CAREER SOURCE PASCO HERNANDO

Board Governance Training

Agenda

- Why is the training required?
- Authority of the Board
- Conduct Standards and Ethics
 - Sunshine Law (Art. 1, Sec 24 of the Constitution; Fla. Stat. 286)
 - Public Records (Art. 1, Sec 24 of the Constitution; Fla. Stat. 119)
 - Conduct Standards (Fla. Stat. 617.0830, Fla. Stat. 112, Career Source Administrative Policy)
 - Conflicts of Interest (Grantee/Sub Grantee Agreement)
 - Non Discrimination (Bylaws)
 - Restriction on Benefits of Net Earnings and Use of Corporate Funds (Articles, Bylaws, IRS)
 - Procurement (Related Party Contracts; Grantee/Sub Grantee Agreement)
 - Board and Officer Compensation (Articles and Bylaws)

Training Is Required Pursuant to Career Source Florida Administrative Policy 110

New Director Orientation

- a) Overview of WIOA;
- b) Overview of the workforce development system and structure;
- c) The state's workforce development system goals and strategies;
- d) The purpose of the LWDB;
- e) LWDB composition, including required members and areas of
- representation;
- f) Roles and responsibilities of the CLEO, fiscal agent, LWDB, LWDB
- chairperson, and LWDB executive director and staff;
- g) Required partners and programs;
- h) How the workforce system is funded;
- i) Performance requirements;
- j) Sunshine law requirements; and
- k) Conflict of interest policy and disclosure of potential conflicts of interest

Annual Training Requirements

- a) The state's workforce development goals and strategies;
- b) The purpose of the LWDB;
- c) Roles and responsibilities of the CLEO, fiscal agent, LWDB, LWDB chairperson, and LWDB executive director and staff;
- d) How the workforce system is funded;
- e) Performance requirements;
- f) Sunshine law requirements; and
- g) Conflict of interest policy.

Authority of the Board

- Workforce Innovation Act of 2000 (Chapter 445, Florida Statutes)
 - Fla. Stat. 445.007 provides for the establishment of a local workforce development board in each designated service area.
- Workforce Innovation and Opportunity Act
 - Supersedes the Workforce Investment Act of 1998
- Career Source Florida Administrative Policies
 - State issued policies that the Interlocal Agreement, Articles, Bylaws, and policies of the Pasco Hernando Workforce Board must be consistent with.
- Interlocal Agreement
 - Agreement between the jurisdictions of the designated service area authorizing the creation and operation of the local workforce board.

Authority of the Board

- Articles of Incorporation Florida Not-for-Profit Corporation
 - The legal document creating the legal entity Pasco-Hernando Workforce Board, Inc.
 - Filed with the Secretary of State
- Bylaws
 - The legal document adopted by the board of directors governing the how the Board operates, and the rules of how it conducts and manages it self.
- Board Resolutions
 - Formal documentation of Board actions on certain critical matters, or as otherwise required by third parties.
- Board Policies
 - Board and operational policies that create the structure and limits of administrative and operational authority of the chief administrative official.

Articles of Incorporation

- Name of the Corporation
- Corporate Purpose
- Restrictions on Corporate Power
- Perpetual Existence, unless terminated by law.
- Disposition of Assets Upon Dissolution
- No Members
- Establishes that governance of the organization is by a Board of Directors.
- Authorizes acceptance of gifts and devises by the organization.
- Provides for the indemnification of Directors and Officers by the organization.
- Provides for adoption of bylaws and amendments to the Articles.

Bylaws

- Organizational Purpose
- Board of Directors
- Officers
- Chief Executive Officer
- Meetings and Records
- Committees
- Parliamentary Authority
- Execution of Instruments and Financial Matters
- Code of Conduct and Ethics
- Amendment

Functions of the Board

The main responsibilities of nonprofit boards:

- Establish mission and purpose.
- Support the executive director.
- Set policies.
- Monitor and strengthen programs and services.
- Ensure adequate financial resources.
- Protect Corporate assets.
- Build a competent board.
- Ensure legal and ethical integrity.
- Enhance the organization's public standing.

Code of Conduct and Ethics

For Directors serving on the Board of Pasco- Hernando Workforce Board, Inc. d/b/a Career Source Pasco Hernando

Code of Conduct and Ethics

- Sunshine Law (Art. 1, Sec 24 of the Constitution; Fla. Stat. 286)
- Public Records (Fla. Stat. 119)
- Conduct Standards (Fla. Stat. 112)
- Conflicts of Interest
- Non Discrimination
- Restriction on Benefits of Net Earnings
- Procurement
- Board and Officer Compensation

Florida Sunshine Law

Open meetings requirements.

Art. I, Sec. 24 of the Florida Constitution and Fla. Stat. 286

- All meetings of any:
 - collegial body of the executive branch of state government; or
 - of any collegial public body of a county, municipality, school district or special district,
- at which official acts are to be taken, or
- at which public business of such body is to be transacted or discussed,
- shall be open and noticed to the public.

Sunshine Law

- It requires that:
 - All meetings of the governing body be "open meetings."
 - Reasonable notice of meetings be given.
 - Minutes of meetings be kept; and that
 - Meetings must be accessible to the handicapped.

