



Wednesday, November 1, 2023, 5:30 p.m.

GRU Administration Building

301 SE 4th Avenue

Gainesville, FL 32601

Authority Members

Craig Carter - Chair

James Coats, IV - Vice-Chair

Robert Karow - Member

Eric Lawson - Member

Vacant

If you have a disability and need accommodation in order to participate in this meeting, please call (352) 334-5051 at least two business days in advance. TTY (Text Telephone Telecommunication Device) users please call 711 (Florida Relay Service). For Speech to Speech (STS) relay, please call 1-877-955-5334. For STS Spanish relay, please call 1-877-955-8773. For STS French Creole relay, please call 1-877-955-8707.

**A. CALL TO ORDER**

Agenda Statement: The Gainesville Regional Utilities Authority encourages civil public speech. The Gainesville Regional Utilities Authority expects each person entering this chamber to treat others with respect and courtesy. Speakers are expected to focus on agenda items under discussion. Signs, props, posters, food, and drinks should be left outside the auditorium.

**B. ROLL CALL**

**C. INVOCATION**

**D. PLEDGE OF ALLEGIANCE**

**E. GENERAL PUBLIC COMMENT (for items not on the agenda, not to exceed 30 minutes total)**

**F. APPROVAL OF CONSENT AGENDA**

**1. 2023-1071 Letter of Support for Gainesville Regional Utilities Sweetwater Branch Bank Stabilization Project Grant Application (B)**

**Department:** GRU, Water/Wastewater

**Description:** GRU is submitting a cost-share grant application to the Federal Emergency Management Agency (FEMA) for the 2023 Building Resistant Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA) programs for the Sweetwater Branch Bank Stabilization Project. The grant program requires a letter of support from the GRU governing board for the project in order to be considered for receiving funding.

**Fiscal Note:** The total project cost is estimated at \$5.5 million, and the grant program requires a 25 percent local match. Funding for the project has been forecasted in GRU's wastewater system capital budget for FY25-27. If the project is awarded grant funding, GRU may need to move the project up sooner to meet grant deadlines. This can be done by rescheduling other projects as needed without negative fiscal impacts.

**Recommendation:** The GRU Authority authorize the chair to execute a letter of support for the project grant application.

**G. ADOPTION OF AGENDA**

**H. APPROVAL OF MINUTES**

**1. Minutes of the October 4, 2023 GRU Authority Meeting**

**I. GENERAL MANAGER REMARKS**

1. **2023-1073 Recognition of 2023 TEAM Employee Award Winners (B)**

**Department:** GRU/General Manager

**Description:** The employee group TEAM holds annual nominations for employee awards in various categories. GRU is proud to recognize this year's recipients.

**Fiscal Note:** None

**Recommendation:** Hear a presentation from staff.

J. **BUSINESS DISCUSSION ITEMS**

1. **2023-1061 Presentation for Gainesville Regional Utilities Authority (GRUA) regarding the Interlocal Agreement between Alachua County and the City Of Gainesville for the Acquisition of the Trunked Radio System (B)**

**Department:** GRU

**Description:** GRUCom and Alachua County Staff have been working to finalize the agreement for the sale of the public safety radio system.

**Fiscal Note:** \$8 million cash payment in return for the sale of the Trunked Radio System to Alachua County at closing.

**Recommendation:** The GRUA authorize the general manager to move forward with finalizing the Purchase and Sale Agreement of the Public Safety Radio System to Alachua County.

2. **2023-1062 Bond Validation Process (B)**

**Department:** GRU/Budget, Finance and Accounting

**Description:** This item is related to execution of a bond validation process to validate the legal right of the Gainesville Regional Utility Authority (the Authority) to undertake actions necessary to administer GRU's debt portfolio.

**Fiscal Note:** An unsuccessful bond validation could result in potential increased costs to the utility through:

- Costs associated with potential rating changes
- Costs associated with the inability to renew/replace liquidity facilities

A successful bond validation will enable GRU to execute financial transactions effectively and efficiently.

**Recommendation:** The Authority approve GRU to move forward with the bond validation process.

**3. 2023-1063 Renewal or Replacement of Liquidity Facilities (B)**

**Department:** GRU/Budget, Finance and Accounting

**Description:** This item is related to the Gainesville Regional Utility Authority (the Authority) acknowledging that GRU is moving forward with the renewal or replacement of liquidity facilities that have scheduled termination dates in May of 2024.

**Fiscal Note:** Failing to renew or replace these liquidity facilities would require GRU to develop an alternative method to provide approximately \$105 million in cash to pay bond holders who present maturing bonds for repayment.

**Recommendation:** The Authority accept notification that GRU is moving forward with renewal or replacement of liquidity facilities that have a scheduled termination date of May 2024.

**4. 2023-1064 Request for Approval of FY25-26 Budget Calendar (B)**

**Department:** GRU/Budget, Finance and Accounting

**Description:** This item is a request for the board to approve GRU's draft FY25-26 budget calendar.

**Fiscal Note:** None

**Recommendation:** The Authority approve the FY 25-26 budget calendar.

**5. 2023-1065 Approval of Code of Business Conduct for the Gainesville Regional Utilities Authority (B)**

**Department:** GRU/Communications

**Description:** The Authority is required to adopt a code of business conduct as a framework for conducting public meetings. Staff has drafted a document for the board's review and approval.

**Fiscal Note:** None

**Recommendation:** The Authority discuss the draft code of business conduct and adopt as is or provide direction to staff on changes.

**6. 2023-1066 Adoption of the State of Florida Code of Ethics for the Gainesville Regional Utilities Authority (the Authority) (B)**

**Department:** GRU/General Manager

**Description:** The Authority is required to develop a code of ethics policy. It is standard practice for public boards to adopt the State of Florida Code of Ethics.

**Fiscal Note:** None

**Recommendation:** The Authority adopt the State of Florida Code of Ethics.

**7. 2023-1074 Items for Gainesville Regional Utilities Authority Board to Consider for Future Meeting Agendas (NB)**

**Department:** GRU/General Manager

**Description:** Staff has compiled a list of topics for the Authority Board to consider in preparation for upcoming board meetings.

- AMI
- Government Services Contribution (GSC)
- Utility Rates
- SLAs and MOUs
- Others as suggested

**Fiscal Note:** None

**Recommendation:** Staff recommends that the Authority determine which items they would like to discuss and when each item should be discussed.

**K. MEMBER COMMENT**

**L. ADJOURNMENT**

**File Number: 2023-1071**

**Agenda Date:** November 1, 2023

**Department:** Gainesville Regional Utilities

**Title: 2023-1071 Letter of Support for Gainesville Regional Utilities Sweetwater Branch Bank Stabilization Project Grant Application (B)**

**Department:** GRU, Water/Wastewater

**Description:** GRU is submitting a cost-share grant application to the Federal Emergency Management Agency (FEMA) for the 2023 Building Resistant Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA) programs for the Sweetwater Branch Bank Stabilization Project. The grant program requires a letter of support from the GRU governing board for the project in order to be considered for receiving funding.

**Fiscal Note:** The total project cost is estimated at \$5.5 million, and the grant program requires a 25 percent local match. Funding for the project has been forecasted in GRU's wastewater system capital budget for FY25-27. If the project is awarded grant funding, GRU may need to move the project up sooner to meet grant deadlines. This can be done by rescheduling other projects as needed without negative fiscal impacts.

**Explanation:** The project is needed to address creek bank erosion in Sweetwater Branch, which is occurring adjacent to the GRU Main Street Water Reclamation Facility (MSWRF). The erosion is an on-going issue, which is exacerbated by storm events. If not addressed, the erosion would eventually threaten to undermine portions of the MSWRF. The proposed project will stabilize approximately 1,200 ft of creek bank of Sweetwater Branch which will protect MSWRF from being undermined. Additionally the project will allow safe access to the creek for GRU and regulatory staff and members of the public touring the MSWRF. The project will also reduce the release of sediment which smothers downstream creek habitat and results in accumulation of sediment at the Sweetwater Wetlands Park downstream.

The FEMA BRIC and FMA programs provide 75 percent cost share funding to support states, local communities, tribes and territories as they undertake hazard mitigation projects to reduce the risks they face from disasters and natural hazards. Although this grant program is highly competitive, staff believes that the Sweetwater Branch Bank Stabilization Project is competitive.

**Recommendation:** The GRU Authority authorize the chair to execute a letter of support for the project grant application.



November 1, 2023

Mrs. Laura Dhuwe  
State Hazard Mitigation Officer  
Florida Division of Emergency Management  
2555 Shumard Oak Blvd.  
Tallahassee, FL 32399

Re: Letter of Support for Gainesville Regional Utilities Sweetwater Branch Bank Stabilization Project 2023

Dear Mrs. Dhuwe:

I am writing this letter on behalf of the Gainesville Regional Utilities (GRU) Authority to support the GRU Sweetwater Branch Bank Stabilization Project 2023 application to the Federal Emergency Management Agency (FEMA) for the 2023 Building Resistant Infrastructure and Communities (BRIC) and Flood Mitigation Assistance (FMA) programs.

The project is needed to address creek bank erosion which is occurring adjacent to the GRU Main Street Water Reclamation Facility (MSWRF). The MSWRF is a regionally significant critical asset that receives, treats, and reuses domestic wastewater from a population of approximately 65,000 people in the Gainesville area. The project will stabilize approximately 1,200 feet of creek bank along Sweetwater Branch, which will protect MSWRF from being undermined due to on-going erosion and/or major storm events as well as protect the safety of GRU and regulatory staff by providing safe access to the creek. The project will also reduce the release of sediment, which smothers downstream creek habitat and results in an accumulation of sediment at the Sweetwater Wetlands Park.

The GRU capital budget has funding to provide the local match required for the grant.

We appreciate the ongoing partnership with the Florida Department of Emergency Management and FEMA in protecting public health and safety and our natural environment.

Sincerely,

Craig Carter, Chair  
Gainesville Regional Utilities Authority





Gainesville Regional Utilities Authority  
**MINUTES**

**October 4, 2023, 6:00 p.m.  
City Hall Auditorium  
200 East University Avenue  
Gainesville, FL 32601**

Members Present: Craig Carter, James Coats, IV, Robert Karow, Eric Lawson

Members Absent: Tara Ezzell

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**A. CALL TO ORDER**

Interim City Clerk Kristen Bryant called meeting to order at 6:00 pm

**B. ADMINISTRATIVE ITEMS**

**1. 2023-938 Oath of Office for Authority Members (NB)**

City Attorney Dan Nee explained about the necessity of administering the oath of office.

Mayor Ward gave the oath of office to each member individually in the following order:

Craig Carter

James Coats

Robert Karow

Eric Lawson

**Recommendation:** City of Gainesville Mayor Harvey L. Ward, Jr. administer an oath of office to each Authority member individually.

**2. 2023-939 Election of Officers (NB)**

Kristen Bryant announced this item and turned the floor over to CEO/GM Cunningham.

GM spoke on how to conduct the election process and then had the members give a short bio. The members introduced themselves in the following order:

Craig Carter

Eric Lawson

James Coats

Robert Karow

Following the introductions, Member Coats nominated Member Carter for the role of Chair. Member Karow seconded - passed unanimously.

Chair Carter asked if anyone desired the position of Vice-Chair, and member Coats signaled that he did. Member Karow seconded, and the motion passed unanimously.

**Recommendation:** The City Clerk or her designee assist the Authority members in electing a chair and vice-chair.

**Amendment:**

**C. ADOPTION OF THE AGENDA**

Adopted with one modification - to have Chair Carter lead in prayer - passed unanimously. Chair Carter lead a prayer.

See special note in item 2023-940.

