decision to contract or to enter into the business relationship with his or her employer, whether by participating in discussion at the meeting, by communicating with officers or employees of the agency, or otherwise; and

(c)The officer abstains from voting on any matter which may come before the agency involving the officer's employer, publicly states to the assembly the nature of the officer's interest in the matter from which he or she is abstaining, and files a written memorandum as provided in s. 112.3143.

(16)LOCAL GOVERNMENT ATTORNEYS.-

(a)For the purposes of this section, "local government attorney" means any individual who routinely serves as the attorney for a unit of local government. The term shall not include any person who renders legal services to a unit of local government pursuant to contract limited to a specific issue or subject, to specific litigation, or to a specific administrative proceeding. For the purposes of this section, "unit of local government" includes, but is not limited to, municipalities, counties, and special districts.

(b)It shall not constitute a violation of subsection (3) or subsection (7) for a unit of local government to contract with a law firm, operating as either a partnership or a professional association, or in any combination thereof, or with a local government attorney who is a member of or is otherwise associated with the law firm, to provide any or all legal services to the unit of local government, so long as the local government attorney is not a full-time employee or member of the governing body of the unit of local government. However, the standards of conduct as provided in subsections (2), (4), (5), (6), and (8) shall apply to any person who serves as a local government attorney.

(c)No local government attorney or law firm in which the local government attorney is a member, partner, or employee shall represent a private individual or entity before the unit of local government to which the local government attorney provides legal services. A local government attorney whose contract with the unit of local government does not include provisions that authorize or mandate the use of the law firm of the local government attorney to complete legal services for the unit of local government shall not recommend or otherwise refer legal work to that attorney's law firm to be completed for the unit of local government.

(17)BOARD OF GOVERNORS AND BOARDS OF TRUSTEES.-No citizen member of the Board of Governors of the State University System, nor any citizen member of a board of trustees of a local constituent university, shall have or hold any employment or contractual relationship as a legislative lobbyist requiring annual registration and reporting pursuant to s. 11.045.

History.-s. 3, ch. 67-469; s. 2, ch. 69-335; ss. 10, 35, ch. 69-106; s. 3, ch. 74-177; ss. 4, 11, ch. 75-208; s. 1, ch. 77-174; s. 1, ch. 77-349; s. 4, ch. 82-98; s. 2, ch. 83-26; s. 6, ch. 83-282; s. 14, ch. 85-80; s. 12, ch. 86-145; s. 1, ch. 88-358; s. 1, ch. 88-408; s. 3, ch. 90-502; s. 3, ch. 91-85; s. 4, ch. 91-292; s. 1, ch. 92-35; s. 1, ch. 94-277; s. 1406, ch. 95-147; s. 3, ch. 96-311; s. 34, ch. 96-318; s. 41, ch. 99-2; s. 29, ch. 2001-266; s. 20, ch. 2002-1; s. 894, ch. 2002-387; s. 2, ch. 2005-285; s. 2, ch. 2006-275.; s. 10, ch.2007-217.

112.3135 Restriction on employment of relatives.-

(1) In this section, unless the context otherwise requires:

(a) "Agency" means:

1. A state agency, except an institution under the jurisdiction of the Board of Governors of the State University System;
2. An office, agency, or other establishment in the legislative branch;
3. An office, agency, or other establishment in the judicial branch;
4. A county;
5. A city; and
6. Any other political subdivision of the state, except a district school board or community college district.

(b) "Collegial body" means a governmental entity marked by power or authority vested equally in each of a number of colleagues.

(c) "Public official" means an officer, including a member of the Legislature, the Governor, and a member of the Cabinet, or an employee of an agency in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in an agency, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

(d) "Relative," for purposes of this section only, with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

(2)(a) A public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the agency in which the official is serving or over which the official exercises jurisdiction or control any individual who is a relative of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in an agency if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the agency, who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative of the individual is a member. However, this subsection shall not apply to appointments to boards other than those with land-planning or zoning responsibilities in those municipalities with less than 35,000 population. This subsection does not apply to persons serving in a volunteer capacity who provide emergency medical, firefighting, or police services. Such persons may receive, without losing their volunteer status, reimbursements for the costs of any training they get relating to the provision of volunteer emergency medical, firefighting, or police services and payment for any incidental expenses relating to those services that they provide.

(b) Mere approval of budgets shall not be sufficient to constitute "jurisdiction or control" for the purposes of this section.

(3) An agency may prescribe regulations authorizing the temporary employment, in the event of an emergency as defined in s. 252.34(3), of individuals whose employment would be otherwise prohibited by this section.

(4) Legislators' relatives may be employed as pages or messengers during legislative sessions.

History.-ss. 1, 2, 3, ch. 69-341; ss. 15, 35, ch. 69-106; s. 70, ch. 72-221; s. 3, ch. 83-334; s. 1, ch. 89-67;

s. 4, ch. 90-502; s. 2, ch. 94-277; s. 1407, ch. 95-147; s. 1, ch. 98-160; s. 42, ch. 99-2; s. 11, ch. 2007-217.

Note.-Former s. 116.111.

112.3136 Standard of conduct for officers and employees of entities serving as chief administrative officer of political subdivisions.-

The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision, for the purposes of the following sections, are public officers and employees who are subject to the following standards of conduct of this part: (1) Section 112.313, and their "agency" is the political subdivision that they serve; however, the contract under which the business entity serves as chief executive or administrative officer of the political subdivision is not deemed to violate s. 112.313(3) or (7). (2) Section 112.3145, as a "local officer." (3) Sections 112.3148 and 112.3149, as a "reporting individual."

History.-s.1, ch. 2009-126.

112.3143 Voting conflicts.-

(1)As used in this section:

- (a) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.
- (b) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(2)No state public officer is prohibited from voting in an official capacity on any matter. However, any state public officer voting in an official capacity upon any measure which would inure to the officer's special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained; or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer shall, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(3)(a)No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

(b)However, a commissioner of a community redevelopment agency created or designated pursuant to s. 163.356 or s. 163.357, or an officer of an independent special tax district elected on a one-acre, one-vote basis, is not prohibited from voting, when voting in said capacity.

(4) No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss; which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained; or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer, without first disclosing the nature of his or her interest in the matter.

(a) Such disclosure, indicating the nature of the conflict, shall be made in a written memorandum filed with the person responsible for recording the minutes of the meeting, prior to the meeting in which consideration of the matter will take place, and shall be incorporated into the minutes. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(b) In the event that disclosure has not been made prior to the meeting or that any conflict is unknown prior to the meeting, the disclosure shall be made orally at the meeting when it becomes known that a conflict exists. A written memorandum disclosing the nature of the conflict shall then be filed within 15 days after the oral disclosure with the person responsible for recording the minutes of the meeting and shall be incorporated into the minutes of the meeting at which the oral disclosure was made. Any such memorandum shall become a public record upon filing, shall immediately be provided to the other members of the agency, and shall be read publicly at the next meeting held subsequent to the filing of this written memorandum.

(c) For purposes of this subsection, the term "participate" means any attempt to influence the decision by oral or written communication, whether made by the officer or at the officer's direction.

(5) Whenever a public officer or former public officer is being considered for appointment or reappointment to public office, the appointing body shall consider the number and nature of the memoranda of conflict previously filed under this section by said officer.

History.-s. 6, ch. 75-208; s. 2, ch. 84-318; s. 1, ch. 84-357; s. 2, ch. 86-148; s. 5, ch. 91-85; s. 3, ch. 94-277; s. 1408, ch. 95-147; s. 43, ch. 99-2.

112.3144 Full and public disclosure of financial interests.-

1(1) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics.

(2) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests and who has filed a full and public disclosure of financial interests for any calendar or fiscal year shall not be required to file a statement of financial interests pursuant to s. 112.3145(2) and (3) for the same year or for any part thereof notwithstanding any requirement of this part, except that a candidate for office shall file a copy of his or her disclosure with the officer before whom he or she qualifies.

(3) For purposes of full and public disclosure under s. 8(a), Art. II of the State Constitution, the following items, if not held for investment purposes and if valued at over \$1,000 in the aggregate, may be reported in a lump sum and identified as "household goods and personal effects" :

- (a) Jewelry;
- (b) Collections of stamps, guns, and numismatic properties;
- (c) Art objects;
- (d) Household equipment and furnishings;

- (e)Clothing;
- (f)Other household items; and
- (g)Vehicles for personal use.

(4)(a)With respect to reporting, on forms prescribed under this section, assets valued in excess of \$1,000 which the reporting individual holds jointly with another person, the amount reported shall be based on the reporting individual's legal percentage of ownership in the property. However, assets that are held jointly, with right of survivorship, must be reported at 100 percent of the value of the asset. For purposes of this subsection, a reporting individual is deemed to own a percentage of a partnership which is equal to the reporting individual's interest in the capital or equity of the partnership.

(b)1. With respect to reporting liabilities valued in excess of \$1,000 on forms prescribed under this section for which the reporting individual is jointly and severally liable, the amount reported shall be based on the reporting individual's percentage of liability rather than the total amount of the liability. However, liability for a debt that is secured by property owned by the reporting individual but that is held jointly, with right of survivorship, must be reported at 100 percent of the total amount owed.

2. A separate section of the form shall be created to provide for the reporting of the amounts of joint and several liability of the reporting individual not otherwise reported in subparagraph 1.

(5)Forms for compliance with the full and public disclosure requirements of s. 8, Art. II of the State Constitution shall be created by the Commission on Ethics. The commission shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a)Not later than May 1 of each year, the commission shall prepare a current list of the names and addresses of and the offices held by every person required to file full and public disclosure annually by s. 8, Art. II of the State Constitution, or other state law. In compiling the list, the commission shall be assisted by each unit of government in providing at the request of the commission the name, address, and name of the office held by each public official within the respective unit of government.

(b)Not later than 30 days before July 1 of each year, the commission shall mail a copy of the form prescribed for compliance with full and public disclosure and a notice of the filing deadline to each person on the mailing list.

(c)Not later than 30 days after July 1 of each year, the commission shall determine which persons on the mailing list have failed to file full and public disclosure and shall send delinquency notices by certified mail to such persons. Each notice shall state that a grace period is in effect until September 1 of the current year.

(d)Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

(e)Any person who is required to file full and public disclosure of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of \$25 per day for each day late up to a maximum of \$1,500; however this \$1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and the procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:
 - a. When a statement is actually received by the office.
 - b. When the statement is postmarked.
 - c. When the certificate of mailing is dated.
 - d. When the receipt from an established courier company is dated.

2. Upon receipt of the disclosure statement or upon accrual of the maximum penalty, whichever occurs first, the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. Such fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys shall be deposited into the General Revenue Fund.

3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

(f) Any person subject to the annual filing of full and public disclosure under s. 8, Art. II of the State Constitution, or other state law, whose name is not on the commission's mailing list of persons required to file full and public disclosure is not subject to the fines or penalties provided in this part for failure to file full and public disclosure in any year in which the omission occurred, but nevertheless is required to file the disclosure statement.

(g) The notification requirements and fines of this subsection do not apply to candidates or to the first filing required of any person appointed to elective constitutional office or other position required to file full and public disclosure, unless the person's name is on the commission's notification list and the person received notification from the commission. The appointing official shall notify such newly appointed person of the obligation to file full and public disclosure by July 1. The notification requirements and fines of this subsection do not apply to the final filing provided for in subsection (6).

(h) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such fine to a collection agent as provided in s. 17.20.

(6) Each person required to file full and public disclosure of financial interests shall file a final disclosure statement within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under s. 8, Art. II of the State Constitution, or is otherwise required to file full and public disclosure for the final disclosure period. The head of the agency of each person required to file full and public disclosure for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this subsection.

(7) The commission shall adopt rules and forms specifying how a person who is required to file full and public disclosure of financial interests may amend his or her disclosure statement to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

History.-s. 1, ch. 82-98; s. 3, ch. 88-358; s. 19, ch. 91-45; s. 4, ch. 94-277; s. 1409, ch. 95-147; s. 2, ch. 2000-243; s. 30, ch. 2000-258; s. 127, ch. 2003-261; s. 3, ch. 2006-275.

1Note.-As created by s. 30, ch. 2000-258. Subsection (1), as created by s. 2, ch. 2000-243, reads:

(1) A person who is required, pursuant to s. 8, Art. II of the State Constitution, to file a full and public disclosure of financial interests for any calendar or fiscal year shall file the disclosure with the Florida Commission on Ethics.

112.3145 Disclosure of financial interests and clients represented before agencies.-

(1) For purposes of this section, unless the context otherwise requires, the term:

(a) "Local officer" means:

1. Every person who is elected to office in any political subdivision of the state, and every person who is appointed to fill a vacancy for an unexpired term in such an elective office.
2. Any appointed member of any of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision of the state:
 - a. The governing body of the political subdivision, if appointed;
 - b. An expressway authority or transportation authority established by general law;
 - c. A community college or junior college district board of trustees;
 - d. A board having the power to enforce local code provisions;
 - e. A planning or zoning board, board of adjustment, board of appeals, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and such other groups who only have the power to make recommendations to planning or zoning boards;
 - f. A pension board or retirement board having the power to invest pension or retirement funds or the power to make a binding determination of one's entitlement to or amount of a pension or other retirement benefit; or
 - g. Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.
3. Any person holding one or more of the following positions: mayor; county or city manager; chief administrative employee of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building code inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator, with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; district school superintendent; community college president; district medical examiner; or purchasing agent having the authority to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, on behalf of any political subdivision of the state or any entity thereof.

(b) "Specified state employee" means:

1. Public counsel created by chapter 350, an assistant state attorney, an assistant public defender, a full-time state employee who serves as counsel or assistant counsel to any state agency, the Deputy Chief Judge of Compensation Claims, a judge of compensation claims, an administrative law judge, or a hearing officer.
2. Any person employed in the office of the Governor or in the office of any member of the Cabinet if that person is exempt from the Career Service System, except persons employed in clerical, secretarial, or similar positions.
3. 1 The State Surgeon General or each appointed secretary, assistant secretary, deputy secretary, executive director, assistant executive director, or deputy executive director of each state department, commission, board, or council; unless otherwise provided, the division director, assistant division director, deputy director, bureau chief, and assistant bureau chief of any state department or division; or any person having the power normally conferred upon such persons, by whatever title.
4. The superintendent or institute director of a state mental health institute established for training and research in the mental health field or the warden or director of any major state institution or facility established for corrections, training, treatment, or rehabilitation.
5. Business managers, purchasing agents having the power to make any purchase exceeding the threshold amount provided for in s. 287.017 for CATEGORY ONE, finance and accounting directors, personnel

officers, or grants coordinators for any state agency.

6. Any person, other than a legislative assistant exempted by the presiding officer of the house by which the legislative assistant is employed, who is employed in the legislative branch of government, except persons employed in maintenance, clerical, secretarial, or similar positions.

7. Each employee of the Commission on Ethics.

(c) "State officer" means:

1. Any elected public officer, excluding those elected to the United States Senate and House of Representatives, not covered elsewhere in this part and any person who is appointed to fill a vacancy for an unexpired term in such an elective office.

2. An appointed member of each board, commission, authority, or council having statewide jurisdiction, excluding a member of an advisory body.

3. A member of the Board of Governors of the State University System or a state university board of trustees, the Chancellor and Vice Chancellors of the State University System, and the president of a state university.

4. A member of the judicial nominating commission for any district court of appeal or any judicial circuit.

(2)(a) A person seeking nomination or election to a state or local elective office shall file a statement of financial interests together with, and at the same time he or she files, qualifying papers.

(b) Each state or local officer and each specified state employee shall file a statement of financial interests no later than July 1 of each year. Each state officer, local officer, and specified state employee shall file a final statement of financial interests within 60 days after leaving his or her public position for the period between January 1 of the year in which the person leaves and the last day of office or employment, unless within the 60-day period the person takes another public position requiring financial disclosure under this section or s. 8, Art. II of the State Constitution or otherwise is required to file full and public disclosure or a statement of financial interests for the final disclosure period. Each state or local officer who is appointed and each specified state employee who is employed shall file a statement of financial interests within 30 days from the date of appointment or, in the case of a specified state employee, from the date on which the employment begins, except that any person whose appointment is subject to confirmation by the Senate shall file prior to confirmation hearings or within 30 days from the date of appointment, whichever comes first.

(c) State officers and specified state employees shall file their statements of financial interests with the Commission on Ethics. Local officers shall file their statements of financial interests with the supervisor of elections of the county in which they permanently reside. Local officers who do not permanently reside in any county in the state shall file their statements of financial interests with the supervisor of elections of the county in which their agency maintains its headquarters. Persons seeking to qualify as candidates for local public office shall file their statements of financial interests with the officer before whom they qualify.

(3) The statement of financial interests for state officers, specified state employees, local officers, and persons seeking to qualify as candidates for state or local office shall be filed even if the reporting person holds no financial interests requiring disclosure, in which case the statement shall be marked "not applicable." Otherwise, the statement of financial interests shall include, at the filer's option, either:

(a) 1. All sources of income in excess of 5 percent of the gross income received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received an amount which was in excess of 10 percent of his or her gross income during the disclosure period and

which exceeds \$1,500. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residences and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of 10 percent of such person's total assets. For the purposes of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every individual liability that equals more than the reporting person's net worth; or

(b) 1. All sources of gross income in excess of \$2,500 received during the disclosure period by the person in his or her own name or by any other person for his or her use or benefit, excluding public salary. However, this shall not be construed to require disclosure of a business partner's sources of income. The person reporting shall list such sources in descending order of value with the largest source first;

2. All sources of income to a business entity in excess of 10 percent of the gross income of a business entity in which the reporting person held a material interest and from which he or she received gross income exceeding \$5,000 during the disclosure period. The period for computing the gross income of the business entity is the fiscal year of the business entity which ended on, or immediately prior to, the end of the disclosure period of the person reporting;

3. The location or description of real property in this state, except for residence and vacation homes, owned directly or indirectly by the person reporting, when such person owns in excess of 5 percent of the value of such real property, and a general description of any intangible personal property worth in excess of \$10,000. For the purpose of this paragraph, indirect ownership does not include ownership by a spouse or minor child; and

4. Every liability in excess of \$10,000.

(4) Each elected constitutional officer, state officer, local officer, and specified state employee shall file a quarterly report of the names of clients represented for a fee or commission, except for appearances in ministerial matters, before agencies at his or her level of government. For the purposes of this part, agencies of government shall be classified as state-level agencies or agencies below state level. Each local officer shall file such report with the supervisor of elections of the county in which the officer is principally employed or is a resident. Each state officer, elected constitutional officer, and specified state employee shall file such report with the commission. The report shall be filed only when a reportable representation is made during the calendar quarter and shall be filed no later than the last day of each calendar quarter, for the previous calendar quarter. Representation before any agency shall be deemed to include representation by such officer or specified state employee or by any partner or associate of the professional firm of which he or she is a member and of which he or she has actual knowledge. For the purposes of this subsection, the term "representation before any agency" does not include appearances before any court or the Deputy Chief Judge of Compensation Claims or judges of compensation claims or representations on behalf of one's agency in one's official capacity. Such term does not include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license based on a quota or a franchise of such agency or a license or operation permit to engage in a profession, business, or occupation, so long as the issuance or granting of such license, permit, or transfer does not require substantial discretion, a variance, a special consideration, or a certificate of public convenience and necessity.

(5) Each elected constitutional officer and each candidate for such office, any other public officer required pursuant to s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests, and each state officer, local officer, specified state employee, and candidate for elective public office who is or was during the disclosure period an officer, director, partner, proprietor, or agent, other than a resident agent solely for service of process, of, or owns or owned during the disclosure period a material interest in, any business entity which is granted a privilege to operate in this

state shall disclose such facts as a part of the disclosure form filed pursuant to s. 8, Art. II of the State Constitution or this section, as applicable. The statement shall give the name, address, and principal business activity of the business entity and shall state the position held with such business entity or the fact that a material interest is owned and the nature of that interest.

(6) Forms for compliance with the disclosure requirements of this section and a current list of persons subject to disclosure shall be created by the commission and provided to each supervisor of elections. The commission and each supervisor of elections shall give notice of disclosure deadlines and delinquencies and distribute forms in the following manner:

(a) 1. Not later than May 1 of each year, the commission shall prepare a current list of the names and addresses of, and the offices or positions held by, every state officer, local officer, and specified employee. In compiling the list, the commission shall be assisted by each unit of government in providing, at the request of the commission, the name, address, and name of agency of, and the office or position held by, each state officer, local officer, or specified state employee within the respective unit of government.

2. Not later than May 15 of each year, the commission shall provide each supervisor of elections with a current mailing list of all local officers required to file with such supervisor of elections.

(b) Not later than 30 days before July 1 of each year, the commission and each supervisor of elections, as appropriate, shall mail a copy of the form prescribed for compliance with subsection (3) and a notice of all applicable disclosure forms and filing deadlines to each person required to file a statement of financial interests.

(c) Not later than 30 days after July 1 of each year, the commission and each supervisor of elections shall determine which persons required to file a statement of financial interests in their respective offices have failed to do so and shall send delinquency notices by certified mail, return receipt requested, to these persons. Each notice shall state that a grace period is in effect until September 1 of the current year; that no investigative or disciplinary action based upon the delinquency will be taken by the agency head or commission if the statement is filed by September 1 of the current year; that, if the statement is not filed by September 1 of the current year, a fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500; for notices sent by a supervisor of elections, that he or she is required by law to notify the commission of the delinquency; and that, if upon the filing of a sworn complaint the commission finds that the person has failed to timely file the statement within 60 days after September 1 of the current year, such person will also be subject to the penalties provided in s. 112.317.

(d) No later than November 15 of each year, the supervisor of elections in each county shall certify to the commission a list of the names and addresses of, and the offices or positions held by, all persons who have failed to timely file the required statements of financial interests. The certification must include the earliest of the dates described in subparagraph (f)1. The certification shall be on a form prescribed by the commission and shall indicate whether the supervisor of elections has provided the disclosure forms and notice as required by this subsection to all persons named on the delinquency list.

(e) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, constitutes proof of mailing in a timely manner.

(f) Any person who is required to file a statement of financial interests and whose name is on the commission's mailing list but who fails to timely file is assessed a fine of \$25 per day for each day late up to a maximum of \$1,500; however, this \$1,500 limitation on automatic fines does not limit the civil penalty that may be imposed if the statement is filed more than 60 days after the deadline and a complaint is filed, as provided in s. 112.324. The commission must provide by rule the grounds for waiving the fine and procedures by which each person whose name is on the mailing list and who is determined to have not filed in a timely manner will be notified of assessed fines and may appeal. The rule must provide for and make specific the following:

1. The amount of the fine due is based upon the earliest of the following:
 - a. When a statement is actually received by the office.
 - b. When the statement is postmarked.
 - c. When the certificate of mailing is dated.
 - d. When the receipt from an established courier company is dated.
2. For a specified state employee or a state officer, upon receipt of the disclosure statement by the commission or upon accrual of the maximum penalty, whichever occurs first, and for a local officer upon receipt by the commission of the certification from the local officer's supervisor of elections pursuant to paragraph (d), the commission shall determine the amount of the fine which is due and shall notify the delinquent person. The notice must include an explanation of the appeal procedure under subparagraph 3. The fine must be paid within 30 days after the notice of payment due is transmitted, unless appeal is made to the commission pursuant to subparagraph 3. The moneys are to be deposited into the General Revenue Fund.
3. Any reporting person may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the commission, which may waive the fine in whole or in part for good cause shown. Any such request must be made within 30 days after the notice of payment due is transmitted. In such a case, the reporting person must, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.
 - (g) Any state officer, local officer, or specified employee whose name is not on the mailing list of persons required to file an annual statement of financial interests is not subject to the penalties provided in s. 112.317 or the fine provided in this section for failure to timely file a statement of financial interests in any year in which the omission occurred, but nevertheless is required to file the disclosure statement.
 - (h) The notification requirements and fines of this subsection do not apply to candidates or to the first or final filing required of any state officer, specified employee, or local officer as provided in paragraph (2) (b).
 - (i) Notwithstanding any provision of chapter 120, any fine imposed under this subsection which is not waived by final order of the commission and which remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the appeal must be submitted to the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department shall assign the collection of such a fine to a collection agent as provided in s. 17.20.
- (7)
 - (a) The appointing official or body shall notify each newly appointed local officer, state officer, or specified state employee, not later than the date of appointment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The agency head of each employing agency shall notify each newly employed local officer or specified state employee, not later than the day of employment, of the officer's or employee's duty to comply with the disclosure requirements of this section. The appointing official or body or employing agency head may designate a person to be responsible for the notification requirements of this paragraph.
 - (b) The agency head of the agency of each local officer, state officer, or specified state employee who is required to file a statement of financial interests for the final disclosure period shall notify such persons of their obligation to file the final disclosure and may designate a person to be responsible for the notification requirements of this paragraph.
- (8) A public officer who has filed a disclosure for any calendar or fiscal year shall not be required to file a second disclosure for the same year or any part thereof, notwithstanding any requirement of this act, except that any public officer who qualifies as a candidate for public office shall file a copy of the disclosure with the officer before whom he or she qualifies as a candidate at the time of qualification.
- (9) The commission shall adopt rules and forms specifying how a state officer, local officer, or specified

state employee may amend his or her statement of financial interests to report information that was not included on the form as originally filed. If the amendment is the subject of a complaint filed under this part, the commission and the proper disciplinary official or body shall consider as a mitigating factor when considering appropriate disciplinary action the fact that the amendment was filed before any complaint or other inquiry or proceeding, while recognizing that the public was deprived of access to information to which it was entitled.