Independent Private Non-Profit Entities

- Private entities are generally not subject to the Sunshine law simply because they do business with public agencies.
- The Sunshine Law <u>can</u> apply <u>if</u>:
 - a public entity has delegated "the performance of its public purpose" to a private entity.
 - A private not-for-profit entity was created by statute or other legislative act.
- Fla. Stat. 445.007

Meetings

- Must be open to the public; but no public participation required except for public hearings.
 - Includes any discussion or deliberation, formal or casual, between two or more elected members about a matter on which the elected body might foreseeably take action.
 - Includes workshops, telephone conversations,
 e-mail communications, seeing each other at the grocery store.
- Private discussions between board members concerning such matters are prohibited.
- Members of the elected body may meet individually with individual members of other boards, but only in a "one on one" manner.

Reasonable Notice

- Notice should contain the time and place of the meeting, and
- be posted at least 24 hours in advance of any public meeting, even in emergencies, and such meetings should be noticed in a newspaper of general circulation.
- Reasonable notice is ample notice given to the public and press which reasonably and timely conveys all information necessary to enable them to choose to attend. (Not less than 7 days is presumed reasonable)
- "Reasonable" depends upon situation's circumstances.
- Meeting held at a facility or location inaccessible to the public or which discriminates due to presence of physical barriers are prohibited.

Sunshine Law Requirements

- Minutes must be recorded and open to public inspection.
- Minutes are not verbatim--but brief summary of meeting's events.
 However, verbatim transcripts and/or verbatim audio recordings are encouraged. Audio recordings must be retained.
- Votes must be publicly taken; No secret ballots; Roll call vote not required
- All members <u>must</u> vote (unless they have a conflict of interest) and the minutes must so reflect by recording of the vote *or* counting a vote for each member

Sunshine Law Requirements

- General Interpretation Standard
 - Sunshine Law is broadly construed exemptions narrowly construed
- No use of evasive devices
 - Circulation of written reports or emails
 - Single board member reporting to each member what the other members think regarding: an issue, including information relayed to administrative staff

Social Media and the Sunshine Law

- Facebook
- Twitter
- Linked-In
- Instant Messaging
- Text Messaging

Penalties for Noncompliance

- It is a second degree misdemeanor to knowingly violate Sunshine Law
- Removal from position, permanent record of offense.
- Fine of \$500 or less
- Reasonable attorneys' fees
- Declaratory and injunctive relief
- Action taken at illegal meeting invalid

Florida Statutes 119

Public Records Requirements.

Art. I, Sec. 24 of the Florida Constitution

- every person has the right to inspect or copy
- any public record
 - made or received
 - in connection with the official business
 - of any public body, officer, or employee of the state or persons acting on their behalf,
 - except with respect to certain exempted records.

Fla. Stat. Ch. 119

- More commonly known as the "Public Records Law."
- Creates a right of access to records made or received in connection with official business of a public body.

Public Records Law

Florida Statutes Chapter 119 defines Public Records as:

- All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material
- Regardless of physical form or means of transmission
- Made or received pursuant to law in connection with transaction of official business by the agency
- Not applicable to truly personal records

Public Records Law Application

- Public records law applies to entity records with the exception of documents associated with open audits.
- Applies to all types of records including letters, notes and e-mails
- The law is broadly construed, and exemptions are narrowly construed

Public Records Exemptions

- Records which are exempt from public disclosure include:
 - Social Security numbers
 - Medical information
 - Personnel information prior to 7/1/95 and disciplinary records while discipline is in process
 - Certain information for designated public employees, law enforcement, firefighters, attorneys, human resource professionals, etc.

Public Records Generally

- Requests can be:
 - Verbal or written
 - Made by any person
- Entity has a "reasonable" time to respond
- Entity can charge the cost of retrieving records to the requestor if the amount requested is voluminous; and an established policy exists

Public Records – What is not Required

- Does not require the creation of records or provision of records in the format requested
- Does not require turning records over on-the-spot to a requestor
- Does not require verbal explanation or the answering of questions.

Conduct Standards

The Laws

- Fla. Stat. 617.0830
- Fla. Stat. Chapter 112
- CareerSource Florida Administrative Policy

Duties of Board Members

The main responsibilities of each individual board member:

- Duty of Care
 - A board member must exercise "reasonable care" when he or she makes a decision for the organization. The term "reasonable" is defined as that which a prudent person in a similar situation would do.
- Duty of Loyalty

A board member must never use information gained through his or her position for personal gain. He or she must always act in the best interests of the organization.

Duty of Obedience

A board member must be faithful to the organization's mission. This means he or she cannot act in a way that is inconsistent with the organization's goals.

General Standards for Directors of Not For Profit Organizations

- A director shall discharge his or her duties as a director, including his or her duties as a member of a committee:
 - In good faith;
 - With the care an ordinarily prudent person in a like position would exercise under similar circumstances; and
 - In a manner he or she reasonably believes to be in the best interests of the corporation.
- In discharging his or her duties, a director may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:
 - One or more officers or employees of the corporation whom the director reasonably believes to be reliable and competent in the matters presented;
 - Legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the persons' professional or expert competence; or
 - A committee of the board of directors of which he or she is not a member if the director reasonably believes the committee merits confidence.
- A director is not acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by subsection (2) unwarranted.

