

**STATE OF FLORIDA
Case No. SC 09-1910**

NINETEENTH STATEWIDE GRAND JURY

First Interim Report

**A STUDY OF PUBLIC CORRUPTION IN FLORIDA
AND RECOMMENDED SOLUTIONS**



December 17, 2010

Ft. Lauderdale, Florida

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CERTIFICATION OF REPORT

We, the members of the Nineteenth Statewide Grand Jury, find that

public corruption continues to be an issue of great importance in all aspects of government, politics, and business throughout the State. We have been asked to address an enormous issue which is broad in scope and long in history. We take on this challenge with sincere appreciation for the gravity of the undertaking. We hope our words are heard and our recommendations are followed. Better efforts to prevent and penalize corruption are necessary in order to stop fraud, waste, and abuse of our State resources. Given the serious fiscal limitations at all levels of government, anti-corruption efforts must stop the theft and mismanagement of vital public funds. 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*.

The cadets at our nation's military academies swear an oath to neither lie, cheat, steal, nor tolerate those who do. There is no reason we should hold our public officials to a lesser standard.

II. REGULATORY ENFORCEMENT

A. Offices of Inspector General

We have received testimony detailing the vital role inspectors general offices play in the fight against public corruption. We must ensure offices of inspectors general are able to perform their vital role if we are truly going to go after those who seek to steal, waste, and abuse our taxpayer money. The purpose of an office of inspector's general is to:

foster and promote public accountability and integrity in the general areas of the prevention, examination, investigation, audit, detection, elimination and prosecution of fraud, waste and abuse through policy research and analysis; standardization of practices, policies, and ethics, encouragement of professional development by providing and sponsoring educational programs, and the establishment of professional qualifications, certification, and licensing.^{xliii}

We have been informed that effective offices of inspectors general “hold government officials accountable for efficient, cost-effective government operations and to prevent, detect, identify, expose and eliminate fraud, waste, corruption, illegal acts and abuse.”^{xliiii} If government holds these ideals to be as significant as we do, it will make sure offices of inspectors general are created in the most effective way, funded so they can do their job and structured so they can execute their duty.

1. **Create an independent “Office of State Inspector General” whose role shall be to oversee the inspections and investigations performed by all other state agency inspectors general.**
2. **F.S. 20.055 needs to be rewritten so that state agency inspectors general have more independence.**
 - a. **The Inspector General of each agency should be appointed by a State Inspector General with written consent of the agency head.**
 - b. **An agency inspector general should only be allowed to be removed upon “good cause shown.” In addition, we recommend that both the State Inspector General and the agency head be required to agree in writing on the removal of an agency inspector general.**
 - c. **An agency inspector general should be given twenty one (21) days notice prior to removal.**

We heard from witnesses who served for and worked with offices of inspectors general (OIG). We understand the important role they play in ensuring government at all levels fosters and promotes accountability and integrity. The citizens are best served when OIG's are established in such a way as to insure they function independently and honestly. F.S. 20.055 establishes agency inspectors general in each state agency "to provide a central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government." Each agency inspector general is provided specific duties which it must perform for the agency in which it is established.

The inspector general for each agency is appointed by the agency head and *reports to* and is *under the general supervision* of the agency head. An agency inspector general may be *removed from office by the agency head*. Any agency head under the Governor and Cabinet shall notify the Governor and Cabinet seven days prior to any removal of an inspector general. The agency head or agency staff should not prevent an inspector general from carrying out any audit or investigation. Agency inspectors general must have certain educational and employment experience to ensure that they understand how to perform the important function of conducting audits. After any final audit report is concluded, the agency inspector general must submit the report to the agency head.

In addition to its auditing functions, agency inspectors general are to "initiate, conduct, supervise, and coordinate investigations designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government." Agency inspectors general are required to receive complaints about and implement the Florida Whistle-blower's

Act. Investigations are to be carried out "free of actual or perceived impairment to the independence of the inspector general or the inspector general's office." At the conclusion of any certain investigations which are not confidential, the inspector general must submit findings to the subject of the investigation and allow the individual or entity twenty days to respond in writing prior to issuing a final report. The agency inspector general must submit a final report with specific

findings to the agency head along with all written complaints the agency inspector general received concerning the investigation.

Under the Office of the Governor, a chief inspector general is created. For offices under the Governor, the chief inspector general and the Governor must be notified seven days prior to any agency head taking action to hire or fire an inspector general. For agencies under the Governor, the inspector general must provide a copy of any complaint to the chief inspector general.