History.-s. 5, ch. 74-177; ss. 2, 6, ch. 75-196; s. 2, ch. 76-18; s. 1, ch. 77-174; s. 63, ch. 77-175; s. 54, ch. 79-40; s. 3, ch. 82-98; s. 2, ch. 83-128; ss. 2, 5, ch. 83-282; s. 3, ch. 84-318; s. 1, ch. 88-316; s. 1, ch. 90-169; s. 5, ch. 90-502; s. 27, ch. 91-46; s. 6, ch. 91-85; s. 6, ch. 91-292; ss. 5, 13, ch. 94-277; s. 3, ch. 94-340; s. 1410, ch. 95-147; s. 14, ch. 96-410; s. 31, ch. 97-286; s. 17, ch. 99-399; s. 2, ch. 2000-161; s. 3, ch. 2000-243; s. 31, ch. 2000-258; s. 23, ch. 2000-372; s. 3, ch. 2001-91; s. 2, ch. 2001-282; s. 128, ch. 2003-261; s. 4, ch. 2006-275; s. 12, ch. 2007-217.

1Note.-Chapter 2007-40 redesignated the Secretary of Health as the State Surgeon General.

112.3146 Public records.-The statements required by ss. 112.313, 112.3145, 112.3148, and 112.3149 shall be public records within the meaning of s. 119.01.

History.-s. 6, ch. 74-177; s. 6, ch. 90-502; s. 7, ch. 91-85.

112.3147 Forms.-All information required to be furnished by ss. 112.313, 112.3143, 112.3144, 112.3145, 112.3148, and 112.3149 and by s. 8, Art. II of the State Constitution shall be on forms prescribed by the Commission on Ethics.

History.-s. 7, ch. 74-177; s. 3, ch. 76-18; s. 7, ch. 90-502; s. 8, ch. 91-85; s. 12, ch. 2000-243; s. 5, ch. 2006-275.

112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.-

(1)The provisions of this section do not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2)As used in this section:

(a) "Immediate family" means any parent, spouse, child, or sibling.

(b)1. "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered as a lobbyist in accordance with such rule, ordinance, or law. At a minimum, such a registration system must require the registration of, or must designate, persons as "lobbyists" who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.

(c) "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts,

business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(d) "Reporting individual" means any individual, including a candidate upon qualifying, who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office. For purposes of implementing this section, the "agency" of a reporting individual who is not an officer or employee in public service is the agency to which the candidate seeks election, or in the case of an individual elected to but yet to formally take office, the agency in which the individual has been elected to serve.

(e) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a political committee or committee of continuous existence, as defined in s. 106.011, or from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A political committee or a committee of continuous existence, as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift which the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter, for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Commission on Ethics, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Division of Legislative Information Services in the Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, when a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift

need not be reported by more than one person or entity.

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, the Technological Research and Development Authority, a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of \$100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, the Technological Research and Development Authority, a county, a municipality, an airport authority, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

(c) No later than March 1 of each year, each governmental entity or direct-support organization specifically authorized by law to support a governmental entity which has given a gift to a reporting individual or procurement employee under paragraph (a) shall provide the reporting individual or procurement employee with a statement of each gift having a value in excess of \$100 given to such reporting individual or procurement employee by the governmental entity or direct-support organization during the preceding calendar year. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given by the governmental entity or direct-support organization to the reporting individual or procurement employee during the calendar year for which the report is made. A governmental entity may provide a single report to the reporting individual or procurement employee of gifts provided by the governmental entity and any direct-support organization specifically authorized by law to support such governmental entity.

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to the statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the Commission on Ethics. The report filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the report shall be filed by July 1 of the year after leaving office or employment at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics.

(7)(a) The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, less taxes and gratuities, except as otherwise provided in this subsection, and, with respect to personal services provided by the donor, the reasonable and customary

charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

(b) Compensation provided by the donee to the donor, if provided within 90 days after receipt of the gift, shall be deducted from the value of the gift in determining the value of the gift.

(c) If the actual gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not they are reporting individuals or procurement employees.

(d) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(e) Lodging provided on consecutive days shall be considered a single gift. Lodging in a private residence shall be valued at the per diem rate provided in s. 112.061(6)(a)1. less the meal allowance rate provided in s. 112.061(6)(b).

(f) Food and beverages which are not consumed at a single sitting or meal and which are provided on the same calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift. Food and beverage consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(g) Membership dues paid to the same organization during any 12-month period shall be considered a single gift.

(h) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(i) Except as otherwise specified in this section, a gift shall be valued on a per occurrence basis.

(j) The value of a gift provided to several individuals may be attributed on a pro rata basis among all of the individuals. If the gift is food, beverage, entertainment, or similar items, provided at a function for more than 10 people, the value of the gift to each individual shall be the total value of the items provided divided by the number of persons invited to the function, unless the items are purchased on a per person basis, in which case the value of the gift to each person is the per person cost.

(k) The value of a gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the gift is provided by the charitable organization.

(8)(a) Each reporting individual or procurement employee shall file a statement with the Commission on Ethics not later than the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s. 112.313(4).
3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift, the monetary value of the gift, the name and address of the person making the gift, and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as

being a true, accurate, and total listing of all such gifts.

(e) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company, which bears a date on or before the due date constitutes proof of mailing in a timely manner.

(f) If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he or she is not required to file a statement under this subsection for that calendar quarter.

(9) A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (5) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to which the gift was given in violation of subsection (5), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(10) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he or she is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

History.-s. 2, ch. 89-380; s. 8, ch. 90-502; s. 9, ch. 91-85; s. 7, ch. 91-292; s. 6, ch. 94-277; s. 1411, ch. 95-147; s. 2, ch. 96-328; s. 8, ch. 98-136; s. 4, ch. 2000-243; s. 32, ch. 2000-258; s. 8, ch. 2003-159; s. 6, ch. 2006-275.

112.3149 Solicitation and disclosure of honoraria.-

(1) As used in this section:

(a) "Honorarium" means a payment of money or anything of value, directly or indirectly, to a reporting individual or procurement employee, or to any other person on his or her behalf, as consideration for:

1. A speech, address, oration, or other oral presentation by the reporting individual or procurement employee, regardless of whether presented in person, recorded, or broadcast over the media.
2. A writing by the reporting individual or procurement employee, other than a book, which has been or is intended to be published.

The term "honorarium" does not include the payment for services related to employment held outside the reporting individual's or procurement employee's public position which resulted in the person becoming a reporting individual or procurement employee, any ordinary payment or salary received in consideration for services related to the reporting individual's or procurement employee's public duties, a campaign contribution reported pursuant to chapter 106, or the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee, for a reporting individual or procurement employee and spouse.

(b) "Person" includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(c) "Reporting individual" means any individual who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. 112.3145, to file a full or limited public disclosure of his or her financial interests.

(d) 1. "Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding

12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term "lobbyist" includes only a person who is required to be registered as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered as a lobbyist in accordance with such rule, ordinance, or law. At a minimum, such a registration system must require the registration of, or must designate, persons as "lobbyists" who engage in the same activities as require registration to lobby the Legislature pursuant to s. 11.045.

(e) "Procurement employee" means any employee of an officer, department, board, commission, or council of the executive branch or judicial branch of state government who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. 287.012, if the cost of such services or commodities exceeds \$1,000 in any year.

(2) A reporting individual or procurement employee is prohibited from soliciting an honorarium which is related to the reporting individual's or procurement employee's public office or duties.

(3) A reporting individual or procurement employee is prohibited from knowingly accepting an honorarium from a political committee or committee of continuous existence, as defined in s. 106.011, from a lobbyist who lobbies the reporting individual's or procurement employee's agency, or from the employer, principal, partner, or firm of such a lobbyist.

(4) A political committee or committee of continuous existence, as defined in s. 106.011, a lobbyist who lobbies a reporting individual's or procurement employee's agency, or the employer, principal, partner, or firm of such a lobbyist is prohibited from giving an honorarium to a reporting individual or procurement employee.

(5) A person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee, but who provides a reporting individual or procurement employee, or a reporting individual or procurement employee and his or her spouse, with expenses related to an honorarium event, shall provide to the reporting individual or procurement employee, no later than 60 days after the honorarium event, a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the honorarium event.

(6) A reporting individual or procurement employee who receives payment or provision of expenses related to any honorarium event from a person who is prohibited by subsection (4) from paying an honorarium to a reporting individual or procurement employee shall publicly disclose on an annual statement the name, address, and affiliation of the person paying or providing the expenses; the amount of the honorarium expenses; the date of the honorarium event; a description of the expenses paid or provided on each day of the honorarium event; and the total value of the expenses provided to the reporting individual or procurement employee in connection with the honorarium event. The annual statement of honorarium expenses shall be filed by July 1 of each year for those expenses received during the previous calendar year. The reporting individual or procurement employee shall attach to the annual statement a copy of each statement received by him or her in accordance with subsection (5) regarding honorarium expenses paid or provided during the calendar year for which the annual statement

is filed. The attached statement shall become a public record upon the filing of the annual report. The annual statement of a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual statement of a procurement employee shall be filed with the Commission on Ethics. The statement filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the statement shall be filed by July 1 of the year after leaving office or employment at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics.

(7)A person, other than a lobbyist regulated under s. 11.045, who violates the provisions of subsection (4) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to whom the honorarium was paid in violation of subsection (4), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(8)A member of the Legislature may request an advisory opinion from the general counsel of the house of which he or she is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

History.-s. 9, ch. 90-502; s. 7, ch. 94-277; s. 1412, ch. 95-147; s. 5, ch. 2000-243; s. 33, ch. 2000-258; s. 7, ch. 2006-275.

112.3151 Extensions of time for filing disclosure.-

The Commission on Ethics may grant, for good cause, on an individual basis, an extension of time for filing of any disclosure required under the provisions of this part or s. 8(a), Art. II of the State Constitution. However, no extension may extend the filing deadline to a date within 20 days before a primary election. The commission may delegate to its chair the authority to grant any extension of time which the commission itself may grant under this section; however, no extension of time granted by the chair may exceed 45 days. Extensions of time granted under this section shall be exempt from the provisions of chapter 120.

History.-s. 4, ch. 83-282; s. 700, ch. 95-147.

112.316 Construction.-

It is not the intent of this part, nor shall it be construed, to prevent any officer or employee of a state agency or county, city, or other political subdivision of the state or any legislator or legislative employee from accepting other employment or following any pursuit which does not interfere with the full and faithful discharge by such officer, employee, legislator, or legislative employee of his or her duties to the state or the county, city, or other political subdivision of the state involved.

History.-s. 6, ch. 67-469; s. 2, ch. 69-335; s. 701, ch. 95-147.

112.317 Penalties.-

(1) Violation of any provision of this part, including, but not limited to, any failure to file any disclosures required by this part or violation of any standard of conduct imposed by this part, or violation of any provision of s. 8, Art. II of the State Constitution, in addition to any criminal penalty or other civil penalty involved, shall, under applicable constitutional and statutory procedures, constitute grounds for, and may be punished by, one or more of the following:

(a) In the case of a public officer:

1. Impeachment.
2. Removal from office.
3. Suspension from office.
4. Public censure and reprimand.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of which the public officer was a member or to the General Revenue Fund.

(b) In the case of an employee or a person designated as a public officer by this part who otherwise would be deemed to be an employee:

1. Dismissal from employment.
2. Suspension from employment for not more than 90 days without pay.
3. Demotion.
4. Reduction in salary level.
5. Forfeiture of no more than one-third salary per month for no more than 12 months.
6. A civil penalty not to exceed \$10,000.
7. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency by which the public employee was employed, or of which the officer was deemed to be an employee, or to the General Revenue Fund.
8. Public censure and reprimand.

(c) In the case of a candidate who violates the provisions of this part or s. 8(a) and (i), Art. II of the State Constitution:

1. Disqualification from being on the ballot.
2. Public censure.
3. Reprimand.
4. A civil penalty not to exceed \$10,000.

(d) In the case of a former public officer or employee who has violated a provision applicable to former officers or employees or whose violation occurred before the officer's or employee's leaving public office or employment:

1. Public censure and reprimand.
2. A civil penalty not to exceed \$10,000.
3. Restitution of any pecuniary benefits received because of the violation committed. The commission may recommend that the restitution penalty be paid to the agency of the public officer or employee or to the General Revenue Fund.

(2) In any case in which the commission finds a violation of this part or of s. 8, Art. II of the State Constitution and the proper disciplinary official or body under s. 112.324 imposes a civil penalty or restitution penalty, the Attorney General shall bring a civil action to recover such penalty. No defense may be raised in the civil action to enforce the civil penalty or order of restitution that could have been raised by judicial review of the administrative findings and recommendations of the commission by certiorari to the district court of appeal. The Attorney General shall collect any costs, attorney's fees, expert witness fees, or other costs of collection incurred in bringing the action.

- (3)The penalties prescribed in this part shall not be construed to limit or to conflict with:
- (a)The power of either house of the Legislature to discipline its own members or impeach a public officer.
 - (b)The power of agencies to discipline officers or employees.
- (4)Any violation of this part or of s. 8, Art. II of the State Constitution by a public officer shall constitute malfeasance, misfeasance, or neglect of duty in office within the meaning of s. 7, Art. IV of the State Constitution.
- (5)By order of the Governor, upon recommendation of the commission, any elected municipal officer who violates any provision of this part or of s. 8, Art. II of the State Constitution may be suspended from office and the office filled by appointment for the period of suspension. The suspended officer may at any time before removal be reinstated by the Governor. The Senate may, in proceedings prescribed by law, remove from office, or reinstate, the suspended official, and for such purpose the Senate may be convened in special session by its President or by a majority of its membership.
- (6)In any case in which the commission finds probable cause to believe that a complainant has committed perjury in regard to any document filed with, or any testimony given before, the commission, it shall refer such evidence to the appropriate law enforcement agency for prosecution and taxation of costs.
- (7)In any case in which the commission determines that a person has filed a complaint against a public officer or employee with a malicious intent to injure the reputation of such officer or employee by filing the complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations of fact material to a violation of this part, the complainant shall be liable for costs plus reasonable attorney's fees incurred in the defense of the person complained against, including the costs and reasonable attorney's fees incurred in proving entitlement to and the amount of costs and fees. If the complainant fails to pay such costs and fees voluntarily within 30 days following such finding by the commission, the commission shall forward such information to the Department of Legal Affairs, which shall bring a civil action in a court of competent jurisdiction to recover the amount of such costs and fees awarded by the commission.

History.-s. 7, ch. 67-469; s. 1, ch. 70-144; s. 2, ch. 74-176; s. 8, ch. 74-177; s. 2, ch. 75-199; s. 7, ch. 75-208; s. 5, ch. 82-98; s. 10, ch. 90-502; s. 10, ch. 91-85; s. 8, ch. 94-277; s. 1413, ch. 95-147; s. 1, ch. 95-354; s. 13, ch. 2000-151; s. 8, ch. 2006-275.

112.3173 Felonies involving breach of public trust and other specified offenses by public officers and employees; forfeiture of retirement benefits.-

- (1)INTENT.-It is the intent of the Legislature to implement the provisions of s. 8(d), Art. II of the State Constitution.
- (2)DEFINITIONS.-As used in this section, unless the context otherwise requires, the term:
- (a) "Conviction" and "convicted" mean an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or of nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the Senate of an impeachable offense.
 - (b) "Court" means any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense.
 - (c) "Public officer or employee" means an officer or employee of any public body, political subdivision, or public instrumentality within the state.

(d) "Public retirement system" means any retirement system or plan to which the provisions of part VII of this chapter apply.

(e) "Specified offense" means:

- 1.The committing, aiding, or abetting of an embezzlement of public funds;
- 2.The committing, aiding, or abetting of any theft by a public officer or employee from his or her employer;
- 3.Bribery in connection with the employment of a public officer or employee;
- 4.Any felony specified in chapter 838, except ss. 838.15 and 838.16;
- 5.The committing of an impeachable offense; or
- 6.The committing of any felony by a public officer or employee who, willfully and with intent to defraud the public or the public agency for which the public officer or employee acts or in which he or she is employed of the right to receive the faithful performance of his or her duty as a public officer or employee, realizes or obtains, or attempts to realize or obtain, a profit, gain, or advantage for himself or herself or for some other person through the use or attempted use of the power, rights, privileges, duties, or position of his or her public office or employment position.
7. The committing on or after October 1, 2008, of any felony defined in s. 800.04 against a victim younger than 16 years of age, or any felony defined in chapter 794 against a victim younger than 18 years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.

(3)FORFEITURE.-Any public officer or employee who is convicted of a specified offense committed prior to retirement, or whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense, shall forfeit all rights and benefits under any public retirement system of which he or she is a member, except for the return of his or her accumulated contributions as of the date of termination.

(4)NOTICE.-

(a)The clerk of a court in which a proceeding involving a specified offense is being conducted against a public officer or employee shall furnish notice of the proceeding to the Commission on Ethics. Such notice is sufficient if it is in the form of a copy of the indictment, information, or other document containing the charges. In addition, if a verdict of guilty is returned by a jury or by the court trying the case without a jury, or a plea of guilty or of nolo contendere is entered in the court by the public officer or employee, the clerk shall furnish a copy thereof to the Commission on Ethics.

(b)The Secretary of the Senate shall furnish to the Commission on Ethics notice of any proceeding of impeachment being conducted by the Senate. In addition, if such trial results in conviction, the Secretary of the Senate shall furnish notice of the conviction to the commission.

(c)The employer of any member whose office or employment is terminated by reason of his or her admitted commission, aid, or abetment of a specified offense shall forward notice thereof to the commission.

(d)The Commission on Ethics shall forward any notice and any other document received by it pursuant to this subsection to the governing body of the public retirement system of which the public officer or employee is a member or from which the public officer or employee may be entitled to receive a benefit. When called on by the Commission on Ethics, the Department of Management Services shall assist the commission in identifying the appropriate public retirement system.

(5)FORFEITURE DETERMINATION.-

(a)Whenever the official or board responsible for paying benefits under a public retirement system receives notice pursuant to subsection (4), or otherwise has reason to believe that the rights and privileges of any person under such system are required to be forfeited under this section, such official or board shall give notice and hold a hearing in accordance with chapter 120 for the purpose of determining whether such rights and privileges are required to be forfeited. If the official or board

determines that such rights and privileges are required to be forfeited, the official or board shall order such rights and privileges forfeited.

(b) Any order of forfeiture of retirement system rights and privileges is appealable to the district court of appeal.

(c) The payment of retirement benefits ordered forfeited, except payments drawn from nonemployer contributions to the retiree's account, shall be stayed pending an appeal as to a felony conviction. If such conviction is reversed, no retirement benefits shall be forfeited. If such conviction is affirmed, retirement benefits shall be forfeited as ordered in this section.

(d) If any person's rights and privileges under a public retirement system are forfeited pursuant to this section and that person has received benefits from the system in excess of his or her accumulated contributions, such person shall pay back to the system the amount of the benefits received in excess of his or her accumulated contributions. If he or she fails to pay back such amount, the official or board responsible for paying benefits pursuant to the retirement system or pension plan may bring an action in circuit court to recover such amount, plus court costs.

(6) FORFEITURE NONEXCLUSIVE.-

(a) The forfeiture of retirement rights and privileges pursuant to this section is supplemental to any other forfeiture requirements provided by law.

(b) This section does not preclude or otherwise limit the Commission on Ethics in conducting under authority of other law an independent investigation of a complaint which it may receive against a public officer or employee involving a specified offense.

History.-s. 14, ch. 84-266; s. 4, ch. 90-301; s. 44, ch. 92-279; s. 55, ch. 92-326; s. 22, ch. 94-249; s. 1414, ch. 95-147; s. 13, ch. 99-255; s. 3, ch. 2008-108.

112.3175 Remedies; contracts voidable.-

(1) Any contract that has been executed in violation of this part is voidable:

(a) By any party to the contract.

(b) In any circuit court, by any appropriate action, by:

1. The commission.

2. The Attorney General.

3. Any citizen materially affected by the contract and residing in the jurisdiction represented by the officer or agency entering into such contract.

(2) Any contract that has been executed in violation of this part is presumed void with respect to any former employee or former public official of a state agency and is voidable with respect to any private-sector third party who employs or retains in any capacity such former agency employee or former public official.

History.-s. 8, ch. 75-208; s. 2, ch. 2001-266.

112.3185 Additional standards for state agency employees.-

(1) For the purposes of this section:

(a) "Contractual services" shall be defined as set forth in chapter 287.

(b) "Agency" means any state officer, department, board, commission, or council of the executive or judicial branch of state government and includes the Public Service Commission.

(2) An agency employee who participates through decision, approval, disapproval, recommendation,

preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services may not become or be, while an agency employee, the employee of a person contracting with the agency by whom the employee is employed.

(3) An agency employee may not, after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract in which the agency employee participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, or investigation while an officer or employee. When the agency employee's position is eliminated and his or her duties are performed by the business entity, this subsection does not prohibit him or her from employment or contractual relationship with the business entity if the employee's participation in the contract was limited to recommendation, rendering of advice, or investigation and if the agency head determines that the best interests of the state will be served thereby and provides prior written approval for the particular employee.

(4) An agency employee may not, within 2 years after retirement or termination, have or hold any employment or contractual relationship with any business entity other than an agency in connection with any contract for contractual services which was within his or her responsibility while an employee. If the agency employee's position is eliminated and his or her duties are performed by the business entity, this subsection may be waived by the agency head through prior written approval for a particular employee if the agency head determines that the best interests of the state will be served thereby.

(5) The sum of money paid to a former agency employee during the first year after the cessation of his or her responsibilities, by the agency with whom he or she was employed, for contractual services provided to the agency, shall not exceed the annual salary received on the date of cessation of his or her responsibilities. This subsection may be waived by the agency head for a particular contract if the agency head determines that such waiver will result in significant time or cost savings for the state.

(6) An agency employee acting in an official capacity may not directly or indirectly procure contractual services for his or her own agency from any business entity of which a relative is an officer, partner, director, or proprietor or in which the officer or employee or his or her spouse or child, or any combination of them, has a material interest.

(7) A violation of any provision of this section is punishable in accordance with s. 112.317.

(8) This section is not applicable to any employee of the Public Service Commission who was so employed on or before December 31, 1994.

History.-s. 6, ch. 82-196; s. 32, ch. 83-217; s. 2, ch. 90-268; s. 11, ch. 90-502; s. 9, ch. 94-277; s. 1415, ch. 95-147; s. 9, ch. 2006-275.

112.3187 Adverse action against employee for disclosing information of specified nature prohibited; employee remedy and relief.-

(1) **SHORT TITLE.**-Sections 112.3187-112.31895 may be cited as the "Whistle-blower's Act."

(2) **LEGISLATIVE INTENT.**-It is the intent of the Legislature to prevent agencies or independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of law on the part of a public employer or independent contractor that create a substantial and specific danger to the public's health, safety, or welfare. It is further the intent of the Legislature to

prevent agencies or independent contractors from taking retaliatory action against any person who discloses information to an appropriate agency alleging improper use of governmental office, gross waste of funds, or any other abuse or gross neglect of duty on the part of an agency, public officer, or employee.

(3)DEFINITIONS.-As used in this act, unless otherwise specified, the following words or terms shall have the meanings indicated:

- (a) "Agency" means any state, regional, county, local, or municipal government entity, whether executive, judicial, or legislative; any official, officer, department, division, bureau, commission, authority, or political subdivision therein; or any public school, community college, or state university.
- (b) "Employee" means a person who performs services for, and under the control and direction of, or contracts with, an agency or independent contractor for wages or other remuneration.
- (c) "Adverse personnel action" means the discharge, suspension, transfer, or demotion of any employee or the withholding of bonuses, the reduction in salary or benefits, or any other adverse action taken against an employee within the terms and conditions of employment by an agency or independent contractor.
- (d) "Independent contractor" means a person, other than an agency, engaged in any business and who enters into a contract, including a provider agreement, with an agency.
- (e) "Gross mismanagement" means a continuous pattern of managerial abuses, wrongful or arbitrary and capricious actions, or fraudulent or criminal conduct which may have a substantial adverse economic impact.

(4)ACTIONS PROHIBITED.-

- (a)An agency or independent contractor shall not dismiss, discipline, or take any other adverse personnel action against an employee for disclosing information pursuant to the provisions of this section.
- (b)An agency or independent contractor shall not take any adverse action that affects the rights or interests of a person in retaliation for the person's disclosure of information under this section.
- (c)The provisions of this subsection shall not be applicable when an employee or person discloses information known by the employee or person to be false.

(5)NATURE OF INFORMATION DISCLOSED.-The information disclosed under this section must include:

- (a)Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare.
- (b)Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor.

(6)TO WHOM INFORMATION DISCLOSED.-The information disclosed under this section must be disclosed to any agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act, including, but not limited to, the Office of the Chief Inspector General, an agency inspector general or the employee designated as agency inspector general under s. 112.3189(1) or inspectors general under s. 20.055, the Florida Commission on Human Relations, and the whistle-blower's hotline created under s. 112.3189. However, for disclosures concerning a local governmental entity, including any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing, the information must be disclosed to a chief executive officer as defined in s. 447.203(9) or other appropriate local official.

(7)EMPLOYEES AND PERSONS PROTECTED.-This section protects employees and persons who

disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or federal government entity; who refuse to participate in any adverse action prohibited by this section; or who initiate a complaint through the whistle-blower's hotline or the hotline of the Medicaid Fraud Control Unit of the Department of Legal Affairs; or employees who file any written complaint to their supervisory officials or employees who submit a complaint to the Chief Inspector General in the Executive Office of the Governor, to the employee designated as agency inspector general under s. 112.3189(1), or to the Florida Commission on Human Relations. The provisions of this section may not be used by a person while he or she is under the care, custody, or control of the state correctional system or, after release from the care, custody, or control of the state correctional system, with respect to circumstances that occurred during any period of incarceration. No remedy or other protection under ss. 112.3187-112.31895 applies to any person who has committed or intentionally participated in committing the violation or suspected violation for which protection under ss. 112.3187-112.31895 is being sought.