Meeting the Standards

To meet these standards, directors should make every effort to:

- Attend and participate in all board meetings.
- Understand and consider the issues to be discussed at the meeting.
- Review all provided materials ahead of time. This ensures that the director is informed before the meeting begins; has time to request more information or detail, if needed; and is prepared to fully participate at the meeting.
- Ask questions.
- Interact with the organization as a volunteer or in some other hands-on role. This can help the director understand how the organization functions and how its programs operate.
- Talk to staff, donors, and other stakeholders. This must be balanced against taking too much time away from the staff's other duties.

Liability of Directors

- An officer or director of a nonprofit organization recognized is not personally liable for monetary damages to any person for any statement, vote, decision, or failure to take an action, regarding organizational management or policy by an officer or director, unless:
 - The officer or director breached or failed to perform his or her duties as an officer or director; and
 - The officer's or director's breach of, or failure to perform, his or her duties constitutes:
 - A violation of the criminal law, unless the officer or director had reasonable cause to believe
 his or her conduct was lawful or had no reasonable cause to believe his or her conduct was
 unlawful.
 - A transaction from which the officer or director derived an improper personal benefit, directly or indirectly; or
 - Recklessness or an act or omission that was committed in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

Code of Ethics for Public Officers and Employees

- Solicitation or Acceptance of Gifts
- Doing Business With One's Own Agency
- Unauthorized Compensation
- Salary and Expenses
- Misuse of Public Position
- Conflicting Employment or Contractual Relationship
- Disclosure or Use of Certain Information
- Post Employment Limitations and Restrictions
- Employees Holding Office
- Professional and Occupational Licensing Boarding Members

Who is a Public Officer?

- For purposes of Section 112.313, a "public officer" is any <u>person elected or</u> <u>appointed to hold office</u> in any <u>agency</u>, including any person serving on an advisory body.
- "Agency" means:
 - Any state, regional, county, local, or municipal government entity of the state, whether executive, judicial, or legislative;
 - Any department, division, bureau, commission, authority, or political subdivision of this state therein;
 - Any public school, community college, or state university; or any special district as defined in s. 189.012.

Who is a Public Official?

- For purposes of Section 112.3135, "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.
 - "Collegial body" means a governmental entity marked by power or authority vested equally in each of a number of colleagues.

Who Is A Relative?

- Unless otherwise specified, "Relative," 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, or

Who Is A Relative?

- 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.

Who Is A Relative?

- "Relative," for purposes of <u>Section 112.3135 only</u>, 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.

No public officer or candidate for nomination or election shall:

- solicit or accept <u>anything</u> of <u>value to the recipient</u>, including a gift, loan, reward, promise of future employment, favor, or service,
- based upon <u>any</u> understanding that the vote, official action, or judgment of the public officer, or candidate
- would be influenced thereby. Fla. Stat. §112.313.

• "Gift" means:

- That which is accepted by a done 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 or indirectly or in trust for the benefit of the donee's benefit or by any other means
- For which equal or greater consideration is not given within 90 days

Value is:

- Actual cost less taxes and gratuities deduct compensation given within 90 days
- Real Property is the most recently assessed value in lieu of a more current appraisal
- Personal services are valued at their reasonable, customary price (Fla. Stat. §112.3148(7).

Statutory examples of gifts:

- Real and personal, tangible and intangible property and use of property
- Preferential rates and terms
- Forgiveness of debt
- Transportation
- Food and beverage
- Membership dues
- Admission fees
- Tickets to events and facilities
- Flowers, floral arrangements, and plants
- Professional services
- Personal services normally paid for (Fla. Stat. §112.312(12)(a)).

What is generally acceptable to accept?

- a gift or anything else, of any value, from a relative (Fla. Stat. §112.3148(1))
- a gift or anything else valued <u>at \$100</u> or less, from a lobbyist, vendor, or political committee; (Fla. Stat. §112.3148(4))
- a gift or anything else valued at <u>over \$100</u>, from other than a lobbyist, vendor, or political committee, so long as you report it (quarterly); (Fla. Stat. §112.3148)
- a gift on behalf of a governmental entity or charity, but hold it only long enough to transfer it; (Fla. Stat. §112.3148(4) & (5)(a))
- a gift valued <u>over \$100</u> from a government agency or authorized direct-support organization, if for a public purpose, so long as you report it (annually). (Fla. Stat. § 112.3148(6))

What is generally NOT acceptable?