After receiving lengthy testimony on this issue we have determined that agency inspectors general are not as independent from their agency head as they should be. We were made aware of situations where an inspector general was pressured by an agency head or removed for conducting investigations or audits which made an agency head look bad. While we believe there are numerous safeguards which are intended to prevent pressure from an agency head and promote independence, the threat of termination will always be an unspoken pressure. We find that allowing an agency head the power to hire and fire is simply too great for an agency inspector general to be truly independent of that agency head. We therefore find the need to establish a Office of State Inspector General who will be responsible for hiring, firing, and supervising the agency inspectors general.

In order to ensure agency inspectors general are not always operating under the fear they could be terminated, F.S. 20.055 must state that agency inspectors general can only be terminated “upon good cause shown with the approval of both the agency head and the State Inspector General.” The present structure where an inspector general can be fired and hired by an agency head contradicts the purpose of an agency inspector general to function independently from an agency head. An investigator with an agency inspector’s general office described an internal investigation he conducted into the abuse of P-cards, theft, and mismanagement rampant within the agency. In order to avoid the appearance that the investigation was not being conducted independently, the agency inspector general requested FDLE’s assistance with conducting the investigation. This contradiction can be solved by following our recommendations. We applaud this decision, but have heard that not all inspectors general have made the same decision. In

addition, even though fraud was rampant within this agency, those who supervised the employees who committed the fraud are still employed and some were even promoted. Based on the testimony we received it is evident that action should have been taken by the agency based on the fact those who supervised the employees who stole should have known about the theft but did nothing to prevent it. In fact, according to one witness, supervisors even sought out the employee to help circumvent the procedural requirements for purchasing. We find this lack of action to terminate those in charge may have had different results if an inspector general was truly independent of the agency head and did not fear repercussions for saying what needs to be said to the agency head about terminating employees high up within the agency.

Testimony was presented about a proposed bill which would have increased the termination of inspector general's notification period from seven to twenty-one days. We find the additional time would allow the public and the inspector general additional time to investigate the motives for the termination and voice any objections if it were being done out of fear of investigation or auditing, or out retribution.

3. Provide additional resources to offices of inspector general.

- a. Investigations by any offices of inspector general should be exempt under Chapter 119 public records laws similar to law enforcement investigations.**
- b. Inspectors general offices at any governmental agency or entity should be allowed to conduct investigations without having to notify the agency head, executive director, or any other person outside of the IGO of an ongoing investigation.**

In creating OIG's, certain powers must be given to inspectors in order to carry out their investigations effectively. One of these powers is the ability to conduct an investigation free from the public records law until the investigation is concluded. The public records law under Chapter 119 presently allow citizens to obtain information from public offices in order to promote transparency. It is recognized however that certain instances exist in which the need for secrecy trumps the need for transparency. One such instance where secrecy should rule is when there is an active investigation. Presently certain law enforcement investigations are exempt from public

records until an investigation is complete. This allows the investigations to be conducted without the alleged violator knowing about the investigation. We can think of numerous reasons why investigations need to remain secret, such as destruction of evidence and tampering with witnesses. However, some investigations are not exempt from the public records laws when conducted by OIG's. We find that investigations by OIG's should be exempt from public records laws in order to promote the ability to conduct an investigation without a suspect impeding the investigation.

While F.S. 20.055 states that an agency head cannot prevent investigations by an OIG, it also states the OIG must report to the agency head. In some circumstances, this has led to IG's notifying the agency heads when an investigation is being conducted. An IG and the investigators serve at the will of the agency head and thus an agency head can put up road blocks to an investigation without preventing or prohibiting an investigation. Examples were demonstrated where agency heads notified others of the investigation or applied subtle pressures to the IGO without technically preventing the investigation to be carried out, this should be prevented by allowing the IG to report investigations to the agency head after the investigation has been concluded. In addition, IGO's often conduct investigations into law enforcement officers. The law requires IG's to inform law enforcement of a pending investigation. This could lead to impediments during the investigation. We find IG's should be able to conduct investigations into law enforcement officers and maintain the discretion as to when law enforcement is notified.

In addition, under F.S. 20.055, the target of the investigation is required to receive notice of the investigations and is allowed twenty days to respond. We find this too should be discretionary until the investigation is complete. Although it may sometimes be helpful to notify the person or entity of the investigation, this should not be required until an investigation is complete.