**D. GENERAL MANAGER COMMENTS**

GM made remarks about GRU's mission, community commitment and future topics for agendas

Spoke briefly about IRP, AMI, TRS, debt reduction

GM introduced GRU's Executive Team and each spoke about themselves

**E. BUSINESS DISCUSSION ITEMS**

**1. 2023-940 Code of Business Conduct, Bylaws and Meeting Logistics (B)**

Staff presented recommendations for meeting logistics, including:

One meeting per month:

Hold the next meeting at GRU if live stream available; if not, provide an alternative site

Hold meetings on the first Wednesday of each month at 5:30 p.m. in the GRU Multipurpose Room

Public comment on voting items

Member comment period

Minutes as required by state law

7 days public notice for the meeting

Adding a consent agenda

The board voted unanimously to accept staff's recommendations with the following changes:

Add a public comment period at the beginning of the meeting for non-agenda items.

Add live stream to documentation

Approved unanimously with above additions/changes.

Public Comment on the meeting logistics:

Debbie Martinez

Bob Chewning

Jim Konish

Bobby Mermer

Armando Grundy-Gomez

David Hastings

Austin Kee

Tyler Foerst

Special Note: After the prayer, the board didn't remember to adopt the agenda and the staff liaison failed to recognize the lapse. The City Attorney advised the board that they should vote on adoption of the agenda before voting on this matter and they voted unanimously to adopt the agenda.

Public Comment on adoption of the agenda: Jim Konish Armando Grundy-Gomez, Debbie Martinez, Angela Casteel

**Moved by** James Coats, IV  
**Seconded by** Robert Karow

**Recommendation:** Hear a presentation from staff and provide direction on meeting logistics.

Approved

**2. 2023-941 Overview of Sunshine Law, Ethics and Public Records**

City Attorney Dan Nee introduced Sean McDermott, to give a presentation on legal basics.

Member Coats inquired who the City Attorney reports to and what his qualifications are in utility matters. He asked further questions about whether the citizens of Gainesville own the utility. Mr. Nee addressed each question. He stated that the creation of the Authority is a unique situation and there will be issues that arise that have to be worked out. He encouraged the members to reach out to him at any time with any questions.

**Recommendation:** Hear a presentation from staff.

**F. MEMBER COMMENT**

Member Lawson - honor to be a member, looking forward to working with all of you

Chair Carter - Agrees with attorney that it will take time to get this board running appropriately and well

Vice Chair Coats - Thanked citizens, employees, city/county staff, city commission. Recommended that commission brush themselves off and know that GRU is in good hands.

Citizen comment period was added after member comment. Jim Konish, Armando Grundy-Gomez, Wilbur Holloway, Bobby Mermer spoke.

**G. ADJOURNMENT**

Adjourned 8:19

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Kristen J. Bryant, Interim City Clerk



**Gainesville Regional Utilities Authority  
Agenda Item Report**

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**File Number:** 2023-1073

**Agenda Date:** November 1, 2023

**Department:** Gainesville Regional Utilities

**Title:** 2023-1073 Recognition of 2023 TEAM Employee Award Winners (B)

**Department:** GRU/General Manager

**Description:** The employee group TEAM holds annual nominations for employee awards in various categories. GRU is proud to recognize this year's recipients.

**Fiscal Note:** None

**Explanation:** The employee group TEAM holds annual nominations for employee awards in various categories. Nominations can be made by peers, supervisors and others; in categories such as General Excellence and Innovation among others. The awards ceremony was held on October 24, 2023. GRU is proud to recognize this year's recipients.

**Recommendation:** Hear a presentation from staff.

# 2023 TEAM Employee Award Recipients

11/01/23





# Award Category: Customer Service



## Darcy Rosemond Staff Specialist at Deerhaven Generating Station



**Laura Voitle**

Business Services Administrative Coordinator





# Award Category: General Excellence

**Alan Martin, Darrell Moore, Carl Rehberg, Clint Watson,  
Shane McMillan, Lane Parrish, Elliot Valles and David Zwicker  
Deerhaven Renewable Fuel Yard**



**Jeff Fritz, Cheyenne Witt, Brooks Palmer, Joe Zebley, Tim  
Burnett, Zach Bembry, Michael Sleeper and JD Ogle**  
Deerhaven Plant Based Maintenance Team



**Xidan Zhou, Abbia Agyei and Jarnail Singh**  
Enterprise Data Team



## Rik Santos

Control Room Operator at Deerhaven Generating Station



**Hope Swindler**  
Staff Specialist in Energy & Business Services







# Award Category: Innovation

**Tony Smith, Ryan Wilson, Willie Dennis, Andy Abreu  
and Brian Mott**

Kelly Plan Operational Simulator





# Award Category: Leadership

## Ross Rogers

Plant Based Maintenance Leader at Deerhaven Generating Station



## Cody Thompson Control Room Operator at Deerhaven Renewable





**Thank you  
Employees!**



## Gainesville Regional Utilities Authority Agenda Item Report

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**File Number:** 2023-1061

**Agenda Date:** November 1, 2023

**Department:** Gainesville Regional Utilities

**Title:** 2023-1061 Presentation for Gainesville Regional Utilities Authority (GRUA) regarding the Interlocal Agreement between Alachua County and the City Of Gainesville for the Acquisition of the Trunked Radio System (B)

**Department:** GRU

**Description:** GRUCom and Alachua County Staff have been working to finalize the agreement for the sale of the public safety radio system.

**Fiscal Note:** \$8 million cash payment in return for the sale of the Trunked Radio System to Alachua County at closing.

**Explanation:**

GRU constructed the Public Safety Radio System in 1999 and has operated the system for all public safety agencies in Alachua County for more than 20 years.

In 2022, the Alachua County Commission and City of Gainesville agreed to enter into discussions to establish acceptable terms to sell the existing public safety radio system that would be beneficial to both parties and ensure continued operations and service continuity, along with the addition of more service locations in rural areas of Alachua County.

On June 22nd, 2023, the City of Gainesville approved the “Interlocal Agreement between Alachua County and the City of Gainesville for the Acquisition of the Trunked Radio System”. The Alachua County Board of County Commissioners also approved the agreement which outlined city and county staff’s fundamental terms intended to develop a purchase and sale agreement that would enable a transaction to sell the Trunked Radio System to Alachua County.

On September 26 and September 28, 2023, the Alachua County Commission and the City of Gainesville, respectively, agreed to extend the interlocal agreement until December 31, 2023, to provide staff additional time to finalize the sale agreement and present to the GRUA and the Alachua County Commission for approval.

**Recommendation:** The GRUA authorize the general manager to move forward with finalizing the Purchase and Sale Agreement of the Public Safety Radio System to Alachua County.



# Sale of the Public Safety Radio System to Alachua County

History, Summary and Staff Recommendation

# Agenda

- History of the system and milestone events
- Can we sell the Trunked Radio System?
- Why sell the system?
- Strategic considerations
- Negotiated Terms
- Benefits and fiscal impact
- Staff recommendation

- **GRUCom = Telecommunication provider**
- **Trunked Radio System (TRS) = Public safety radio system used throughout Alachua County**
- **RMB = Radio Management Board**
- **P25 = Digital platform for public safety**
- **CCC = Combined Communications Center**

## History

- 1999 - GRUCom began design build of system
- County decided to join the city system
- 20-year inter-local agreement executed
- Agreement created a Radio Management Board (RMB)
- 2015 - RMB wanted the system upgraded to P25
- 2017 – city and county jointly funded two studies
  - Existing system needs
  - Additional user and system expansion needs

## History Continued...

- **Recommendations from studies**
  - New governance structure
  - Re-evaluating the terms of the inter-local agreements
  - Develop a sustainable funding mechanism (noted \$7 million loss projected through 2021)
- **2018 - GRUCom upgraded the existing PSRS to a P25 digital platform**
- **City and county commissions expressed support to provide funding when agreement expires**
- **2020 - GRUCom proposes solution, no other alternative proposals offered**

## History Continued...

- **2020** – GRUCom implements terms and conditions after inter-local agreement expires, bills customers
- **2021** – County and city 164 resolution process, costs accepted, no resolution to expansion for county, most bills paid
- **2021** – County wants to talk about purchasing system, outlines issues:
  - County is interested in owning or building one county system for all municipalities and other users
  - Both parties agreed that it doesn't make sense to duplicate the current system
  - Letters exchanged by BOCC chair and mayor agreeing to discuss sale of the system

## **Position on ability to sell...**

### **Question:**

Whether the sale or disposal of the Trunked Radio System for Public Safety would materially reduce the capacity of GRUCom to distribute telecommunications services, which would require the City Commission to hold a referendum prior to transferring the Trunked Radio System to the County or other governmental entity.

### **Response:**

If the sale or disposal of the Trunked Radio System for Public Safety does not materially reduce GRUCom's capacity to distribute telecommunications services, then no referendum is required.

### **Further:**

All of GRUCom's current telecommunications service facilities and capabilities would remain available to support all commercial products and services even after the sale or disposal of the Trunked Radio System.

## Why Sell?

- A county-owned model is standard and funded through varying models
- GRU was the exception
- Public safety is a top priority throughout our community
- Precedence with Combined Communications Center (CCC)
- Remove GRU's burden to fund the system



## Strategic Considerations

- **Staff recognized an opportunity to:**
  - Recover a significant payment against debt
  - Support continued performance of the system
  - Stabilize and lower expenses in the near term
  - Potentially lower longer-term costs
  - Maintain flexibility for emerging communications technologies
- **Payment from a sale of the system will reduce GRUCom's debt**
- **Allows GRUCom to focus on core products and services**

## Results of City and County Staff Discussions

- **Basis of discussions was to establish acceptable terms that:**
  - Would be beneficial to both parties
  - Ensure continued operations and service continuity
  - Enable service locations in rural areas of Alachua County
- **Approved offer is \$8 Million**
- **Alachua County agreed payments from all users will remain fixed for five years**
  - The city's payments for service are currently \$937,433 for the city and \$164,677 for GRU
  - The city's payments will be \$750,000 in years 3,4 & 5 for a savings of approximately \$563,165 over the term

## Benefits of the Agreement

The proposed transaction would accomplish these primary objectives for GRU and the city:

- **\$8 million cash for GRUCom debt relief over time**
- **Reduce GRUCom operating expenses by approximately \$1.4 million annually**
- **Retain revenue from Tower Leasing and Data Services provided to the system (\$305K+ annual)**
- **Reduce the cost of service to the city by approximately \$563K during 5-year term, with the opportunity for lower costs in future years**
- **Support continued performance of the system for Public Safety across the county**

## Fiscal Considerations

**\$8 million payment in return for the sale of the Trunked Radio System to Alachua County effective January 2023**

**The net book value of the assets is \$3.2 million**

- **Outstanding debt on TRS assets is \$10.4 million**
- **Payments for service from all users will remain fixed for five years, with potential lower costs beyond the term**

## Recommendation...

- GRUA authorize the general manager to move forward with finalizing the Purchase and Sale Agreement of the Public Safety Radio System to Alachua County.

**File Number: 2023-1062**

**Agenda Date:** November 1, 2023

**Department:** Gainesville Regional Utilities

**Title: 2023-1062 Bond Validation Process (B)**

**Department:** GRU/Budget, Finance and Accounting

**Description:** This item is related to execution of a bond validation process to validate the legal right of the Gainesville Regional Utility Authority (the Authority) to undertake actions necessary to administer GRU's debt portfolio.

**Fiscal Note:** An unsuccessful bond validation could result in potential increased costs to the utility through:

- Costs associated with potential rating changes
- Costs associated with the inability to renew/replace liquidity facilities

A successful bond validation will enable GRU to execute financial transactions effectively and efficiently.