- to solicit any gift from a lobbyist, vendor, or political committee (partner, firm, employer, or principal) for yourself, your parent/child/spouse/sibling, another reporting person, or their immediate family (Fla. Stat. §112.3148(3))
- to solicit or accept anything if it could be <u>perceived</u> to result in official action or inaction (Fla. Stat. §112.313(2))
- to accept anything of value if based on an understanding that you would be influenced (Fla. Stat. § 112.313(4))
- to accept anything directly or indirectly from a lobbyist, vendor, or political committee, that you reasonably believe is valued over \$100. (Fla. Stat. §112.3148(4))

Honoraria

"Honorarium" means

- a payment of money or anything of value
- given directly or indirectly as consideration
- for an oral presentation (in person or not) or a writing to be published (other than a book)

It does NOT mean:

- compensation for services performed as part of employment,
- a campaign contribution,
- or actual and reasonable travel expenses and registration fees for official and spouse. Fla. Stat. §112.3149(1)

Honoraria

As a reporting individual, you may NOT:

- solicit honoraria to perform public service duties (Fla. Stat. §112.3149(2))
- accept honoraria from lobbyists or their employers, principals, partners, or firms; vendors; or political committees. (Fla. Stat. § 112.3149(3))

Lobbyists, their employers, principals, partners, and firms, vendors, and political committees:

- may NOT give an honorarium
- may pay expenses relating to an honorarium
- must give a statement to reporting individual within 60 days of event with name/address of payer, description of expenses each day, and total value of expenses provided. (F. S. 112.3149(4) and (5))

Honoraria

If you receive an honorarium-related expense from a lobbyist, vendor, or political committee, you must report:

- name/address/affiliation of payer,
- amount,
- date of event,
- description of expenses each day, and
- total value provided
- annually (CE Form 10) (Fla. Stat. §112.3149(6))

Violation by donor is a non-criminal infraction, with maximum fine of \$5,000 and prohibition on lobbying before the recipient's agency for two (2) years. (Fla. Stat. § 112.3149(7))

Doing Business with One's Agency

As a public officer (elected or appointed to hold office including on advisory bodies), you may NOT:

- while acting in your official capacity,
- purchase or lease from your own business (or your spouse's or child's), or
- you may not sell or lease to your own governmental entity on behalf of your own business (or spouse's or child's). (Fla. Stat. §112.313(3))

Doing Business with One's Agency

Exceptions:

- Own salary, expenses, or other compensation (Fla. Stat. §112.313(5))
- Advisory boards: with full disclosure and waiver (by 2/3 vote by appointing body or following public hearing by appointing person)
 (Fla. Stat. §112.313(12))
- Vendor selection system based on rotation (Fla. Stat. §112.313(12)(a))
- Vendor selection system based on sealed and competitive bidding (CE Form 3A) (F.S. §112.313(12)(b))
- Legal advertising, utilities, or common carrier (Fla. Stat. §112.313(12)(c))

Doing Business with One's Agency

Exceptions:

- Emergency purchase for citizen health or safety (Fla. Stat. §112.313(12)(d))
- Sole source of supply within the political subdivision and prior full disclosure of the interest (CE Form 4A) (Fla. Stat. §112.313(12)(e))
- Totals \$500 or less in one year (Fla. Stat. §112.313(12)(f))
- Bank stockholder, director, or officer (depository) where no favoritism (Fla. Stat. §112.313(12)(g))
- General public terms/rates (Fla. Stat. §112.313(12)(i))

Unauthorized Compensation

As a public official, you (or your spouse or minor child) may not:

Accept any compensation, payment, or thing of value

If you know (or reasonably should know)

it was given to influence a vote or other action

in the officer's official capacity. Fla. Stat. §112.313(4)

Misuse of Position

As a public official, you may not:

Corruptly use or attempt to use your official position, or

Use any property or resource in your trust, or

Perform your official duties

To secure a special privilege for yourself or others. Fla. Stat. §112.313(6)

Dual Role / Employment

As a county or municipal official, you may not <u>hold</u> office as member of the governing board of the entity that concurrently employs you. Fla. Stat. §112.313(10)

As a public officer (elected to office or as a qualified candidate), you may not accept public employment with the State or any political subdivision if you know or reasonably should know that the position is offered for the purpose of gaining influence or advantage, because of your office or candidacy. Fla. Stat. §112.3125

To avoid conflicts with this restriction, any job offer to you must meet the following criteria:

- (1) The job already existed or was created without knowledge of your interest
- (2) The job was publicly advertised
- (3) You were subject to the same application and hiring process as everyone else
- (4) You met or exceeded the required qualifications Fla. Stat. §112.3125

Dual Role

If publicly employed before qualifying as a public officer for the current term of office you may continue your employment, but you may not accept promotion, advancement, raise, or additional benefits, if:

- (1) You know or reasonably should know the promotion, advancement, raise or additional benefit was provided for your election or public office; or
- (2) The promotion, advancement, raise, or additional benefits is not the same as given to others similarly situated. Fla. Stat. §112.3125 (4)

Conflicting Relationships

As a public officer or public employee, you may not own or work for (as employee or contractor) a business that:

- is subject to regulation by your own agency,
- doing business with your agency,*
- creates a frequently recurring conflict between your private interests and your public duties, or
- would impede the full and faithful discharge of your duties. (Fla. Stat. §112.313(7)(a))
- * Excluding collective bargaining between you (acting in your official capacity) and your agency.

Conflicting Relationships

Exceptions for "per se" conflicts of interest:

- certain special tax districts (Fla. Stat. §112.313(7)(a)1)
- professionals where such practice is permitted or required by law (Fla. Stat. §112.313(7)(b))
- you are employed by a 501(c) that contracts with your agency, where
 - there is no compensation because of your relationship,
 - you don't participate in agency decisions,
 - you abstain from voting,
 - you publicly state why you abstain, and
 - you file a written memo (CE Form 8B) (Fla. Stat. §112.313(15))

 The Hogan Law Firm, LLC

Elected Officers:

As an elected officer, you may NOT vote:

- on matter providing a "special private gain or loss"
- to you, your employer, your business associate, or your relative.
- You <u>must</u> disclose the interest verbally before the vote, and
- in writing within 15 days after.
- You may participate if your local code doesn't prohibit it.