4. **A tip line and website should be created for any Inspector General's Office so that the public or an employee knows where to complain.**
5. **Inspector General's Offices should have designated sworn law enforcement officers within their office.**

6. **Inspector General's Offices should be required to be certified by the Association of the Inspector General (AIG) to ensure they have established consistent standards and procedures for audits and investigations.**

Additional suggestions were conveyed to us regarding better execution of the IGO's oversight and investigative functions. In addition to needing the proper environment and encouragement to report fraud, waste, and abuse, employees must know where to report.

Also, the ability for IGO's to investigate is greatly improved if investigators are sworn law enforcement officers with the power to arrest. One investigator indicated to us that his office only employs sworn law enforcement. Sworn law enforcement have not only received additional training, but they have certain authority that non-sworn officers do not have such as the ability to run background checks and the ability to access law enforcement sensitive databases which may be a useful investigative tool to gather information and the potential criminal history of those inside or outside your agency doing business with the agency.

Another way OIG investigators can gain knowledge is through a certification process. The Association of Inspectors General provides a certification process which requires passing a written test. We have heard testimony that this testing is a valid, valuable process.

OIG's are a powerful and useful tool at detecting and preventing fraud, waste, and abuse. They must be created, funded, and executed in a way to ensure they achieve their maximum potential.

Florida's Whistle-blower's Act

Under Florida statute, state agency inspectors general are responsible for investigating violations of Florida's Whistle-blower's Act

7. **Create a reward program similar to the federal government for any person who provides information which leads to the firing or conviction of any employee who is committing fraud or abuse related to their government employment.**
8. **Ensure the Whistle-blower's Act applies to any employee who utilizes the Act to file a complaint on any entity, business, corporation, or non-profit organization which receives government funding to perform a governmental function or service.**

F.S. 112.3187 is titled the "Whistle-blower's Act." The stated intent of this statute is to:

"prevent agencies and independent contractors from taking retaliatory action against an employee who reports to an appropriate agency violations of the law on the part of a public employee or independent contractor that create a substantial and significant 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."

We heard testimony that the Whistle-blower's Act is ineffective in part because people do not trust the protections afforded under the act and fear retaliation. People inside or outside of government may believe it is easier to pay a bribe to a bad actor than it is to blow the whistle.

The Legislature should consider whether the incentives under the Act could be improved. Incentives could be established similar to the reward program in place at the federal level whereby a reward is given to any person who provides information which leads to the firing or conviction of any employee who is committing fraud or abuse related to government employment. We heard testimony as previously mentioned about massive fraud and abuse within the Florida Fish and Wildlife Commission. In this case, numerous employees had knowledge of and participated in the fraud and abuse. The fraud and abuse was so prevalent that it had to be common knowledge within and outside the agency. It is unsettling that it took five years for an auditor to find these fraudulent

P-card submissions. This case is a clear example of the failure of the Whistle-blower's Act to provide an incentive to report by those within an agency or outside. Rather than reporting the fraud, others approached those who were committing the fraud and requested help in bypassing the internal controls to continue the abuse.

We find that this case confirms that the Whistle-blower's Act is either unknown by the general public or lacks any real incentive for an individual to report fraud or abuse.

To improve the effectiveness of the Act, awareness and education are needed. We heard that employees may not understand the Act and how they are protected from suffering any retribution or firing. As for independent contractors who feel they must pay a bribe to get a contract, the Act must protect them from losing contracts in the future and must provide a better incentive for the contractor to report the crime rather than pay the bribe. Any efforts should be supported by tougher criminal laws. Knowing that those who commit crimes face harsh penalties should encourage reporting the crime rather than participating in it. This carrot and stick approach is the only way the Act will become more effective.

Finally, we emphasize that the public corruption laws of Florida must take into consideration private actors paid by government funds to provide a governmental function or service. One concern is the term "independent contractor" within the Act. We are not sure this language clearly applies to an employee of a private organization which is paid to perform a government function or service. We believe the Legislature should consider language in the Act to specifically apply to any entity, organization, corporation, or individual who receives government or public funds to perform a governmental service or act.

Independent Private Sector Inspector=s General (IPSIG)

We have reviewed material which describes the implementation of IPSIG=s by the United States Department of Justice in civil and criminal settings. An IPSIG is an independent firm with expertise in legal, auditing, investigative, management, and loss prevention skills. They have been used in the private sector to ensure compliance with relevant laws and regulations and recently as monitors of Adeferred prosecution agreements@ by the U.S. Department of Justice in addressing corporate fraud. Independence from interference by the government, as well as the entity being monitored, is critically important and accomplished by a strict set of ethical guidelines. The IPSIG's distinct code of ethical guidelines encompass their individual professional codes of ethics and ensures their allegiance to the public as a whole is both perception and reality.