**Explanation:** The purpose of a bond validation process is to determine if a public body has the authority to issue bonds under the Florida constitution and statutes, decide whether the purpose of the obligation is legal, and to ensure that the authorization of the obligations complies with the requirements of law. Such a validation would preclude any future challenges related to all matters subject to the validation, and will facilitate GRU accessing capital markets by establishing the ability of the Authority to issue bonds, incur debt and enter into swaps.

This process should not be interpreted as a challenge to invalidate the Authority. Given the significant transition in governance introduced by House Bill 1645, which became law, validation is a financially prudent process that should be seen as a companion undertaking to the legislation creating the Authority.

**Recommendation:** The Authority approve GRU to move forward with the bond validation process.



# Bond Validation

November 1, 2023

# Bond Validation

## Overview

- This is NOT to invalidate the Authority; only for risk mitigation going forward
- House Bill 1645, which became law on July 1<sup>st</sup>, established the Gainesville Regional Utilities Authority (GRUA)
- The new law has specific language to allow for a bond validation
- This bond validation process is to validate the **legal right** of the Authority to govern a debt portfolio of \$1.8 billion and the portfolio's costs and related legal and regulatory requirements through the court system
- This process will also validate the ability of the Authority to set rates, fees and charges
- At the end of this process, the Authority will have a **court supported opinion** to govern GRU's finances and operations going forward without disruptions and distractions of additional lawsuits and challenges
- GRU's banking relationships, counterparties, rating agencies, and investors are requesting that this be completed so that there are no challenges to Authority decisions going forward



## Overview

- Once the Authority approves the bond validation, GRU will prepare an estimated timeline for completion and the steps to be taken
- GRU will keep the Authority apprised of the progress
- Authority comments and actions are closely watched by the investing community (rating agencies, banks, investors)
  - Given the history of the creation of the Authority and recent lawsuits, this is expected to be a public process in both the media and general public
- Appendix contains a draft of steps in this process

# Bond Validation

## Pass or Fail

- If the bond validation is unsuccessful:
  - Rating agencies, investors, and counterparties require this for future debt transactions, to continue to fund GRU's capital infrastructure needs we must move this forward
  - If it fails, it could result in increased costs to GRU due to rating changes which could then affect costs under its existing liquidity/ credit facilities, impacts under the existing swaps and collateral posting requirements and the inability to access the capital markets
  - If replacement liquidity/ credit facilities are unable to be obtained the amounts secured by such facilities could be immediately payable or payments accelerated over a five year period at increasing levels of interest costs
  - It would also affect the ability to issue new bonds and refinance existing outstanding bonds at lower interest rates
  - Additional costs to GRU would potentially be in the millions

# Bond Validation

- If the bond validation is successful:
  - GRU will be able to execute financial transactions effectively and efficiently (currently cannot do so)
  - Risk will be mitigated related to disruptions and distractions of additional lawsuits and challenges
  - Provides additional legal protection

# Barclays' Credit Facility Renewal

## Recommendations

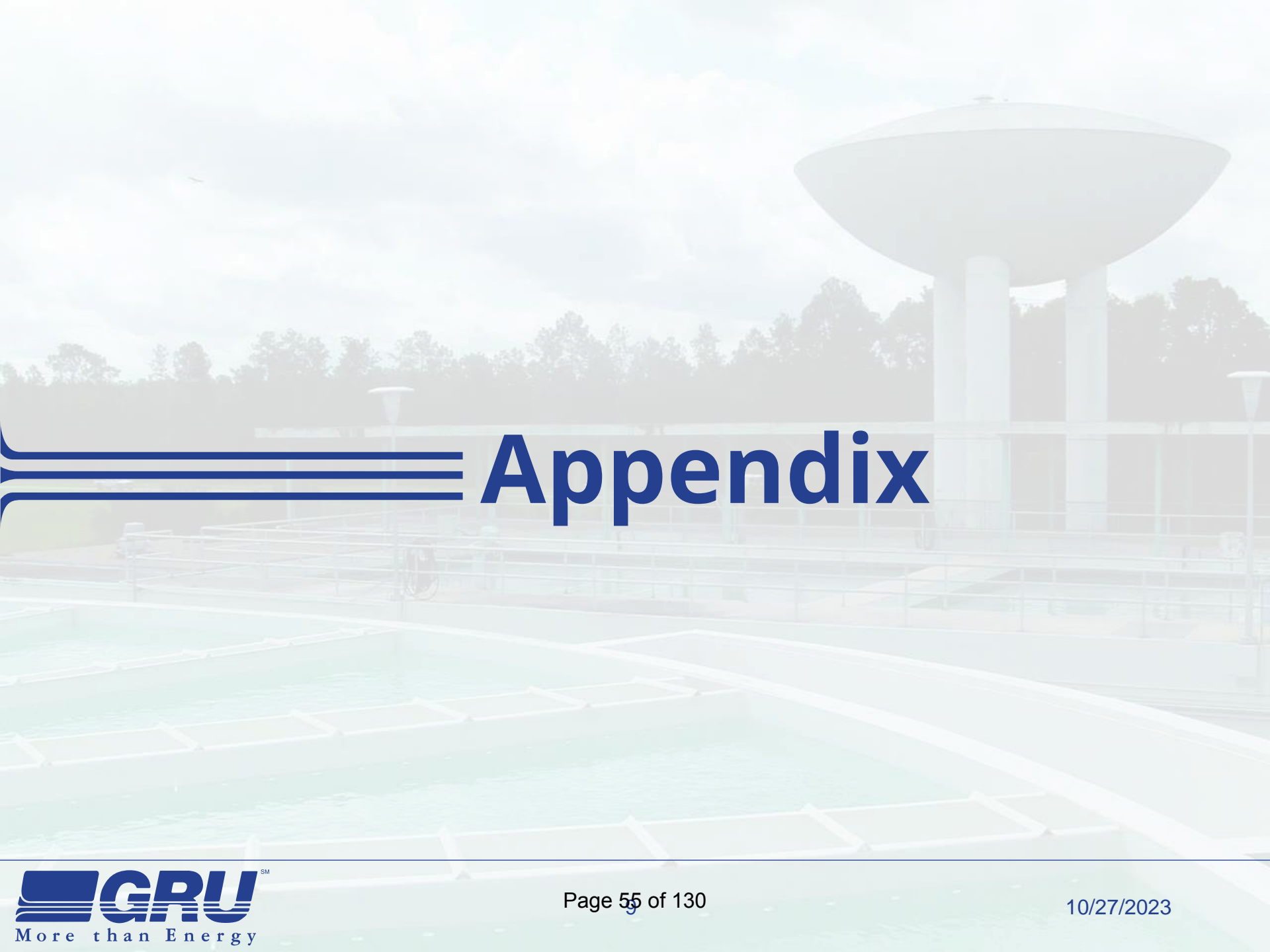
- Bond validation
  - Authority approves GRU to move forward with the bond validation process



# Questions?



**Thank you!**



# Appendix

## Overview

- The validation process provides legal certainty to the Board that they can issue debt and approve rates. Provides certainty to GRU's creditors, rating agencies and others that the Board can continue to manage costs on existing debt.
- The validation is a public court hearing which provides an expedited process allowing the circuit court to hear the case quickly and any appeals to go directly to the Florida Supreme Court, bypassing the appellate courts.



## Overview

- The purpose of a bond validation is to determine if a public body has the authority to issue such bonds under the Florida constitution and statutes, to decide whether the purpose of the obligation is legal, and to ensure that the authorization of the obligations complies with the requirements of law.
- A judgment validating bonds or other obligations may include validation of the proceedings authorizing the issuance of the obligations and the revenues pledged. Fla. Stat. § 75.09.

## Overview

- A validation would preclude any future challenges as to all matters subject to the validation, including by all property owners, taxpayers and citizens of the City, and all others having or claiming any right, title or interest in property to be affected by the issuance of said bonds.
- A bond validation will give certainty as to the authority of the Gainesville Regional Utilities Authority to incur debt and enter into swaps and preclude future challenges on all matters subject to the validation.

## Overview

- The bond validation will provide certainty to holders of existing GRU debt, credit facility providers and swap providers and counsel to render the necessary opinions in connections with new and existing obligations of GRU.
- It will allow for GRU to access the capital markets and negotiate private placements with banks and other credit and swap counterparties without a cloud of uncertainty that could bar future access to the markets, renewals of existing credit facilities or result in increased costs.

## Process and Timing

- The validation could take up to 6 months depending on anyone intervening at the trial court level. If appealed to the Florida Supreme Court it could be a year.
- Generally the steps for the validation:
  - Resolution adopted by the Gainesville Regional Utilities Authority (the “Authority”) for a small bond issue.

## Process and Timing

- Schedule hearing with circuit court and the court issues an order against the State and citizens to appear in the circuit court
- File complaint with Court
- A copy of the complaint and order is served on the State Attorney at least 20 days before the time fixed for hearing

## Process and Timing

- The City Clerk must publish a copy of the order in the county where the complaint is filed, at least once each week for 2 consecutive weeks, commencing with the first publication, which shall not be less than 20 days before the date set for hearing but if there is a newspaper published in the territory to be affected by the issuance of the bonds or certificates, and in the county or counties the publication shall be therein unless otherwise ordered by the court.

## Process and Timing

- State files its answer and the Authority may respond to the answer filed from the State.
- Any citizen has a right to show up to the hearing to intervene. By publication all property owners, taxpayers, citizens, and others having or claiming any right, title or interest in the county, municipality or district, or the taxable property therein, are made parties defendant to the action and the court has jurisdiction of them to the same extent as if named as defendants in the complaint and personally served with process.

## Process and Timing

- Hearing and judgment of Circuit Court.
- Any party to the action whether plaintiff, defendant, intervenor or otherwise, dissatisfied with the final judgment who has appeared at the circuit court level, may appeal to the Supreme Court



**File Number: 2023-1063**

**Agenda Date:** November 1, 2023

**Department:** Gainesville Regional Utilities

**Title: 2023-1063 Renewal or Replacement of Liquidity Facilities (B)**

**Department:** GRU/Budget, Finance and Accounting

**Description:** This item is related to the Gainesville Regional Utility Authority (the Authority) acknowledging that GRU is moving forward with the renewal or replacement of liquidity facilities that have scheduled termination dates in May of 2024.

**Fiscal Note:** Failing to renew or replace these liquidity facilities would require GRU to develop an alternative method to provide approximately \$105 million in cash to pay bond holders who present maturing bonds for repayment.

**Explanation:** GRU currently holds three series of variable rate demand obligations which mature on a daily basis: Series 2005C, Series 2006A and Series 2012B. These variable rate bonds, which total approximately \$105 million in principal, are remarketed every day with the proceeds of the remarketing used to pay bondholders who present their bonds for repayment. Each of these bond series is supported by liquidity facilities provided by Barclays Bank. Under the terms of these facilities, in the event of a failed remarketing Barclays agrees to provide funds to repay bondholders. It is not feasible to administer a variable rate bond program without use of these facilities. In the case of these specific bonds, the supporting liquidity facilities have scheduled termination dates in May of 2024. Given the time required to consummate a facility renewal or replacement process time is of the essence for initiating the process for renewal or replacement of the facilities.

**Recommendation:** The Authority accept notification that GRU is moving forward with renewal or replacement of liquidity facilities that have a scheduled termination date of May 2024.

