
From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, April 24, 2014 2:43 PM
To: Sanchez, Rodzandra (COE)
Subject: FW: Ethics Opinion (Financial Disclosure) INQ 14-108

INQ 14-108

From: Diaz-Greco, Gilma M. (COE)
Sent: Thursday, April 24, 2014 2:42 PM
To: Pollock, Traci (MDEAT)
Cc: Simmons, William A. (MDEAT); Centorino, Joseph (COE)
Subject: Ethics Opinion (Financial Disclosure) INQ 14-108

Dear Ms. Pollock,

You have inquired whether a person who serves on a standing committee, but is not a member of the parent board, would be required to file financial disclosure and whether this committee is subject to sunshine laws. The committee on which this person serves was established in 2009.

Definition of Board

The County Code at Sec. 2-11.36.1 (a) defines "board" to include "every agency, authority, advisory board, regulatory board, quasi-judicial board, semiautonomous instrumentality, committee (emphasis added), task force or any other citizens' group created and funded in whole or in part by the Board of County Commissioners. The foregoing notwithstanding, this article shall not apply to citizen groups created for specific advisory purposes where such group's existence is limited to a period of less than one (1) year. Except as otherwise provided, "County boards" and "citizens' advisory groups" may only be created by action of the County Commission, and only the County Commission, as a body, may appoint the members of the such boards and groups. The County Code requires members of boards (i.e., advisory bodies that have been in existence for one year or more) to file financial disclosure forms for every year in which they served on the board.

The County Code at Sec. 2-11.1 (i)(1) states that all persons and firms [including advisory board members] shall file, no later than 12:00 noon of July 1st of each year including the July 1st following the last year that person is in office or held such employment, one (1) of the following:

- a. A copy of that person's or firm's current federal income tax return; or
 - b. A current certified financial statement on a form of the type approved for use by State or national banks in Florida listing all assets and liabilities having a value in excess of one thousand dollars (\$1,000.00) and a short description of each; or
 - c. An itemized source of income statement, under oath and on a form approved by the County for said purpose.
- Compliance with the financial disclosure provisions of Chapter 112 (Part III), Florida Statutes, as amended, or with the provisions of Article II, Section 8 of the Florida Constitution, as amended by the voters on November 2, 1976, and any general laws promulgated thereunder, shall constitute compliance with this section.

This standing committee has been in existence since 2009, and therefore, would be considered a board under 2-11.36.1 whose members would be required to file financial disclosure. Pursuant to this section, *Ad hoc* committees that meet for less than one year would not fall under the definition of a board and would therefore not be required to file financial disclosure documents.

Sunshine Law

Under Florida Statute 286.011 all state or local government boards are subject to sunshine laws. This includes subcommittees of public boards.

The sunshine law states as follows:

“All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.”

Please do not hesitate to contact us if we may be of further assistance.

Best regards,

Gilma (Mimi) Diaz-Greco
Staff Attorney



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From: Pollock, Traci (MDEAT)
Sent: Monday, April 21, 2014 11:07 AM
To: Diaz-Greco, Gilma M. (COE)
Cc: Simmons, William A. (MDEAT); Thompson, Robert A. (COE)
Subject: MDEAT: Financial Disclosure

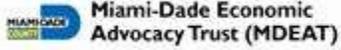
Hi Gilma,

We are requesting an opinion as to whether a non-board member committee member must file a financial disclosure document and are subject to sunshine laws. It is our understanding that all standing committee members have to file financial disclosures; however, an ad-hoc committee member does not.

We will await your opinion on the sunshine law requirements.

Thank you in advance.

Traci Pollock, MBA, MPA
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