(8) REMEDIES.-

(a) Any employee of or applicant for employment with any state agency, as the term "state agency" is defined in s. 216.011, who is discharged, disciplined, or subjected to other adverse personnel action, or denied employment, because he or she engaged in an activity protected by this section may file a complaint, which complaint must be made in accordance with s. 112.31895. Upon receipt of notice from the Florida Commission on Human Relations of termination of the investigation, the complainant may elect to pursue the administrative remedy available under s. 112.31895 or bring a civil action within 180 days after receipt of the notice.

(b) Within 60 days after the action prohibited by this section, any local public employee protected by this section may file a complaint with the appropriate local governmental authority, if that authority has established by ordinance an administrative procedure for handling such complaints or has contracted with the Division of Administrative Hearings under s. 120.65 to conduct hearings under this section. The administrative procedure created by ordinance must provide for the complaint to be heard by a panel of impartial persons appointed by the appropriate local governmental authority. Upon hearing the complaint, the panel must make findings of fact and conclusions of law for a final decision by the local governmental authority. Within 180 days after entry of a final decision by the local governmental authority, the public employee who filed the complaint may bring a civil action in any court of competent jurisdiction. If the local governmental authority has not established an administrative procedure by ordinance or contract, a local public employee may, within 180 days after the action prohibited by this section, bring a civil action in a court of competent jurisdiction. For the purpose of this paragraph, the term "local governmental authority" includes any regional, county, or municipal entity, special district, community college district, or school district or any political subdivision of any of the foregoing.

(c) Any other person protected by this section may, after exhausting all available contractual or administrative remedies, bring a civil action in any court of competent jurisdiction within 180 days after the action prohibited by this section.

(9) RELIEF.-In any action brought under this section, the relief must include the following:

(a) Reinstatement of the employee to the same position held before the adverse action was commenced, or to an equivalent position or reasonable front pay as alternative relief.

(b) Reinstatement of the employee's full fringe benefits and seniority rights, as appropriate.

(c) Compensation, if appropriate, for lost wages, benefits, or other lost remuneration caused by the adverse action.

(d) Payment of reasonable costs, including attorney's fees, to a substantially prevailing employee, or to the prevailing employer if the employee filed a frivolous action in bad faith.

(e) Issuance of an injunction, if appropriate, by a court of competent jurisdiction.

(f) Temporary reinstatement to the employee's former position or to an equivalent position, pending the

final outcome on the complaint, if an employee complains of being discharged in retaliation for a protected disclosure and if a court of competent jurisdiction or the Florida Commission on Human Relations, as applicable under s. 112.31895, determines that the disclosure was not made in bad faith or for a wrongful purpose or occurred after an agency's initiation of a personnel action against the employee which includes documentation of the employee's violation of a disciplinary standard or performance deficiency. This paragraph does not apply to an employee of a municipality.

(10)DEFENSES.-It shall be an affirmative defense to any action brought pursuant to this section that the adverse action was predicated upon grounds other than, and would have been taken absent, the employee's or person's exercise of rights protected by this section.

(11)EXISTING RIGHTS.-Sections 112.3187-112.31895 do not diminish the rights, privileges, or remedies of an employee under any other law or rule or under any collective bargaining agreement or employment contract; however, the election of remedies in s. 447.401 also applies to whistle-blower actions.

History.-ss. 1, 2, 3, 4, 5, 6, 7, 8, ch. 86-233; s. 1, ch. 91-285; s. 12, ch. 92-316; s. 1, ch. 93-57; s. 702, ch. 95-147; s. 1, ch. 95-153; s. 15, ch. 96-410; s. 20, ch. 99-333; s. 2, ch. 2002-400.

112.3188 Confidentiality of information given to the Chief Inspector General, internal auditors, inspectors general, local chief executive officers, or other appropriate local officials.-

(1)The name or identity of any individual who discloses in good faith to the Chief Inspector General or an agency inspector general, a local chief executive officer, or other appropriate local official information that alleges that an employee or agent of an agency or independent contractor:

(a)Has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare; or

(b)Has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty

may not be disclosed to anyone other than a member of the Chief Inspector General's, agency inspector general's, internal auditor's, local chief executive officer's, or other appropriate local official's staff without the written consent of the individual, unless the Chief Inspector General, internal auditor, agency inspector general, local chief executive officer, or other appropriate local official determines that: the disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime; or the disclosure is unavoidable and absolutely necessary during the course of the audit, evaluation, or investigation.

(2)(a)Except as specifically authorized by s. 112.3189, all information received by the Chief Inspector General or an agency inspector general or information produced or derived from fact-finding or other investigations conducted by the Florida Commission on Human Relations or the Department of Law Enforcement is confidential and exempt from s. 119.07(1) if the information is being received or derived from allegations as set forth in paragraph (1)(a) or paragraph (1)(b), and an investigation is active.

(b)All information received by a local chief executive officer or appropriate local official or information produced or derived from fact-finding or investigations conducted pursuant to the administrative procedure established by ordinance by a local government as authorized by s. 112.3187(8)(b) is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, if the information is being received or derived from allegations as set forth in paragraph (1)(a) or paragraph (1)(b) and an investigation is active.

(c) Information deemed confidential under this section may be disclosed by the Chief Inspector General, agency inspector general, local chief executive officer, or other appropriate local official receiving the information if the recipient determines that the disclosure of the information is absolutely necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime. Information disclosed under this subsection may be disclosed only to persons who are in a position to prevent the danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime based on the disclosed information.

1. An investigation is active under this section if:

- a. It is an ongoing investigation or inquiry or collection of information and evidence and is continuing with a reasonable, good faith anticipation of resolution in the foreseeable future; or
- b. All or a portion of the matters under investigation or inquiry are active criminal intelligence information or active criminal investigative information as defined in s. 119.011.

2. Notwithstanding sub-subparagraph 1.a., an investigation ceases to be active when:

- a. The written report required under s. 112.3189(9) has been sent by the Chief Inspector General to the recipients named in s. 112.3189(9);
- b. It is determined that an investigation is not necessary under s. 112.3189(5); or
- c. A final decision has been rendered by the local government or by the Division of Administrative Hearings pursuant to s. 112.3187(8)(b).

3. Notwithstanding paragraphs (a), (b), and this paragraph, information or records received or produced under this section which are otherwise confidential under law or exempt from disclosure under chapter 119 retain their confidentiality or exemption.

4. Any person who willfully and knowingly discloses information or records made confidential under this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.-s. 6, ch. 90-247; s. 1, ch. 91-150; s. 3, ch. 91-285; s. 2, ch. 93-57; s. 1, ch. 95-136; s. 2, ch. 95-153; s. 1, ch. 95-166; ss. 36, 37, ch. 96-406; s. 21, ch. 99-333.

1 Note.-As amended by s. 1, ch. 95-166, s. 2, ch. 95-153, and s. 36, ch. 96-406; this version of paragraph (2)(a) was also amended by s. 21, ch. 99-333. For a description of multiple acts in the same session affecting a statutory provision, see preface to the Florida Statutes, "Statutory Construction." This section was also amended by s. 1, ch. 95-136, and s. 37, ch. 96-406, and that version reads:

112.3188 Confidentiality of information given to the Chief Inspector General and agency inspectors general.-

(1) The identity of any individual who discloses in good faith to the Chief Inspector General or an agency inspector general information that alleges that an employee or agent of an agency or independent contractor has violated or is suspected of having violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare or has committed or is suspected of having committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty is exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution and shall not be disclosed to anyone other than a member of the Chief Inspector General's or agency inspector general's staff without the written consent of the individual, unless the Chief Inspector General or agency inspector general determines that:

- (a) The disclosure of the individual's identity is necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime, provided that such information is disclosed only to persons who are in a position to prevent the danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime;
- (b) The disclosure of the individual's identity is unavoidable and absolutely necessary during the course of the inquiry or investigation; or
- (c) The disclosure of the individual's identity is authorized as a result of the individual consenting in writing to attach general comments signed by such individual to the final report required pursuant to s. 112.3189(6)(b).

(2)(a) Except as specifically authorized by s. 112.3189 and except as provided in subsection (1), all information received by the Chief Inspector General or an agency inspector general or information produced or derived from fact-finding or other investigations conducted by the Department of Legal Affairs, the Office of the Public Counsel, or the Department of Law Enforcement is confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution for an initial period of not more than 30 days during which time a determination is made whether an investigation is required pursuant to s. 112.3189(5)(a) and, if an investigation is determined to be required, until the investigation is closed or ceases to be active. For the purposes of this subsection, an investigation is active while such investigation is being conducted with a reasonable good faith belief that it may lead to the filing of administrative, civil, or criminal charges. An investigation does not cease to be active so long as the Chief Inspector General or the agency inspector general is proceeding with reasonable dispatch and there is a good faith belief that action may be initiated by the Chief Inspector General or agency inspector general or other administrative or law enforcement agency. Except for active criminal intelligence or criminal investigative information as defined in s. 119.011, and except as otherwise provided in this section, all information obtained pursuant to this subsection shall become available to the public when the investigation is closed or ceases to be active. An investigation is closed or ceases to be active when the final report required pursuant to s. 112.3189(9) has been sent by the Chief Inspector General to the recipients specified in s. 112.3189(9)(c).

(b) Information deemed confidential under this subsection may be disclosed by the Chief Inspector General or agency inspector general receiving the information if the Chief Inspector General or agency inspector general determines that the disclosure of the information is absolutely necessary to prevent a substantial and specific danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime, and such information may be disclosed only to persons who are in a position to prevent the danger to the public's health, safety, or welfare or to prevent the imminent commission of a crime based on the disclosed information.

(3) Information or records obtained under this section which are otherwise confidential under law or exempt from disclosure shall retain their confidentiality or exemption.

(4) Any person who willfully and knowingly discloses information or records made confidential under this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

112.3189 Investigative procedures upon receipt of whistle-blower information from certain state employees.-

(1) This section only applies to the disclosure of information as described in s. 112.3187(5) by an employee or former employee of, or an applicant for employment with, a state agency, as the term "state agency" is defined in s. 216.011, to the Office of the Chief Inspector General of the Executive Office of the Governor or to the agency inspector general. If an agency does not have an inspector general, the head of the state agency, as defined in s. 216.011, shall designate an employee to receive information described in s. 112.3187(5). For purposes of this section and s. 112.3188 only, the employee designated by the head of the state agency shall be deemed an agency inspector general.

(2) To facilitate the receipt of information described in subsection (1), the Chief Inspector General shall maintain an in-state toll-free whistle-blower's hotline and shall circulate among the various state agencies an advisory for all employees which indicates the existence of the toll-free number and its purpose and provides an address to which written whistle-blower information may be forwarded.

(3) When a person alleges information described in s. 112.3187(5), the Chief Inspector General or

agency inspector general actually receiving such information shall within 20 days of receiving such information determine:

- (a) Whether the information disclosed is the type of information described in s. 112.3187(5).
- (b) Whether the source of the information is a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011.
- (c) Whether the information actually disclosed demonstrates reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty.

(4) If the Chief Inspector General or agency inspector general under subsection (3) determines that the information disclosed is not the type of information described in s. 112.3187(5), or that the source of the information is not a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011, or that the information disclosed does not demonstrate reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating and presenting a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, the Chief Inspector General or agency inspector general shall notify the complainant of such fact and copy and return, upon request of the complainant, any documents and other materials that were provided by the complainant.

(5)(a) If the Chief Inspector General or agency inspector general under subsection (3) determines that the information disclosed is the type of information described in s. 112.3187(5), that the source of the information is from a person who is an employee or former employee of, or an applicant for employment with, a state agency, as defined in s. 216.011, and that the information disclosed demonstrates reasonable cause to suspect that an employee or agent of an agency or independent contractor has violated any federal, state, or local law, rule, or regulation, thereby creating a substantial and specific danger to the public's health, safety, or welfare, or has committed an act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty, the Chief Inspector General or agency inspector general making such determination shall then conduct an investigation, unless the Chief Inspector General or the agency inspector general determines, within 30 days after receiving the allegations from the complainant, that such investigation is unnecessary. For purposes of this subsection, the Chief Inspector General or the agency inspector general shall consider the following factors, but is not limited to only the following factors, when deciding whether the investigation is not necessary:

1. The gravity of the disclosed information compared to the time and expense of an investigation.
2. The potential for an investigation to yield recommendations that will make state government more efficient and effective.
3. The benefit to state government to have a final report on the disclosed information.
4. Whether the alleged whistle-blower information primarily concerns personnel practices that may be investigated under chapter 110.
5. Whether another agency may be conducting an investigation and whether any investigation under this section could be duplicative.
6. The time that has elapsed between the alleged event and the disclosure of the information.

(b) If the Chief Inspector General or agency inspector general determines under paragraph (a) that an investigation is not necessary, the Chief Inspector General or agency inspector general making such determination shall:

1. Copy and return, upon request of the complainant, any documents and other materials provided by the individual who made the disclosure.

2. Inform in writing the head of the state agency for the agency inspector general making the determination that the investigation is not necessary and the individual who made the disclosure of the specific reasons why an investigation is not necessary and why the disclosure will not be further acted on under this section.

(6) The agency inspector general may conduct an investigation pursuant to paragraph (5)(a) only if the person transmitting information to the agency inspector general is an employee or former employee of, or an applicant for employment with, the agency inspector general's agency. The agency inspector general shall:

- (a) Conduct an investigation with respect to the information and any related matters.
- (b) Submit to the complainant and the Chief Inspector General, within 60 days after the date on which a determination to conduct an investigation is made under paragraph (5)(a), a final written report that sets forth the agency inspector general's findings, conclusions, and recommendations, except as provided under subsection (11). The complainant shall be advised in writing by the agency head that the complainant may submit to the Chief Inspector General and agency inspector general comments on the final report within 20 days of the date of the report and that such comments will be attached to the final report.

(7) If the Chief Inspector General decides an investigation should be conducted pursuant to paragraph (5)(a), the Chief Inspector General shall either:

- (a) Promptly transmit to the appropriate head of the state agency the information with respect to which the determination to conduct an investigation was made, and such agency head shall conduct an investigation and submit to the Chief Inspector General a final written report that sets forth the agency head's findings, conclusions, and recommendations; or
- (b) 1. Conduct an investigation with respect to the information and any related matters; and
2. Submit to the complainant within 60 days after the date on which a determination to conduct an investigation is made under paragraph (5)(a), a final written report that sets forth the Chief Inspector General's findings, conclusions, and recommendations, except as provided under subsection (11). The complainant shall be advised in writing by the Chief Inspector General that the complainant may submit to the Chief Inspector General comments on the final report within 20 days of the date of the report and that such comments will be attached to the final report.
- (c) The Chief Inspector General may require an agency head to conduct an investigation under paragraph (a) only if the information was transmitted to the Chief Inspector General by:
 - 1. An employee or former employee of, or an applicant for employment with, the agency that the information concerns; or
 - 2. An employee who obtained the information in connection with the performance of the employee's duties and responsibilities.

(8) Final reports required under this section must be reviewed and signed by the person responsible for conducting the investigation (agency inspector general, agency head, or Chief Inspector General) and must include:

- (a) A summary of the information with respect to which the investigation was initiated.
- (b) A description of the conduct of the investigation.
- (c) A summary of any evidence obtained from the investigation.
- (d) A listing of any violation or apparent violation of any law, rule, or regulation.
- (e) A description of any action taken or planned as a result of the investigation, such as:
 - 1. A change in an agency rule, regulation, or practice.
 - 2. The restoration of an aggrieved employee.
 - 3. A disciplinary action against an employee.
 - 4. The referral to the Department of Law Enforcement of any evidence of a criminal violation.

(9)(a) A report required of the agency head under paragraph (7)(a) shall be submitted to the Chief Inspector General and the complainant within 60 days after the agency head receives the complaint from the Chief Inspector General, except as provided under subsection (11). The complainant shall be advised in writing by the agency head that the complainant may submit to the Chief Inspector General comments on the report within 20 days of the date of the report and that such comments will be attached to the final report.

(b) Upon receiving a final report required under this section, the Chief Inspector General shall review the report and determine whether the report contains the information required by subsection (8). If the report does not contain the information required by subsection (8), the Chief Inspector General shall determine why and note the reasons on an addendum to the final report.

(c) The Chief Inspector General shall transmit any final report under this section, any comments provided by the complainant, and any appropriate comments or recommendations by the Chief Inspector General to the Governor, to the Joint Legislative Auditing Committee, to the investigating agency, and to the Chief Financial Officer.

(d) If the Chief Inspector General does not receive the report of the agency head within the time prescribed in paragraph (a), the Chief Inspector General may conduct the investigation in accordance with paragraph (7)(b) or request that another agency inspector general conduct the investigation in accordance with subsection (6) and shall report the complaint to the Governor, to the Joint Legislative Auditing Committee, and to the investigating agency, together with a statement noting the failure of the agency head to file the required report.

(10) For any time period set forth in subsections (3), (6), (7), and (9), such time period may be extended in writing by the Chief Inspector General for good cause shown.

(11) If an investigation under this section produces evidence of a criminal violation, the report shall not be transmitted to the complainant, and the agency head or agency inspector general shall notify the Chief Inspector General and the Department of Law Enforcement.

History.-s. 13, ch. 92-316; s. 3, ch. 93-57; s. 129, ch. 2003-261.

112.31895 Investigative procedures in response to prohibited personnel actions.-

(1)(a) If a disclosure under s. 112.3187 includes or results in alleged retaliation by an employer, the employee or former employee of, or applicant for employment with, a state agency, as defined in s. 216.011, that is so affected may file a complaint alleging a prohibited personnel action, which complaint must be made by filing a written complaint with the Office of the Chief Inspector General in the Executive Office of the Governor or the Florida Commission on Human Relations, no later than 60 days after the prohibited personnel action.

(b) Within three working days after receiving a complaint under this section, the office or officer receiving the complaint shall acknowledge receipt of the complaint and provide copies of the complaint and any other preliminary information available concerning the disclosure of information under s. 112.3187 to each of the other parties named in paragraph (a), which parties shall each acknowledge receipt of such copies to the complainant.

(2) **FACT FINDING.**-The Florida Commission on Human Relations shall:

(a) Receive any allegation of a personnel action prohibited by s. 112.3187, including a proposed or potential action, and conduct informal fact finding regarding any allegation under this section, to the extent necessary to determine whether there are reasonable grounds to believe that a prohibited personnel action under s. 112.3187 has occurred, is occurring, or is to be taken.

(b) Notify the complainant, within 15 days after receiving a complaint, that the complaint has been

received by the department.

(c) Within 90 days after receiving the complaint, provide the agency head and the complainant with a fact-finding report that may include recommendations to the parties or proposed resolution of the complaint. The fact-finding report shall be presumed admissible in any subsequent or related administrative or judicial review.

(3) CORRECTIVE ACTION AND TERMINATION OF INVESTIGATION.-

(a) The Florida Commission on Human Relations, in accordance with this act and for the sole purpose of this act, is empowered to:

1. Receive and investigate complaints from employees alleging retaliation by state agencies, as the term "state agency" is defined in s. 216.011.
2. Protect employees and applicants for employment with such agencies from prohibited personnel practices under s. 112.3187.
3. Petition for stays and petition for corrective actions, including, but not limited to, temporary reinstatement.
4. Recommend disciplinary proceedings pursuant to investigation and appropriate agency rules and procedures.
5. Coordinate with the Chief Inspector General in the Executive Office of the Governor and the Florida Commission on Human Relations to receive, review, and forward to appropriate agencies, legislative entities, or the Department of Law Enforcement disclosures of a violation of any law, rule, or regulation, or disclosures of gross mismanagement, malfeasance, misfeasance, nonfeasance, neglect of duty, or gross waste of public funds.
6. Review rules pertaining to personnel matters issued or proposed by the Department of Management Services, the Public Employees Relations Commission, and other agencies, and, if the Florida Commission on Human Relations finds that any rule or proposed rule, on its face or as implemented, requires the commission of a prohibited personnel practice, provide a written comment to the appropriate agency.
7. Investigate, request assistance from other governmental entities, and, if appropriate, bring actions concerning, allegations of retaliation by state agencies under subparagraph 1.
8. Administer oaths, examine witnesses, take statements, issue subpoenas, order the taking of depositions, order responses to written interrogatories, and make appropriate motions to limit discovery, pursuant to investigations under subparagraph 1.
9. Intervene or otherwise participate, as a matter of right, in any appeal or other proceeding arising under this section before the Public Employees Relations Commission or any other appropriate agency, except that the Florida Commission on Human Relations must comply with the rules of the commission or other agency and may not seek corrective action or intervene in an appeal or other proceeding without the consent of the person protected under ss. 112.3187-112.31895.
10. Conduct an investigation, in the absence of an allegation, to determine whether reasonable grounds exist to believe that a prohibited action or a pattern of prohibited action has occurred, is occurring, or is to be taken.

(b) Within 15 days after receiving a complaint that a person has been discharged from employment allegedly for disclosing protected information under s. 112.3187, the Florida Commission on Human Relations shall review the information and determine whether temporary reinstatement is appropriate under s. 112.3187(9)(f). If the Florida Commission on Human Relations so determines, it shall apply for an expedited order from the appropriate agency or circuit court for the immediate reinstatement of the employee who has been discharged subsequent to the disclosure made under s. 112.3187, pending the issuance of the final order on the complaint.

(c) The Florida Commission on Human Relations shall notify a complainant of the status of the investigation and any action taken at such times as the commission considers appropriate.

(d) If the Florida Commission on Human Relations is unable to conciliate a complaint within 60 days after receipt of the fact-finding report, the Florida Commission on Human Relations shall terminate the

investigation. Upon termination of any investigation, the Florida Commission on Human Relations shall notify the complainant and the agency head of the termination of the investigation, providing a summary of relevant facts found during the investigation and the reasons for terminating the investigation. A written statement under this paragraph is presumed admissible as evidence in any judicial or administrative proceeding but is not admissible without the consent of the complainant.

(e)1. The Florida Commission on Human Relations may request an agency or circuit court to order a stay, on such terms as the court requires, of any personnel action for 45 days if the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a prohibited personnel action has occurred, is occurring, or is to be taken. The Florida Commission on Human Relations may request that such stay be extended for appropriate periods of time.

2. If, in connection with any investigation, the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a prohibited action has occurred, is occurring, or is to be taken which requires corrective action, the Florida Commission on Human Relations shall report the determination together with any findings or recommendations to the agency head and may report that determination and those findings and recommendations to the Governor and the Chief Financial Officer. The Florida Commission on Human Relations may include in the report recommendations for corrective action to be taken.

3. If, after 20 days, the agency does not implement the recommended action, the Florida Commission on Human Relations shall terminate the investigation and notify the complainant of the right to appeal under subsection (4), or may petition the agency for corrective action under this subsection.

4. If the Florida Commission on Human Relations finds, in consultation with the individual subject to the prohibited action, that the agency has implemented the corrective action, the commission shall file such finding with the agency head, together with any written comments that the individual provides, and terminate the investigation.

(f) If the Florida Commission on Human Relations finds that there are no reasonable grounds to believe that a prohibited personnel action has occurred, is occurring, or is to be taken, the commission shall terminate the investigation.

(g)1. If, in connection with any investigation under this section, it is determined that reasonable grounds exist to believe that a criminal violation has occurred which has not been previously reported, the Florida Commission on Human Relations shall report this determination to the Department of Law Enforcement and to the state attorney having jurisdiction over the matter.

2. If an alleged criminal violation has been reported, the Florida Commission on Human Relations shall confer with the Department of Law Enforcement and the state attorney before proceeding with the investigation of the prohibited personnel action and may defer the investigation pending completion of the criminal investigation and proceedings. The Florida Commission on Human Relations shall inform the complainant of the decision to defer the investigation and, if appropriate, of the confidentiality of the investigation.

(h) If, in connection with any investigation under this section, the Florida Commission on Human Relations determines that reasonable grounds exist to believe that a violation of a law, rule, or regulation has occurred, other than a criminal violation or a prohibited action under this section, the commission may report such violation to the head of the agency involved. Within 30 days after the agency receives the report, the agency head shall provide to the commission a certification that states that the head of the agency has personally reviewed the report and indicates what action has been or is to be taken and when the action will be completed.

(i) During any investigation under this section, disciplinary action may not be taken against any employee of a state agency, as the term "state agency" is defined in s. 216.011, for reporting an alleged prohibited personnel action that is under investigation, or for reporting any related activity, or against any employee for participating in an investigation without notifying the Florida Commission on Human Relations.

(j) The Florida Commission on Human Relations may also petition for an award of reasonable attorney's fees and expenses from a state agency, as the term "state agency" is defined in s. 216.011, pursuant to s.

112.3187(9).

(4)RIGHT TO APPEAL.-

(a)Not more than 60 days after receipt of a notice of termination of the investigation from the Florida Commission on Human Relations, the complainant may file, with the Public Employees Relations Commission, a complaint against the employer-agency regarding the alleged prohibited personnel action. The Public Employees Relations Commission shall have jurisdiction over such complaints under ss. 112.3187 and 447.503(4) and (5).

(b)Judicial review of any final order of the commission shall be as provided in s. 120.68.

History.-s. 14, ch. 92-316; s. 4, ch. 93-57; s. 703, ch. 95-147; s. 22, ch. 99-333; s. 130, ch. 2003-261.

