



## **Community Engagement Meeting**

Tuesday, October 1, 2013  
3:00 p.m. – 5:00 p.m.

707 Mendham Blvd., Suite 250, Orlando, Florida

Conference Call-in phone number: (407) 531-1243

### **AGENDA**

1. Introductions of Committee and WCF Staff
2. Charter/Purpose of the Community Engagement Committee
3. Brief summary and explanation of the relationship between WCF, DEO, and the DOL
4. Short-Term Goals
5. Long-Term Goals
6. Brief summary of Florida's Public Records Law and Sunshine Act
7. Future Meetings
8. Adjournment

**FEDERAL, STATE & LOCAL Workforce System Governance**

**United States  
Department of Agriculture**

**United States Department of Health & Human Services**

**United States  
Department of Labor**

WIA Adult  
WIA Dislocated Worker  
WIA Youth  
Wagner Peyser  
Disabled Vets  
Local Vets Program  
Trade Adjustment Assistance  
Reemployment Assistance  
Unemployment Compensation  
Emergency Unemployment

Temporary Assistance to Needy Families

Supplemental Nutrition Assistance Program



**Florida Governor**

State recipient of federal grants | Certifies/decertifies regional workforce boards

**Florida Legislature**

Appropriates federal funds

**Workforce Florida, Inc.**

Sets statewide workforce policy for 24 regional workforce boards | Allocates federal grants to regional workforce boards

**Department of Economic Opportunity**

State grant administrator | Provides fiscal and program oversight of 24 regional workforce boards

**Local Chief Elected Official**

Local recipient of federal grants

**Workforce Central Florida**

Local fiscal agent and administrative entity

**Government in the Sunshine  
Public Records  
Financial Disclosure  
Ethics  
Gifts**

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**A Briefing for the  
Workforce Central Florida  
Board of Directors**

September 24, 2013

**GRAY ROBINSON**  
ATTORNEYS AT LAW

**You know it's a bad day when ...**

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**Sunshine Law**

- ... lawsuit / attorneys' fees
- ... indictment – 2<sup>nd</sup> degree misdemeanor
- ... civil infraction – \$500 fine
- ... not-so-nice press coverage

**Public Records Law**

- same as Sunshine Law –

**Ethics / Gifts / Financial Disclosure**

- ... complaint to Ethics Commission – investigation, hearings, fines
- ... not-so-nice press coverage

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# **GOVERNMENT IN THE SUNSHINE LAW**

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## **SUNSHINE LAW**

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**All meetings ... at which official acts are to be taken are declared to be public meetings open to the public at all times, and no ... 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.**

§286.011(1), Florida Statutes

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## **SUNSHINE LAW**

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### **RIGHT OF THE PUBLIC TO ATTEND WCF BOARD MEETINGS**

#### **GENERAL RULE:**

***“Where two or more are gathered ... there will be a meeting.”***

**... if “foreseeable action” by the Board is discussed.**

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## **SUNSHINE LAW**

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#### **“MEETINGS” CAN MEAN:**

- **Hallway talks between Board members**
- **Phone calls between Board members**
- **E-mails and letters between Board members**
- **Notes to or from another Board member**
- **Discussions between Board members’ assistants or secretaries**
- **Messages via mutual friends**
- **Messages via lobbyists**
- **Messages via WCF staff**

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## SUNSHINE LAW

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## SUNSHINE LAW SUMMARY

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### “MEETINGS” DO NOT INCLUDE:

- Discussions with Consortium members
- Discussions with advisory-board members
- Discussions with state legislators

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## **SUNSHINE LAW**

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### **“MEETINGS” DO NOT INCLUDE:**

- **Discussions with county or city mayors or commissioners**
- **Discussions with WCF staff**
- **Discussions with another Board member on matters that will never involve a vote of the Board**

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## **SUNSHINE LAW SUMMARY**

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### **PERMISSIBLE CLOSED SESSIONS:**

- **Litigation**
- **Labor negotiations**
- **Trade secret discussions**

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# **PUBLIC RECORDS**

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## **PUBLIC RECORDS LAW**

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**Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time....**

**§ 119.07, Florida Statutes**

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## **PUBLIC RECORDS LAW**

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### **GENERAL RULE:**

*If you have it, the public – including the news media – can see it!!*

- **Public records are open for inspection**
  - By any person
  - At any reasonable time