Appointive Officers:

As an appointive officer, you may NOT vote:

- on matter providing a "special private gain or loss"
- to you, your employer, your business associate, or your relative.
- You can participate <u>only if</u> you disclose the interest before participation.

Fla. Stat. § 112.3143(3)(a)

Fla. Stat. §112.3143(4).

For purposes of Voting Conflicts under Fla. Stat. § 112.3143 "Relative" means:

- Father, mother, son, daughter,
- husband, wife,
- brother, sister,
- father-in-law, mother-in-law,
- son-in-law, or daughter-in-law. (Fla. Stat. § 112.3143(1)(c))

"Special Private Gain or Loss" means:

an economic benefit or harm would go to officer, relative, business associate, or principal.

If a class is affected that includes that person, consider:

- size of the class affected by the vote,
- nature of interests involved,
- degree to which all members of the class are affected, and
- comparative benefit or harm to other class members.

If there is uncertainty about benefit or harm to that person, consider the degree of uncertainty, and nature or degree of benefit or harm. F. S . 112.3143(1)(d)

Elected Officers:

- Announce your interest prior to vote on matter
- Abstain from the vote
- Submit Form 8B to minutestaker within 15 days after vote
- Minutes-taker incorporates Form 8B into minutes. Fla. Stat. §112.3143 (3)(a)

Appointed Officer:

If trying to influence the outcome:

- Announce your interest, file Form 8B with the minutes-taker, and cc the other members prior to any attempt to influence
- Form 8B is incorporated into minutes
- The form must be read at the next meeting after filing

To discuss but not try to influence:

- Verbally disclose your interest prior to discussion
- File Form 8B with the minutes-taker, and cc other members within 15 days after vote
- Form 8B is incorporated into minutes
- The form is read at the next meeting, (Fla. Stat. §112.3143(4))

Misuse of Information

As a current or former public officer, you may not disclose or use information:

- not available to the general public
- that you learned because of your official position
- for the benefit of any person or business entity (except for information only about "governmental practices"). Fla. Stat. 112.313(8)

Nepotism

As a public official (public officer or employee with appointment or H.R. authority), you may NOT:

- appoint, employ, promote, or
- advocate to another to appoint, employ, or promote
- any relative for a job in the agency where you are, regulate, or control &
- your relative may not be so appointed, employed, or promoted by the collegial body of which a relative of the individual is a member (Fla. Stat. §112.3135(2)(a))

Nepotism

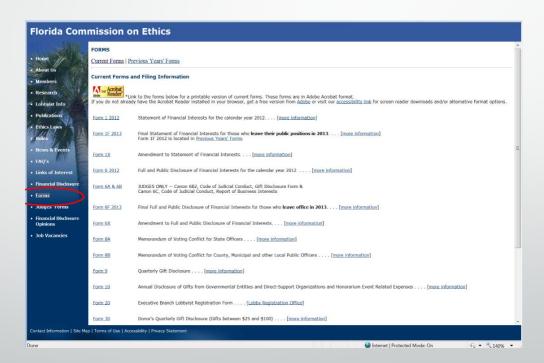
Exceptions:

- Municipal boards (except land-planning or zoning) with less than 35,000 population (Fla. Stat. 112.3135 (2)(a))
- Volunteer EMT, firefighters, or police (Fla. Stat. 112.3135 (2)(a))
- Emergency employment in accordance with established agency regulations (Fla. Stat. 112.3135(3))

Required Disclosures Pursuant to Fla. Stat. 445.007 and Career Source Florida Administrative Policy 75