112.31901 Investigatory records.-

(1)If certified pursuant to subsection (2), an investigatory record of the Chief Inspector General within the Executive Office of the Governor or of the employee designated by an agency head as the agency inspector general under s. 112.3189 is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until the investigation ceases to be active, or a report detailing the investigation is provided to the Governor or the agency head, or 60 days from the inception of the investigation for which the record was made or received, whichever first occurs. Investigatory records are those records that are related to the investigation of an alleged, specific act or omission or other wrongdoing, with respect to an identifiable person or group of persons, based on information compiled by the Chief Inspector General or by an agency inspector general, as named under the provisions of s. 112.3189, in the course of an investigation. An investigation is active if it is continuing with a reasonable, good faith anticipation of resolution and with reasonable dispatch.

(2)The Governor, in the case of the Chief Inspector General, or agency head, in the case of an employee designated as the agency inspector general under s. 112.3189, may certify that such investigatory records require an exemption to protect the integrity of the investigation or avoid unwarranted damage to an individual's good name or reputation. The certification must specify the nature and purpose of the investigation and shall be kept with the exempt records and made public when the records are made public.

(3)This section does not apply to whistle-blower investigations conducted pursuant to ss. 112.3187, 112.3188, 112.3189, and 112.31895.

History.-s. 4, ch. 93-405; s. 35, ch. 95-398; s. 38, ch. 2005-251; s. 13, ch. 2006-1.
Note.-Former s. 119.07(6)(w).

112.3191 Short title.-This act shall be known and cited as "The John J. Savage Memorial Act of 1974."

History.-s. 1, ch. 74-176.

112.320 Commission on Ethics; purpose.-

There is created a Commission on Ethics, the purpose of which is to serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state, as defined in this part, and to serve as the independent commission provided for

in s. 8(f), Art. II of the State Constitution.

History.-s. 2, ch. 74-176; s. 11, ch. 91-85.

112.321 Membership, terms; travel expenses; staff.-

(1)The commission shall be composed of nine members. Five of these members shall be appointed by the Governor, no more than three of whom shall be from the same political party, subject to confirmation by the Senate. One member appointed by the Governor shall be a former city or county official and may be a former member of a local planning or zoning board which has only advisory duties. Two members shall be appointed by the Speaker of the House of Representatives, and two members shall be appointed by the President of the Senate. Neither the Speaker of the House of Representatives nor the President of the Senate shall appoint more than one member from the same political party. Of the nine members of the Commission, no more than five members shall be from the same political party at any one time. No member may hold any public employment. An individual who qualifies as a lobbyist pursuant to s. 11.045 or s. 112.3215 or pursuant to any local government charter or ordinance may not serve as a member of the commission, except that this prohibition does not apply to an individual who is a member of the commission on July 1, 2006, until the expiration of his or her current term. A member of the commission may not lobby any state or local governmental entity as provided in s. 11.045 or s. 112.3215 or as provided by any local government charter or ordinance, except that this prohibition does not apply to an individual who is a member of the commission on July 1, 2006, until the expiration of his or her current term. All members shall serve 2-year terms. A member may not serve more than two full terms in succession. Any member of the commission may be removed for cause by majority vote of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court.

(2)The members of the commission shall elect a chair from their number, who shall serve for a 1-year term and may not succeed himself or herself as chair.

(3)Members of the commission shall receive no salary but shall receive travel and per diem as provided in s. 112.061.

(4)In accordance with the uniform personnel, job classification, and pay plan adopted with the approval of the President of the Senate and the Speaker of the House of Representatives and administered by the Office of Legislative Services, the commission shall employ an executive director and shall provide the executive director with necessary office space, assistants, and secretaries. Within the above uniform plan, decisions relating to hiring, promotion, demotion, and termination of commission employees shall be made by the commission or, if so delegated by the commission, by its executive director.

History.-s. 2, ch. 74-176; s. 3, ch. 75-199; s. 6, ch. 82-98; s. 1, ch. 86-148; s. 3, ch. 88-29; s. 2, ch. 91-49; s. 704, ch. 95-147; s. 24, ch. 98-136; s. 6, ch. 2000-243; s. 10, ch. 2006-275.

112.3213 Legislative intent and purpose.-

The Legislature finds that the operation of open and responsible government requires the fullest opportunity to be afforded to the people to petition their government for the redress of grievances and to express freely their opinions on executive branch action. Further, the Legislature finds that preservation of the integrity of the governmental decisionmaking process is essential to the continued functioning of an open government. Therefore, in order to preserve and maintain the integrity of the process and to

better inform citizens of the efforts to influence executive branch action, the Legislature finds it necessary to require the public disclosure of the identity, expenditures, and activities of certain persons who attempt to influence actions of the executive branch in the areas of policy and procurement.

History.-s. 5, ch. 93-121.

112.3215 Lobbying before the executive branch or the Constitution Revision Commission; registration and reporting; investigation by commission.-

(1) For the purposes of this section:

- (a) "Agency" means the Governor, Governor and Cabinet, or any department, division, bureau, board, commission, or authority of the executive branch. In addition, "agency" shall mean the Constitution Revision Commission as provided by s. 2, Art. XI of the State Constitution.
- (b) "Agency official" or "employee" means any individual who is required by law to file full or limited public disclosure of his or her financial interests.
- (c) "Compensation" means a payment, distribution, loan, advance, reimbursement, deposit, salary, fee, retainer, or anything of value provided or owed to a lobbying firm, directly or indirectly, by a principal for any lobbying activity.
- (d) "Expenditure" means a payment, distribution, loan, advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying. The term "expenditure" does not include contributions or expenditures reported pursuant to chapter 106 or federal election law, campaign-related personal services provided without compensation by individuals volunteering their time, any other contribution or expenditure made by or to a political party, or any other contribution or expenditure made by an organization that is exempt from taxation under 26 U.S.C. s. 527 or s. 501(c)(4).
- (e) "Fund" means the Executive Branch Lobby Registration Trust Fund.
- (f) "Lobbies" means seeking, on behalf of another person, to influence an agency with respect to a decision of the agency in the area of policy or procurement or an attempt to obtain the goodwill of an agency official or employee. "Lobbies" also means influencing or attempting to influence, on behalf of another, the Constitution Revision Commission's action or nonaction through oral or written communication or an attempt to obtain the goodwill of a member or employee of the Constitution Revision Commission.
- (g) "Lobbying firm" means a business entity, including an individual contract lobbyist, that receives or becomes entitled to receive any compensation for the purpose of lobbying, where any partner, owner, officer, or employee of the business entity is a lobbyist.
- (h) "Lobbyist" means a person who is employed and receives payment, or who contracts for economic consideration, for the purpose of lobbying, or a person who is principally employed for governmental affairs by another person or governmental entity to lobby on behalf of that other person or governmental entity. "Lobbyist" does not include a person who is:
 - 1. An attorney, or any person, who represents a client in a judicial proceeding or in a formal administrative proceeding conducted pursuant to chapter 120 or any other formal hearing before an agency, board, commission, or authority of this state.
 - 2. An employee of an agency or of a legislative or judicial branch entity acting in the normal course of his or her duties.
 - 3. A confidential informant who is providing, or wishes to provide, confidential information to be used for law enforcement purposes.
 - 4. A person who lobbies to procure a contract pursuant to chapter 287 which contract is less than the threshold for CATEGORY ONE as provided in s. 287.017(1)(a).
- (i) "Principal" means the person, firm, corporation, or other entity which has employed or retained a lobbyist.

(2)The Executive Branch Lobby Registration Trust Fund is hereby created within the commission to be used for the purpose of funding any office established to administer the registration of lobbyists lobbying an agency, including the payment of salaries and other expenses. The trust fund is not subject to the service charge to General Revenue provisions of chapter 215. All annual registration fees collected pursuant to this section shall be deposited into such fund.

(3)A person may not lobby an agency until such person has registered as a lobbyist with the commission. Such registration shall be due upon initially being retained to lobby and is renewable on a calendar year basis thereafter. Upon registration the person shall provide a statement signed by the principal or principal's representative that the registrant is authorized to represent the principal. The principal shall also identify and designate its main business on the statement authorizing that lobbyist pursuant to a classification system approved by the commission. The registration shall require each lobbyist to disclose, under oath, the following information:

- (a)Name and business address;
- (b)The name and business address of each principal represented;
- (c)His or her area of interest;
- (d)The agencies before which he or she will appear; and
- (e)The existence of any direct or indirect business association, partnership, or financial relationship with any employee of an agency with which he or she lobbies, or intends to lobby, as disclosed in the registration.

(4)The annual lobbyist registration fee shall be set by the commission by rule, not to exceed \$40 for each principal represented.

1(5)(a)1.Each lobbying firm shall file a compensation report with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

- a.Full name, business address, and telephone number of the lobbying firm;
- b.Name of each of the firm's lobbyists; and
- c.Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

2.For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

- a.Full name, business address, and telephone number of the principal; and
- b.Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

3.If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

- a.The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and
- b.The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.

4.The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph, and certify that no compensation has been omitted from this report by deeming such compensation as "consulting services," "media services," "professional services," or anything other than compensation, and certify that no officer or employee of the firm has made an expenditure in violation of this section.

(b)For each principal represented by more than one lobbying firm, the commission shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.

(c) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively.

(d) Reports shall be filed not later than 5 p.m. of the report due date. However, any report that is postmarked by the United States Postal Service no later than midnight of the due date shall be deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company which bears a date on or before the due date, shall be proof of mailing in a timely manner.

(e) The commission shall provide by rule the grounds for waiving a fine, the procedures by which a lobbying firm that fails to timely file a report shall be notified and assessed fines, and the procedure for appealing the fines. The rule shall provide for the following:

1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.

2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:

a. When a report is actually received by the lobbyist registration and reporting office.

b. When the report is postmarked.

c. When the certificate of mailing is dated.

d. When the receipt from an established courier company is dated.

3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.

4. A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.

5. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.

6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the commission shall promptly notify all affected principals of each suspension and each reinstatement.

7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.

(f) The commission shall adopt a rule which allows reporting statements to be filed by electronic means, when feasible.

(g) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate

compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Legislative Auditing Committee pursuant to s. 11.40, and such subpoena may be enforced in circuit court.

(6)(a) Notwithstanding s. 112.3148, s. 112.3149, or any other provision of law to the contrary, no lobbyist or principal shall make, directly or indirectly, and no agency official, member, or employee shall knowingly accept, directly or indirectly, any expenditure.

(b) No person shall provide compensation for lobbying to any individual or business entity that is not a lobbying firm.

(7) A lobbyist shall promptly send a written statement to the commission canceling the registration for a principal upon termination of the lobbyist's representation of that principal. Notwithstanding this requirement, the commission may remove the name of a lobbyist from the list of registered lobbyists if the principal notifies the office that a person is no longer authorized to represent that principal.

(8)(a) The commission shall investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to register, has failed to submit a compensation report, or has knowingly submitted false information in any report or registration required in this section.

(b) All proceedings, the complaint, and other records relating to the investigation are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any meetings held pursuant to an investigation are exempt from the provisions of s. 286.011(1) and s. 24(b), Art. I of the State Constitution either until the alleged violator requests in writing that such investigation and associated records and meetings be made public or until the commission determines, based on the investigation, whether probable cause exists to believe that a violation has occurred.

(c) The commission shall investigate any lobbying firm, agency, officer, or employee upon receipt of information from a sworn complaint or from a random audit of lobbying reports indicating a possible violation other than a late-filed report.

(d) Records relating to an audit conducted pursuant to this section or an investigation conducted pursuant to this section or s. 112.32155 are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any meetings held pursuant to such an investigation or at which such an audit is discussed are exempt from s. 286.011 and s. 24(b), Art. I of the State Constitution either until the lobbying firm requests in writing that such investigation and associated records and meetings be made public or until the commission determines there is probable cause that the audit reflects a violation of the reporting laws. This paragraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2011, unless reviewed and saved from repeal through reenactment by the Legislature.

(9) If the commission finds no probable cause to believe that a violation of this section occurred, it shall dismiss the complaint, whereupon the complaint, together with a written statement of the findings of the investigation and a summary of the facts, shall become a matter of public record, and the commission shall send a copy of the complaint, findings, and summary to the complainant and the alleged violator. If, after investigating information from a random audit of lobbying reports, the commission finds no probable cause to believe that a violation of this section occurred, a written statement of the findings of the investigation and a summary of the facts shall become a matter of public record, and the commission shall send a copy of the findings and summary to the alleged violator. If the commission finds probable cause to believe that a violation occurred, it shall report the results of its investigation to the Governor and Cabinet and send a copy of the report to the alleged violator by certified mail. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the Governor and Cabinet in writing, any person whom the commission finds probable cause to believe has violated any provision of this section shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received

within 14 days following the mailing of the probable cause notification. However, the Governor and Cabinet may on its own motion require a public hearing and may conduct such further investigation as it deems necessary.

(10) If the Governor and Cabinet finds that a violation occurred, it may reprimand the violator, censure the violator, or prohibit the violator from lobbying all agencies for a period not to exceed 2 years. If the violator is a lobbying firm, the Governor and Cabinet may also assess a fine of not more than \$5,000 to be deposited in the Executive Branch Lobby Registration Trust Fund.

(11) Any person, when in doubt about the applicability and interpretation of this section to himself or herself in a particular context, may submit in writing the facts of the situation to the commission with a request for an advisory opinion to establish the standard of duty. An advisory opinion shall be rendered by the commission and, until amended or revoked, shall be binding on the conduct of the person who sought the opinion, unless material facts were omitted or misstated in the request.

(12) Agencies shall be diligent to ascertain whether persons required to register pursuant to this section have complied. An agency may not knowingly permit a person who is not registered pursuant to this section to lobby the agency.

(13) Upon discovery of violations of this section an agency or any person may file a sworn complaint with the commission.

(14) The commission shall adopt rules to administer this section, which shall prescribe forms for registration and compensation reports, procedures for registration, and procedures that will prevent disclosure of information that is confidential as provided in this section.

History.-s. 2, ch. 89-325; s. 3, ch. 90-268; s. 29, ch. 90-360; s. 5, ch. 91-292; s. 2, ch. 92-35; s. 6, ch. 93-121; s. 705, ch. 95-147; s. 1, ch. 95-357; s. 2, ch. 96-203; s. 38, ch. 96-406; s. 1, ch. 97-12; s. 2, ch. 2000-232; s. 131, ch. 2003-261; ss. 5, 6, ch. 2005-359; s. 1, ch. 2005-361; ss. 12, 13, 14, ch. 2006-275. 1Note.-Section 6, ch. 2005-359, amended subsection (5), effective April 1, 2007, and s. 14, ch. 2006-275, further amended paragraph (5)(d), effective April 1, 2007. As amended by s. 6, ch. 2005-359, and s. 14, ch. 2006-275, subsection (5) will read:

(5)(a)1. Each lobbying firm shall file a compensation report with the commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. The report shall include the:

a. Full name, business address, and telephone number of the lobbying firm;

b. Name of each of the firm's lobbyists; and

c. Total compensation provided or owed to the lobbying firm from all principals for the reporting period, reported in one of the following categories: \$0; \$1 to \$49,999; \$50,000 to \$99,999; \$100,000 to \$249,999; \$250,000 to \$499,999; \$500,000 to \$999,999; \$1 million or more.

2. For each principal represented by one or more of the firm's lobbyists, the lobbying firm's compensation report shall also include the:

a. Full name, business address, and telephone number of the principal; and

b. Total compensation provided or owed to the lobbying firm for the reporting period, reported in one of the following categories: \$0; \$1 to \$9,999; \$10,000 to \$19,999; \$20,000 to \$29,999; \$30,000 to \$39,999; \$40,000 to \$49,999; or \$50,000 or more. If the category "\$50,000 or more" is selected, the specific dollar amount of compensation must be reported, rounded up or down to the nearest \$1,000.

3. If the lobbying firm subcontracts work from another lobbying firm and not from the original principal:

a. The lobbying firm providing the work to be subcontracted shall be treated as the reporting lobbying firm's principal for reporting purposes under this paragraph; and

- b. The reporting lobbying firm shall, for each lobbying firm identified under subparagraph 2., identify the name and address of the principal originating the lobbying work.
4. The senior partner, officer, or owner of the lobbying firm shall certify to the veracity and completeness of the information submitted pursuant to this paragraph.
- (b) For each principal represented by more than one lobbying firm, the commission shall aggregate the reporting-period and calendar-year compensation reported as provided or owed by the principal.
- (c) The reporting statements shall be filed no later than 45 days after the end of each reporting period. The four reporting periods are from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, respectively. Reporting statements must be filed by electronic means as provided in s. 112.32155.
- (d) The commission shall provide by rule the grounds for waiving a fine, the procedures by which a lobbying firm that fails to timely file a report shall be notified and assessed fines, and the procedure for appealing the fines. The rule shall provide for the following:
1. Upon determining that the report is late, the person designated to review the timeliness of reports shall immediately notify the lobbying firm as to the failure to timely file the report and that a fine is being assessed for each late day. The fine shall be \$50 per day per report for each late day up to a maximum of \$5,000 per late report.
 2. Upon receipt of the report, the person designated to review the timeliness of reports shall determine the amount of the fine due based upon the earliest of the following:
 - a. When a report is actually received by the lobbyist registration and reporting office.
 - b. When the electronic receipt issued pursuant to s. 112.32155 is dated.
 3. Such fine shall be paid within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office, unless appeal is made to the commission. The moneys shall be deposited into the Executive Branch Lobby Registration Trust Fund.
 4. A fine shall not be assessed against a lobbying firm the first time any reports for which the lobbying firm is responsible are not timely filed. However, to receive the one-time fine waiver, all reports for which the lobbying firm is responsible must be filed within 30 days after the notice that any reports have not been timely filed is transmitted by the Lobbyist Registration Office. A fine shall be assessed for any subsequent late-filed reports.
 5. Any lobbying firm may appeal or dispute a fine, based upon unusual circumstances surrounding the failure to file on the designated due date, and may request and shall be entitled to a hearing before the commission, which shall have the authority to waive the fine in whole or in part for good cause shown. Any such request shall be made within 30 days after the notice of payment due is transmitted by the Lobbyist Registration Office. In such case, the lobbying firm shall, within the 30-day period, notify the person designated to review the timeliness of reports in writing of his or her intention to bring the matter before the commission.
 6. The person designated to review the timeliness of reports shall notify the commission of the failure of a lobbying firm to file a report after notice or of the failure of a lobbying firm to pay the fine imposed. All lobbyist registrations for lobbyists who are partners, owners, officers, or employees of a lobbying firm that fails to timely pay a fine are automatically suspended until the fine is paid or waived, and the commission shall promptly notify all affected principals of each suspension and each reinstatement.
 7. Notwithstanding any provision of chapter 120, any fine imposed under this subsection that is not waived by final order of the commission and that remains unpaid more than 60 days after the notice of payment due or more than 60 days after the commission renders a final order on the lobbying firm's appeal shall be collected by the Department of Financial Services as a claim, debt, or other obligation owed to the state, and the department may assign the collection of such fine to a collection agent as provided in s. 17.20.
- (e) Each lobbying firm and each principal shall preserve for a period of 4 years all accounts, bills, receipts, computer records, books, papers, and other documents and records necessary to substantiate compensation. Any documents and records retained pursuant to this section may be subpoenaed for audit by the Legislative Auditing Committee pursuant to s. 11.40, and such subpoena may be enforced

in circuit court.

112.32151 Requirements for reinstatement of lobbyist registration after felony conviction.-

A person convicted of a felony after January 1, 2006, may not be registered as a lobbyist pursuant to s. 112.3215 until the person:

- (1) Has been released from incarceration and any postconviction supervision, and has paid all court costs and court-ordered restitution; and
- (2) Has had his or her civil rights restored.

History.-s. 9, ch. 2005-359; s. 8, ch. 2007-5

1Note.-Also published at s. 11.0451.

2Note.-Substituted for a reference to s. 112.3125 by the editors. Section 112.3125 does not exist; s. 112.3215 relates to registration of lobbyists who lobby before the executive branch or Constitution Revision Commission.

112.32155 Electronic filing of compensation reports and other information.-

- (1) As used in this section, the term "electronic filing system" means an Internet system for recording and reporting lobbying compensation and other required information by reporting period.
- (2) Each lobbying firm who is required to file reports with the Commission on Ethics pursuant to s. 112.3215 must file such reports with the commission by means of the electronic filing system.
- (3) A report filed pursuant to this section must be completed and filed through the electronic filing system not later than 11:59 p.m. of the day designated in s. 112.3215. A report not filed by 11:59 p.m. of the day designated is a late-filed report and is subject to the penalties under s. 112.3215(5).
- (4) Each report filed pursuant to this section is considered to meet the certification requirements of s. 112.3215(5)(a)4. Persons given a secure sign-on to the electronic filing system are responsible for protecting it from disclosure and are responsible for all filings using such credentials, unless they have notified the commission that their credentials have been compromised.
- (5) The electronic filing system must:
 - (a) Be based on access by means of the Internet.
 - (b) Be accessible by anyone with Internet access using standard web-browsing software.
 - (c) Provide for direct entry of compensation report information as well as upload of such information from software authorized by the commission.
 - (d) Provide a method that prevents unauthorized access to electronic filing system functions.
- (6) The commission shall provide by rule procedures to implement and administer this section, including, but not limited to:
 - (a) Alternate filing procedures in case the electronic filing system is not operable.
 - (b) The issuance of an electronic receipt to the person submitting the report indicating and verifying the date and time that the report was filed.
- (7) The commission shall make all the data filed available on the Internet in an easily understood and accessible format. The Internet website shall also include, but not be limited to, the names and business

addresses of lobbyists, lobbying firms, and principals, the affiliations between lobbyists and principals, and the classification system designated and identified by each principal pursuant to s. 112.3215(3).

History.-s. 7, ch. 2005-359.

1Note.-Effective April 1, 2007.

112.3217 Contingency fees; prohibitions; penalties.-

(1) "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent or in any way contingent on the enactment, defeat, modification, or other outcome of any specific executive branch action.

(2)No person may, in whole or in part, pay, give, or receive, or agree to pay, give, or receive, a contingency fee. However, this subsection does not apply to claims bills.

(3)Any person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. If such person is a lobbyist, the lobbyist shall forfeit any fee, bonus, commission, or profit received in violation of this section and is subject to the penalties set forth in s. 112.3215. When the fee, bonus, commission, or profit is nonmonetary, the fair market value of the benefit shall be used in determining the amount to be forfeited. All forfeited benefits shall be deposited into the Executive Branch Lobby Registration Trust Fund.

(4)Nothing in this section may be construed to prohibit any salesperson engaging in legitimate state business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company.

History.-s. 7, ch. 93-121; s. 9, ch. 2000-336.

112.322 Duties and powers of commission.-

(1)It is the duty of the Commission on Ethics to receive and investigate sworn complaints of violation of the code of ethics as established in this part and of any other breach of the public trust, as provided in s. 8(f), Art. II of the State Constitution, including investigation of all facts and parties materially related to the complaint at issue.

(2)(a)Any public officer or employee may request a hearing before the Commission on Ethics to present oral or written testimony in response to allegations that such person violated the code of ethics established in this part or allegations of any other breach of the public trust, as provided in s. 8, Art. II of the State Constitution, provided a majority of the commission members present and voting consider that the allegations are of such gravity as to affect the general welfare of the state and the ability of the subject public officer or employee effectively to discharge the duties of the office. If the allegations made against the subject public officer or employee are made under oath, then he or she shall also be required to testify under oath.

(b)Upon completion of any investigation initiated under this subsection, the commission shall make a finding and public report as to whether any provision of the code of ethics has been violated or any other breach of the public trust has been committed by the subject official or employee. In the event that a violation or breach is found to have been committed, the commission shall recommend appropriate action to the agency or official having power to impose any penalty provided by s. 112.317.

(c)All proceedings conducted pursuant to this subsection shall be public meetings within the meaning of chapter 286, and all documents made or received in connection with the commission's investigation

thereof shall be public records within the meaning of chapter 119.

(d) Any response to a request of a public official or employee shall be addressed in the first instance to the official or employee making the request.

(3)(a) Every public officer, candidate for public office, or public employee, when in doubt about the applicability and interpretation of this part or s. 8, Art. II of the State Constitution to himself or herself in a particular context, may submit in writing the facts of the situation to the Commission on Ethics with a request for an advisory opinion to establish the standard of public duty. Any public officer or employee who has the power to hire or terminate employees may likewise seek an advisory opinion from the commission as to the application of the provisions of this part or s. 8, Art. II of the State Constitution to any such employee or applicant for employment. An advisory opinion shall be rendered by the commission, and each such opinion shall be numbered, dated, and published without naming the person making the request, unless such person consents to the use of his or her name.

(b) Such opinion, until amended or revoked, shall be binding on the conduct of the officer, employee, or candidate who sought the opinion or with reference to whom the opinion was sought, unless material facts were omitted or misstated in the request for the advisory opinion.

(4) The commission has the power to subpoena, audit, and investigate. The commission may subpoena witnesses and compel their attendance and testimony, administer oaths and affirmations, take evidence, and require by subpoena the production of any books, papers, records, or other items relevant to the performance of the duties of the commission or to the exercise of its powers. The commission may delegate to its investigators the authority to administer oaths and affirmations. The commission may delegate the authority to issue subpoenas to its chair, and may authorize its employees to serve any subpoena issued under this section. In the case of a refusal to obey a subpoena issued to any person, the commission may make application to any circuit court of this state which shall have jurisdiction to order the witness to appear before the commission and to produce evidence, if so ordered, or to give testimony touching on the matter in question. Failure to obey the order may be punished by the court as contempt. Witnesses shall be paid mileage and witnesses fees as authorized for witnesses in civil cases, except that a witness who is required to travel outside the county of his or her residence to testify is entitled to per diem and travel expenses at the same rate provided for state employees under s. 112.061, to be paid after the witness appears.