IPSIG programs have proven effective in reducing waste, inefficiency, abuse and fraud; thus providing greater value to the corporate investors. It is reasonable to conclude that this approach would also offer the citizens of Florida great benefit in cases investigated at the state level. Therefore, we find that there are instances where this type of Aindependent monitor@ may be an effective weapon against public sector corruption.

B. Auditors and Clerks of Court

The check and balance system established by our founders at the national level is applied in various methods at Florida's state and county level as well. The Auditor General is a state constitutional officer who has fiscal auditing duties for state government. Likewise, each county has a clerk who is responsible for the disbursement of proper expenditures. It is this constitutional check on spending that serves our counties' citizens as a fiscal watchdog.

While we see the value and importance of inspector's general, the first constitutional check on local spending comes from our state's clerks. Their efforts may be supplemented and assisted by inspector's general, sheriffs, local police and other fraud-fighting components of government, but their role is fundamental, and because of this, their liability is personal. This is an important area of government that should be more fully utilized in some areas of our state.

If we hope to slow the theft and mismanagement of government resources, audits must be conducted in a meaningful way. Over the last ten months we have learned corruption by theft and mismanagement will not be slowed until the procedures and systems are in place to dissuade those who would choose to violate the law.

The Florida Auditor General is created in Article III of the Florida Constitution and is implemented under Chapter 11, F.S. The Auditor General is appointed by a majority vote of the Legislative Auditing Committee and is subject to confirmation both the House and the Senate. The Auditor General is to perform his or her duties independently, but under the general policies of the Legislative Auditing Committee. The Auditor General serves at the pleasure of the Legislature. An Auditor General is required to be a licensed CPA with at least ten years of experience.

The Auditor General is provided with the authority to audit any governmental entity and certain nonprofit entities. Some audits are required to be done by Florida Statutes and typically are required on an annual period of time. Audits may also be performed at the direction of the Legislative Auditing Committee or at the discretion of the Auditor General. The auditor general performs five types of audits including: financial statement audits, operational audits, information technology audits, Florida Educational Finance Program (FEFP) attestation engagements, and quality assessment reviews of state agency inspectors general.

An annual financial audit is done by the Auditor General's Office on the State of Florida, most of the district school boards, state universities, and others. Operational audits focus on an agency's legal compliance, internal controls, and reliability of records and reports. These audits are usually focused on a high risk topic area such as insurance or banking regulation. In addition, the Auditor General audits state agency inspectors general at least every three years to review the quality of audits the IGO is conducting. The Auditor publishes approximately 200 reports a year with around 1200 findings and recommendations. The vast majority of these findings are related to deficiencies in internal controls. Internal controls are important as they ensure that information

is being reported accurately, fraud and losses are being detected, and efficient and effective functions are in place. Often, problems with internal controls are computer system related.

1. **Strict criteria must be in place for the use of P-cards.**
2. **Auditors who monitor P-card usage should regularly request spot check samples of P-card detailed purchases and purchase orders so that they may perform occasional forensic audits to confirm actual purchase of goods.**

We heard testimony referred to earlier about the lack of oversight at FWC. One glaring problem at that this agency's southwest Florida location was that P-cards and purchase orders were used for personal expenses and false receipts were submitted to cover the tracks of these illicit purchases. Over the years these expenses from one facility totaled over four hundred thousand dollars on P-cards alone – approximately 50% of which were determined to be supported by fraudulent receipts. The problem was so severe that homes were illicitly furnished with thousands of dollars in new furniture, kitchens were redone, and personal items such as lingerie were all purchased using taxpayer money. Had a forensic audit been conducted earlier on, instead of a mere accounting audit to confirm that these payments matched the forged receipts, the problem could have been caught earlier and the taxpayers could have been saved from the theft that occurred.

ⁱ *Honor, A History*, James Bowman, Encounter Books 2006. pg. 4. ⁱⁱ *Id.* ⁱⁱⁱ *Id.* at 7-10. ^{iv} *Id.* at 3-6. ^v *The Ethics Challenge in Public Service*, Carol Lewis and Stuart Gilman, 2005 Jossey-Bass, pg. 6. ^{vi} Florida Constitution, Article II, Section 3 ^{vii} *The Florida Handbook 2009-2010*, Allen Morris, page 2. ^{viii} See US Census Bureau, www.census.gov, *Resident Population - July 2009*.