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## **PUBLIC RECORDS LAW**

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### **“PUBLIC RECORDS” INCLUDE:**

- E-mails (incoming and outgoing)
- Letters (incoming and outgoing)
- Memos
- Notes
- Telephone logs
- Calendars
- Computer data/documents
- Data processing software
- Tapes/CD's/DVD's/videos
- Ballots
- Drafts of documents (once circulated for review)
- Reports/studies/analyses
- Maps/plans/permits/permit applications
- All copies of anything

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## **PUBLIC RECORDS LAW**

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**What about ...**

- **Text messages?**
- **Instant messages?**
- **Facebook posts?**
- **Twitter posts?**

**Yes – if about WCF  
business**



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## **PUBLIC RECORDS LAW**

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**“Metadata” ... it’s not just for the NSA  
(and Edward Snowden)**

**E-mails, Word documents, Excel  
spreadsheets, etc., ...**

***each iteration can be a public record.***

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## **PUBLIC RECORDS LAW**

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### **EXEMPTIONS INCLUDE:**

- **Trade secrets**
- **Sealed bids or proposals**
- **Social security numbers held by an agency**
- **Public record prepared by agency attorney's express direction in "anticipation of litigation"**

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## **PUBLIC RECORDS LAW**

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### **WHAT TO DO WHEN DEMANDED:**

- **Simple request – few documents, clearly identified**
  - **surrender the documents**
- **Overbearing, burdensome request for voluminous documents**
  - **call WCF staff or attorney**

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## **PUBLIC RECORDS LAW**

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### **DISPOSING OF PUBLIC RECORDS:**

- **Originals? Keep them.**
- **Copies? Pitch them (unless you have the *only* copy).**
- **Best practice: send all records to staff, asap**
- **End of your term: you must transfer all records to your successor.**

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## **FINANCIAL DISCLOSURE**

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## **FINANCIAL DISCLOSURE**

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### **WHAT IS DISCLOSED?**

- **Form 1: certain assets and liabilities, sources of income, and certain other information**
- **Form 1F: financial disclosure statement ... from January 1 to your last day in office**

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## **FINANCIAL DISCLOSURE**

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### **WHEN AND WHERE TO FILE?**

- **Form 1: July 1 (for the previous calendar year)**
- **Form 1F: no later than 60 days after leaving WCF's Board**
- **Both filed at Supervisor of Elections ... for YOUR county**

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## FINANCIAL DISCLOSURE

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### **PENALTIES:**

- **Fail to file by July 1<sup>st</sup>: delinquency notice**
- **Then, fail to file by September 1<sup>st</sup>: \$25-per-day fine**
- **Max fine: \$1,500**

***Note: Supervisors of Elections must send Form 1 to Board members no later than June 1<sup>st</sup> of each year. F.S. 112.3145(6)(b)***

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## ETHICS

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## CODE OF ETHICS

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What are “ethics”?



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## CODE OF ETHICS

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- **Ethics ≠ not committing crimes**
- **Three principles:**
  - **No one can serve two masters (Matthew 6:24)**
  - **A public office is a public trust (Art. II, Sec. 8, Florida Constitution)**
  - **A situation that merely TEMPTS TO DISHONOR is unethical**

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## CODE OF ETHICS

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- **Criminal violation: an act is required**
  - **Ethical violation: getting into a situation that “tempts to dishonor”**
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- **Goal of criminal law:**  
punish criminal & deter crime
  - **Goal of ethics code:**  
Preserve public trust

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## CODE OF ETHICS

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### PROHIBITED ACTS:

- **Soliciting a gift for your vote (or other official action)**
- **Accepting a gift for your vote**
- **Accepting any other compensation for your vote**



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## CODE OF ETHICS

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### PROHIBITED ACTS (cont'd):

- **“Misuse of public position”**
  - Use one’s official position / perform one’s duties
  - Secure a special benefit / privilege / exemption
  - For yourself *or another*
  - Corruptly



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## CODE OF ETHICS

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### PROHIBITED ACTS (cont'd):

- **Doing business with WCF**
  - Business?
  - Officer, director, or 5% owner?
  - May not sell / purchase / lease goods / services / real estate ...
  - To / from WCF



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## **CODE OF ETHICS**

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### **PROHIBITED ACTS (cont'd):**