(5) The commission may recommend that the Governor initiate judicial proceedings in the name of the state against any executive or administrative state, county, or municipal officer to enforce compliance with any provision of this part or of s. 8, Art. II of the State Constitution or to restrain violations of this part or of s. 8, Art. II of the State Constitution, pursuant to s. 1(b), Art. IV of the State Constitution; and the Governor may without further action initiate such judicial proceedings.

(6) The commission is authorized to call upon appropriate agencies of state government for such professional assistance as may be needed in the discharge of its duties. The Department of Legal Affairs shall, upon request, provide legal and investigative assistance to the commission.

(7) The commission may prepare materials designed to assist persons in complying with the provisions of this part and with s. 8, Art. II of the State Constitution.

(8) It shall be the further duty of the commission to submit to the Legislature from time to time a report of its work and recommendations for legislation deemed necessary to improve the code of ethics and its enforcement.

(9) The commission is authorized to make such rules not inconsistent with law as are necessary to carry out the duties and authority conferred upon the commission by s. 8, Art. II of the State Constitution or

by this part. Such rules shall be limited to:

- (a) Rules providing for the practices and procedures of the commission.
- (b) Rules interpreting the disclosures and prohibitions established by s. 8, Art. II of the State Constitution and by this part.

History.-s. 2, ch. 74-176; s. 4, ch. 75-199; s. 1, ch. 76-89; s. 1, ch. 77-174; s. 7, ch. 82-98; s. 33, ch. 89-169; s. 12, ch. 91-85; s. 13, ch. 94-277; s. 1416, ch. 95-147; s. 7, ch. 2000-243; s. 15, ch. 2006-275.

112.3231 Time limitations.-

(1) On or after October 1, 1993, all sworn complaints alleging a violation of this part, or of any other breach of the public trust within the jurisdiction of the Commission on Ethics under s. 8, Art. II of the State Constitution, shall be filed with the commission within 5 years of the alleged violation or other breach of the public trust.

(2) A violation of this part or any other breach of public trust is committed when every element has occurred or, if the violation or breach of public trust involves a continuing course of conduct, at the time when the course of conduct or the officer's, employee's, or candidate's complicity therein is terminated. Time starts to run on the day after the violation or breach of public trust is committed.

(3) The applicable period of limitation is tolled on the day a sworn complaint against the public officer, employee, or candidate is filed with the Commission on Ethics. If it can be concluded from the face of the complaint that the applicable period of limitation has run, the complaint shall be dismissed and the commission shall issue a public report.

History.-s. 13, ch. 91-85; s. 10, ch. 94-277.

112.3232 Compelled testimony.-

If any person called to give evidence in a commission proceeding shall refuse to give evidence because of a claim of possible self-incrimination, the commission, with the written authorization of the appropriate state attorney, may apply to the chief judge of the appropriate judicial circuit for a judicial grant of immunity ordering the testimony or other evidence of such person notwithstanding his or her objection, but in such case no testimony or other information compelled under the order, or any information directly or indirectly derived from such testimony or other information, may be used against the witness in any criminal proceeding.

History.-s. 10, ch. 2000-243.

112.324 Procedures on complaints of violations; public records and meeting exemptions.-

(1) Upon a written complaint executed on a form prescribed by the commission and signed under oath or affirmation by any person, the commission shall investigate any alleged violation of this part or any other alleged breach of the public trust within the jurisdiction of the commission as provided in s. 8(f), Art. II of the State Constitution in accordance with procedures set forth herein. Within 5 days after receipt of a complaint by the commission, a copy shall be transmitted to the alleged violator.

(2)(a) The complaint and records relating to the complaint or to any preliminary investigation held by

the commission or its agents or by a Commission on Ethics and Public Trust established by any county defined in s. 125.011(1) or by any municipality defined in s. 165.031 are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, and any proceeding conducted by the commission or a Commission on Ethics and Public Trust, pursuant to a complaint or preliminary investigation, is exempt from the provisions of s. 286.011, s. 24(b), Art. I of the State Constitution, and s. 120.525, until the complaint is dismissed as legally insufficient, until the alleged violator requests in writing that such records and proceedings be made public, or until the commission or a Commission on Ethics and Public Trust determines, based on such investigation, whether probable cause exists to believe that a violation has occurred. In no event shall a complaint under this part against a candidate in any general, special, or primary election be filed or any intention of filing such a complaint be disclosed on the day of any such election or within the 5 days immediately preceding the date of the election.

(b) Paragraph (a) is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2010, unless reviewed and saved from repeal through reenactment by the Legislature.

(3) A preliminary investigation shall be undertaken by the commission of each legally sufficient complaint over which the commission has jurisdiction to determine whether there is probable cause to believe that a violation has occurred. If, upon completion of the preliminary investigation, the commission finds no probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, the commission shall dismiss the complaint with the issuance of a public report to the complainant and the alleged violator, stating with particularity its reasons for dismissal of the complaint. At that time, the complaint and all materials relating to the complaint shall become a matter of public record. If the commission finds from the preliminary investigation probable cause to believe that this part has been violated or that any other breach of the public trust has been committed, it shall so notify the complainant and the alleged violator in writing. Such notification and all documents made or received in the disposition of the complaint shall then become public records. Upon request submitted to the commission in writing, any person who the commission finds probable cause to believe has violated any provision of this part or has committed any other breach of the public trust shall be entitled to a public hearing. Such person shall be deemed to have waived the right to a public hearing if the request is not received within 14 days following the mailing of the probable cause notification required by this subsection. However, the commission may on its own motion, require a public hearing, may conduct such further investigation as it deems necessary, and may enter into such stipulations and settlements as it finds to be just and in the best interest of the state. The commission is without jurisdiction to, and no respondent may voluntarily or involuntarily, enter into a stipulation or settlement which imposes any penalty, including, but not limited to, a sanction or admonition or any other penalty contained in s. 112.317. Penalties shall be imposed only by the appropriate disciplinary authority as designated in this section.

(4) If, in cases pertaining to members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, the commission shall forward a copy of the complaint and its findings by certified mail to the President of the Senate or the Speaker of the House of Representatives, whichever is applicable, who shall refer the complaint to the appropriate committee for investigation and action which shall be governed by the rules of its respective house. It shall be the duty of the committee to report its final action upon the complaint to the commission within 90 days of the date of transmittal to the respective house. Upon request of the committee, the commission shall submit a recommendation as to what penalty, if any, should be imposed. In the case of a member of the Legislature, the house in which the member serves shall have the power to invoke the penalty provisions of this part.

(5) If, in cases pertaining to complaints against impeachable officers, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution, and the commission finds that the violation may constitute grounds for impeachment, the commission shall forward a copy of the complaint and its findings by certified mail to the Speaker of the House of Representatives, who shall refer the complaint to the appropriate committee for investigation and action which shall be governed by the rules of the House of Representatives. It shall be the duty of the committee to report its final action upon the complaint to the commission within 90 days of the date of transmittal.

(6) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by an impeachable officer other than the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the officer's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Governor, who shall have the power to invoke the penalty provisions of this part.

(7) If the commission finds that there has been a violation of this part or of any provision of s. 8, Art. II of the State Constitution by the Governor, and the commission recommends public censure and reprimand, forfeiture of a portion of the Governor's salary, a civil penalty, or restitution, the commission shall report its findings and recommendation of disciplinary action to the Attorney General, who shall have the power to invoke the penalty provisions of this part.

(8) If, in cases pertaining to complaints other than complaints against impeachable officers or members of the Legislature, upon completion of a full and final investigation by the commission, the commission finds that there has been a violation of this part or of s. 8, Art. II of the State Constitution, it shall be the duty of the commission to report its findings and recommend appropriate action to the proper disciplinary official or body as follows, and such official or body shall have the power to invoke the penalty provisions of this part, including the power to order the appropriate elections official to remove a candidate from the ballot for a violation of s. 112.3145 or s. 8(a) and (i), Art. II of the State Constitution: (a) The President of the Senate and the Speaker of the House of Representatives, jointly, in any case concerning the Public Counsel, members of the Public Service Commission, members of the Public Service Commission Nominating Council, the Auditor General, the director of the Office of Program Policy Analysis and Government Accountability, or members of the Legislative Committee on Intergovernmental Relations. (b) The Supreme Court, in any case concerning an employee of the judicial branch. (c) The President of the Senate, in any case concerning an employee of the Senate; the Speaker of the House of Representatives, in any case concerning an employee of the House of Representatives; or the President and the Speaker, jointly, in any case concerning an employee of a committee of the Legislature whose members are appointed solely by the President and the Speaker or in any case concerning an employee of the Public Counsel, Public Service Commission, Auditor General, Office of Program Policy Analysis and Government Accountability, or Legislative Committee on Intergovernmental Relations. (d) Except as otherwise provided by this part, the Governor, in the case of any other public officer, public employee, former public officer or public employee, candidate or former candidate, or person who is not a public officer or employee, other than lobbyists and lobbying firms under s. 112.3215 for violations of s. 112.3215. (e) The President of the Senate or the Speaker of the House of Representatives, whichever is applicable, in any case concerning a former member of the Legislature who has violated a provision applicable to former members or whose violation occurred while a member of the Legislature.

(9) In addition to reporting its findings to the proper disciplinary body or official, the commission shall report these findings to the state attorney or any other appropriate official or agency having authority to initiate prosecution when violation of criminal law is indicated.

(10) Notwithstanding the foregoing procedures of this section, a sworn complaint against any member or employee of the Commission on Ethics for violation of this part or of s. 8, Art. II of the State Constitution shall be filed with the President of the Senate and the Speaker of the House of Representatives. Each presiding officer shall, after determining that there are sufficient grounds for review, appoint three members of their respective bodies to a special joint committee who shall investigate the complaint. The members shall elect a chair from among their number. If the special joint committee finds insufficient evidence to establish probable cause to believe a violation of this part or of s. 8, Art. II of the State Constitution has occurred, it shall dismiss the complaint. If, upon completion of its preliminary investigation, the committee finds sufficient evidence to establish probable cause to believe a violation has occurred, the chair thereof shall transmit such findings to the Governor who shall convene a meeting of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court to take such final action on the complaint as they shall deem appropriate, consistent with the penalty provisions of this part. Upon request of a majority of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Justice of the Supreme Court, the special joint committee shall submit a recommendation as to what penalty, if any, should be imposed.

11) Notwithstanding the provisions of subsections (1)-(8), the commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the commission shall issue a public report stating with particularity its reasons for the dismissal.

History.-s. 2, ch. 74-176; s. 5, ch. 75-199; s. 3, ch. 83-282; s. 30, ch. 90-360; s. 14, ch. 91-85; s. 11, ch. 94-277; s. 1417, ch. 95-147; s. 2, ch. 95-354; s. 4, ch. 96-311; s. 3, ch. 97-293; s. 14, ch. 2000-151; s. 17, ch. 2000-331; s. 30, ch. 2001-266; s. 1, ch. 2002-186; s. 1, ch. 2005-186; s. 17, ch. 2008-4; s. 3, ch. 2009-126.

112.3241 Judicial review.-

Any final action by the commission taken pursuant to this part shall be subject to review in a district court of appeal upon the petition of the party against whom an adverse opinion, finding, or recommendation is made.

History.-s. 6, ch. 75-199; s. 4, ch. 84-318.

112.326 Additional requirements by political subdivisions and agencies not prohibited.-

Nothing in this act shall prohibit the governing body of any political subdivision, by ordinance, or agency, by rule, from imposing upon its own officers and employees additional or more stringent standards of conduct and disclosure requirements than those specified in this part, provided that those standards of conduct and disclosure requirements do not otherwise conflict with the provisions of this part.

History.—s. 5, ch. 75-196; s. 12, ch. 94-277.

back to Ethics Laws**Article II, Section 8**

SECTION 8. Ethics in government.-- A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

- (a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.
- (b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.
- (c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.
- (d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such manner as may be provided by law.
- (e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.
- (f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.
- (g) A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.
- (h) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.
- (i) Schedule--On the effective date of this amendment and until changed by law:
 - ¹(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:
 - a. A copy of the person's most recent federal income tax return; or
 - b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.
 - (2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (i)(1).
 - (3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

History.--Proposed by Initiative Petition filed with the Secretary of State July 29, 1976; adopted 1976; Ams. proposed by Constitution Revision Commission, Revision Nos. 8 and 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

¹Note.--Section 24(a), Art. XII, State Constitution, provides for the amendment to s. 8(h)(1), Art. II, State Constitution, by Revision No. 8 (1998) to take effect January 7, 2003. Section 8(h)(1), Art. II, State Constitution, was redesignated as s. 8(i)(1) by Revision No. 13 (1998). As amended by Revision No. 8 (1998), effective January 7, 2003, s. 8(i)(1), Art. II, State Constitution, will read:

(1) Full and public disclosure of financial interests shall mean filing with the custodian of state records by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or

b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

The Miami Herald

Posted on Mon, Apr. 04, 2011

Even the politicians want more stringent ethics laws

By STEVE BOUSQUET
Herald/Times Tallahassee bureau

A scathing grand jury report on public corruption in Florida is spurring the Senate to broaden the state's ethics laws.

But even senators say the changes don't go far enough.

SB 2088 bars legislators from voting on any bill or amendment that would "inure to his or her special private gain or loss." The restriction would also apply to a lawmaker's employer, relative, business associate or board upon which the lawmaker serves. A legislator would have to publicly state to the body or to a committee "all interests" and "all known interests" of others similarly affected.

The Senate Rules Subcommittee on Ethics and Elections unanimously approved the bill Monday.

"What we are trying to say is, be responsive to the statewide grand jury report on public corruption," said Sen. John Thrasher, R-St. Augustine. "We need to increase the standards."

Sen. Paula Dockery, R-Lakeland, voted for the bill, but said it was "a lot weaker" because it would still allow lawmakers with conflicts to participate in behind-the-scenes discussions of bills, including "arm-twisting" of colleagues.

Sen. Don Gaetz, R-Niceville, said a tougher voting conflict law is needed, and cited a string of political scandals in Northwest Florida.

"Too many politicians are getting into too much hot water," Gaetz said. "We need to push toward higher standards."

Whether the House will go along with the Senate is unclear. The House version, HB 1071 by Rep. Fred Costello, R-Ormond Beach, has not been heard in any committee.

Some senators who are lawyers voiced worry about being unwittingly "trapped" by a voting conflict, noting they cannot possibly be aware of all of their law partners' clients' interests.

"I don't want it to render me ineffective," said Sen. Arthenia Joyner, D-Tampa, a lawyer, "and there I am, all splashed in the media about having an alleged violation."

Also contained in the Senate's ethics bill is a requirement that the Commission on Ethics review lawmakers' annual financial disclosure statements and let them know if they comply with the law.

“Obviously, when we had the issue come before us, we found out that there could be an enormous number of potential technical violations in those financial disclosures,” Thrasher said. “So if there’s an opportunity to cure, we ought to have an opportunity to do that, before something becomes final.”

The provision follows the admonishment of Senate President Mike Haridopolos, R-Melbourne, in February for failing to list a \$400,000 investment home in Mount Dora and the names of clients of his consulting business over a five-year period. Haridopolos, a candidate for U.S. Senate, apologized for the omissions.

Steve Bousquet can be reached at bousquet@sptimes.com or 850-224-7263.

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The Miami Herald

Posted on Wed, Mar. 23, 2011

Haridopolos wants new ethics law

BY MARC CAPUTO

Herald/Times Tallahassee Bureau

Senate President Mike Haridopolos plans to push a new law that would require the state's ethics commission to review each legislator's financial disclosure forms to spot troubles.

Financial-disclosure problems have plagued Haridopolos, who acknowledged Wednesday that, for the third time, he recently corrected his forms to reflect potential income — this time from a rental home in Mount Dora.

Earlier this month, he was admonished by his rules chairman for "inadvertently" failing to disclose income and assets, including the Mount Dora home.

Haridopolos said he wants his new proposed bill to make sure other legislators don't end up in the same jam as he did. It would give lawmakers more guidance about how and what to disclose, he said.

Haridopolos, a Republican U.S. Senate candidate, said he didn't disclose the possibility of income from his Mount Dora home because he's not making money on it. The monthly payments exceed his rental income, he said.

"I'm losing more than \$14,000," he said. "I don't think that losing money counts as income, but I checked with my attorney and we decided to amend the forms out of an abundance of caution."

Haridopolos acknowledged he made the change March 17 after inquiries from the Miami Herald and St. Petersburg Times. The amended forms don't disclose the rental income — which he said is just over \$1,100. His monthly payments on the home weigh in at \$2,400.

Haridopolos said his new ethics legislation, which is being drafted, should be published Monday and taken up by the Rules Committee next week.

The measure would require the Florida Commission on Ethics to look over each of the 160 legislators' forms and make sure all the details of a lawmaker's income and liabilities are complete.

If the commission finds an error or a problem, the lawmaker would have 30 days to change the form, Haridopolos said.

Right now, the commission only reviews forms upon receiving a complaint.

Haridopolos said his proposal probably wouldn't add more money to the commission's budget for the extra work.

When he laid out his plans for the new ethics legislation Wednesday, Haridopolos also explained a snafu that led to an embarrassing incident when his office stripped a fellow Republican's ethics bill from the Wednesday agenda of the Government Oversight & Accountability Committee.

Haridopolos said his chief of staff, Stephen MacNamara, asked the committee to remove the item because the agenda was so long and the legislation sponsored by Sen. Paula Dockery would take an hour or more of discussion.

The legislation seeks to stop legislators from voting on measures that exclusively benefit them, their families or the companies they work for.

Dockery said the legislation is straightforward and necessary. She said she's willing to make changes and just wants to make sure lawmakers publicly disclose conflicts and avoid them.

Haridopolos said the bill should be heard next week. He said other ethics legislation will continue moving through the Senate along with his measure.

Haridopolos has repeatedly said he was embarrassed by his failure to disclose his income from 2004 to 2008. He also initially failed to list his Mount Dora investment property in the year he bought it, 2005.

As a college history teacher, he said, he expected better of himself – especially when it comes to filing disclosure forms mandated by the state's Constitution.

After a retiree filed a complaint against him in December 2009, Haridopolos corrected his forms in March. But two months later, he changed the forms again when he realized that he failed to note that his company, MJH Consulting, received money from a New York-based communications firm as well as an advertising agency based in his Brevard County home.

Haridopolos never fought the ethics complaint against him and apologized to the full Senate and Rules Chairman John Thrasher, who admonished him at the beginning of the spring lawmaking session – a spectacle that hasn't been seen in the state Capitol in recent history.

Haridopolos said he hopes this final amendment to his financial disclosure forms, plus his proposed ethics legislation will give lawmakers more guidance. "This," he said, "should solve the problem."

Marc Caputo can be reached at mcaputo@MiamiHerald.com

Amid scandal after scandal, Florida Legislature considers ethics reform

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Sun Feb-28-10 01:12 PM
Original message

Amid scandal after scandal, Florida Legislature considers ethics reform

JOURNAL UPDATED



Edited on Sun Feb-28-10 01:14 PM by seafan

Ya THINK??

The Florida Republican Legislature to "consider", maybe, but it ain't in their DNA.

Amid scandal after scandal, Florida Legislature considers ethics reform

BY JOHN FRANK
Herald/Times Tallahassee Bureau

February 28, 2010

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For the first time since the blistering indictment of former House Speaker Ray Sansom and the legislative process as a whole, the buzzword in this town is ``transparency."
 The timing is not coincidental, given it's an election year when voter confidence and trust in politicians is reaching dismal depths.

And it reflects a broader problem: Sansom is no longer the only poster child.

Consider this string of recent corruption scandals: a guilty plea from Scott Rothstein, a South Florida Ponzi schemer and major political donor; the federal indictment of Alan Mendelsohn, a Capitol power player; an investigation of Harry Sergeant, a Republican money man with ties to Gov. Charlie Crist; and the accusations of misused funds at the state Republican Party.

.....

This attitude is reflected in the 2009 grand jury indictment of Sansom, a Panhandle Republican accused of using his power to funnel millions to a college where he later took a \$110,000 part-time job.
 ``The present system has the potential to breed corruption and create an unfair advantage for those who have money to leverage influence on the Legislature," the indictment said.

Questions surrounding Sansom before last year's indictment led to a number of immediate -- albeit largely procedural -- changes to promote openness, such as a public airing of special budget language. And earlier this year, Senate leaders unveiled a

transparencyflorida.gov, to provide ``the means for 19 million Floridians to become 19 million auditors."

Such efforts, though important, are considered window-dressing compared to proposed changes to ethics laws. The question is whether the players who perpetuate the current system - lawmakers, lobbyists and an apathetic public - will change the game.

.....

A major issue not mentioned in this article is that in addition to disgraced Ray Sansom, who "funneled millions to a college where he later took a \$110,000 part-time job", **there is another high-ranking former Florida Republican legislator who used his position to steer millions to a local university in his home town, and was then offered and accepted a \$69,000 part-time job at the university upon exiting the Legislature.**

This particular ex-legislator just had his university contract renewed for a second year.

It is former House Speaker **Marco Rubio**.

Here is the story reported earlier and oddly, it faded from the radar:

Marco Rubio downplays relationship with FIU

BY ALEX LEARY AND BETH REINHARD
Herald/Times Staff Writers

December 14, 2009

Former Florida House Speaker Marco Rubio landed a job at Florida International University after leaving the Legislature but says he didn't play favorites with the school.

Florida International University leaders were eager for one of their hometown legislators to become speaker of the House, and Marco Rubio delivered.

``We had a great year," FIU's lobbyist Steve Sauls said of millions in new funding in 2007, crediting Rubio and the Miami-Dade delegation.

The following year, as term limits forced Rubio to exit the Legislature and contemplate his next political move, **FIU offered him a \$69,000, part-time job that was not publicly advertised.**

Critics questioned Rubio's soft landing as FIU trustees grappled with a \$32 million budget shortfall that led to tuition hikes and the loss of 23 degree programs and 200 jobs.

Then came uncomfortable comparisons to another Republican House speaker -- Ray Sansom -- who steered \$35 million to a Panhandle college then took a job there.

.....

It illuminates the sway a handful of top elected officials have over taxpayer money and reflects a state college and university system that has become a friendly employment service for lawmakers who once oversaw their budgets.

.....

In the years prior to becoming speaker, Rubio did not champion funding for FIU. But when he took the House reins, the university had a new ally.

In 2007, the university was awarded a **\$15 million hurricane center** that was one of a handful of projects legislators plucked from a list for immediate funding. Rubio pushed for inclusion of the FIU project, which was originally to have received funding over three years starting in 2009.

And thanks in part to Rubio, FIU got another early start in 2008 -- **\$2.5 million for a student academic support center** --

That same year, there were 52 projects on a list for potential matching grant awards, but only nine were funded. Of those, five were from FIU, for a total of **\$1.3 million, including its Frost Art Museum and graduate school of business**. When it came to enhancing FIU's prestige, no project compared to a new medical school. For years the school struggled to get approval, facing criticism that it was too costly and the wrong approach to a doctor shortage.

But in early 2006, officials signed off on **new medical schools for FIU** and the University of Central Florida. In 2007, FIU got more than **\$5 million in recurring funding, followed by \$6 million in 2008**.

.....

``I had reservations about his hiring then, and I stand by what I said," said Bruce Hauptli, an FIU philosophy professor who served as faculty senate president in 2008. ``It doesn't make sense in a budget crisis."

.....

Maybe Rubio's highly uncomfortable proximity and similarities with Ray Sansom's criminal case were the reasons that Florida's Republican-dominated House Select Committee on Standards of Official Conduct took just three and a half minutes last Monday to drop the ethics investigation on Ray Sansom, who served as Rubio's former hand-picked budget chief.

Rubio, was on the hot seat to testify in Sansom's ethics hearings to be held by this Committee, but miraculously for Rubio, Sansom resigned from the Florida House this past Sunday, and the very next day, this Committee abruptly ended the entire House investigation on Sansom.

But don't worry.

The Republican-driven Florida Legislature is going to consider ethics reform.

(bold type added)

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The Miami Herald

Posted on Sat, Feb. 26, 2011

Part-time legislating leads to conflicts of interest

By STEVE BOUSQUET
Herald/Times Tallahassee Bureau

TALLAHASSEE — Florida has a part-time citizen Legislature, comprised of people of varied backgrounds from teachers to real estate agents to funeral directors.

“We don’t want full-time legislators, and I’m glad we’re not like Congress,” says House Speaker Dean Cannon, R-Winter Park.

Such professional diversity gives lawmaking a real-world component in Tallahassee but also leads to conflicts of interest for legislators who earn \$29,000 a year.

As the reputation goes, the fox is often guarding the henhouse.

Educators routinely vote for and against bills that affect schools. Lawyers vote on bills affecting the legal profession. Medical professionals help write laws affecting doctors, hospitals and clinics. Many legislators work for colleges and universities that depend on state appropriations. And some work for phone and electric utilities regulated by the state.

A statewide grand jury on public corruption in Florida concluded that the conflict of interest law is too weak and should be strengthened to restore faith in government.

“Voting conflicts of interest should be criminally punished,” the grand jury report says. “When a public official has a conflict, he or she should step aside and disclose the conflict. The only benefit the public official should receive is for the public, not for the public official or anyone else.”

In city and county government, officials must abstain from voting on matters that could benefit them personally, but the rules are different in Tallahassee.

Senators and representatives are allowed to vote on matters in which they have a financial stake as long as they disclose it up to 15 days after the vote is cast. And Florida ethics laws say it’s legal for elected officials to vote on matters that affect their own professions.

During the past five years, dozens of legislators have filed voting conflict forms in cases where they had conflicts of interest.