# Renew or Replace Liquidity Facilities May 2024

November 1, 2023

# Utilizing Variable Rate Debt

## Renewing or Replacing the Underlying Credit Facility

- Maintaining credit facilities is mandatory for administering a variable rate debt program
- Credit facilities provide funds to pay investors' principal in the event the variable rate bonds (1) mature or are (2) redeemed by the investor prior to maturity
- Credit facilities provide the required funds to the investor to purchase the bonds in the event there is a market disruption that prevents "business as usual"

Series	Series Type	Provider	Term Date	Fee	Remarketing Agent	Par
2005 C	Daily VRDO	Barclays	5/17/2024	54 bps	JPMorgan	3,090,000
2006 A	Daily VRDO	Barclays	5/17/2024	54 bps	Goldman	2,985,000
2012 B*	Daily VRDO	Barclays	5/17/2024	54 bps	JPMorgan	98,610,000
2018 A (LOC)	Tax-Exempt LOC	Truist	11/30/2024	25 bps	NA	25,000,000
2019 C	Daily VRDN	Bank of America	4/25/2025	34 bpts	BofA	67,355,000
2020 A (LOC)	Taxable LOC	Truist	4/29/2024	30 bps	NA	50,000,000
2022 AB Revolving Line of Credit	A Tax Exempt B Taxable	US Bank	4/29/2025	17 bps	N/A	150,000,000

# Barclays' Credit Facility Renewal

## Why are Credit Facilities Necessary?

- GRU has 3 facilities that will expire in May of 2024
  - Provided by Barclays Bank
  - Barclays indicated they will not renew facilities without GRUA's governance clarity
  - Failure to renew or replace these facilities could result in a Default
- GRU has options to address the expiration of the Barclay's facilities that will be explored

# Wrap-up

- GRU's debt composition is complicated
- While complicated, these programs and efforts have historically saved GRU's ratepayers with lower costs while managing additional risks
- GRU Budget, Finance, and Accounting will provide additional presentations and information on GRU's debt during the fiscal year 2025 budget process
- GRU periodically will bring debt transactions to the Authority for approval such as new money issues, renew/replacement of liquidity facilities, savings opportunities

# Barclays' Credit Facility Renewal

## Recommendations

- Liquidity facilities:
  - Authority accepts notification that GRU is moving forward with renewal or replacement of liquidity facilities options that have a scheduled termination date of May 2024



# Questions?



**Thank you!**





**Gainesville Regional Utilities Authority  
Agenda Item Report**

---

**File Number:** 2023-1064

**Agenda Date:** November 1, 2023

**Department:** Gainesville Regional Utilities

**Title:** 2023-1064 Request for Approval of FY25-26 Budget Calendar (B)

**Department:** GRU/Budget, Finance and Accounting

**Description:** This item is a request for the board to approve GRU's draft FY25-26 budget calendar.

**Fiscal Note:** None

**Explanation:** Staff has drafted a tentative schedule of budget meetings for the FY25-26 budget season and is presenting it for the board's approval.

**Recommendation:** The Authority approve the FY 25-26 budget calendar.

# FY'25-'26 Budget Calendar

Nov. 1, 2023



# Budget Calendar

## ■ November 2023

- Approve budget calendar (Nov. 1)

## ■ January 2024

- Cash, Liquidity and Reserves (Date TBD)
- Debt Overview for Budget (Date TBD)

## ■ April 2024

- Customer, Sales & Revenue Forecasts (Date TBD)

## ■ May 2024

- Proposed FY25 O&M/Capital Budget (Date TBD)
- Proposed Fuels Budget/FA; Millage and Levelization Process; Connection Charges; Lighting Rates (Date TBD)

## ■ June 2024

- GM Presents Final Budget for Approval (Date TBD)
- Authority Presents Budget to Commission (Due by 7/1/2024)

## ■ September 2024

- Authority Establishes Rates and Budget



**Gainesville Regional Utilities Authority  
Agenda Item Report**

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**File Number: 2023-1065**

**Agenda Date:** November 1, 2023

**Department:** Gainesville Regional Utilities

**Title: 2023-1065 Approval of Code of Business Conduct for the Gainesville Regional Utilities Authority (B)**

**Department:** GRU/Communications

**Description:** The Authority is required to adopt a code of business conduct as a framework for conducting public meetings. Staff has drafted a document for the board's review and approval.

**Fiscal Note:** None

**Explanation:** The Authority is required to adopt a code of business conduct as a framework for conducting public meetings. Staff has drafted a document for the board's review and approval and presents it today for discussion by the board.

**Recommendation:** The Authority discuss the draft code of business conduct and adopt as is or provide direction to staff on changes.



*DRAFT*

UTILITY AUTHORITY  
**CODE OF BUSINESS  
CONDUCT MANUAL**

**GAINESVILLE  
REGIONAL  
UTILITIES**

*Version 1, November 1, 2023*

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# 1. General

## 1.1 Purpose

The purpose of this Code of Business Conduct Manual (“Manual”) is to provide Gainesville Regional Utilities Authority (“Authority”) Members (“Members”) background and guidance on how the Authority and individual Members shall operate. Much of the initial content of this Manual comes from the language of House Bill-1645 (HB-1645), which established the Authority. This Manual will be periodically updated and augmented as necessary.

If any portion of this Manual conflicts with rules, regulations, or legislation having authority over the Authority, said rules, regulations, or legislation shall prevail.

## 1.2 Establishment

HB-1645 established the "Gainesville Regional Utilities Authority" ("Authority"). Gainesville Regional Utilities shall be governed by the Authority upon installation of the Authority's Members pursuant to the Bill. The Authority shall operate as a unit of city government and, except as otherwise provided in this article, shall be free from direction and control of the Gainesville City Commission. The Authority is created for the express purpose of managing, operating, controlling, and otherwise having broad authority with respect to the utilities owned by the City of Gainesville.

## 1.3 Definitions

For the purposes of this Manual, unless otherwise designated, or the context otherwise requires, the following terms have the following meanings:

Authority	Gainesville Regional Utilities Authority
City	City of Gainesville
City Commission	Gainesville City Commission
County	Alachua County
Customer	A person or an entity that makes application for and is supplied with service by GRU for its ultimate use
Flow of funds <sup>1</sup>	The sum of required debt service, necessary operations and management expenses, a reasonable contribution to a utility plan improvement fund, identified service-level agreement (SLA)-related losses, and any other lawful purpose as provided in bond covenants.
Gainesville Regional Utilities Authority	The “Authority,” which are the Members together that govern GRU
Government services contribution (GSC)	The portion of revenues generated from rates, fees, assessments, and charges for the provision of utility services by the utility system which is annually transferred by the Authority to the City for use in funding or financing its general government municipal functions

<sup>1</sup> The definition of flow of funds and net revenue in HB-1645 is different than GRU's bond resolution. Until such point that this can be adjusted, GRU will utilize the bond resolution as its governing document for flow of funds. This is required for GRU's bond holders.



GRU	Gainesville Regional Utilities
House Bill-1645	HB-1645 – the Bill that established the Authority
Member	A member of the Authority
Net revenues	The gross revenues less fuel revenues; refer to “Flow of funds” definition and associated footnote on previous page
Service-level agreement (SLA)	A contract entered into by the Authority that establishes a set of deliverables that one party has agreed to provide another
Utilities	The electric utility system, water utility system, wastewater utility system, natural gas utility system, telecommunications utility system, and such other utility systems as may be acquired by GRU in the future

## 1.4 Powers and Duties

The Authority shall have the following powers and duties, in addition to the powers and duties otherwise conferred in HB-1645:

- 1.5.1 To manage, operate, and control the utilities through the Chief Executive Officer/General Manager (CEO/GM), see Section 3, and to do all things necessary to effectuate an orderly transition of the management, operation, and control of the utilities from the City Commission to the Authority, consistent with HB-1645.
- 1.5.2 To establish and amend the rates, fees, assessments, charges, rules, regulations, and policies governing the sale and use of services provided through the utilities.
- 1.5.3 To acquire real or personal property and to construct such projects as necessary to operate, maintain, enlarge, extend, preserve, and promote the utility systems in a manner that will ensure the economic, responsible, safe, and efficient provision of utility services, provided that title to all such property is vested in the City.
- 1.5.4 To exercise the power of eminent domain pursuant to Chapter 166, Florida Statutes, and to use utility funds to appropriate or acquire property, excluding federal or state property, for the purpose of obtaining, constructing, and maintaining utility facilities, provided that title to all such property is vested in the City.
- 1.5.5 To authorize the issuance of revenue bonds and other evidence of indebtedness of the City, secured by the revenues and other pledged funds and accounts of the utility system, pursuant to Florida law. Upon resolution of the Authority establishing the authorized form, terms, and purpose of such bonds, for the purpose of financing or refinancing utility system projects, and to exercise all powers in connection with the authorization of the issuance, and sale of such bonds by the City as conferred upon municipalities by Part II of Chapter 166, Florida Statutes, other applicable state laws, and Section 103 of the Internal Revenue Code of 1986. Such bonds may be validated in accordance with Chapter 75, Florida Statutes. The Authority may not authorize the issuance of general obligation bonds. Such bonds and other forms of indebtedness of the City shall be executed and attested by the officers, employees, or agents of the City, including the Chief Executive Officer/General Manager or Chief Financial Officer of the utility system, the Authority has so designated as agents of the City. The Authority may enter into hedging agreements or options for the purpose of moderating interest rates on existing and proposed indebtedness or price fluctuations of fuel or other commodities, including agreements for the future delivery thereof, or any combinations thereof.

- 1.5.6 To dispose of utility system assets only to the extent and under the conditions that the City Commission may dispose of such assets pursuant to Section 5.04 of Article V of the City Code.
- 1.5.7 To prepare and submit to the City Commission, at least three months before the start of the City's fiscal year, an annual budget for all Authority and GRU operations, including the amount of any transfer to the City. The term of the budget shall coincide with the City's fiscal year. The amount of any transfer is subject to the limitations specified in HB-1645.
- 1.5.8 To appoint, direct, and remove a General Manager or Chief Executive Officer. Authority Members shall not direct Employees.
- 1.5.9 To recommend, by resolution to the City Commission, the acquisition and operation of a utility system not owned or operated by GRU as of the date of transfer of governing authority to the Authority.

## **1.5 Policy Review Frequency**

The Authority shall develop and review this Manual, including the ethics policy and a code of business conduct at least biennially.

## **1.6 Referenced Documents**

Within this Manual, there are various referenced documents – for instance, GRU's Procurement Policy, Travel Procedures, and Travel Workbook. Any documents referenced in this Manual are available from the General Manager's office upon request.

## 2. Governance

### 2.1 Oath

Before taking office for any term, each Member shall be given an oath or affirmation by the Mayor or their designee, similar to the oath or affirmation required of a Member of the City Commission.

### 2.2 Strategic Plan

The Authority will oversee implementation of the Strategic Plan, which includes GRU's Mission, Vision, Culture, and Strategic Objectives. The Strategic Plan shall be reviewed annually and updated at a minimum every five years, or more frequently if deemed necessary by the Authority. The Strategic Plan will establish specific goals and objectives and define measures of effectiveness for GRU.

### 2.3 Ethics

Members of the Authority are subject to the "Code of Ethics for Public Officers and Employees (Chapter 112, Part III, Florida Statutes). The purpose of this Code of Ethics is to protect the integrity of the government by ensuring that public officials conduct themselves efficiently and faithfully and according to the highest standards of ethics.

### 2.4 Code of Conduct

This Authority commits itself to lawful and ethical conduct, following the Florida law and City Ordinances. Authority Members shall comply with the following principals and standards at minimum:

- Members shall comply with the Florida Sunshine Law.
- The dignity, values, culture, and opinions of each Member shall be respected.
- Members shall be prepared for meetings and contribute their input to the decisions at hand.
- Members shall develop a working relationship with the CEO/GM.
- Members shall treat citizens with courtesy and respect.
- When considering items related to safety, concerns for safety or hazards shall be reported to the CEO/GM.
- When approached by GRU personnel concerning specific policy or operation items, Members shall direct the personnel to the CEO/GM.
- When approached by vendors or contractors, Members shall direct them to the CEO/GM.