- **Conflicting employment or contractual relationship:**
  - **Business or government agency doing business with WCF?**
  - **You may not hold a job with it.**
  - **You may not have a “contract relationship” with it.**

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## **CODE OF ETHICS**

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### **PROHIBITED ACTS (cont'd):**

- **Either a job ...**
- **Or a contract relationship ...**
  - **that creates a “frequently recurring conflict,” or**
  - **that “would impede the full and faithful discharge of [your] duties”**

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## CODE OF ETHICS

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### VOTING CONFLICTS:

- Prohibited from voting on *any* matter which would result in private gain or loss for:
  - you
  - your relative
  - your business partner
  - your employer
  - a principal by whom you are retained
  - parent organization or subsidiary of a corporate principal

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## CODE OF ETHICS

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### VOTING CONFLICTS (cont'd):

- Must publicly announce the nature of interest before the vote
- May participate in the discussion / debate
- Must abstain from voting
- File Form 8B within 15 days after the vote



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# CODE OF ETHICS

## VOTING CONFLICTS (cont'd):

- **MUST abstain:**
  - conflict of interest
- **MAY abstain:**
  - appearance of a conflict of interest
- **If you abstain for either reason, file Form 8B**

**FORM 8B - MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS**

This form is to be used by any person serving on the County, City, or other local level of government in an appointed or elected office. It is not intended for use by members of the general public, members of the media, or members of the public who are not public officers or employees of the government.

**WHO MUST FILE FORM 8B**

This form is to be filed by any person serving on the County, City, or other local level of government in an appointed or elected office. It is not intended for use by members of the general public, members of the media, or members of the public who are not public officers or employees of the government.

**INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES**

A person voting, whether in person or by mail, at a public election, including an election held by mail, is subject to the provisions of this section. This section applies to any election held by mail, including an election held by mail, and to any election held by mail, including an election held by mail, and to any election held by mail, including an election held by mail.

**ELECTED OFFICERS:**

When an elected officer is voting in a public election, the officer shall file this form with the clerk of the election on or before the day of the election.

**APPOINTED OFFICERS:**

When an appointed officer is voting in a public election, the officer shall file this form with the clerk of the election on or before the day of the election.

# GIFTS

## GIFTS

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- Do not solicit a gift from a “lobbyist” or a “vendor”
- Do not accept a gift worth more than \$100 from a “lobbyist” or a “vendor”



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## GIFTS

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**Who is a “vendor”?**

**Any person or entity doing business with WCF.**

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## GIFTS

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### Who is a “lobbyist”?

- “Lobbyist” means one who meets all the following tests:
  - a natural person,
  - who is being compensated,
  - who is trying or has tried to influence a decision of WCF or this Board, *and*
  - the attempt to influence a decision has occurred in the past 12 months

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## GIFTS

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### PROHIBITION ON GIFTS (cont'd):

#### What is a “gift”?

- The term *gift* includes:
  - money
  - real estate
  - use of real estate
  - tangible personal property
  - intangible personal property
  - use of personal property
  - food or beverages
  - membership dues
  - transportation
  - plants & flowers
  - admission tickets (sports, concerts, cruises, theme parks, etc.)
  - forgiveness of debt
  - a preferential rate or price on a debt, loan, goods or services
  - any other thing having value
  - any other service having value

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## GIFTS

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### DISCLOSURE OF GIFTS BY YOU:

#### What must be disclosed?

- Any gift which is accepted AND worth over \$100
- Exceptions:
  - Gifts from relatives
  - Prohibited gifts (*i.e.*, from lobbyists and vendors)

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## GIFTS

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### GIFTS DISCLOSED ... BY LOBBYISTS AND VENDORS:

- All gifts to you worth over \$25
- Disclosed quarterly ... by the lobbyist or vendor, not you



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## **GIFTS**

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### **DISCLOSURE OF GIFTS ... BY YOU:**

#### **How disclosed by you?**

- **Form 9:**
  - gifts worth over \$100
  - quarterly

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## **FLORIDA COMMISSION ON ETHICS**

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- **Available for advice**
- **Phone: 850-488-7864**
- **Website: [www.ethics.state.fl.us](http://www.ethics.state.fl.us)**
- **Forms available on website**

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## **GOOD NEWS!!**

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- **You are NOT a county commissioner**
- **You are NOT a school-board member**
- **You do NOT have to listen to this**  
... for four hours!  
... every year!

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# **Questions?**

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