Sen. J.D. Alexander, R-Lake Wales, has extensive agricultural business interests, and sponsored and voted for a 2010 bill that he said could have affected his business, Blue Head Farms. The bill allowed landowners to keep agricultural tax exemptions for longer periods of time.

Rep. Esteban Bovo, R-Hialeah, voted to shield his employer, Miami Children’s Hospital, from budget cuts.

Sen. Don Gaetz, R-Niceville, has a stake in Caregivers Inc., a company that gets Medicaid money that Gaetz voted to appropriate.

Sen. Arthenia Joyner, D-Tampa, works for a law firm that serves as bond counsel to the local expressway authority, and voted on a bill affecting sale of authority bonds.

Sen. Dennis Jones, R-Seminole, a chiropractor, voted to confirm the appointment of his son to the Board of Chiropractic Medicine.

Rep. Michelle Rehwinkel Vasilinda, D-Tallahassee, took the extreme step of resigning from a House budget committee that oversaw the state lottery at a time when her husband, TV executive Mike Vasilinda, had a contract with the lottery.

Legislators who practice law are required to file quarterly forms disclosing clients of the firm represented before state government.

Sen. Joe Negron, R-Stuart, who works for the Gunster law firm, last month filed a list of 59 clients, including U.S. Sugar Corp.; the GEO Group, a private prison operator; Florida Power & Light; and racetracks, cities, real estate firms and utilities.

Five of the 11 members of the Senate Health Regulation Committee hold outside jobs in the medical field.

The committee's chairman, Sen. Rene Garcia, R-Hialeah, works for a medical college. Sens. Mike Fasano, R-New Port Richey, and Andy Gardiner, R-Orlando, work for hospitals — jobs both men obtained after joining the Legislature.

Sen. Eleanor Sobel, D-Hollywood, is married to a dermatologist, and Sen. Jones, R-Seminole, is a chiropractor.

All were appointed by Senate President Mike Haridopolos, R-Merritt Island.

"We have a citizen Legislature and that's the good and the bad that you're going to get. That's how it works," Haridopolos said. "People are on committees they really want to be on, and I really try to respect that."

He said the machinery of lawmaking prevents conflicts from having any impact because bills must pass three committees before reaching the floor.

For years, the Florida Commission on Ethics has asked for stronger laws to limit voting conflicts by legislators. But the proposal rarely gets a committee hearing, let alone a floor vote.

This year, the commission is asking lawmakers to allow it to initiate its own investigations and increase penalties for certain violations. Another recommendation is to strengthen the voting conflict law to prevent lawmakers and other elected officials from voting on matters that benefit an employer's corporate "sibling" or related business.

Sen. Paula Dockery, R-Lakeland, says lawmakers with conflicts can use their influence to sway other members to vote their way.

"That person is twisting arms behind the scenes," said Dockery, who has repeatedly filed bills to address the issue. "If that person can somehow trade you something for your vote, it's the behind-the-scenes lobbying that's really damaging."

Cannon, the House speaker and a lawyer, said the diverse professional skills of legislators is an asset, not a liability. He used as an example a newly elected Republican House member from Tampa.

"Dana Young, a freshman, is a very talented land use lawyer. People are going to look to her for guidance on growth management," Cannon said. "She's a competent professional who knows a particular subject matter."

The system of lawmaking itself serves as a "check" on unethical conduct, Cannon said, because legislators scrutinize each others' motivations, especially where tax money is concerned.

Critics of the system have essentially given up trying to get legislators to pass tougher conflict of interest laws.

"Florida has one of the weakest conflict-of-interest standards as it pertains to legislators because they are part time," said Ben Wilcox of the League of Women Voters. "Bankers sit on committees regulating banks. It's obvious they are making votes that could potentially benefit themselves through their profession. That's the trade-off that we've accepted for having a citizen-based Legislature."

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The Miami Herald

Posted on Tue, Mar. 22, 2011

Why did Senate President Mike Haridopolos' office stall ethics legislation?

BY MARC CAPUTO

Herald/Times Tallahassee Bureau

The office of Senate President Mike Haridopolos has put the kibosh on a fellow Republican's ethics bill — the same bill Haridopolos himself had co-sponsored last year.

The decision to stall the bill, which is designed to crackdown on legislative voting conflicts of interest, draws attention to the issue of ethics in a Legislature where lawmakers have run afoul of disclosure laws. Haridopolos, a candidate for U.S. Senate, was recently admonished by his rules chairman for "inadvertently" failing to detail his finances on Constitutionally mandated ethics forms.

Also, Haridopolos often goes out of his way to say that all senators' bills are treated similarly in that they're each assigned three committee stops — and it's up to the committee chairmen to put bill on the agenda.

But when the legislation sponsored by Sen. Paula Dockey appeared on the proposed Wednesday agenda for the Government Oversight and Operations Committee, Haridopolos' office ordered it removed with no explanation.

Dockey, a Haridopolos critic from Lakeland, said the decision is bad for taxpayers and raises questions about Haridopolos' commitment to open government — an issue he has championed for years.

"The people of the state of Florida deserve transparency," she said. "If a legislator is going to financially benefit as a result of a certain outcome of proposed legislation, they should not vote on it or influence the way other members vote on it. Plain and simple."

Senate Bill 86 is four pages long, she points out. So it's not complicated. It's also a known quantity; this is the fourth year it has been filed and Haridopolos co-sponsored it last year, on April 10, when he requested that he be made a "co-introducer" of the legislation.

Haridopolos' office declined to comment.

The measure would tighten voting restrictions on legislators. It would block lawmakers from voting on issues that would almost exclusively benefit them or their relatives or the companies that they work for. Under the bill, lawmakers would have to publicly disclose their potential conflicts of interest before abstaining from voting.

The legislation is copied word-for-word from a Dec. 29 statewide grand jury that examined corruption in Florida. It said the state needs good ethics legislation to clean up government and save taxpayers money.

"Given the serious fiscal limitations at all levels of government, anti-corruption efforts must stop the theft and mismanagement of vital public funds," the grand jury reported. "This mismanagement and theft penalizes taxpayers by driving up the cost of all government services. Therefore, we call for an immediate repeal of what can only be referred to as Florida's Corruption Tax."

Dockery said the ongoing criminal case against former House Speaker Ray Sansom, indicted for his budget dealings, should be reason enough to pass the anti-corruption legislation. Sansom's trial began last Friday.

Sen. Jeremy Ring, a Margate Democrat who chairs the government oversight committee, said he wasn't familiar with the bill's details or the reasons it was drafted. He said he pledged to Dockery that he'd give it a hearing Wednesday and put it on his agenda stamped with the word "draft," according to a copy of the item provided by the committee staff.

But when the agenda was submitted Friday to the Office of the Senate President, SB 86 was removed, according to Ring, Dockery and the agenda.

"I don't want to throw anyone under the bus or speculate about what happened," Ring said. "All I know is that I submitted the agenda to the president's office the way I'm supposed to, and it was no longer on there."

Marc Caputo can be reached at mcaputo@MiamiHerald.com

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Lobbyists donate millions to Florida legislators through special groups

By JOSH HAFENBRACK Sun-Sentinel

Sunday, October 12, 2008

TALLAHASSEE — On paper, Florida takes a tough stand when it comes to money in politics. No candidate may accept a contribution of more than \$500. A gift ban bars lobbyists from buying officeholders so much as a cup of coffee.

But this campaign season, legislators increasingly are using a loophole in the law to raise millions in virtually unregulated, special-interest-fueled accounts. The money comes with few strings and no limits.

"I've characterized Florida election law as being like Swiss cheese, full of holes," said Ben Wilcox, executive director of Common Cause Florida.

He said these legislator-controlled committees are an avenue for moneyed interests to "game the system and curry political favor."

At issue are so-called committees of continuous existence, or CCEs, similar to national "527" groups. In Florida, these committees operate under vague, warm-and-fuzzy names, like Folks for Florida's Future, but they serve as vehicles for legislators to circumvent the \$500 limit and raise vast sums.

They are allowed under state and federal elections law that let political parties and committees raise unlimited contributions known as soft money.

Such committees once were largely used by trade organizations, but today politicians from both parties are setting up accounts in record numbers. Almost half of the 160-member Legislature controls or has ties to at least one of these committees, as running for part-time seats has blossomed into a big-money undertaking.

Incumbent state senators have used committees to raise a collective \$6.7 million from interests that lobby the Legislature, according to campaign finance records.

The House relaxed reporting requirements, so it's harder to get an exact figure.

The election season's leader in snagging soft money is South Florida's Jeff Atwater, who is in line to become Senate president. The Palm Beach Gardens Republican raised \$868,000 through a committee named Preserve the American Dream, thanks to five-figure donations from sources ranging from Realtors and insurance interests to gambling outfits and car dealers.

Atwater's campaign adviser, Rick Wilson, noted that raising money through such committees is a bipartisan practice and legal.

"You will find that candidates of all parties and all persuasions will legally and appropriately use them," Wilson said. However, Atwater's Democratic rival, Linda Bird, a Broward Realtor, said Atwater is " beholden" to interest groups that dropped checks into his account.

"It is a little hypocritical that lobbyists aren't allowed to buy them lunch, but they give them unlimited funds," she said.

The prevalence of candidate-controlled political committees has mushroomed since the 2006 gift ban. The soft money is transparent, with candidates required to set up Web sites showing contributions and expenditures, but efforts to ban or regulate the money have died quietly in the Legislature.

"If you can't take a check from somebody and vote against them on a piece of legislation, you shouldn't be elected," said Rep. Ellyn Bogdanoff, a Fort Lauderdale Republican who raised \$144,000 through her committee, Creating Possibilities.

Legislators use their accounts for expenses such as airfare, hotel rooms and meals, as well as to pay political handlers. Another common use is to make donations to like-minded candidates or causes, which helps politicians move up the ladder at the Capitol.

Rep. Adam Hasner, R-Boca Raton, used his committee to spread campaign cash to 60 fellow Republicans within the past year — largesse that will help him retain his post of majority leader if he wins re-election in November. Atwater moved \$100,000 into the state Republican Party's coffers.

In Sen. Dave Aronberg's race, the \$301,000 he has raised through Citizens for Political Accountability flared up as a campaign issue. Republican operatives attacked Aronberg in a TV ad for using committee money to get a \$1,500 membership to the Governors Club in Tallahassee. Aronberg said he joined to raise money for the committee.

The Greenacres Democrat said the committees should be "banned or strictly regulated," noting he sponsored a bill to do so.

"But I don't believe in unilateral disarmament," he added. "Everyone has to be on the same playing field. I have a competitive seat."

Josh Hafenbrack can be reached at jhafenbrack@SunSentinel.com or 850-224-6214.



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Florida Commission on Ethics

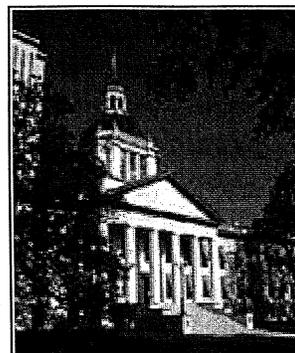
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Welcome to the official homepage of the State of Florida Commission on Ethics. Florida has been a leader among the states in establishing ethics standards for public officials. We recognize in our Constitution that a public office is a public trust and the people have the right to protect that public trust against abuse.

This site was designed to make it easier for Florida public officers, employees and citizens to access information on the ethics laws. Everything from Ethics Commission history to recent decisions, opinions, press releases, forms, and publications can be accessed via the links to the left on this page.

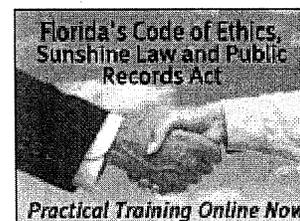
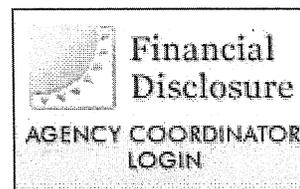
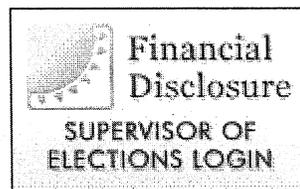
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OPINION

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SHUT DOWN LOBBYISTS

Lobbyists and their ilk continue to influence our lawmakers to pass legislation to accommodate their special interests. How is it possible that judges, who interpret our laws, must recuse themselves from any cases in which they may have the slightest personal connection while lawmakers in Congress who make our laws can receive monetary compensation from special-interest groups and pass laws benefiting those interests?

Shouldn't we hold elected officials to the same standard as judges? We should demand that elected officials who receive contributions from special-interest groups recuse themselves from any legislation that would benefit that group. Since lobbyists would then receive no return on their investments, that source of funding would quickly dry up.

— David Schwartz, Miami

HOW WE GOT HERE

Re the April 18 letter: GOP has right idea: The writer is in denial about which political party got us here, after years of the Bush tax

cuts — which did not create any jobs — deregulation, corporate welfare and borrowing from China for two wars and the Medicare drug plan. All this after starting out with a surplus.

President Obama did not have the luxury of a surplus. Rather, our country was falling off a cliff in debt and destruction. The GOP's strong suit is winning elections through fear-mongering, lies, propaganda, corporate money and, possibly, fraud.

As for the writer's disrespect for the president of the United States, referring to him as simply a community organizer who never even ran a candy store, I suppose the people who get all the big bucks on top of big bonuses and end up stealing from the candy store are the type of elected officials some think we all need.

— Anna Pylant, Miramar

DON'T BOTHER TEACHING

Re the prescient April 11 letter *A big mistake*: As a retired 40-year teacher and school-wide test administrator for Miami-Dade County Public Schools, I can attest to the writer's contention that the many dysfunctional students in our schools would most definitely use the FCAT to sabotage their teachers. As he pointed out, they have nothing to lose because they have no interest in academic achievement, but would delight in ruining a career.

Even if a teacher is fortunate enough to have serious students, there is no money budgeted for merit pay. Although this matter does not affect me, I can only encourage younger people to pursue careers other than teaching. They

— David Rosen, Miami Beach

deserve better than the ideological pandering of elected officials who view the classroom as a platform for their agenda.

— David C. Hancock, Coconut Grove

'NO PAY' WON'T WORK

Growing up in a Northeastern city where school board members were never paid, I know the "no pay" bill offered by the state senator from Jacksonville is not a solution to the plague of dishonest politicians. I always wondered why board candidates would often spend many thousands to snare a payless job. When a large new school was completed with more than its share of leaky roofs, bad heating systems and other disasters, the long investigation that followed revealed many instances of payoffs and kickbacks. Despite all this, few of the guilty were ever brought to justice.

Pay or no pay, political hacks will continue to break laws. Finding honest and capable candidates requires decent people with stomachs strong enough to stand the stench of today's political scene.

— David Rosen, Miami Beach

Fat chance.

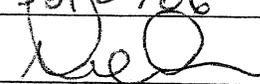
The Biltmore Neighborhood Association has recently learned that in August 2009, the Miami-Dade County School Board issued Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc., a permit to operate a 675-student grade K-to-8 Charter School as at the University Baptist Church site on 624 Anastasia Avenue beginning in the 2010-2011 school year.

Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc., and University Baptist Church have entered or are about to enter a lease agreement for Academica, Inc., to lease the 624 Anastasia Avenue facilities from University Baptist Church for an initial period of 10 years with an option to purchase. These facilities are located across the street from the War Memorial Youth Center.

According to Florida Department of the Education regulations, charter schools are mandated to provide adequate facilities to satisfy their curriculum physical education requirements.

Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc Charter School use of the War Memorial Youth Center facilities and parking lots will generate a constant, significantly hazardous flow of pedestrian traffic across Segovia Street to and from the Center, limit the availability of these recreational spaces to residents and other current users, impact negatively senior citizens programs and groups, and cause excessive stress to field, courts, and equipment.

We, the undersigned, petition the City of Coral Gables, to oppose the use of the War Memorial Youth Center facilities and parking lots located at 405 University Drive, Coral Gables, Florida, by any charter or private school for the educational and recreational purposes in their curriculum

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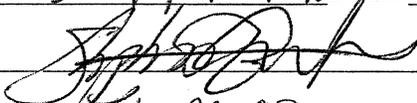
24) Last Name: Koger First Name: John
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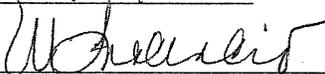
25) Last Name: Shaw First Name: Virgie Lee
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Signature: [Handwritten Signature]

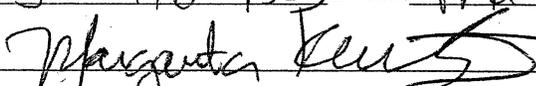
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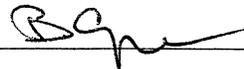
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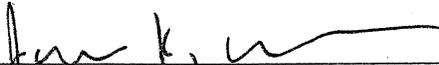
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Telephone: 305-446-1415 E-Mail: janeljani@yahoo.com

Signature: 

55) Last Name: BELFRANIN First Name: ZVONIMIR

Address: 3405 BANOS COURT

Telephone: 305 669 0255 E-Mail: BELFRANINE@AOL.COM

Signature: 

56) Last Name: Kardun First Name: Arthur

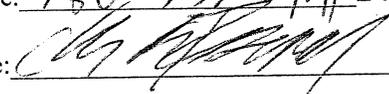
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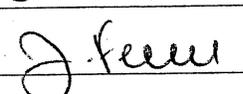
Telephone: 766 523 4238 E-Mail: laphy@comcast.net

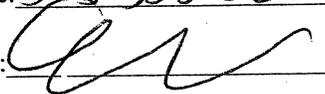
Signature: 

57) Last Name: GAMBETTA First Name: GLENN
Address: 929 MARANA
Telephone: 305 648291 E-Mail: glengb@comcast.net

Signature: 
58) Last Name: ROSENBAK First Name: CHARLES

Address: 3310 DORADO
Telephone: 786-552-0144 E-Mail: _____
Signature: 

59) Last Name: ferrer First Name: Jacqueline
Address: 3420 Durango Street
Telephone: 305 951-5350 E-Mail: Jferrer@ferrerlaw.com
Signature: 

60) Last Name: ferrer First Name: Enrique
Address: 3420 Durango Street
Telephone: 305-322-0009 E-Mail: Eferrer@ferrerlaw.com
Signature: 

61) Last Name: NEWMAN First Name: ROBERT SLOTT
Address: 935 ESCOBAR AVE
Telephone: 305/445-3201 E-Mail: julnewman@me.com
Signature: 

62) Last Name: Romero First Name: Bernardo
Address: 928 ESCOBAR AVE
Telephone: 305 968 5749 E-Mail: trromero@sccjia.co
Signature: 

63) Last Name: Chong First Name: Selina
Address: 903 Escobar Avenue Coral Gables, FL 33134
Telephone: 3/904.0509 E-Mail: selinachong@bellsouth.net
Signature: [Handwritten Signature]

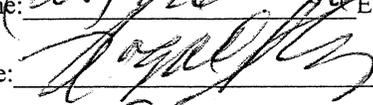
64) Last Name: Andrews First Name: George
Address: 913 Escobar Ave Coral Gables, FL 33134
Telephone: 305.444.5052 E-Mail: GANDREWS@MDC.EDU
Signature: [Handwritten Signature]

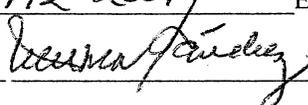
65) Last Name: DOPICO First Name: Ricardo
Address: 913 Escobar Ave Coral Gables, FL
(305)608-9380
Telephone: [Handwritten] E-Mail: ricdopico@yahoo.com
Signature: [Handwritten Signature]

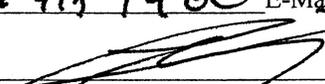
66) Last Name: HUBSON First Name: MARIA TERESA
Address: 906 ESCOBAR AVE
Telephone: (305) 444-5447 E-Mail: _____
Signature: [Handwritten Signature]

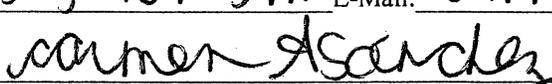
67) Last Name: HERRERA First Name: MARCELO
Address: 929 Tendilla Ave
Telephone: 305.905.9813 E-Mail: _____
Signature: [Handwritten Signature]

68) Last Name: MORALES First Name: TANIA
Address: 932 Tendilla Ave
Telephone: 305.441.8480 E-Mail: _____
Signature: [Handwritten Signature]

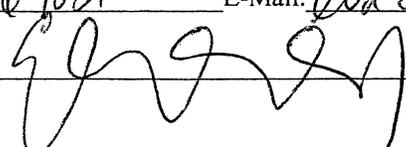
69) Last Name: Lopez First Name: Raquel
Address: 3238 Riviera Dr. Coral Gables FL 33134
Telephone: (305) 926-0570 E-Mail: RSotilloLopez@hotmail.com
Signature: 

70) Last Name: Sanchez First Name: Neuma
Address: 3315 Toledo Plaza Coral Gables
Telephone: 3/442-2001 E-Mail: CasaSanchez_1988@yahoo.com
Signature: 

71) Last Name: DONER First Name: LUIS
Address: 3237 Riviera Dr
Telephone: 796 715 7400 E-Mail: _____
Signature: 

72) Last Name: Sanchez First Name: Carmen
Address: 3315 Toledo Plaza
Telephone: 305-987-5711 E-Mail: carm.sanchez922@gmail.com
Signature: 

73) Last Name: LOPEZ First Name: ALFREDO
Address: 3238 RIVIERA DR
Telephone: 305-458-7805 E-Mail: CASABUQUE@HOTMAIL.COM
Signature: 

74) Last Name: AVAREZ First Name: ELOISA
Address: 611 Sevilla Ave.
Telephone: 305-446-9031 E-Mail: eva505@bellsouth.net
Signature: 

75) Last Name: VIVACQUA First Name: CECILIA

Address: 4306 Corstite Ave

Telephone: (305) 476-0067 E-Mail: mcvivac@mac.com

Signature: Maria Cecilia R Vivacqua

76) Last Name: Lorenzo First Name: Susan

Address: 3710 Alhambra Circle

Telephone: 305-667-7185 E-Mail: susanmorant70@hotmail.com

Signature: [Handwritten Signature]

77) Last Name: HOLIAN First Name: Ada

Address: 641 Palermo Avenue

Telephone: 3/446-9119 E-Mail:

Signature: [Handwritten Signature]

78) Last Name: ZIGHELOIM First Name: RONALD

Address: 1425 Venetia Ave

Telephone: 305 443 9193 E-Mail: ronjzig@me.com

Signature: [Handwritten Signature]

79) Last Name: WOOD First Name: Kristine

Address: 1207 Aduana Ave

Telephone: 305 665 2349 E-Mail: kwoodgood@belkouth.net

Signature: [Handwritten Signature]

80) Last Name: WOOD First Name: DANIEL

Address: 1207 ADUANA AVE, CORAL GABLES, FL 33146

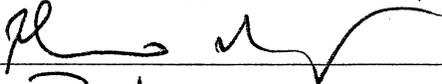
Telephone: 305 665 2349 E-Mail: DWOOD@FERINC.NET

Signature: [Handwritten Signature]

81) Last Name: VIVACQUA Jr. First Name: FABIANO

Address: 1306 CASTLE AVE. - CORAL GABLES - FL

Telephone: 305 476 0067 E-Mail: FVIVAC@MAC.COM

Signature: 

82) Last Name: Balkan First Name: Wayne

Address: 5725 Michelangelo St.

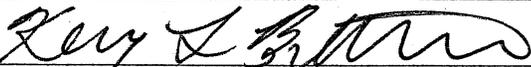
Telephone: 305 662 1034 E-Mail: palmskier@gmail.com

Signature: 

83) Last Name: Burnstein First Name: Kerry

Address: 5725 Michelangelo St.

Telephone: 305 662 1034 E-Mail: kburnste@gmail.com

Signature: 

84) Last Name: Moralejo First Name: Antonio

Address: 932 Turdilla Ave, Coral Gables, FL 33134

Telephone: 305 471 8486 E-Mail: turd+moralejo@bellsouth.net

Signature: _____

85) Last Name: Castro First Name: Mary

Address: 313 Velarde Ave

Telephone: 305-498-6480 E-Mail: castro.fam@comcast.net

Signature: 

86) Last Name: Castro First Name: Antonio

Address: 313 Velarde Ave

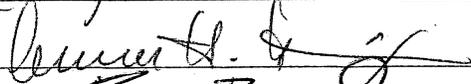
Telephone: 305-498-6480 E-Mail: castro.fam@comcast.net

Signature: 

87) Last Name: Anna Dixon First Name: DIXSON

Address: 3419 Bayos Ct.