#### 2.4.1 Conflicts of Interest

Authority Members are required to avoid conflicts of interest. These conflicts extend to the Member's immediate family (spouse, children, parents). This includes, but are not limited to:

- No Member shall be an employee of GRU.
- No Member shall vote on any measure which provides them special gain or to the special gain of any principal by who they are retained.
- No Member shall have business dealings with an entity that might reasonably seem to represent a conflict of interest.
- No Member shall have a have a contractual relationship with GRU (directly or indirectly) during their tenure and for 2 years following the end of the Member's time serving the Authority.

If a conflict arises on an issue which a Member has an unavoidable conflict of interest, that Member shall notify the City Authority ahead of the meeting and declare the conflict publicly. The Member shall recuse themselves from deliberation on the item and withdraw without comment from the vote.

Members who have any question about the appropriateness of their conduct should consult with the City Attorney for more information.

## 2.5 Purchases Requiring Authority Approval

Per GRU policy, every purchase of an item of materials, equipment, services, and extensions to existing contracts with a value greater than \$100,000 shall require approval by the Authority, except for the following:

- Any adjustment to a contract or purchase order previously approved by the Authority which does not increase the cost more than ten (10%) percent of the previously approved amount.
- Purchases of fuels used in operating plants and equipment or for the delivery of customer services, including petroleum products and fuel oil for generation; coal meeting environmental requirements at the lowest delivered price per BTU available and the transportation thereof; and natural gas and liquefied petroleum gas at the lowest delivered price per BTU available and the transportation thereof; also natural gas rebates.
- Purchases of materials, equipment or services used for the operation and maintenance of utility plants, distribution and collection facilities, substations, lift stations, gate stations, and purchases of standard materials.
- Purchases for the repair and maintenance of system-wide computer software and hardware.
- Purchases for or related to the expansion, operation or maintenance of the fiber optic or other telecommunication systems and contracts for telecommunication access, transport, and other services.
- Purchases for maintenance of fleet equipment and used vehicles.
- Materials, equipment or services purchased under public agency cooperative purchasing contracts, agreements or consortiums.
- Utility services when the subject utility is the only available source of such service.
- Emergency purchases as defined in this policy.
- Purchases and contracts for construction projects when the cost of the construction project does not exceed \$300,000.

Reports shall be made to the Authority of any purchase of materials, equipment or services greater than \$100,000 for which Authority approval has not been obtained.

Reports shall be made to the Authority of any Bid Protest for purchases that do not require approval of the Authority.

## **3. Management and Personnel**

### **3.1 General Manager**

A Chief Executive Officer/General Manager (CEO/GM) shall direct and administer all utility functions, subject to the rules and resolutions of the Authority. The CEO/GM shall serve at the pleasure of the Authority. Appointment or removal of the CEO/GM shall be by majority vote of the Authority. Until such time as the Authority appoints a CEO/GM, the sitting General Manager (GM) of GRU shall serve as the CEO/GM. A sitting Member of the Authority may not be selected as the CEO/GM.

### **3.2 Salary**

The Authority shall fix the salary of the CEO/GM, and the CEO/GM shall fix the salaries of all other employees who serve under their direction consistent with the annual budget approved by the Authority.

### **3.3 Employee Rights and Benefits**

All officers and employees of the City who serve under the supervision and direction of the sitting GM of GRU shall serve under the CEO/GM. The CEO/GM shall have the exclusive authority to hire, transfer, promote, discipline, or terminate employees under his or her supervision and direction.

The sitting GM of GRU, as well all officers and employees of the City, who by virtue of HB-1645, become subject to the supervision and direction of the CEO/GM, shall continue without any loss of rights or benefits as employees under the pension plans and civil service merit system of the City existing as of the creation of the Authority.

## 4. Authority Organization

### 4.1 Authority Members

There shall be five members of the Authority appointed by the Governor. Each Member shall be a person of recognized ability and good business judgment as identified by the Governor who is expected to perform their official duties in the best interests of GRU and its customers. Appointments shall be made as follows:

- One Member shall be a residential customer with substantial knowledge of GRU, its operations, and its history.
- One Member shall be a private, nongovernment customer consuming at least 10,000 kilowatt hours per month of electric usage during each of the previous 12 months. This Member may be the owner or representative of the customer.
- Three Members shall be competent and knowledgeable in one or more specific fields substantially related to the duties and functions of the Authority, including, but not limited to, law, economics, accounting, engineering, finance, or energy.

All Members of the Authority shall:

- Maintain primary residence within the electric service territory of GRU's electric utility system.
- Receive GRU electric utility system service at all times during the term of appointment.
- Not have been convicted of a felony as defined by general law.
- Be a qualified elector of the City, except that a minimum of one Member must be a resident of the unincorporated area of the county or a municipality in the county other than the City of Gainesville.

The composition of the Authority shall be adjusted upon expiration of any Member's term, or upon any Authority vacancy, to reflect the ratio of total electric meters serving GRU electric customers outside the City's jurisdictional boundaries to total electric meters serving all GRU electric customers. For example, upon expiration of a Member's term or upon an Authority vacancy, if the ratio of total electric meters serving customers outside the City boundaries to total electric meters serving all electric customers reaches 40 percent, the Governor must appoint a second Member from outside the City boundaries to serve the next term that would otherwise be served by a qualified elector of the City. Conversely, upon expiration of any Member's term or upon any Authority vacancy, if the ratio subsequently falls below 40 percent, the Governor must appoint a qualified elector of the City to serve the next term that otherwise would have been served by a resident from outside the City boundaries.

### 4.2 Member Nominations and Terms

The Governor shall have a citizen nomination solicitation period for at least 30 days and appoint Members for subsequent terms from among the nominees. Members appointed for subsequent terms shall be appointed for 4-year terms commencing at 12 a.m. on October 1 of the year in which they are appointed. If a Member is appointed to complete an unexpired term, the Member's term shall commence at the time of appointment and shall continue through the remainder of the unexpired term.

The Governor shall fill any vacancy for the unexpired portion of a term within 60 days after the vacancy occurs if the remainder of the term exceeds 90 days.

### 4.3 Authority Officers

The first official action of the Authority shall be election of a Chairperson and a Vice Chairperson from among its membership. The election of a Chair and Vice Chair shall be revisited annually in October as new Members join the Authority.

## **4.4 Removal and Suspensions of Members**

A Member may be removed or suspended from office by the Governor in accordance with Chapter 112.501, Florida Statutes. In addition to the grounds for removal set forth therein, a Member may be removed by the Governor for failure to maintain the qualifications specified in Section 7.04 of HB-1645.

The Authority may recommend to the Governor that a Member be removed or suspended from office if it finds, by vote of at least three Members, a reasonable basis for removal or suspension on one or more of the grounds set forth in Chapter 112.501, Florida Statutes, or for failure to maintain the qualifications specified in Section 7.04 of HB-1645. The Authority shall give reasonable notice of any proceeding in which such action is proposed and must provide the Member against whom such action is proposed a written statement of the basis for the proposed action and an opportunity to be heard. The Member against whom such action is proposed may not participate in the Authority's debate or vote on the matter.

## **4.5 Travel & Compensation**

Beginning October 1, 2023, necessary expenses of Members incurred in carrying out and conducting the business of the Authority shall be paid in accordance with Authority rules and bylaws in this Manual, subject to the approval of a majority of the Members of the Authority. No supplemental benefits shall be provided for a Member position.

### **4.5.1 Expenses**

Authority Members shall submit documentation of any expenses related to carrying out and conducting business of the Authority for reimbursement as established in GRU's Administrative Guidelines – Section IV: Miscellaneous Special Events and Business Expenses.

### **4.5.2 Travel Policy**

Authority Members shall comply with GRU's Travel Procedures and Travel Workbook when carrying out and conducting business of the Authority.

## 5. Meeting Structure

### 5.1 Meeting Arrangements

The GRU GM or their designee shall be responsible for arranging meetings of the Authority, and for providing adequate advance notice.

### 5.2 Frequency

The Authority shall meet at least once each month, except in case of unforeseen circumstances. All meetings of the Authority shall be noticed and open to the public, and minutes shall be kept as required by law, except that meetings related to settlement of then existing litigation may be held as allowed by law.

### 5.3 Attendance

Any Member of the Authority who has had three or more consecutive absences from regular monthly meeting shall be considered to be in "neglect" of duty.

#### 5.3.1 Appeal of Neglect of Duty Determination

A Member determined to be in neglect of duty as described above may appeal to the full Board at a regular monthly meeting and request approval of the three consecutive absences.

#### 5.3.2 Notification of Neglect

Should a Member be in neglect of duty as defined herein, the appointing Authority shall be notified.

### 5.4 Public Comment

During each general public comment period and during each agenda item, the public shall be given an opportunity to comment.

General public comment shall be limited to items not on the agenda. Public comment on agenda items shall be limited to the item under consideration by the Authority. A person who has addressed the Authority during one general public comment period in a meeting will be recognized by the Chair to speak after other persons who have not spoken are given the opportunity to address the Authority, time permitting.

Any person desiring to address the Authority shall first request recognition by the Chair. After being recognized, the person (1) shall give his/her name in an audible tone of voice; (2) shall limit the address to any time limitation established; and (3) shall address all remarks to the Authority as a body and not to any Member thereof. No person other than a Member of the Authority and the person having the floor for comment shall be permitted to speak without permission of the Chair. No question shall be asked except through the Chair.

The public comment period shall allow for up to three minutes per person per agenda item. Other time limits may be established by the Chair based on the number of participants. In addition, the Chair may adopt a time limitation to provide equal time for opponents and proponents speaking to any particular issue.

### 5.5 Order of Business

Call to Order. The order of business at Regular Meetings shall be as follows, except as modified by the Authority during the adoption of the agenda for that meeting:



- Call to Order
- Roll Call
- Invocation
- Pledge
- General Public Comment (for items not on the agenda; not to exceed 30 minutes total)
- Approval of Consent Agenda
- Adoption of Agenda
- Approval of Minutes of Previous Meeting
- Member Comment
- Adjournment

## 5.6 Agenda

The Agenda and backup materials shall be provided to the Authority Members five days before the meeting.

## 5.7 Minutes

The Authority shall record, store, approve, and make publicly available minutes from all its meetings.

## 5.8 Rules of Order

Authority meetings will be conducted in an orderly and fair process consistent with the requirements of Florida law, Ordinances of the City of Gainesville and these governance rules and bylaws.

Meetings will be led by the Chair, or, in the absence of the Chair, the Vice-Chair, or, in the absence of both, by the Chair's designee.

Authority meetings will be conducted with punctuality and order.

- Authority meetings shall be called to order at the time specified in the notice of meeting and upon satisfaction of a quorum.
- Meeting order shall be maintained and all Members treated with dignity, respect, courtesy, and fairness during discussion and debate and in all other respects.
- Authority Members must keep their comments relevant to the issue under consideration.
- In order to conduct business, a quorum of three Authority Members must be present. Three affirmative votes are required to decide all motions before the Authority regardless of the number of Members in attendance.

Authority meetings will be conducted in accordance with the agenda by the Chair, unless a change is approved by the Authority during the meeting.

- Each Member desiring to speak shall address the Chair.
- Discussion of a matter not on the previously distributed agenda may occur only after Authority consent that the matter be heard.
- Proposals that the Authority take action, or decide a particular matter, shall (unless otherwise agreed to by unanimous consent) be made by main motion of an Authority Member, discussed, and then voted on. Motions require a second to proceed to discussion and subsequent vote.
- If the Chair desires to make a motion or second a motion, the Chair shall designate another Member of the Authority to serve as Chair, until he/she has finished his/her motion or second.
- Authority Members may speak to a pending motion on as many occasions, and at such length, as the Chair may reasonably allow.