Forms 1 – Financial Statements

Forms – www.ethics.state.fl.us



Forms 1 & 6 – Statement of Financial Statements

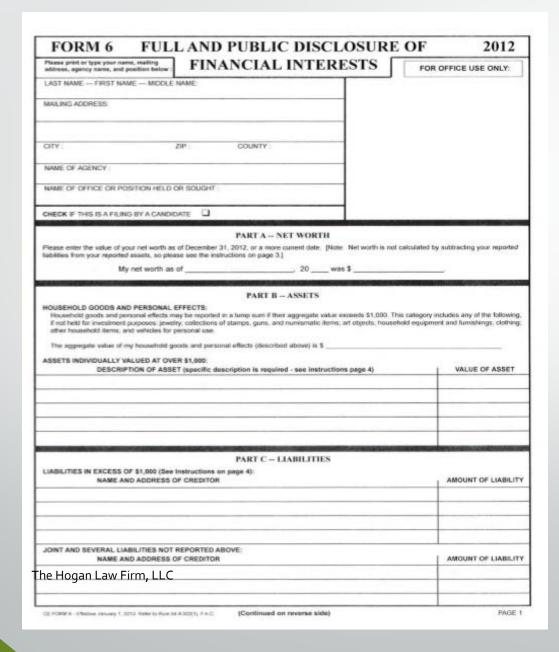
	STATEMEN	T OF	2012
Please print or type your name, mailing address, agency name, and position hel-	FINANCIAL IN	TERESTS [FOR OFFICE USE ONLY:
LAST NAME - FIRST NAME - MIDD	LE NAME :		
MAILING ADDRESS			
CITY	ZIP: COUNTY:		
NAME OF AGENCY		_	
NAME OF OFFICE OR POSITION HE	ELD OR SOUGHT:		
You are not limited to the space on the II CHECK ONLY IF GANDIDATE	OR NEW EMPLOYEE OR APPOINT	0.00	
REQUIRES FEWER CALCULATION	IS THE OPTION OF USING REPORTING TO S. OR USING COMPARATIVE THRESHOLD CHECK THE ONE YOU ARE USING:	HRESHOLDS THAT ARE AS DS, WHICH ARE USUALLY	ISOLUTE DOLLAR VALUES, WHICH BASED ON PERCENTAGE VALUE
PART A PRIMARY SOURCES OF	PERCENTAGE) THRESHOLDS QR INCOME [Major sources of snoome to the report port, you must write "none" or "nfa"] SOURCE'S ADDRESS	rting person - See instructions	JE THRESHOLDS OESCRIPTION OF THE SOURCES FRINCIPAL BUSINESS ACTIVITY
PART A PRIMARY SOURCES OF (If you have nothing to re NAME OF SOURCE	NCOME [Major sources of income to the report port, you must write "name" or "nin"] SOURCE'S	rting person - See instructions	DESCRIPTION OF THE SOURCE'S
PART A PRIMARY SOURCES OF (If you have nothing to re NAME OF SOURCE OF INCOME) PART B SECONDARY SOURCES [Migor customers, clients,	NCOME [Major sources of income to the report port, you must write "none" or "nia"] SOURCE'S ADDRESS	rting person - See instructions	I DESCRIPTION OF THE SOLINCE'S PRINCIPAL BUSINESS ACTIVITY
PART A PRIMARY SOURCES OF (If you have nothing to re NAME OF SOURCE OF INCOME) PART B SECONDARY SOURCES [Major customers, clients,	NCOME [Major sources of income to the report port, you must write "none" or "nia"] SOURCE'S ADDRESS OF INCOME and other sources of income to businesses ow	rting person - See instructions	I DESCRIPTION OF THE SOLINCE'S PRINCIPAL BUSINESS ACTIVITY
PART A PRIMARY SOURCES OF (If you have nothing to re NAME OF SOURCE OF INCOME) PART B SECONDARY SOURCES [Major customers, clients, jif you have nothing to re NAME OF BUSINESS ENTITY] PART C REAL PROPERTY [Land	NCOME [Major sources of income to the report port, you must write "none" or "nta"] SOURCE'S ADDRESS OF INCOME and other sources of income to businesses ow eport, write "none" or "nta"] NAME OF MAJOR SOURCES	ned by the reperting person - ADDRESS OF SOURCE Pastructions) Fill for	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY See instructions]

Local officers – Form 1:

- Elected officials
- Appointees to fill terms vacated by elected officials; and
- Appointees to governing bodies of counties and municipalities

File with the Supervisor of Elections where you reside - while filing qualifying papers, and then on or by July 1st every year F. S . § 112.3145

Forms 1 & 6 – Statement of Financial Statements

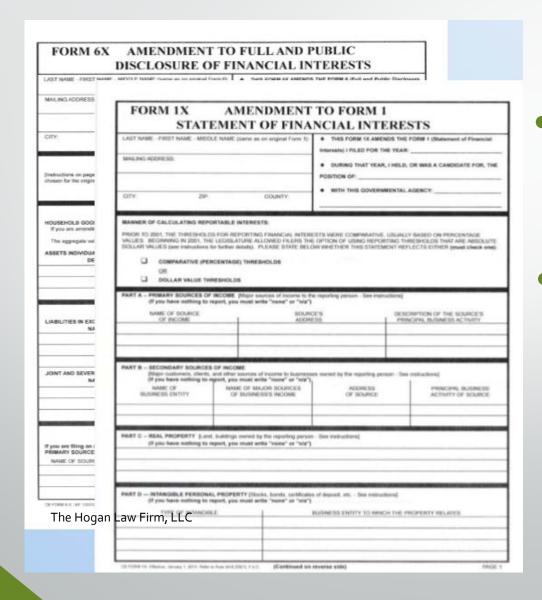


Constitutional officers – Form 6:

- Sheriff
- Tax Collector
- Property Appraiser
- Supervisor of Elections
- Clerk of the Circuit Court
- County Commissioners

While filing qualifying papers, and then with the Commission on Ethics on or by July 1st every year FLA. CONST. ART. II SEC. 5(B) AND ART. VIII SEC. 1(E); F. S. 112.3144

Forms 1X & 6X – Financial Statements Amendments



- File under same name as the original Form 1 or 6
- Identify the Form 1 or 6 you are amending
 - Use the same thresholds (percentage or \$ value)
- Report the new information on 1X or 6X and explain the changes
- File with the same office you filed the original