Telephone: (305) 448-7574 E-Mail: _____

Signature: 

88) Last Name: ~~Leon~~ Brunet First Name: Leon

Address: 519 Sevilla Ave. C.G. 33134

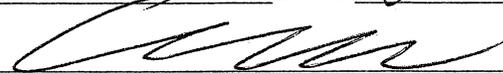
Telephone: (305) 776-0345 E-Mail: lbrunet@law.com

Signature:  @brunet

89) Last Name: Oitegn First Name: Aileen

Address: 519 Sevilla Ave, Coral Gables FL 33134

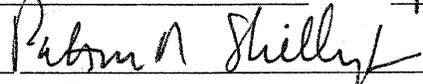
Telephone: 305 335 5255 E-Mail: aileen@lola.net

Signature: 

90) Last Name: Shillington First Name: Patricia

Address: 731 Malaga Ave. Coral Gables, FL 33134

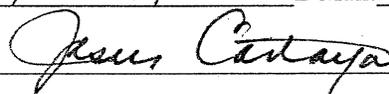
Telephone: 305-774-5732 E-Mail: psmiami@bellsouth.net

Signature: 

91) Last Name: CARTAYA First Name: JESUS

Address: 725 Malaga Ave C. Gables, FL 33134

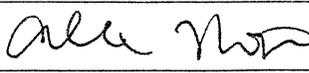
Telephone: (305) 447-9428 E-Mail: JESUS CARTAYA @AOL.COM

Signature: 

92) Last Name: NOSTRO First Name: Alexander

Address: 728 Catalonia Ave Coral Gables, FL 33134

Telephone: (305) 444-1625 E-Mail: anostro@ufieda

Signature: 

93) Last Name: Nostro First Name: Matt
Address: 728 Catalonia Ave
Telephone: 305 444 1626 E-Mail: ---
Signature: [Handwritten Signature]

94) Last Name: Nostro First Name: Janet
Address: 728 Catalonia Ave Coral Gables FL 33134
Telephone: 305 444-1625 E-Mail: nostro@comcast.net
Signature: [Handwritten Signature]

95) Last Name: Martinez-Fonts First Name: Sherry
Address: 418 Catalonia Ave
Telephone: 305 443 8286 E-Mail: SMFONTS@aol.com
Signature: [Handwritten Signature]

96) Last Name: MARTINEZ-FONTS First Name: JORGE
Address: 718 CATALONIA AVE
Telephone: 305 443-8266 E-Mail: jfonts@standard.com
Signature: [Handwritten Signature]

97) Last Name: Aranda First Name: Paul
Address: 725 Alcala Ave
Telephone: 305 444-9428 E-Mail: ---
Signature: [Handwritten Signature]

98) Last Name: _____ First Name: _____
Address: _____
Telephone: _____ E-Mail: _____
Signature: _____

99) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

100) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

101) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

102) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

103) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

104) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

105) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

106) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

107) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

108) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

109) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

110) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

111) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

112) Last Name: _____ First Name: _____

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Telephone: _____ E-Mail: _____

Signature: _____

113) Last Name: _____ First Name: _____

Address: _____

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Signature: _____

114) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

115) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

116) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

117) Last Name: _____ First Name: _____

Address: _____

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Signature: _____

118) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

119) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

120) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

121) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

122) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

123) Last Name: Llaneza First Name: Ana and Rafael

Address: 1540 Trevino Ave Coral Gables Fl. 33134

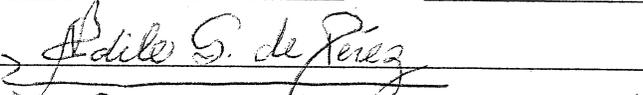
Telephone: 305 389 4679 E-Mail: _____

Signature: 

124) Last Name: Soto de Pérez First Name: Adile

Address: 1540 Trevino Ave Coral Gables Fl 33134 Apt 1

Telephone: 305 666 9573 E-Mail: _____

Signature: 

125) Last Name: Pérez-Soto First Name: Luis

Address: 820 Messina Coral Gables Fl. 33134

Telephone: 305 301 6217 E-Mail: _____

Signature: 

SIGNATURES: 1-125

The Biltmore Neighborhood Association has recently learned that in August 2009, the Miami-Dade County School Board issued Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc., a permit to operate a 675-student grade K-to-8 Charter School as at the University Baptist Church site on 624 Anastasia Avenue beginning in the 2010-2011 school year.

Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc., and University Baptist Church have entered or are about to enter a lease agreement for Academica, Inc., to lease the 624 Anastasia Avenue facilities from University Baptist Church for an initial period of 10 years with an option to purchase. These facilities are located across the street from the War Memorial Youth Center.

According to Florida Department of the Education regulations, charter schools are mandated to provide adequate facilities to satisfy their curriculum physical education requirements.

Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc Charter School use of the War Memorial Youth Center facilities and parking lots will generate a constant, significantly hazardous flow of pedestrian traffic across Segovia Street to and from the Center, limit the availability of these recreational spaces to residents and other current users, impact negatively senior citizens programs and groups, and cause excessive stress to field, courts, and equipment.

We, the undersigned, petition the City of Coral Gables, to oppose the use of the War Memorial Youth Center facilities and parking lots located at 405 University Drive, Coral Gables, Florida, by any charter or private school for the educational and recreational purposes in their curriculum

126) Last Name: DEUCE First Name: FLORENCE

Address: 430 Valencia Ave

Telephone: _____ E-Mail: _____

Signature: [Handwritten Signature]

127) Last Name: HORTON First Name: Mallory

Address: 900 Andalusia

Telephone: 305-446-8587 E-Mail: Malloryhorton

Signature: [Handwritten Signature]

128) Last Name: MOSEKOWITZ First Name: BERNARD
Address: 3675 RIVIERA CT CORAL GABLES FL 33134
Telephone: _____ E-Mail: _____
Signature: Bernard Moskowitz

129) Last Name: GLOSS First Name: GARVIN
Address: 1137 OBISPO AVE. CORAL GABLES FL 33134
Telephone: 446-4044 E-Mail: _____
Signature: Garvin Gloss

130) Last Name: MOSKOWITZ First Name: EDYTHE
Address: 3675 Riviera Ct
Telephone: _____ E-Mail: _____
Signature: Edythe Moskowitz

131) Last Name: MUSA B. SUDOVIC First Name: SUDOVIC
Address: 1321 SEVILLA AVE. CORAL GABLES
Telephone: 305-443-9597 E-Mail: _____
Signature: MUSA B. SUDOVIC

132) Last Name: KRAUCHUK First Name: NANCY
Address: 1615 FERDINAND CORAL GABLES, 33134
Telephone: 305-443-2694 E-Mail: _____
Signature: NANCY KRAUCHUK

133) Last Name: FERNANDEZ First Name: IRAI DA C.
Address: 435 MADRIRA AV.
Telephone: (305) 446-6758 E-Mail: _____
Signature: Iraida C. Fernandez

134) Last Name: RODRIGUEZ First Name: LUIS
Address: 1424 ORTEGA AVE
Telephone: 305-213-0608 E-Mail: _____
Signature: Luis Rodriguez

135) Last Name: ORLANDO First Name: DAN
Address: 760 NAVARRA
Telephone: 305-446-4949 E-Mail: NONE
Signature: D Dan Delgado

136) Last Name: FERNANDEZ First Name: PELU
Address: 435 MADEIRA AVE
Telephone: 205-375-2331 E-Mail: _____
Signature: Pelu S

137) Last Name: RODRIGUEZ First Name: ELSA
Address: 1302 PIZARRO ST. C. Gables, 33134
Telephone: 305 444-8053 E-Mail: _____
Signature: Elsa Rodriguez

138) Last Name: RODRIGUEZ First Name: JOSEFA
Address: _____
Telephone: _____ E-Mail: _____
Signature: Concepcion Sierra

139) Last Name: Sierra First Name: Concepcion
Address: 29 Antilla Ave
Telephone: 305-243 9041 E-Mail: _____
Signature: Concepcion S. Sierra

140) Last Name: POWACK First Name: JAMES

Address: 1025 Anastasia

Telephone: 305 4460647 E-Mail: _____

Signature: James Powell

141) Last Name: Fuller First Name: JANITA

Address: 1025 Anastasia

Telephone: 305 4460647 E-Mail: _____

Signature: Janita Fuller

142) Last Name: SMITH First Name: OAKLEY

Address: 700 SANTANDER AV CORAL GABLES 33134

Telephone: 305 443 7370 E-Mail: _____

Signature: Oakley Smith

143) Last Name: SMITH First Name: BELLA

Address: 700 SANTANDER AV CORAL GABLES 33134

Telephone: 305 443 7370 E-Mail: _____

Signature: Bella Smith

144) Last Name: ROQUE First Name: MARIA

Address: 750 Santander Ave Coral Gables, FL 33134

Telephone: (305) 443-7884 E-Mail: _____

Signature: Maria Roque

145) Last Name: Kerestes First Name: Jane

Address: 755 Santander Ave

Telephone: 305 442-2836 E-Mail: _____

Signature: Jane Kerestes

Want to keep the youth center open

146) Last Name: gino First Name: malva
Address: 747 Santander Ave
Telephone: 529-3495 E-Mail: mgino@yahoo.com
Signature: [Signature]

147) Last Name: MARTINEZ First Name: PAULINA
Address: 705 SANTANDER AVE
Telephone: 3054618584 E-Mail: _____
Signature: [Signature]

148) Last Name: HASNER First Name: MARK
Address: 4910 Alhambra Circle (G FL 33146
Telephone: 305-665-8980 E-Mail: MHASNER@Theirelbairden.com
Signature: [Signature]

149) Last Name: Diaz First Name: Alfredo
Address: 900 Hardlee Road (G FL 33146
Telephone: 305-665-0131 E-Mail: AGDIAZ99@aol.net
Signature: [Signature]

150) Last Name: Silvestros First Name: Migdalia
Address: 737 Almeria Avenue
Telephone: 305-775-2905 E-Mail: mikimikemom@yahoo.com
Signature: [Signature]

151) Last Name: John Tomber Lin First Name: John
Address: 437 VELARDE HOE. C. COGLES FL. 33134
Telephone: 305-445-0118 E-Mail: _____
Signature: [Signature]

152) Last Name: BARR First Name: SOMIA M
Address: 2960 Segovia St Coral Gables FL
Telephone: 305 446 8695 E-Mail: soniambar@yahoo.com
Signature: Sonia M Barr

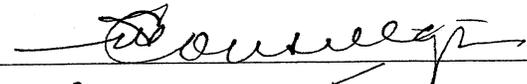
153) Last Name: Escribano Fariñas First Name: Elvira A.
Address: 3105 Granada Blvd. Coral Gables, FL 33134
Telephone: 305-461-9795 E-Mail: eaescri@bellsouth.net
Signature: Elvira A. Escribano Fariñas

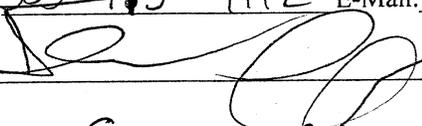
154) Last Name: FARIÑAS First Name: Victor
Address: 3105 GRANADA BLVD, Coral Gables FL 33134
Telephone: 305-461-9795 E-Mail: VMFARIÑAS@bellsouth.net
Signature: Victor Fariñas

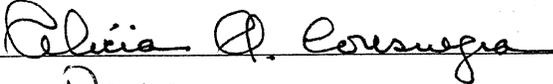
155) Last Name: GELNOVATCH First Name: UMERIE
Address: 714 ANASTASIA AVENUE
Telephone: 305-442-7090 E-Mail: vgelnovatch@tfgnet.com
Signature: Umerie Gelnovatch

156) Last Name: Eskra First Name: Catherine
Address: 1015 Sevilla Ave
Telephone: 305-794-0131 E-Mail: EskraPC@aol.com
Signature: Catherine

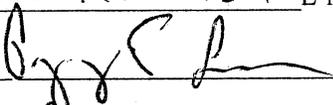
157) Last Name: Santeliz First Name: Julia
Address: 323 Sarto Ave
Telephone: 305 447 4939 E-Mail: miamitexmex@hotmail.com
Signature: Julia Santeliz

158) Last Name: CONSUEGRA III First Name: WALFREDO
Address: 829 PALERMO AVE, CORAL GABLES 33134
Telephone: (305) 446-9708 E-Mail: WICOD@BELLSOUTH.NET
Signature: 

159) Last Name: Consuegra IV First Name: Walfredo
Address: 829 Palermo Ave, Coral Gables, FL 33134
Telephone: ~~305-763~~ ~~305-743~~ -9112 E-Mail: PRosaSalt@bellsouth.net
Signature: 

160) Last Name: Consuegra First Name: Alicia
Address: 829 Palermo Avenue, Coral Gables 33134
Telephone: 305-446-9708 E-Mail: Alicone@bellsouth.net
Signature: 

161) Last Name: Perez First Name: Barbara
Address: 210 Romano Avenue Coral Gables FL 33134
Telephone: 305-301-9449 E-Mail: bpgel99@aol.com
Signature: 

162) Last Name: Lopez First Name: Gregory E.
Address: 210 Romano Ave, Coral Gables FL 33134
Telephone: 305-461-0787 E-Mail: geg_gel@bellsouth.net
Signature: 

163) Last Name: Rivera-Llan First Name: Azleen
Address: 1417 Dorado Ave
Telephone: ³⁰⁵ 667-4167 E-Mail: Drayleen@msn.com
Signature: 

164) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

165) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

166) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

167) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

168) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

169) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

170) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

171) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

172) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

173) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

174) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

175) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

176) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

177) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

178) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

179) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

180) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

181) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

182) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

183) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

184) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

185) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

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Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

187) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

188) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

189) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

190) Last Name: _____ First Name: _____

Address: _____

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Signature: _____

191) Last Name: _____ First Name: _____

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Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

199) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

200) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

201) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

202) Last Name: _____ First Name: _____

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203) Last Name: _____ First Name: _____

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Signature: _____

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Address: _____

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Signature: _____

207) Last Name: _____ First Name: _____

Address: _____

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Signature: _____

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Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

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Signature: _____

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Address: _____

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Signature: _____

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Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

220) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

221) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

222) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

223) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

X 230) Last Name: Rodriguez Sierra First Name: NELIDA

Address: 10800 SW 84 ST APT D3

Telephone: 305 1420122 E-Mail: _____

X Signature: Nelida Rodriguez Sierra

X 231) Last Name: Denninger First Name: Wella

Address: 10925 SW 102 St

Telephone: 305-224 9524 E-Mail: _____

Signature: Wella Denninger

232) Last Name: THOMPSON First Name: CAROLINE

Address: 3723 SW 27 STREET

Telephone: MIAMI 33134 E-Mail: _____

Signature: Caroline Thompson

X 233) Last Name: Hanchey First Name: Wallace

Address: 611 SW 47 CT MIAMI FL 33134

Telephone: 305 444 1002 E-Mail: carbchhotdog@yahoo.com

Signature: ~~HANNEY~~ Wallace Hanchey

X 234) Last Name: HANCHAY First Name: JOSEPHINE

Address: 611 SW 47 CT

Telephone: 305-444-1002 E-Mail: _____

Signature: Josephine Hanchay

X 235) Last Name: BELSKI First Name: Norma

Address: 6300 S.W. 14 Terrace

Telephone: 305-266-4003 E-Mail: _____

Signature: Norma Belski

236) Last Name: Quintilla First Name: Marta
Address: 29 Antilla Ave #9
Telephone: 305-443-9000 E-Mail: m93391@talkouth.net
Signature: Marta Quintilla

237) Last Name: Padilla Guerrero First Name: Fidelin
Address: 1075, 92st apt. 603, Bay Harbor Isles Fl, 33154
Telephone: 305-867-8211 E-Mail: _____

Signature: _____
238) Last Name: Pollack First Name: SANDRA
Address: 1025 Anastasia C Gables 33134
Telephone: 305 446 0647 E-Mail: _____
Signature: Sandra Pollack

239) Last Name: POWACK First Name: JAMES
Address: 1025 Anastasia Ave
Telephone: 305 446 0647 E-Mail: _____
Signature: James Powell

240) Last Name: ROQUE First Name: Maria
Address: 750 Santander Ave Coral Gables, FL 33134
Telephone: 305 443-7884 E-Mail: _____
Signature: Maria Roque

241) Last Name: Kerestes First Name: Jane
Address: 755 Santander Ave
Telephone: 305 442-2836 E-Mail: _____
Signature: Jane Kerestes

242) Last Name: López First Name: Sagrario
Address: 245 SW 38 Ct. - 33134
Telephone: 305-443-1560 E-Mail: SL387@bellsouth.net
Signature: _____

243) Last Name: ~~JERRY~~ Rand First Name: Jerry
Address: 441 Valencia Ave #603 33134
Telephone: 305-443-0007 E-Mail: _____
Signature: x Jerry Rand

244) Last Name: Penny First Name: Paul
Address: 30 Palermo Ave. C.G. 33134
Telephone: 305-448-4230 E-Mail: _____
Signature: Paul Penny

245) Last Name: Andre Hukay First Name: _____
Address: 879 Milan Ave 305-445-3510
Telephone: 305-445-3510 E-Mail: _____
Signature: Andre Hukay

246) Last Name: SCARLE First Name: MARY
Address: 5301 SW 45th MIA
Telephone: 305-447-3510 E-Mail: _____
Signature: Mary Scarle

247) Last Name: HARRISON First Name: YVONNE
Address: 545 SAN ANTONIO AVE C G A P
Telephone: 305-667-0060 E-Mail: YMA
Signature: Yvonne Harrison

248) Last Name: Bruce First Name: Thor

Address: 3252 Riviera Drive

Telephone: 305-444-6602 E-Mail: thor@ThorBruce.com

Signature: Thor Bruce

249) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

250) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

SIGNATURES: 126-250

224) Last Name: Cip First Name: Deby
Address: 10500 Snapper Creek Rd, Coral Gables 33156
Telephone: 305-666-0589 E-Mail: _____
Signature: Deby Cip

225) Last Name: _____ First Name: _____
Address: _____
Telephone: _____ E-Mail: _____
Signature: _____

226) Last Name: _____ First Name: _____
Address: _____
Telephone: _____ E-Mail: _____
Signature: _____

227) Last Name: _____ First Name: _____
Address: _____
Telephone: _____ E-Mail: _____
Signature: _____

228) Last Name: _____ First Name: _____
Address: _____
Telephone: _____ E-Mail: _____
Signature: _____

229) Last Name: _____ First Name: _____
Address: _____
Telephone: _____ E-Mail: _____
Signature: _____

73

The Biltmore Neighborhood Association has recently learned that in August 2009, the Miami-Dade County School Board issued Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc., a permit to operate a 675-student grade K-to-8 Charter School as at the University Baptist Church site on 624 Anastasia Avenue beginning in the 2010-2011 school year.

Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc., and University Baptist Church have entered or are about to enter a lease agreement for Academica, Inc., to lease the 624 Anastasia Avenue facilities from University Baptist Church for an initial period of 10 years with an option to purchase. These facilities are located across the street from the War Memorial Youth Center.

According to Florida Department of the Education regulations, charter schools are mandated to provide adequate facilities to satisfy their curriculum physical education requirements.

Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc Charter School use of the War Memorial Youth Center facilities and parking lots will generate a constant, significantly hazardous flow of pedestrian traffic across Segovia Street to and from the Center, limit the availability of these recreational spaces to residents and other current users, impact negatively senior citizens programs and groups, and cause excessive stress to field, courts, and equipment.

We, the undersigned, petition the City of Coral Gables, to oppose the use of the War Memorial Youth Center facilities and parking lots located at 405 University Drive, Coral Gables, Florida, by any charter or private school for the educational and recreational purposes in their curriculum

251) Last Name: Scott First Name: Tina
Address: 3272 Riviera Dr. Coral Gables
Telephone: 305-274-0064 E-Mail: flascotts@bellsouth.net
Signature: [Handwritten Signature]

252) Last Name: Spurlock First Name: JESS
Address: 3300 SEGOVIA ST
Telephone: _____ E-Mail: _____
Signature: [Handwritten Signature]

253) Last Name: Quesada First Name: Ju's M
Address: 3314 Sepoia
Telephone: 305 442 8916 E-Mail: _____
Signature: [Signature]

254) Last Name: Sosa First Name: Maria
Address: 619 Camilo Ave
Telephone: 305-926-8776 E-Mail: maria@sosa@aol.com
Signature: Maria Sosa

255) Last Name: Sanchez First Name: Alberto
Address: 619 Camilo Ave Coral Gables, FL
Telephone: 305 442 9611 E-Mail: dcgmia@aol.com
Signature: [Signature]

256) Last Name: Mantecon First Name: Alexis
Address: 3267 Riviera Dr, Coral Gables, FL 33134
Telephone: 305-984-4861 E-Mail: alex@MVAEH.com
Signature: Alex Mantecon

257) Last Name: KIRNSCICH First Name: William
Address: 3261 Riviera Dr CG, FL 33134
Telephone: 305-460-6873 E-Mail: billkozog@msn.com
Signature: [Signature]

258) Last Name: BROUWER First Name: EDGARDO R.
Address: 3266 RIVIERA DRIVE, C.GABLES, FL 33134
Telephone: 305-444-0987 E-Mail: brouwere@bellsouth.net
Signature: [Signature]

259) Last Name: Gouw First Name: VALERIE

Address: 3258 Riviera Drive

Telephone: 305 476 3656 E-Mail: _____

Signature: Gouw

260) Last Name: MARATOS First Name: ANTON

Address: #41 3257 Riviera Dr.

Telephone: 305 46 9009 E-Mail: _____

Signature: MARATOS

261) Last Name: Lundeen First Name: Mitchell

Address: 3211 Anderson Rd

Telephone: (305) 446-3394 E-Mail: _____

Signature: Lundeen

262) Last Name: Gonzalez-Kakouris First Name: Hugo

Address: 1243 Catalonia Ave 33134

Telephone: 305-447-9970 E-Mail: hugogo@bellsouth.net

Signature: Gonzalez-Kakouris

263) Last Name: Cuadrado First Name: Raul & Pepi

Address: 3250 Riviera Drive

Telephone: 305-444-6408
305-661-7609 E-Mail: pepigra@aol.com; raulrcuadrado@aol.com

Signature: Raul & Pepi Cuadrado

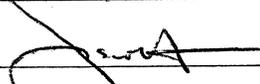
264) Last Name: Tanen First Name: Jeffrey

Address: 3260 Riviera Dr Coral Gables

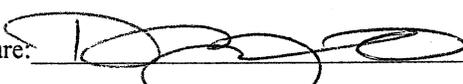
Telephone: 305 445-6781 E-Mail: _____

Signature: Tanen

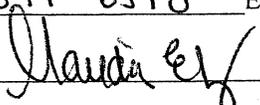
265) Last Name: Alonso First Name: Alex
Address: 3319 Anderson Road Coral Gables, FL
Telephone: (3) 443-7605 E-Mail: alvalonso@comcast.net
Signature: 

266) Last Name: SCOTT First Name: JOSEPH
Address: 3272 RIVIERA DR CORAL GABLES, FL
Telephone: 305-219-8024 E-Mail: JSCOTT777@BELL SOUTH.NET
Signature: 

267) Last Name: NILES First Name: MIKE
Address: 3271 RIVIERA DR. CORAL GABLES FL
Telephone: (305) 347-6287 E-Mail: MNILES@AOL.COM
Signature: 

268) Last Name: Mantecon First Name: Dionys
Address: 3267 Riviera Drive
Telephone: 305 446-5146 E-Mail: didinaantecon@hotmail.com
Signature: 

269) Last Name: Espinosa First Name: Ariel
Address: 3270 Riviera Dr
Telephone: 305-801-6388 E-Mail: cere65@aol.com
Signature: X A. Espinosa

270) Last Name: Rodriguez First Name: Claudia
Address: 3270 Riviera Dr
Telephone: 305-397-6518 E-Mail: cere65@aol.com
Signature: 

271) Last Name: Tanen First Name: Natalie
Address: 3260 Riviera Dr, Coral Gables, FL 33134
Telephone: 305445-6781 E-Mail: ntanen@aol.com
Signature: Natalie Tanen

272) Last Name: Lopez First Name: Raquel
Address: 3238 Riviera Dr Coral Gables Fl 33134
Telephone: (305) 926-0550 E-Mail: RSofillolopez@hotmail.com
Signature: Raquel Lopez

273) Last Name: VICARIANO First Name: Ana
Address: 510 Catalonia Ave
Telephone: 305-798 3421 E-Mail: VICARIANO@aol.com
Signature: [Signature]

274) Last Name: Rosado First Name: Vivian
Address: 3235 Riviera Dr.
Telephone: 305609 8528 E-Mail: lexlawor@aol.com
Signature: [Signature]

275) Last Name: WANG First Name: Christine
Address: 3227 Riviera Drive
Telephone: 305442 2363 E-Mail: Shun@yahoo@comcast.net
Signature: Christine Wang

276) Last Name: TERRY First Name: BARBARA
Address: 3223 RIVIERA DR
Telephone: 305-444-9229 E-Mail: _____
Signature: Barbara Terry

277) Last Name: Terry First Name: KATHLEEN
Address: 3223 RIVERA DR CORAL GABLES, FL 33134
Telephone: 305-448-4477 E-Mail: BOWWOWWF@Bellsouth.net
Signature: Kathleen Terry

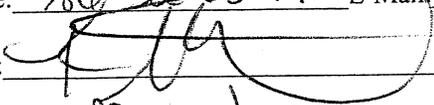
278) Last Name: ISORIEZ First Name: Louise
Address: 3237 MIVIERA DR.
Telephone: 3054568168 E-Mail: DUPRELAJAE@YAHOO.FA
Signature: [Signature]

279) Last Name: De Moya First Name: Diva
Address: 702 Camilo avenue
Telephone: 786-253-6060 E-Mail: divacdemoya@hotmail.com
Signature: [Signature]

280) Last Name: PVENTE First Name: MARITHA ELENA
Address: 620 CAMILO AVE
Telephone: 305 951-6263 E-Mail: mepuente@bellsouth.net
Signature: Martha E Puente

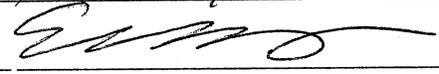
281) Last Name: PUENTE ECHENIQUE First Name: MARTHA
Address: 620 CAMILO AVE
Telephone: 305-443-5439 E-Mail: mpuente@DRI.edu.
Signature: Martha E. Puente

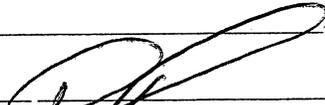
282) Last Name: Diaz-Albertini First Name: Ricardo
Address: 3288 Riviera Dr
Telephone: 786-3826849 E-Mail: rdiaz@centerxix.com
Signature: [Signature]

283) Last Name: Steffner First Name: Kristina
Address: 3288 Rivera Dr
Telephone: 866 382 6849 E-Mail: Painter K73@gmail.com
Signature: 

284) Last Name: Mendez First Name: Joaquin
Address: 3090 Riviera Drive
Telephone: 305 375 0826 E-Mail: _____
Signature: 