- A vote on a motion shall be taken when discussion ends, but any Authority Member may, during the course of debate, move for an immediate vote, which shall be put in this form: "I move that we vote immediately." This motion can apply to any pending debatable or amendable motion(s). Further, any motion to vote immediately:
  - 1) must be seconded;
  - 2) is not debatable;
  - 3) cannot interrupt a speaker;
  - 4) requires a minimum of three Members voting in favor, of the Members present (because it prevents or cuts off debate);
  - 5) takes precedence over all subsidiary motions except one postponed temporarily; and
  - 6) can have no motion applied to it except withdraw. All motions or amendments thereto shall be reduced to writing, by the Clerk, upon request of a Member of the Authority.
- A motion to adjourn an Authority meeting may be offered by any Authority Member or, on the conclusion of all business, adjournment of the meeting may be declared by the Chair.
- Once a motion has been made and seconded by the Authority, a period of public comment will begin. Each speaker will speak about the business item pertaining to the motion within their allotted time limit. Once public comment is over, the Authority will vote on the motion.

When further rules of order are to be developed by the Board, the Board will consider the Standard Code of Parliamentary Procedure (Robert's Rules of Order) as a resource guide.



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**Gainesville Regional Utilities Authority  
Agenda Item Report**

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**File Number:** 2023-1066

**Agenda Date:** November 1, 2023

**Department:** Gainesville Regional Utilities

**Title:** 2023-1066 Adoption of the State of Florida Code of Ethics for the Gainesville Regional Utilities Authority (the Authority) (B)

**Department:** GRU/General Manager

**Description:** The Authority is required to develop a code of ethics policy. It is standard practice for public boards to adopt the State of Florida Code of Ethics.

**Fiscal Note:** None

**Explanation:** The Authority is required to develop a code of ethics policy. It is standard practice for public boards to adopt the State of Florida Code of Ethics. At the November 1, 2023 Authority meeting staff presented information regarding the Florida Code of Ethics and suggested that the board adhere to said code.

**Recommendation:** The Authority adopt the State of Florida Code of Ethics.

# FLORIDA COMMISSION ON ETHICS



GUIDE  
to the  
SUNSHINE AMENDMENT  
and  
CODE of ETHICS  
for Public Officers and Employees

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**2023**

State of Florida  
COMMISSION ON ETHICS

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Tampa

**Glenton “Glen” Gilzean, Jr., *Vice Chair***  
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**Michelle Anchors**  
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## I. HISTORY OF FLORIDA'S ETHICS LAWS

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of citizens to protect the public trust against abuse. Our state Constitution was revised in 1968 to require a code of ethics, prescribed by law, for all state employees and non-judicial officers prohibiting conflict between public duty and private interests.

Florida's first successful constitutional initiative resulted in the adoption of the Sunshine Amendment in 1976, providing additional constitutional guarantees concerning ethics in government. In the area of enforcement, the Sunshine Amendment requires that there be an independent commission (the Commission on Ethics) to investigate complaints concerning breaches of public trust by public officers and employees other than judges.

The Code of Ethics for Public Officers and Employees is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.

Criminal penalties, which initially applied to violations of the Code, were eliminated in 1974 in favor of administrative enforcement. The Legislature created the Commission on Ethics that year "to serve as guardian of the standards of conduct" for public officials, state and local. Five of the Commission's nine members are appointed by the Governor, and two each are appointed by the President of the Senate and Speaker of the House of Representatives. No more than five Commission members may be members of the same political party, and none may be lobbyists, or hold any public employment during their two-year terms of office. A chair is selected from among the members to serve a one-year term and may not succeed himself or herself.

In 2018, Florida's Constitutional Revision Commission proposed, and the voters adopted, changes to Article II, Section 8. The earliest of the changes will take effect December 31, 2020, and will prohibit officials from abusing their position to obtain a disproportionate benefit for themselves

or their spouse, child, or employer, or for a business with which the official contracts or is an officer, partner, director, sole proprietor, or in which the official owns an interest. Other changes made to the Constitution place restrictions on lobbying by certain officeholders and employees, and put additional limits on lobbying by former public officers and employees. These changes will become effective December 31, 2022.

## **II. ROLE OF THE COMMISSION ON ETHICS**

In addition to its constitutional duties regarding the investigation of complaints, the Commission:

- Renders advisory opinions to public officials;
- Prescribes forms for public disclosure;
- Prepares mailing lists of public officials subject to financial disclosure for use by Supervisors of Elections and the Commission in distributing forms and notifying delinquent filers;
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties;
- Administers the Executive Branch Lobbyist Registration and Reporting Law;
- Maintains financial disclosure filings of constitutional officers and state officers and employees; and,
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.

## **III. THE ETHICS LAWS**

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified in an effort to provide notice of their requirements. Therefore, we suggest that you also review the wording of the actual law. Citations to the appropriate laws are in brackets.

The laws summarized below apply generally to all public officers and employees, state and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Public Service Commission (PSC) members and employees, as well as members of the PSC Nominating Council, are subject to additional ethics standards that are enforced by the Commission on Ethics under Chapter 350, Florida Statutes. Further, members of the governing boards of charter schools are subject to some of the provisions of the Code of Ethics [Sec. 1002.33(26), Fla. Stat.], as are the officers, directors, chief executive officers and some employees of business entities that serve as the chief administrative or executive officer or employee of a political subdivision. [Sec. 112.3136, Fla. Stat.].

## **A. PROHIBITED ACTIONS OR CONDUCT**

### *1. Solicitation and Acceptance of Gifts*

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service, that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. [Sec. 112.313(2), Fla. Stat.]

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** any gift from a political committee, lobbyist who has lobbied the official or his or her agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist or from a vendor doing business with the official's agency. [Sec. 112.3148, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees are prohibited from directly or indirectly **accepting** a gift worth more than \$100 from such a lobbyist, from a partner, firm, employer, or principal of the lobbyist, or from a political committee or vendor doing business with their agency. [Sec.112.3148, Fla. Stat.]

**However**, notwithstanding Sec. 112.3148, Fla. Stat., no Executive Branch lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] Typically, this would include gifts valued at less than \$100 that formerly were permitted under Section 112.3148, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

Also, persons required to file Form 1 or Form 6, and state procurement employees and members of their immediate families, are prohibited from accepting any gift from a political committee. [Sec. 112.31485, Fla. Stat.]

2. *Unauthorized Compensation*

Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. [Sec. 112.313(4), Fla. Stat.]

3. *Misuse of Public Position*

Public officers and employees, and local government attorneys are prohibited from corruptly using or attempting to use their official positions or the resources thereof to obtain a special privilege or benefit for themselves or others. [Sec. 112.313(6), Fla. Stat.]

4. *Abuse of Public Position*

Public officers and employees are prohibited from abusing their public positions in order to obtain a disproportionate benefit for themselves or certain others. [Article II, Section 8(h), Florida Constitution.]

5. *Disclosure or Use of Certain Information*

Public officers and employees and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public position, for the personal benefit of themselves or others. [Sec. 112.313(8), Fla. Stat.]

6. *Solicitation or Acceptance of Honoraria*

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** honoraria related to their public offices or duties. [Sec. 112.3149, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees, are prohibited from knowingly **accepting** an honorarium from a political committee, lobbyist who has lobbied the person's agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist, or from a vendor doing business with the official's agency. However, they may accept the payment of expenses related to an honorarium event from such individuals or entities, provided that the expenses are disclosed. See Part III F of this brochure. [Sec. 112.3149, Fla. Stat.]

Lobbyists and their partners, firms, employers, and principals, as well as political committees and vendors, are prohibited from **giving** an honorarium to persons required to file FORM 1 or FORM 6 and to state procurement employees. Violations of this law may result in fines of up to \$5,000 and prohibitions against lobbying for up to two years. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] This may include honorarium event related expenses that formerly were permitted under Sec. 112.3149, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

**B. PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS**

1. *Doing Business With One's Agency*

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child owns more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

2. *Conflicting Employment or Contractual Relationship*

(a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]

(b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or which will impede the full and faithful discharge of the official's public duties. [Sec. 112.313(7), Fla. Stat.]

(c) Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax districts, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

3. Exemptions—Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one's agency and having conflicting employment may not apply:

- (a) When the business is rotated among all qualified suppliers in a city or county.
  
- (b) When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter the contract.  
NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.
  
- (c) When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.
  
- (d) When an emergency purchase must be made to protect the public health, safety, or welfare.
  
- (e) When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official's interest to the governing body on Commission FORM 4A.
  
- (f) When the aggregate of any such transactions does not exceed \$500 in a calendar year.
  
- (g) When the business transacted is the deposit of agency funds in a bank of which a county, city, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.
  
- (h) When the prohibitions are waived in the case of ADVISORY BOARD MEMBERS by the appointing person or by a two-thirds vote of the appointing body (after disclosure on Commission FORM 4A).
  
- (i) When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

#### 4. *Additional Exemptions*

No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his or her agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way in the decision to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures. [Sec. 112.313(15), Fla. Stat.]

#### 5. *Legislators Lobbying State Agencies*

A member of the Legislature is prohibited from representing another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals. [Art. II, Sec. 8(e), Fla. Const., and Sec. 112.313(9), Fla. Stat.]

#### 6. *Additional Lobbying Restrictions for Certain Public Officers and Employees*

A statewide elected officer; a member of the legislature; a county commissioner; a county officer pursuant to Article VIII or county charter; a school board member; a superintendent of schools; an elected municipal officer; an elected special district officer in a special district with ad valorem taxing authority; or a person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government shall not lobby for compensation on issues of policy, appropriations, or procurement before the federal government, the legislature, any state government body or agency, or any political subdivision of this state, during his or her term of office. [Art. II Sec 8(f)(2), Fla. Const. and Sec. 112.3121, Fla. Stat.]



7. *Employees Holding Office*

A public employee is prohibited from being a member of the governing body which serves as his or her employer. [Sec. 112.313(10), Fla. Stat.]

8. *Professional and Occupational Licensing Board Members*

An officer, director, or administrator of a state, county, or regional professional or occupational organization or association, while holding such position, may not serve as a member of a state examining or licensing board for the profession or occupation. [Sec. 112.313(11), Fla. Stat.]

9. *Contractual Services: Prohibited Employment*

A state employee of the executive or judicial branch who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding his or her agency's contract for services, is prohibited from being employed with a person holding such a contract with his or her agency. [Sec. 112.3185(2), Fla. Stat.]

10. *Local Government Attorneys*

Local government attorneys, such as the city attorney or county attorney, and their law firms are prohibited from representing private individuals and entities before the unit of local government which they serve. A local government attorney cannot recommend or otherwise refer to his or her firm legal work involving the local government unit unless the attorney's contract authorizes or mandates the use of that firm. [Sec. 112.313(16), Fla. Stat.]

11. *Dual Public Employment*

Candidates and elected officers are prohibited from accepting public employment if they know or should know it is being offered for the purpose of influence. Further, public employment may not be accepted unless the position was already in existence or was created without the

anticipation of the official's interest, was publicly advertised, and the officer had to meet the same qualifications and go through the same hiring process as other applicants. For elected public officers already holding public employment, no promotion given for the purpose of influence may be accepted, nor may promotions that are inconsistent with those given other similarly situated employees. [Sec. 112.3125, Fla. Stat.]

## **C. RESTRICTIONS ON APPOINTING, EMPLOYING, AND CONTRACTING WITH RELATIVES**

### *1. Anti-Nepotism Law*

A public official is prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies. NOTE: This prohibition does not apply to school districts (except as provided in Sec. 1012.23, Fla. Stat.), community colleges and state universities, or to appointments of boards, other than those with land-planning or zoning responsibilities, in municipalities of fewer than 35,000 residents. Also, the approval of budgets does not constitute "jurisdiction or control" for the purposes of this prohibition. This provision does not apply to volunteer emergency medical, firefighting, or police service providers. [Sec. 112.3135, Fla. Stat.]