^{ix} *The Florida Handbook*, pg. 3. ^x *The Ethics Challenge in Public Service*, at 23. ^{xi} *The Ethics Challenge in Public Service*, at 23 ^{xii} *The Ethics Challenge in Public Service*, at 25.

^{xiii} *Corruption and the Global Economy*, Kimberly Ann Elliott, Editor, Institute for International Economics, 1997.

^{xiv} *The Reader's Companion to American History*, Eric Foner and John A. Garraty, Editors, Houghton Mifflin Company, 1991, pg. 237.

^{xv} *Report to Congress on the Activities and Operations of the Public Integrity Section for 2009*, Public Integrity Section, Criminal Division, United States Department of Justice, pg. 1.

^{xvi} *The Reader's Companion to American History*, Eric Foner and John A. Garraty, Editors, Houghton Mifflin Company, 1991, pg. 237-240.

^{xvii} *The Ethics Challenge in Public Service*, at 27.

^{xviii} We have classified public corruption crimes to include, but are not limited to:

- Bribery offenses, 838.015, 838.15 and 838.16 (held unconstitutional);
- Unlawful compensation or reward for official behavior, 838.016;
- Corruption by threat against public servant, 838.021;
- Official Misconduct, 838.022;
- Bid tampering, 838.22;
- Speculation by county or municipal officers, 838.04, 838.05;
- Extortion by officers of the state, 838.11;
- Falsifying records, 838.13;
- Officer or judicial officer withholding records, 838.14, 838.15;
- Misappropriation of moneys by commissioners to make sales, 838.17;
- Officer assuming to act before qualification, 839.18;
- Failure to perform duty required by officer, 839.24;
- Misuse of confidential information, 839.26;
- Willfully refusing or neglecting to perform duties of an official, 104.051(2);
- Fraudulently or corruptly performing duties of an official, 104.051(3);
- Attempting to influence or interfere with voting elector by election employee, 104.051(4);
- Remuneration by candidate for services, support, etc., 104.071;
- Aiding, abetting, advising, or conspiring to violate elections code, 104.091;
- False or malicious charges against, or false statements about, opposing candidate, 104.271;
- Prohibited political activities of state, county, and municipal employees, 104.31;
- Violations of campaign contribution limitations, 106.08; and
- Falsifying a material fact; making false, fictitious, or fraudulent statement; or making or using false documentation within the jurisdiction of the Department of the State. ^{xix}

We also note that F.S. 907.044 directs OPPAGA to annually evaluate Florida's pre-trial release programs. However, according to a report we received, OPPAGA had not evaluated this pre-trial release program in the twenty plus years it had been in existence. We also note that under Chapter 907 which deals with pre-trial release services, there are no criminal penalty provisions. This may be something the Legislature should consider. ^{xx} We note that a few provisions include misdemeanor violations such as F.S. 112.3217 for giving or receiving contingency fees or F.S. 112.3188(2)(c)4 relating to confidential information provided to an Inspector General. ^{xxi} *State v. Castillo*, 877 So.2d 690 (Fla. 2004). In this case the Florida Supreme Court stated "the evidence of the officer's words and actions demonstrated his understanding that A.S. was violating the law when he stopped her, and his releasing A.S. without legal consequence after having sex with her demonstrates his corrupt intent in soliciting an unlawful quid pro quo." ^{xxii} National Conference of State Legislatures, *Ethics: Criminal Penalties for Public Corruption/Violations of State Ethics Laws* (April 2007), available at <http://www.ncsl.org/default.aspx?tabid=15319>. ^{xxiii} United States Department of Justice, Antitrust Division, *Preventing and Detecting Bid Rigging, PriceFixing, and*

Market Allocation in Post-Disaster Rebuilding Projects 3, available at

http://www.justice.gov/atr/public/guidelines/disaster_primer.htm ^{xxiv} *Id.* at 2. ^{xxv} *Id.* at 3. ^{xxvi} *Id.* at

3. ^{xxvii} Fla. AGO 2009-49, 2009 WL 3302033 (Fla.A.G. 2009). ^{xxviii} *Roque v. State*, 664 So.2d 928 (Fla. 1995). ^{xxix} Criminal Law: 1996 Survey of Criminal Law. Mark Dobson, *21 Nova. L. Rev.* 101 (Fall 1996). ^{xxx} See *Roque*, 664 So.2d at 929-930. ^{xxxi} *Id.* at 135.