285) Last Name: Martinez First Name: Olga
Address: 3294 Rivera Dr.
Telephone: 305-461-5522 E-Mail: _____
Signature: 

286) Last Name: BROUWER First Name: ELDA
Address: 3266 RIVERA DRIVE
Telephone: 305 444 0987 E-Mail: _____
Signature: 

287) Last Name: FERNANDEZ First Name: FRANCIS
Address: 3320 ANDERSON RD
Telephone: _____ E-Mail: _____
Signature: 

288) Last Name: ~~CLAUDIA~~ Copeland First Name: Claudia
Address: 737 Camilo Avenue - C
Telephone: 305 446 8388 E-Mail: _____
Signature: 

289) Last Name: Roxey Bolton First Name: Roxey

Address: 124 Cadmus Ave

Telephone: 305-446-0390 E-Mail: _____

Signature: Roxey Bolton

290) Last Name: Turner First Name: Kendell

Address: 1106 Alhambra Cir. 33134

Telephone: 305-443-297 E-Mail: _____

Signature: Kendell Turner

291) Last Name: Kimberlee First Name: MARK

Address: 3265 RIVIERA DRIVE

Telephone: 305-323-6571 E-Mail: KIMMARK@bellsouth.net

Signature: Kimberlee A. Mark

292) Last Name: Hatfield First Name: Robert

Address: 3400 Anderson Rd

Telephone: 305-448-5262 E-Mail: robhatfield@bellsouth.net

Signature: Robert Hatfield

293) Last Name: RODRIGUEZ First Name: CAROLINA

Address: 3600 Anderson Road

Telephone: (786) 317-4413 E-Mail: carolinarodrigueznoda@gmail.com

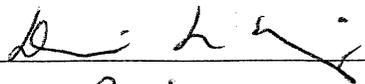
Signature: Carolina Rodriguez

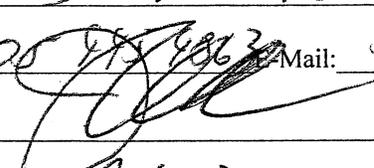
294) Last Name: TOZNO First Name: JANIEL

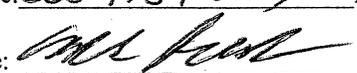
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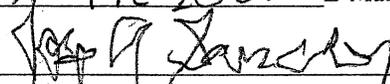
Telephone: 3/441-9332 E-Mail: _____

Signature: Janiel Tozno

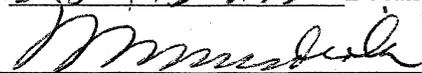
295) Last Name: Ramirez First Name: Dania
Address: 3414 Anderson Rd.
Telephone: 305 441-8141 E-Mail: miamictr_slp@bellsouth.net
Signature: 

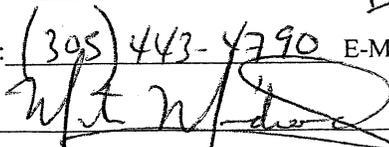
296) Last Name: RebAK First Name: Joseph
Address: 743 Camilo Ave Coll 1 6963
Telephone: 305 454-8633 E-Mail: JLR@TerraW.com
Signature: 

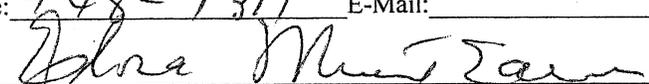
297) Last Name: RebAK First Name: CARLA
Address: 743 Camilo Ave C6
Telephone: 305 454-8633 E-Mail: CarlaRebAK@yahoo.com
Signature: 

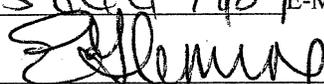
298) Last Name: Sanchez First Name: Jose
Address: 3315 Toledo Plaza 33134
Telephone: 305 442-9001 E-Mail: casasanchez_28@yahoo.com
Signature: 

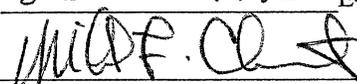
299) Last Name: Mendiola First Name: MARCA
Address: 3282 Riviera Dr.
Telephone: 305 443-4790 E-Mail: MARCIA[@]Mendiola[@]US
Signature: Ulucia Mendiola

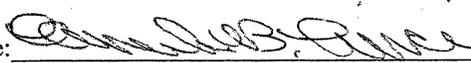
300) Last Name: Mendiola First Name: MARTIN
Address: 3282 ~~Florida~~ Riviera Dr
Telephone: 305-443-2525 E-Mail: MARTIN@Mendiola.US
Signature: 

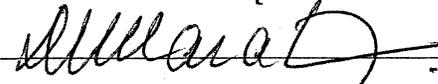
301) Last Name: Mendiola First Name: Martin F.
Address: 3282 Riviera Drive.
Telephone: (305) 443-4790 E-Mail: MartinFMendiola@gmail.com.
Signature: 

302) Last Name: MUNTEANU First Name: EIVIRA
Address: 611 CAMILO AVE
Telephone: 448-1311 E-Mail: _____
Signature: 

303) Last Name: Fleming First Name: Eileen
Address: 633 CAMILO AVE
Telephone: 305 444 7989 E-Mail: _____
Signature: 

304) Last Name: CHELOWETH First Name: MICHAEL
Address: 724 CAMILO AVE
Telephone: 305.448-7772 E-Mail: michael@michaelcheloweth.com
Signature: 

305) Last Name: PIERCE First Name: PAMELA
Address: 724 CAMILO AVE
Telephone: 305-448-7772 E-Mail: pb.pierce@evcvgfadesia.org
Signature: 

306) Last Name: MARADIS First Name: DIMITRIS A.
Address: 3257 Riviera Dr.
Telephone: 305 446 0909 E-Mail: _____
Signature: 

307) Last Name: Vierth First Name: Alexander

Address: 730 Anastasia Avenue

Telephone: 305-529-9519 E-Mail: nbaplayoffs101@yahoo.com

Signature: Alexandre Vierth

308) Last Name: Gonzalez First Name: Jeff

Address: 3703 Anderson Road Coral Gables, FL 33134

Telephone: 305-283-0311 E-Mail: Jeffgonzalez@yahoo.com

Signature: Jeff Gonzalez

309) Last Name: Melero First Name: Raquelyn

Address: 3703 Anderson Road Coral Gables, FL 33134

Telephone: 754-9273 E-Mail: _____

Signature: [Signature]

310) Last Name: KIRINCICH First Name: William

Address: 3261 RIVIERA DR Coral Gables FL 33134

Telephone: 305 460 6873 E-Mail: billk0206@msn.com

Signature: [Signature]

311) Last Name: Alonso First Name: Alex

Address: 3319 Anderson Rd Coral Gables FL 33134

Telephone: 305-443-1083 E-Mail: _____

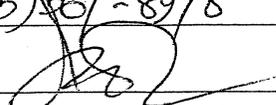
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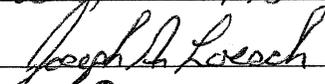
312) Last Name: MARTINEZ First Name: JORGE

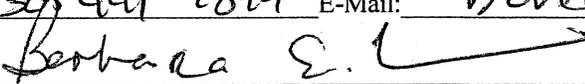
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Telephone: 305-774-9637 E-Mail: _____

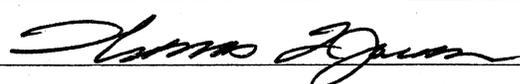
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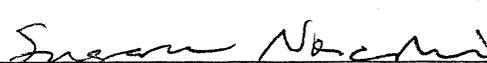
313) Last Name: LEE First Name: TONG MU
Address: 726 SANTANDER AVE, CORAL GABLES FL 33134
Telephone: (305) 567-8978 E-Mail: LEEWINTER8@GMAIL.COM
Signature: 

314) Last Name: Loesch First Name: Joseph A
Address: 726 Santander Ave.
Telephone: (305) 567-8978 E-Mail: joseph-loesch123@gmail.com
Signature: 

315) Last Name: Overton First Name: Barbara
Address: 3278 Riviera DR
Telephone: 305 441 1894 E-Mail: boverton@gmail.com
Signature: 

316) Last Name: GARB First Name: RUCHIRA
Address: 2620 HARLANO ST CORAL GABLES 33134
Telephone: 305-359-5797 E-Mail: RGAR092@YAHOO.COM
Signature: 

317) Last Name: JAROM First Name: THOMAS
Address: 615 SANTANDER #C
Telephone: 305-393-6837 E-Mail: TLJAROM@MAC.COM
Signature: 

318) Last Name: Nardini First Name: Susana
Address: 907 Anastasia Avenue, Coral Gables
Telephone: 305 44 40155 E-Mail: _____
Signature: 

319) Last Name: Noncini First Name: MARTINI
Address: 907 ANASTASIA AVE.
Telephone: 305-444-0155 E-Mail: MNONCINI@BELLSOUTH.NET
Signature: Martini

* 320) Last Name: Martinez First Name: JULIAN
Address: 3294 RIVERA DR
Telephone: 305-461-5522 E-Mail: _____

Signature: _____

321) Last Name: RODRIGUEZ First Name: OTACIELA
Address: 615 SANTANDER AVE. UNIT E
Telephone: 3/444-0397 E-Mail: _____

Signature: Guilherme Rodriguez

322) Last Name: Figueras First Name: JOSE
Address: 3003 DESOTO BLVD.
Telephone: 305-753-8945 E-Mail: JOEFIGUERAS@AOL.COM

Signature: Figueras

323) Last Name: VERTIL First Name: SONIA
Address: 730 ANASTASIA AVENUE

Telephone: 305/609-5418 E-Mail: SONIAVERTIL@BELLSOUTH.NET

Signature: Sonia Vertil

324) Last Name: Murray First Name: Robert
Address: 3278 Riviera Dr

Telephone: 305-441-1894 E-Mail: RMURRAY@MARGARETLEWIS.COM

Signature: Robert W. Murray

325) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

326) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

327) Last Name: _____ First Name: _____

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328) Last Name: _____ First Name: _____

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367) Last Name: _____ First Name: _____

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369) Last Name: _____ First Name: _____

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373) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

374) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

375) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

SIGNATURES: 251-375

The Biltmore Neighborhood Association has recently learned that in August 2009, the Miami-Dade County School Board issued Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc., a permit to operate a 675-student grade K-to-8 Charter School as at the University Baptist Church site on 624 Anastasia Avenue beginning in the 2010-2011 school year.

Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc., and University Baptist Church have entered or are about to enter a lease agreement for Academica, Inc., to lease the 624 Anastasia Avenue facilities from University Baptist Church for an initial period of 10 years with an option to purchase. These facilities are located across the street from the War Memorial Youth Center.

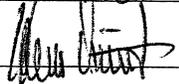
According to Florida Department of the Education regulations, charter schools are mandated to provide adequate facilities to satisfy their curriculum physical education requirements.

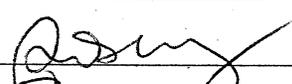
Academica, Inc./Somerset Academy, Inc./Somerset Grace Academy, Inc Charter School use of the War Memorial Youth Center facilities and parking lots will generate a constant, significantly hazardous flow of pedestrian traffic across Segovia Street to and from the Center, limit the availability of these recreational spaces to residents and other current users, impact negatively senior citizens programs and groups, and cause excessive stress to field, courts, and equipment.

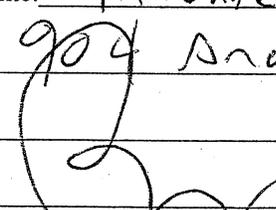
We, the undersigned, petition the City of Coral Gables, to oppose the use of the War Memorial Youth Center facilities and parking lots located at 405 University Drive, Coral Gables, Florida, by any charter or private school for the educational and recreational purposes in their curriculum

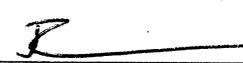
376) Last Name: GELMAN First Name: ELSA
Address: 707 ANASTASIA CORAL GABLES
Telephone: 305-354-9790 E-Mail: _____
Signature: [Handwritten Signature]

377) Last Name: SOVIERTE First Name: SONIA
Address: 730 ANASTASIA AVENUE, CORAL GABLES
Telephone: 305/529-9569 E-Mail: soniakatation@yahoo.com
Signature: Sovierte

378) Last Name: VIGIL First Name: HAUS
Address: 230 ANASTASIA AVE C. GARCEJ FL 33174
Telephone: 305 926 7013 E-Mail: HAUS EURO TABCO@BCCSOUTHING5
Signature: 

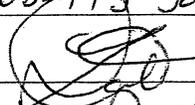
379) Last Name: ROSENBERG First Name: Monique
Address: 904 Anastasia Ave
Telephone: (305) 283-9928 E-Mail: m-rosenberg@math.miami.edu
Signature: 

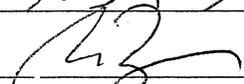
380) Last Name: Rosenberg First Name: Burton
Address: 904 Anastasia Ave
Telephone: _____ E-Mail: br-70@miami.edu
Signature: 

381) Last Name: Mirabal First Name: Juan Carlos
Address: 725 Anastasia Ave
Telephone: 305-458-0785 E-Mail: jeniraba13@yahoo.com
Signature: 

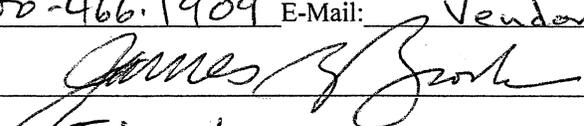
382) Last Name: Mirabal First Name: Rosie
Address: 725 Anastasia Ave
Telephone: 305 648-5115 E-Mail: rcmirabal@yahoo.com
Signature: Rosie C. Mirabal

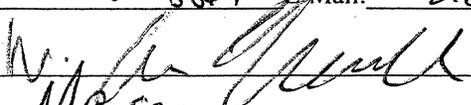
383) Last Name: ZAGARINO First Name: LOUAN
Address: 731 ANASTASIA AVE
Telephone: 305-447-2293 E-Mail: louanzag@aol.com
Signature: Louan Zagarino

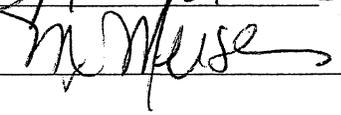
384) Last Name: CROWTHER First Name: MICHAEL
Address: 3612 PALMARITO ST CORAL GABLES
Telephone: 305-443-5094 E-Mail: CONNIE-CROWTHER@MSN.COM
Signature: 

385) Last Name: BURR First Name: ROBERT
Address: 314 ROMANO
Telephone: 305-443-0394 E-Mail: Rob@GREATGABLES.COM
Signature: 

386) Last Name: BROCK First Name: CAROL
Address: 850 ANASTASIA AVE.
Telephone: 305-442-0144 E-Mail: carolsbrock@aol.com
Signature: Carol S. Brock

387) Last Name: BROCK First Name: JAMES E.
Address: 850 Anastasia Ave.
Telephone: 800-466-1909 E-Mail: VendorPlus@aol.com
Signature: 

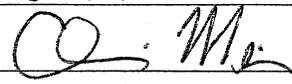
388) Last Name: Elwell First Name: Andy
Address: 738 Santander Ave
Telephone: 305-342-8867 E-Mail: aelwell@bizsolutionsinc.com
Signature: 

389) Last Name: Meiser First Name: Miriam
Address: 1109 MALAGA AVE CG FL
Telephone: 314614218 E-Mail: CMeiser@AOL.COM
Signature: 

390) Last Name: MEISER First Name: CHRIS

Address: 1109 MALAGA AVE., CORAL GABLES, FL 33134

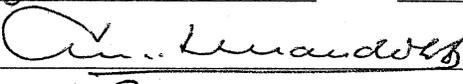
Telephone: 305-461-4218 E-Mail: CMEISER@MAC.COM

Signature: 

391) Last Name: Hernandez First Name: Tolio

Address: 619 Anastasia # 4 Coral Gables FL 33134

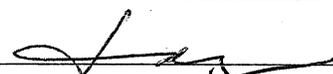
Telephone: 305 365 9656 E-Mail: dianaconstanza1002@yahoo.com

Signature: 

392) Last Name: Garcia First Name: Tony

Address: 840 ANASTASIA AVE.

Telephone: 3054421532 E-Mail: WWW MIKA 0331 @ AOL

Signature: 

393) Last Name: Rosablanck First Name: Brad

Address: 600 Coral Way #14

Telephone: 786-473-7380 E-Mail: Brod@knet.net

Signature: 

394) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

395) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

396) Last Name: _____ First Name: _____

Address: _____

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397) Last Name: _____ First Name: _____

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Signature: _____

500) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

SIGNATURES: 376-500

533) Last Name: VIERA First Name: Ady

Address: 843 Anastasia Ave

Telephone: 305-444-8929 E-Mail: _____

Signature: Ady Viera

534) Last Name: Mendez First Name: Idania

Address: 835 Anastasia Ave

Telephone: 305-441-1447 E-Mail: _____

Signature: [Handwritten Signature]

535) Last Name: Corral First Name: Haribol

Address: 823 Anastasia Ave

Telephone: 786 427 1661 E-Mail: _____

Signature: [Handwritten Signature] - Marisol Baquera

• 536) Last Name: Payne First Name: Laura

Address: 800 Anastasia Ave

Telephone: 305 446 0084 E-Mail: payne_family@bellsouth.net

Signature: [Handwritten Signature]

• 537) Last Name: Arellano First Name: Jose M.

Address: 921-ANASTASIA

Telephone: 305 444-0162 E-Mail: CANIMAR01@AOL.COM

Signature: [Handwritten Signature]

• 538) Last Name: Deille First Name: Catherine

Address: 911 Anastasia

Telephone: 305 443 8745 E-Mail: deille 818 @ aol. com

Signature: [Handwritten Signature]

539) Last Name: Juan Canto First Name: Jose Ana M

Address: 929 Anacadia Ave

Telephone: 305 774 7246 E-Mail: anacanto6@hotmail.com

Signature: Ara Maia Cato

540) Last Name: Contreras First Name: Yolanda

Address: 810 Anastasia

Telephone: 305-5960327 E-Mail: _____

Signature: Yolanda Contreras

541) Last Name: Palmeri First Name: Frank

Address: 820 Anastasia Ave.

Telephone: 305-443-7385 E-Mail: FrankAPalmeri@aol.com

Signature: Frank Palmeri

542) Last Name: Natty V Quintero First Name: _____

Address: 620 Aledo Ave.

Telephone: 305-442-2941 E-Mail: _____

Signature: Natty V Quintero

543) Last Name: Rickman First Name: Robert

Address: 3508 Segovia St

Telephone: 865563524 E-Mail: _____

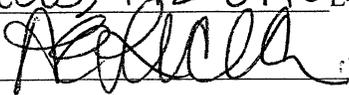
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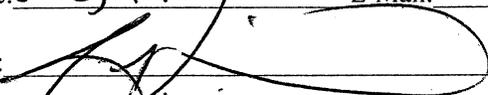
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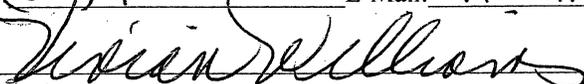
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Telephone: _____ E-Mail: _____

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546) Last Name: Licea First Name: Amy
Address: 636 Palermo Avenue
Telephone: (305) 442-0170 E-Mail: Amy.licea@gmail.com
Signature: 

547) Last Name: Licea First Name: Frank
Address: 636 Palermo Ave
Telephone: (305) 442-0170 E-Mail: frank.licea@gmail.com
Signature: 

548) Last Name: Williams First Name: Vivian
Address: 648 Palermo Avenue
Telephone: (305) 948-8531 E-Mail: vivian@cantera tax.com
Signature: 

549) Last Name: _____ First Name: _____
Address: _____
Telephone: _____ E-Mail: _____
Signature: _____

550) Last Name: _____ First Name: _____
Address: _____
Telephone: _____ E-Mail: _____
Signature: _____

551) Last Name: _____ First Name: _____
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Signature: _____

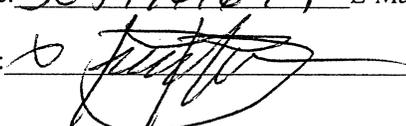
552) Last Name: Platske First Name: Lisa Marie
Address: 732 Santander Ave., Coral Gables, FL 33134
Telephone: 951.334.9162 E-Mail: lisamarie@upsideThinking.com
Signature: 

553) Last Name: Platske First Name: James
Address: 732 Santander Ave., Coral Gables, FL 33134
Telephone: 951.347.9634 E-Mail: james.platske@~~gmail~~gmail.com
Signature: James E. Platske

554) Last Name: Lynch First Name: Dennis
Address: 747 CATALONIA AVE
Telephone: 305 5678901 E-Mail: _____
Signature: Dennis Lynch

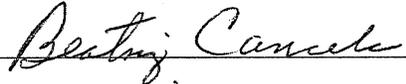
555) Last Name: Lynch First Name: Carol
Address: 747 Catalonia Ave
Telephone: 305 5678901 E-Mail: CarolLynch@bellsouth.net
Signature: Carol Lynch

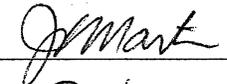
556) Last Name: Benavides First Name: Cary
Address: 701 Catalonia Ave, Coral Gables, FL 33134
Telephone: 3054461679 E-Mail: caryb@bellsouth.net
Signature: Candida Benavides

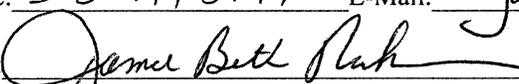
557) Last Name: Benavides First Name: Pedro
Address: 701 Catalonia Ave
Telephone: 3054461679 E-Mail: pbarch@bellsouth.net
Signature: 

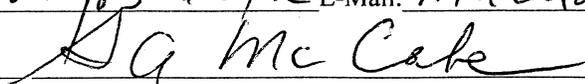
558) Last Name: Benavides First Name: Peter
Address: 701 Catalonia Ave, Coral Gables, FL 33134
Telephone: 786 5644461 E-Mail: peter.benavides@duke.edu
Signature: 

559) Last Name: CANCELA First Name: ANDRES
Address: 700 CATALONIA AVE
Telephone: 305-446-3455 E-Mail: _____
Signature: 

560) Last Name: CANCELA First Name: BEATRIZ
Address: 700 CATALONIA AVE.
Telephone: 305-446-3455 E-Mail: becan@bellsouth.net
Signature: 

561) Last Name: Martin First Name: Jill & Carlos
Address: 733 Catalonia Avenue Coral Gables FL 33134
Telephone: 305-456-1252 E-Mail: jillandcarlos@aol.com
Signature: 

562) Last Name: Richman First Name: Jamie
Address: 511 Catalonia Avenue
Telephone: 305-444-3999 E-Mail: jamiebrich@aol.com
Signature: 

563) Last Name: McCabe First Name: Sylvia
Address: 725 Catalonia Avenue
Telephone: 305 905 6342 E-Mail: macadogic@hotmail.com
Signature: 

564) Last Name: McCABE First Name: PHILIP

Address: 725 CATALONIA AVE.

Telephone: 305 446-5552 E-Mail: PMCCABE@MIAMI.EDU

Signature: Phil McCabe

565) Last Name: Alonso First Name: Maria

Address: 711 Catalonia Ave

Telephone: 305 448 8880 E-Mail: luchini@aol.com

Signature: Maria Alonso

566) Last Name: MARTINEZ First Name: NICOLE

Address: 711 CATALONIA AVENUE CORAL GABLES, FL 33134

Telephone: 305 448-8880 E-Mail: nicolemartinez9@gmail.com

Signature: Nicole Martinez

567) Last Name: MARTINEZ First Name: Floriana

Address: 721 Catalonia Ave

Telephone: 305 987 1214 E-Mail: floriana@themartin.us

Signature: Floriana Martinez

568) Last Name: MARTINEZ First Name: CARLOS

Address: 721 Catalonia Ave

Telephone: 786 306 3791 E-Mail: carlos@carmartin.us

Signature: Carlos Martinez

569) Last Name: _____ First Name: _____

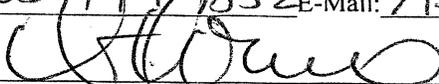
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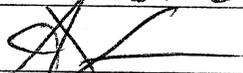
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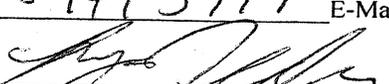
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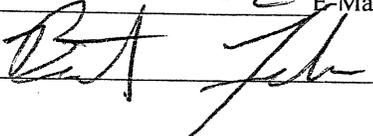
564) Last Name: Victoriano First Name: ANA
Address: 510 CATALONIA AVE C.G. 33134
Telephone: 305-798-3421 E-Mail: VICAN12@AOL.COM
Signature: 

565) Last Name: VICTORIANO First Name: VICTOR
Address: 510 CATALONIA AVE
Telephone: 305-444-7852 E-Mail: ASTROMENT VICTOR@AOL.COM
Signature: 

566) Last Name: VICTORIANO First Name: ANDREA
Address: 418 MARMORE AVE C.GABUS 33146
Telephone: 305-951-8563 E-Mail: VICAN19@GMAIL.COM
Signature: 

567) Last Name: VICTORIANO First Name: MAX
Address: 510 CATALONIA AVE C.GABUS 33134
Telephone: 305-444-7852 E-Mail: VICAN12@AOL.COM
Signature: 

568) Last Name: FEDER First Name: RYAN
Address: 511 CATALONIA AVE C.GABUS 33134
Telephone: 305-444-3999 E-Mail: RYAN.FEDER@PRUDENTIAL.COM
Signature: 

569) Last Name: FEDER First Name: BRENT
Address: 511 CATALONIA AVE C.GABUS 33134
Telephone: 305-444-7852 E-Mail: _____
Signature: 

570) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

571) Last Name: _____ First Name: _____

Address: _____

Telephone: _____ E-Mail: _____

Signature: _____

572) Last Name: _____ First Name: _____

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Signature: _____

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