Forms 6F & 1F- Financial Statements Amendments

MALING ADDRES	FORM 1 F	;	2013			
CITY & STATE	(TO BE FILED WITHIN 60 DAYS OF LEAVING PUBLIC OFFICE OR EMPLOYMENT)					
	LAST NAME PIRST NAME MCOL	LE NAME	NAME OF REPORTING P	PRISON'S AGENCY		
Please order the vs Plote: Nat worth is	MALING ADDRESS	MALING ADDRESS:		CHECK ONE OF THE FOLLOWING (see "Who Must Fis" on page 3: LOCAL OFFICER STATE CHIPCOVE SPECIFIED STATE CHIPCOVE		
	CITY ZIP	COUNTY	LIST OFFICE ON POSITIO			
The aggregate s	MANNER OF CALCULATING REP THE LEGISLATINE ALL ONS FLEIGHT T FENNER CALCULATING, OR LISTING TENNER CALCULATING, OR LISTING THE GRAND STATE PERIOD PART A PRIMARY SOURCES O (If you have cetting to re) NAME OF SOURCE OF INCOME	HE OPTION OF USING REPORTS COMMANDATE THRESHOLDS, WINNETHER THIS STATEMENT (NTAGE) THRESHOLDS F INCOME [Major sources of one port, you must write "none" or " SO	WECH ARE USUALLY BASED OR REFLECTS EITHER (must check OB	IN PERCENTAGE VALUES (k one): LLAR VALUE THRESHOLDS	see instructions for	
ABLITES IN EX						
		ent other sources of moome to bus port, you must write "none" or "	NW) ADDRESS	PRINCIP	AL BUSINESS FOF SOURCE	
DINT AND SEVE	(if you have nothing to in NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	OF SOURCE			

If you leave public office or employment where you were required to file a Form 1 or Form 6 you must file a Form 1F or 6F at the same office you filed your Forms 1 or Form 6 within sixty (60) days of leaving office or employment F. S . 112.3144(6), 112.3145(2)(b)

Penalties for Violations of Ethics and Financial Disclosures

- Violations of State Code of Ethics & Constitution are malfeasance, misfeasance, or neglect of duty F. S.112.317(4)
- The Governor may suspend any board member on recommendation of Commission on Ethics, and the Senate may remove (or reinstate) the suspended official by majority vote F. S. 112.317(5)
- Where Commission on Ethics finds violation and assesses penalty/restitution, State Attorney General brings action to recover penalty F. S. 112.317(2)
- Attorney General collects costs and attorneys' fees F. S. 112.317(3)
- Commission on Ethics penalties are notwithstanding any other disciplinary or judicial action F. S. 112.317(3)

PUBLIC OFFICERS penalties can include:

- Impeachment
- Removal from office
- Suspension from office
- Forfeit up to 1/3 salary up to 12 months
- Public censure & reprimand
- Civil penalty up to \$10,000
- Restitution

F. S. 112.317(1)(a)

Pension Forfeiture when:

- Conviction of a qualifying offense committed before retirement, or
- Termination resulted from admitting/committing/aiding/abetting a qualifying offense
- Results in forfeiture of all retirement system rights and benefits, except for accumulated contributions F. S . 112.3173(3)

Notice and hearing to be held to determine whether pension should be forfeited F. S. 112.3173(5)(a)

Stayed pending appeal of felony convictions F. S. 112.3173(5)(c)

Qualifying offenses include committing, aiding, or abetting:

- embezzlement of public funds
- theft by public employee or officer from his or her employer
- bribery in connection with public employee or officer
- Chapter 838 felony (bribery or misuse of public office), except commercial bribery
- impeachable offense (misdemeanor in office) (FLA. CONST. ART. 3 § 17)
- felony by public employee or officer with intent to defraud public and attempts to or actually does realize profit or advantage
- s. 800.04 felony (lewd and lascivious conduct) with victim < 16 years, or ch.
 794 felony (sexual battery) with victim < 18 years with use or attempted use of position of public office/employment F. S. 112.3173(2)(e)

Pentalties for Violation Fla. Stat. 112

Other:

- Contracts in violation of the Code are voidable by any party and in Circuit Court by action by Commission on Ethics, Attorney General, or any citizen materially affected and residing in jurisdiction F. S. 11 2 . 3 1 7 5 (1)
- Contracts in violation are void RE former official and voidable RE private third party employing former official F. S. 112.3175(2)

Bylaw Provision – Conflict of Interest

• In compliance with the Board's Code of Ethics and Transparency Policy, upon discovery of an actual or potential conflict of interest involving an Officer or Director of the Board, said individual shall promptly file a formal statement of disqualification as stated in the Board Manual and shall withdraw from any further participation in the transaction involved. No Director of the Board shall cast a vote on any matter on which he or she has a conflict of interest as defined by federal or state law.

Conflicts of Interest and Ethics: Grantee – Sub Grantee Agreement Section 13

- The Board shall adopt an employee ethics code modeled after the provisions of Chapter 112, Florida Statutes, and shall name a Chief Ethics Officer. The Officer shall be responsible for the periodic training of Board staff and for maintaining the Ethics Code and for, which addresses:
 - The acceptance of gifts;
 - Self-dealing;
 - A prohibition on unauthorized compensation;
 - iv. Conflicting employment or contractual relationships;
 - v. Appropriate disclosure and use of information; and
 - vi. Nepotism.
- The Board will adopt and abide by a conflict of interest policy that ensures compliance with state and federal law and applicable State Board and DEO policies. The Board will make reasonable modifications to the policy if requested by DEO. The Board must ensure that adequate firewalls are in place to prevent actual or perceived conflicts of interest, poor internal controls, or the appearance of impropriety.