^{xxxii} We note that under grand theft statute, F.S. 812.014, the thresholds are \$300 for a third degree felony, \$20,000 for a second degree felony, and \$100,000 for a first degree felony. ^{xxxiii} The Florida Public Corruption Study Commission, 8 (2000), available at http://www.fdle.state.fl.us/publications/corruption_study/corruption_report.htm ^{xxxiv} *Skilling v. U.S.*, 130 S.Ct. 2896 (2010). ^{xxxv} See *The Florida Senate Bill Analysis and Fiscal Impact Statement CS/SB 734*, April 19, 2010. ^{xxxvi} Our Private Legislatures, The Center for Public Integrity, In Your State - Florida, Center Identifies Potential for Conflict in State Legislature (2004), available at <http://www.publicintegrity.org> ^{xxxvii} See National Conference of State Legislatures, Voting Recusal Provisions (Oct. 2009), available at <http://www.ncsl.org/?TabId=15357>; National Conference of State Legislatures, To Vote or Not to Vote: State Provisions on Conflicts of Interest and Voting (Nov. 2009), available at <http://www.ncsl.org/default.aspx?tabid=15269>; National Conference of State Legislatures, Conflict of Interest Definitions (Nov. 2009), available at <http://www.ncsl.org/?tabid=19024>. ^{xxxviii} Florida Public Study Commission, *supra* note xlv, at 8. ^{xxxix} See National Conference of State Legislatures, *supra*, note xxxiv. ^{xl} See National Conference of State Legislatures, *supra*, note xxxiv.

^{xli} Other states appear to have criminalized similar provisions. See National Conference of State Legislatures, *supra*, note xxxiv.

^{xliv} Association of Inspectors General, Principles and Standards for Offices of Inspector's General, 1 (May 2004), available at <http://data.memberclicks.com/site/aig/IGStandards.pdf>. ^{xliv} *Id.* at 3.

^{xlii} See *The Ethics Challenge in Public Service*, at 43, citing John F. Kennedy's message to Congress on April 27, 1961. ^{xliii} See Florida Senate Rules 1.20 and 1.39; Florida House Rule 3.1. ^{xliiii} 50 States Project, The Center for Public Integrity, Our Private Legislatures Public Service, Personal Gain, Appendix: Nationwide Financial Disclosure Rankings 102 (2000), citing The Center for Public Integrity, Hidden Agendas: An Analysis of Conflicts of Interest in State Legislatures (1999); See also The Center for Public Integrity, States of Disclosure - Rankings (2006), available at <http://www.publicintegrity.org>.

^{xliii} See *House of Representatives Staff Analysis CS/HB 551*, April 7, 2010. ^{xliiii} Florida Constitution, Article II, Section 3, and Article III, Section 2.

^{xliiii} See *The Florida Senate Bill Analysis and Fiscal Impact Statement for SB 252*, Prepared by The Professional Staff of the Ethics and Elections Commission, March 5, 2009. ¹ *CS/HB 551*, Approved by Governor May 27, 2010.

^{li} The Federal Elections Commission, Thirty Year Reoprt 12 (Sept. 2005), available at <http://www.fec.gov/info/publications/30year.pdf> ^{lii} *Id.* ^{liii} *Id.* ^{liii} *Congress Staffers Gain From Trading Stocks*, Wall Street Journal, October 12, 2010, pg. 1. ^{liii} *Report to Congress on the Activities and Operations of the Public Integrity Section for 2009*, *supra*. The information about the Public Integrity Section in this Report was taken from this *Report to Congress*. ^{liii} *Id.* at i.. ^{liii} *Id.* at 38. ^{liii} *Id.* Table I at 51. ^{liii} *Id.* Table III at 54-58. ^{liii} We are unable to cite where this information was obtained by the witness. ^{liii} According to testimony, Florida ranked first with 824 convicted public officials and New York ranked second with 704. We point out that according to this testimony, Nebraska ranked last in this survey. We find this interesting in that Nebraska has a unicameral legislature, but have not received any testimony that these two things are related.

^{liii} We find the Legislature should address the need for reporting the disposition of criminal charges to a central database such as FCIC. ^{liii} Information presented by Data prepared by the Florida Statistical Analysis Center as of July 26, 2010.