### *2. Additional Restrictions*

A state employee of the executive or judicial branch or the PSC is prohibited from directly or indirectly procuring contractual services for his or her agency from a business entity of which a relative is an officer, partner, director, or proprietor, or in which the employee, or his or her spouse, or children own more than a 5% interest. [Sec. 112.3185(6), Fla. Stat.]

**D. POST OFFICE HOLDING AND EMPLOYMENT (REVOLVING DOOR) RESTRICTIONS**

*1. Lobbying by Former Legislators, Statewide Elected Officers, and Appointed State Officers*

A member of the Legislature or a statewide elected or appointed state official is prohibited for two years following vacation of office from representing another person or entity for compensation before the government body or agency of which the individual was an officer or member. Former members of the Legislature are also prohibited for two years from lobbying the executive branch. [Art. II, Sec. 8(e), Fla. Const. and Sec. 112.313(9), Fla. Stat.]

*2. Lobbying by Former State Employees*

Certain employees of the executive and legislative branches of state government are prohibited from personally representing another person or entity for compensation before the agency with which they were employed for a period of two years after leaving their positions, unless employed by another agency of state government. [Sec. 112.313(9), Fla. Stat.] These employees include the following:

(a) Executive and legislative branch employees serving in the Senior Management Service and Selected Exempt Service, as well as any person employed by the Department of the Lottery having authority over policy or procurement.

(b) Persons serving in the following position classifications: the Auditor General; the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA); the Sergeant at Arms and Secretary of the Senate; the Sergeant at Arms and Clerk of the House of Representatives; the executive director and deputy executive director of the Commission on Ethics; an executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, legislative analyst, or attorney serving in the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, the Senate Minority Party Office, the House Majority Party Office, or the House Minority Party Office; the Chancellor and Vice-Chancellors of the State University System; the general counsel to the Board of Regents; the

president, vice presidents, and deans of each state university; any person hired on a contractual basis and having the power normally conferred upon such persons, by whatever title; and any person having the power normally conferred upon the above positions.

This prohibition does not apply to a person who was employed by the Legislature or other agency prior to July 1, 1989; who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994; or who reached normal retirement age and retired by July 1, 1991. It does apply to OPS employees.

**PENALTIES:** Persons found in violation of this section are subject to the penalties contained in the Code (see PENALTIES, Part V) as well as a civil penalty in an amount equal to the compensation which the person received for the prohibited conduct. [Sec. 112.313(9)(a)5, Fla. Stat.]

### *3. 6-Year Lobbying Ban*

For a period of six years after vacation of public position occurring on or after December 31, 2022, a statewide elected officer or member of the legislature shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislature or any state government body or agency. [Art. II Sec 8(f)(3)a., Fla. Const. and Sec. 112.3121, Fla. Stat.]

For a period of six years after vacation of public position occurring on or after December 31, 2022, a person serving as a secretary, an executive director, or other agency head of a department of the executive branch of state government shall not lobby for compensation on issues of policy, appropriations, or procurement before the legislature, the governor, the executive office of the governor, members of the cabinet, a department that is headed by a member of the cabinet, or his or her former department. [Art. II Sec 8(f)(3)b., Fla. Const. and Sec. 112.3121, Fla. Stat.]

For a period of six years after vacation of public position occurring on or after December 31, 2022, a county commissioner, a county officer pursuant to Article VIII or county charter, a school board member, a superintendent of schools, an elected municipal officer, or an elected special district officer in a special district with ad valorem taxing authority shall not lobby for compensation on issues

of policy, appropriations, or procurement before his or her former agency or governing body. [Art. II Sec 8(f)(3)c., Fla. Const. and Sec. 112.3121, Fla. Stat.]

4. *Additional Restrictions on Former State Employees*

A former executive or judicial branch employee or PSC employee is prohibited from having employment or a contractual relationship, at any time after retirement or termination of employment, with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee. [Sec. 112.3185(3), Fla. Stat.]

A former executive or judicial branch employee or PSC employee who has retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a state employee. [Sec.112.3185(4), Fla. Stat.]

Unless waived by the agency head, a former executive or judicial branch employee or PSC employee may not be paid more for contractual services provided by him or her to the former agency during the first year after leaving the agency than his or her annual salary before leaving. [Sec. 112.3185(5), Fla. Stat.]

These prohibitions do not apply to PSC employees who were so employed on or before Dec. 31, 1994.

5. *Lobbying by Former Local Government Officers and Employees*

A person elected to county, municipal, school district, or special district office is prohibited from representing another person or entity for compensation before the government body or agency of which he or she was an officer for two years after leaving office. Appointed officers and employees of counties, municipalities, school districts, and special districts may be subject to a similar restriction by local ordinance or resolution. [Sec. 112.313(13) and (14), Fla. Stat.]

## **E. VOTING CONFLICTS OF INTEREST**

State public officers are prohibited from voting in an official capacity on any measure which they know would inure to their own special private gain or loss. A state public officer who abstains, or who votes on a measure which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, must make every reasonable effort to file a memorandum of voting conflict with the recording secretary in advance of the vote. If that is not possible, it must be filed within 15 days after the vote occurs. The memorandum must disclose the nature of the officer's interest in the matter.

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. However, members of community redevelopment agencies and district officers elected on a one-acre, one-vote basis are not required to abstain when voting in that capacity.

No appointed state or local officer shall participate in any matter which would inure to the officer's special private gain or loss, the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission Form 8A or 8B) must be filed with the meeting's recording officer, be provided to the other members of the agency, and be read publicly at the next meeting.

If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of

the disclosure being made and must be provided to the other members of the agency, with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.]

## **F. DISCLOSURES**

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

The following forms are described below to set forth the requirements of the various disclosures and the steps for correctly providing the information in a timely manner.

### **1. FORM 1 - Limited Financial Disclosure**

#### **Who Must File:**

Persons required to file FORM 1 include all state officers, local officers, candidates for local elective office, and specified state employees as defined below (other than those officers who are required by law to file FORM 6).

#### **STATE OFFICERS include:**

- 1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies; but including judicial nominating commission members; directors of Enterprise Florida, Scripps Florida Funding Corporation, and CareerSource Florida, and members of the Council on the Social Status of Black Men and Boys; the Executive Director, governors, and senior managers of Citizens Property Insurance Corporation; governors and senior managers of Florida Workers' Compensation Joint Underwriting Association, board members of the Northeast Florida Regional Transportation Commission, and members of the board of Triumph Gulf Coast, Inc.; members of the board of Florida is for Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, local boards of trustees and presidents of state universities, and members of the Florida Prepaid College Board.

LOCAL OFFICERS include:

1) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a planning or zoning board, board of adjustments or appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.



3) Any other appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

4) Persons holding any of these positions in local government: mayor; county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$35,000 for the local governmental unit.

5) Members of governing boards of charter schools operated by a city or other public entity.

6) The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision. [Sec. 112.3136, Fla. Stat.]

SPECIFIED STATE EMPLOYEE includes:

1) Employees in the Office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

2) The following positions in each state department, commission, board, or council: secretary or state surgeon general, assistant or deputy secretary, executive director, assistant or deputy executive director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: director, assistant or deputy director, bureau chief, assistant bureau chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant state attorneys, assistant public defenders, criminal conflict and civil regional counsel, assistant criminal conflict and civil regional counsel, public counsel, full-time state employees serving as counsel or assistant counsel to a state agency, judges of compensation claims, administrative law judges, and hearing officers.

5) The superintendent or director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

6) State agency business managers, finance and accounting directors, personnel officers, grant coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$35,000.

7) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

#### What Must Be Disclosed:

FORM 1 requirements are set forth fully on the form. In general, this includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. NO DOLLAR VALUES ARE REQUIRED TO BE LISTED. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When to File:

CANDIDATES for elected local office must file FORM 1 together with and at the same time they file their qualifying papers.

STATE and LOCAL OFFICERS and SPECIFIED STATE EMPLOYEES are required to file disclosure by July 1 of each year. They also must file within thirty days from the date of appointment or the beginning of employment. Those appointees requiring Senate confirmation must file prior to confirmation.

Where to File:

Each LOCAL OFFICER files FORM 1 with the Supervisor of Elections in the county in which he or she permanently resides.

A STATE OFFICER or SPECIFIED STATE EMPLOYEE files with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

2. *FORM 1F - Final Form 1 Limited Financial Disclosure*

FORM 1F is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 1 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

3. *FORM 2 - Quarterly Client Disclosure*

The state officers, local officers, and specified state employees listed above, as well as elected constitutional officers, must file a FORM 2 if they or a partner or associate of their professional firm represent a client for compensation before an agency at their level of government.

A FORM 2 disclosure includes the names of clients represented by the reporting person or by any partner or associate of his or her professional firm for a fee or commission before agencies at the

reporting person's level of government. Such representations do not include appearances in ministerial matters, appearances before judges of compensation claims, or representations on behalf of one's agency in one's official capacity. Nor does the term include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license, so long as the issuance of the license does not require a variance, special consideration, or a certificate of public convenience and necessity.

When to File:

This disclosure should be filed quarterly, by the end of the calendar quarter following the calendar quarter during which a reportable representation was made. FORM 2 need not be filed merely to indicate that no reportable representations occurred during the preceding quarter; it should be filed ONLY when reportable representations were made during the quarter.

Where To File:

LOCAL OFFICERS file with the Supervisor of Elections of the county in which they permanently reside.

STATE OFFICERS and SPECIFIED STATE EMPLOYEES file with the Commission on Ethics. [Sec. 112.3145(4), Fla. Stat.]

4. *FORM 6 - Full and Public Disclosure*

Who Must File:

Persons required by law to file FORM 6 include all elected constitutional officers and candidates for such office; the mayor and members of the city council and candidates for these offices in Jacksonville; the Duval County Superintendent of Schools; judges of compensation claims (pursuant to Sec. 440.442, Fla. Stat.); members of the Florida Housing Finance Corporation Board and members of expressway authorities, transportation authorities (except the Jacksonville Transportation

Authority), bridge authority, or toll authorities created pursuant to Ch. 348 or 343, or 349, or other general law.

#### What Must be Disclosed:

FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over \$1,000 and their values, as well as net worth. Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

#### When and Where To File:

Officials must file FORM 6 annually by July 1 with the Commission on Ethics.

Beginning January 1, 2023, all Form 6 disclosures must be filed electronically through the Commission's electronic filing system. These disclosures will be published and searchable on the Commission's website.

CANDIDATES must register and use the electronic filing system to complete the Form 6, then file the disclosure with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

#### 5. *FORM 6F - Final Form 6 Full and Public Disclosure*

This is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 6 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

6. FORM 9 - Quarterly Gift Disclosure

Each person required to file FORM 1 or FORM 6, and each state procurement employee, must file a FORM 9, Quarterly Gift Disclosure, with the Commission on Ethics on the last day of any calendar quarter following the calendar quarter in which he or she received a gift worth more than \$100, other than gifts from relatives, gifts prohibited from being accepted, gifts primarily associated with his or her business or employment, and gifts otherwise required to be disclosed. FORM 9 NEED NOT BE FILED if no such gift was received during the calendar quarter.

Information to be disclosed includes a description of the gift and its value, the name and address of the donor, the date of the gift, and a copy of any receipt for the gift provided by the donor. [Sec. 112.3148, Fla. Stat.]

7. FORM 10 - Annual Disclosure of Gifts from Government Agencies and Direct-Support Organizations and Honorarium Event Related Expenses

State government entities, airport authorities, counties, municipalities, school boards, water management districts, and the South Florida Regional Transportation Authority, may give a gift worth more than \$100 to a person required to file FORM 1 or FORM 6, and to state procurement employees, if a public purpose can be shown for the gift. Also, a direct-support organization for a governmental entity may give such a gift to a person who is an officer or employee of that entity. These gifts are to be reported on FORM 10, to be filed by July 1.