Non Discrimination Policy

• All actions taken by the Board shall be made without regard to age, sex, race, religion, national origin, political affiliation, marital status, disability or handicap, or other reason prohibited under applicable law.

Restrictions on Benefits of Net Earnings

No part of the net earnings of the Corporation shall inure to the benefit of or he distributable to its members, trustees, officers or other private persons except that the Corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make expenditures in furtherance of the corporations purpose.

Restrictions on Use of Corporate Funds

- No substantial part of the activities of the Corporation shall be the carrying on of propaganda or otherwise attempting to influence legislation and the Corporation shall not participate in or intervene in (including the publishing or distribution of statements) any political campaign on behalf of or in opposition to any candidate for public office.
- The Corporation shall not carry on any activities not permitted to be carried on by a Corporation exempt from Federal income tax under section 50l(c)(3) of the Internal Revenue Code of 1986 and its regulations, in effect now or as hereafter amended, or the corresponding provision of any future United States Internal Revenue law, or by a Corporation, contributions which are deductible under Section 170 (c)(2) or such Code and regulations, or by a corporation organized under Florida Statute Chapter 617, as may be modified or amended from time to time.

Procurement: Related Party Contracts Grantee – Sub Grantee Agreement Section 15

- Related Parties. For purposes of this Agreement, "Related Party" includes any: Board member; Board employee or staff; relative of any Board member or employee or staff; any organization represented by or employing a Board member or employee or staff; any organization, the board of directors of which a Board member or employee or staff holds a board position; or any vendor with which a Board member has a relationship.
- Related Party Contract. For purposes of this Agreement, "Related Party Contract" means any relationship, transaction, or expenditure, contractual in nature, which results in or could result in an expenditure of state or federal funds by the Board with a Related Party. The term "Related Party Contract" does not include retail purchases made in the ordinary course of business or payments for utility services.
- Related Parties Compliance. The Board shall comply with section 445.007(11), Florida Statutes. The Board and its employees must annually disclose to DEO any conflicts of interest that may arise during the upcoming year, or that actually arose in the current year and were not previously disclosed.
 - Prior to entering into any Related Party Contract with any Related Party, the proposed Related Party Contract must be brought before the Board for consideration and approval. The Board shall ensure that: (i) the Board member or employee with the conflict removes himself or herself from the room prior to any discussions at any meeting, including subcommittee meetings, involving the contract; (ii) the Board member or employee with the conflict is not physically present during the voting; and (iii) the Board member with the conflict abstains from any vote regarding the Related Party Contract.
 - If the disclosure was not made prior to the meeting because the conflict was unknown prior to the meeting, the Board shall ensure that disclosure is made at the next possible meeting after knowledge of the conflict becomes available.

Procurement: Related Party Contracts Grantee – Sub Grantee Agreement Section 15

- Completion of Forms. For each Related Party Contract, the Board must ensure that the forms attached hereto as Exhibits C and D are completed, dated, executed, and certified prior to execution of the contract or incurring of expenditures for the current fiscal year. Exhibits C and D must be submitted at or before the Board meeting in which the vote is to take place for board members and employees of the board who have any conflict of interest with the contracting vendor. For conflicts unknown at the time of entering into the Related Party Contract, the Board shall ensure that completed forms of Exhibits C and D are filed within 15 days after the disclosure with the person responsible for recording the minutes of the meeting. The disclosure shall be incorporated into the minutes of the meeting at which the oral disclosure was made. If the Related Party Contract was approved by the Board in the current or previous fiscal year and the Board intends to continue the Related Party Contract, Exhibits C and D must be submitted annually to DEO for approval prior to the beginning of the next fiscal year.
- <u>Contracts \$25,000 or Greater.</u> DEO may disapprove, in its sole discretion, any contract for the Board's failure to submit any required document or form as required by this section. Prior to execution of any contract equal to or greater than \$25,000, the Board must approve and electronically submit the documentation set forth below, along with completed copies of the forms attached hereto as Exhibits C and D, to WorkforceContract.Review@deo.myflorida.com.
- Contracts Less Than \$25,000. Within 30 days after execution of any contract less than \$25,000, the Board must approve and electronically submit a certified board membership roster listing all members on the Board at the time of the vote on the approval of the contract with a vote tally indicating attendance or absence at the meeting. For those in attendance, the affirmative and negative votes and abstentions for each member, along with completed copies of the forms attached hereto as Exhibits C and D, must be submitted to WorkforceContract.Review@deo.myflorida.com.

Board and Officer Compensation

 Neither Directors nor Officers of the Board shall receive any salary or compensation for their services, other than reimbursement for actual outof-pocket expenses incurred in the performance of their duties as permitted under the State Travel Policy.

Thank you for your time and attention.

If you should have any questions regarding the materials contained in this presentation, please contact legal counsel at:

Jennifer C. Rey, Esq.

The Hogan Law Firm, LLC

PHWBAttorney@hoganlawfirm.com

352-799-8423