

## **Islamorada Village Council business interest disclosure discussion points**

Require Islamorada Village Councilmen/Councilwomen, staff and committee appointees (i.e. LPA) to disclose information about their assets and business activities within the Village of Islamorada.

### **1. Why this is necessary:**

Disclosure of public officials' assets and business interests is necessary for several reasons:

- a. Full disclosure is a transparency tool that promotes public officials' accountability, ensures government decision-making is not compromised by conflicts of interest and aims to increase trust in Village governance.
- b. Business interest disclosure focuses on activities, commitments and business connections that may compromise public officials' impartiality in their policy decisions. To facilitate detection of potential conflicts of interest, information on the sources of such interests is required.
- c. Disclosure provides safeguards against corruption and promotes transparency.
- d. The general public does not know the intricacies of our local land use laws, passed by Village Councilmen. The general public relies on honesty and good intentions on the part of the Council to govern fairly and effectively in the best interests of the community, not their own economic and business interests.
- e. It is a mechanism that may provide information and evidence for the detection, investigation and prosecution of corruption.
- f. Disclosures may help insulate staff from being subject to pressure from elected/appointed officials, serving to reduce staff turnover and fostering a more productive work environment.
- g. Florida Statutes do not provide enough safeguards
- h. Current Council disclosures are often vague, incomplete, inadequate and only available as a public records request
- i. Few mechanisms combine both the prevention and detection sides of combating corruption. This is why financial disclosure is increasingly gaining attention as a tool to improve governance and fight corruption.

### **2. When to disclose:**

- a. Immediately for sitting Councilmen
- b. When filing to run for public office, as a condition of qualifying
- c. Immediately when new assets are acquired.
- d. Immediately when new business interests are developed
- e. When any ordinance is being considered that will impact the Councilmen's assets or business interests
- f. When any Councilman is requesting any consideration from the Village
- g. Recusals should be automatic and unconditional when ordinances are being considered where conflicts exist.

### **3. Required disclosures:**

- a. Assets and business interests
- b. Basic transaction details; buy, sell, asset, ownership

- c. Parties involved: Associates, Family members, friends, relatives

**4. How to disclose:**

- a. Written and signed declaration by campaigning or elected/appointed official
- b. Public posting; Village website, Village email blast, Village social media

**5. Deterrent and enforcement:**

- a. First violation results in automatic censure and criminal prosecution if applicable
- b. Second violation results in removal from office and criminal prosecution if applicable

**Additional documentation to consider: Florida Statutes (and see footnote at the bottom of page 3)**

**163.367 Public officials, commissioners, and employees subject to code of ethics.—**

(2) If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in a community redevelopment area, he or she shall immediately disclose this fact in the manner provided in part III of chapter 112. Any disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

**112.311 Legislative intent and declaration of policy.—**

(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.

**112.313 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.

(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.

(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

3.a. 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.

b. For a period of 2 years following vacation of office, a former member of the Legislature may not act as a lobbyist for compensation before an executive branch agency, agency official, or employee. The terms used in this subparagraph have the same meanings as provided in s.

The Village should consider enacting similar legislation that is noted below in 3a and 3b. Employees and elected officials should not be allowed to represent or utilize legislation passed while in office for personal gain after leaving office.