The governmental entity or direct-support organization giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year. The officer or employee then must disclose this information by filing a statement by July 1 with his or her annual financial disclosure that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3148, Fla. Stat.]

In addition, a person required to file FORM 1 or FORM 6, or a state procurement employee, who receives expenses or payment of expenses related to an honorarium event from someone who

is prohibited from giving him or her an honorarium, must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the expenses paid or provided, and the total value of the expenses on FORM 10. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event.

The disclosure must be filed by July 1, for expenses received during the previous calendar year, with the officer's or employee's FORM 1 or FORM 6. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no executive branch or legislative lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts or honorarium event related expenses that formerly were permitted under Sections 112.3148 and 112.3149. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts, which include anything not primarily related to political activities authorized under ch. 106, are prohibited from political committees. [Sec. 112.31485 Fla. Stat.]

#### *8. FORM 30 - Donor's Quarterly Gift Disclosure*

As mentioned above, the following persons and entities generally are prohibited from giving a gift worth more than \$100 to a reporting individual (a person required to file FORM 1 or FORM 6) or to a state procurement employee: a political committee; a lobbyist who lobbies the reporting individual's or procurement employee's agency, and the partner, firm, employer, or principal of such a lobbyist; and vendors. If such person or entity makes a gift worth between \$25 and \$100 to a reporting individual or state procurement employee (that is not accepted in behalf of a governmental entity or charitable organization), the gift should be reported on FORM 30. The donor also must notify the recipient at the time the gift is made that it will be reported.

The FORM 30 should be filed by the last day of the calendar quarter following the calendar quarter in which the gift was made. If the gift was made to an individual in the legislative branch, FORM 30 should be filed with the Lobbyist Registrar. [See page 35 for address.] If the gift was to any other reporting individual or state procurement employee, FORM 30 should be filed with the Commission on Ethics.

However, notwithstanding Section 112.3148, Fla. Stat., no executive branch lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts that formerly were permitted under Section 112.3148. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts from political committees are prohibited. [Sec. 112.31485, Fla. Stat.]

#### *9. FORM 1X AND FORM 6X - Amendments to Form 1 and Form 6*

These forms are provided for officers or employees to amend their previously filed Form 1 or Form 6.

### **IV. AVAILABILITY OF FORMS**

LOCAL OFFICERS and EMPLOYEES who must file FORM 1 annually will be sent the form by mail from the Supervisor of Elections in the county in which they permanently reside not later than JUNE 1 of each year. Newly elected and appointed officials or employees should contact the heads of their agencies for copies of the form or download it from [www.ethics.state.fl.us](http://www.ethics.state.fl.us), as should those persons who are required to file their final disclosure statements within 60 days of leaving office or employment. The Form 1 will be filed electronically with the Florida Commission on Ethics via the Electronic Financial Disclosure Management System (EFDMS), beginning in 2023.

Beginning January 1, 2023, ELECTED CONSTITUTIONAL OFFICERS and other officials who must file Form 6 annually must file electronically via the Commission's Electronic Financial Disclosure Management System (EFDMS). Paper forms will not be promulgated. Communications regarding the



annual filing requirement will be sent via email to filers no later than June 1. Filers must maintain an updated email address in their User Profile in EFDMS.

OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file Form 1 annually will be sent the forms by mail from the Florida Commission on Ethics by June 1, 2023. Newly elected and appointed officers and employees should contact the head of their agencies for copies of the form or download the form from [www.ethics.state.fl.us](http://www.ethics.state.fl.us), as should those persons who are required to file their final financial disclosure statement within 60 days of leaving office or employment.

## **V. PENALTIES**

### *A. Non-criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics*

There are no criminal penalties for violation of the Sunshine Amendment and the Code of Ethics. Penalties for violation of these laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

### *B. Penalties for Candidates*

CANDIDATES for public office who are found in violation of the Sunshine Amendment or the Code of Ethics may be subject to one or more of the following penalties: disqualification from being on the ballot, public censure, reprimand, or a civil penalty not to exceed \$10,000, and triple the value of a gift received from a political committee.

### *C. Penalties for Former Officers and Employees*

FORMER PUBLIC OFFICERS or EMPLOYEES who are found in violation of a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's

leaving public office or employment may be subject to one or more of the following penalties: public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received, and triple the value of a gift received from a political committee.

*D. Penalties for Lobbyists and Others*

An executive branch lobbyist who has failed to comply with the Executive Branch Lobbying Registration law (see Part VIII) may be fined up to \$5,000, reprimanded, censured, or prohibited from lobbying executive branch agencies for up to two years. Lobbyists, their employers, principals, partners, and firms, and political committees and committees of continuous existence who give a prohibited gift or honorarium or fail to comply with the gift reporting requirements for gifts worth between \$25 and \$100, may be penalized by a fine of not more than \$5,000 and a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the public officer or employee to whom the gift was given for up to two years. Any agent or person acting on behalf of a political committee giving a prohibited gift is personally liable for a civil penalty of up to triple the value of the gift.

Executive Branch lobbying firms that fail to timely file their quarterly compensation reports may be fined \$50 per day per report for each day the report is late, up to a maximum fine of \$5,000 per report.

*E. Felony Convictions: Forfeiture of Retirement Benefits*

Public officers and employees are subject to forfeiture of all rights and benefits under the retirement system to which they belong if convicted of certain offenses. The offenses include embezzlement or theft of public funds; bribery; felonies specified in Chapter 838, Florida Statutes; impeachable offenses; and felonies committed with intent to defraud the public or their public agency. [Sec. 112.3173, Fla. Stat.]

*F. Automatic Penalties for Failure to File Annual Disclosure*

Public officers and employees required to file either Form 1 or Form 6 annual financial disclosure are subject to automatic fines of \$25 for each day late the form is filed after September 1, up to a maximum penalty of \$1,500. [Sec. 112.3144 and 112.3145, Fla. Stat.]

## **VI. ADVISORY OPINIONS**

Conflicts of interest may be avoided by greater awareness of the ethics laws on the part of public officials and employees through advisory assistance from the Commission on Ethics.

*A. Who Can Request an Opinion*

Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself, or anyone who has the power to hire or terminate another public employee, may seek an advisory opinion from the Commission about himself or herself or that employee.

*B. How to Request an Opinion*

Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Opinions are issued by the Commission and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the persons involved unless they consent to the use of their names; however, the request and all information pertaining to it is a public record, made available to the Commission and to members of the public in advance of the Commission's consideration of the question.

*C. How to Obtain Published Opinions*

All of the Commission's opinions are available for viewing or download at its website:  
[www.ethics.state.fl.us](http://www.ethics.state.fl.us).

## VII. COMPLAINTS

### A. *Citizen Involvement*

The Commission on Ethics cannot conduct investigations of alleged violations of the Sunshine Amendment or the Code of Ethics unless a person files a sworn complaint with the Commission alleging such violation has occurred, or a referral is received, as discussed below.

If you have knowledge that a person in government has violated the standards of conduct or disclosure laws described above, you may report these violations to the Commission by filing a sworn complaint on the form prescribed by the Commission and available for download at [www.ethics.state.fl.us](http://www.ethics.state.fl.us). The Commission is unable to take action based on learning of such misdeeds through newspaper reports, telephone calls, or letters.

You can download a complaint form (FORM 50) from the Commission's website: [www.ethics.state.fl.us](http://www.ethics.state.fl.us), or contact the Commission office at the address or phone number shown on the inside front cover of this booklet.

### B. *Referrals*

The Commission may accept referrals from: the Governor, the Florida Department of Law Enforcement, a State Attorney, or a U.S. Attorney. A vote of six of the Commission's nine members is required to proceed on such a referral.

### C. *Confidentiality*

The complaint or referral, as well as all proceedings and records relating thereto, is confidential until the accused requests that such records be made public or until the matter reaches a stage in the Commission's proceedings where it becomes public. This means that unless the Commission receives a written waiver of confidentiality from the accused, the Commission is not free to release any documents or to comment on a complaint or referral to members of the public or press, so long as the complaint or referral remains in a confidential stage.

A COMPLAINT OR REFERRAL MAY NOT BE FILED WITH RESPECT TO A CANDIDATE ON THE DAY OF THE ELECTION, OR WITHIN THE 30 CALENDAR DAYS PRECEDING THE ELECTION DATE, UNLESS IT IS BASED ON PERSONAL INFORMATION OR INFORMATION OTHER THAN HEARSAY.

*D. How the Complaint Process Works*

Complaints which allege a matter within the Commission's jurisdiction are assigned a tracking number and Commission staff forwards a copy of the original sworn complaint to the accused within five working days of its receipt. Any subsequent sworn amendments to the complaint also are transmitted within five working days of their receipt.

Once a complaint is filed, it goes through three procedural stages under the Commission's rules. The first stage is a determination of whether the allegations of the complaint are legally sufficient: that is, whether they indicate a possible violation of any law over which the Commission has jurisdiction. If the complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public at that time.

In cases of very minor financial disclosure violations, the official will be allowed an opportunity to correct or amend his or her disclosure form. Otherwise, if the complaint is found to be legally sufficient, a preliminary investigation will be undertaken by the investigative staff of the Commission. The second stage of the Commission's proceedings involves this preliminary investigation and a decision by the Commission as to whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds no probable cause to believe there has been a violation of the ethics laws, the complaint will be dismissed and will become a matter of public record. If the Commission finds probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and usually enters the third stage of proceedings. This stage requires the Commission to decide whether the law was actually violated and, if so, whether a penalty should be recommended. At this stage, the accused has the right to request a public hearing (trial) at which evidence is presented, or the Commission may order that such a hearing be held. Public hearings usually are held in or near the area where the alleged violation occurred.

When the Commission concludes that a violation has been committed, it issues a public report of its findings and may recommend one or more penalties to the appropriate disciplinary body or official.

When the Commission determines that a person has filed a complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations, the complainant will be liable for costs plus reasonable attorney's fees incurred by the person complained against. The Department of Legal Affairs may bring a civil action to recover such fees and costs, if they are not paid voluntarily within 30 days.

*E. Dismissal of Complaints At Any Stage of Disposition*

The Commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the Commission will issue a public report stating with particularity its reasons for the dismissal. [Sec. 112.324(12), Fla. Stat.]

*F. Statute of Limitations*

All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation or other breach of the public trust. Time starts to run on the day AFTER the violation or breach of public trust is committed. The statute of limitations is tolled on the day a sworn complaint is filed with the Commission. If a complaint is filed and the statute of limitations has run, the complaint will be dismissed. [Sec. 112.3231, Fla. Stat.]

## **VIII. EXECUTIVE BRANCH LOBBYING**

Any person who, for compensation and on behalf of another, lobbies an agency of the executive branch of state government with respect to a decision in the area of policy or procurement may be required to register as an executive branch lobbyist. Registration is required before lobbying an agency and is renewable annually. In addition, each lobbying firm must file a compensation report

with the Commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. As noted above, no executive branch lobbyist or principal can make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 can knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.]

Paying an executive branch lobbyist a contingency fee based upon the outcome of any specific executive branch action, and receiving such a fee, is prohibited. A violation of this prohibition is a first degree misdemeanor, and the amount received is subject to forfeiture. This does not prohibit sales people from receiving a commission. [Sec. 112.3217, Fla. Stat.]

Executive branch departments, state universities, community colleges, and water management districts are prohibited from using public funds to retain an executive branch (or legislative branch) lobbyist, although these agencies may use full-time employees as lobbyists. [Sec. 11.062, Fla. Stat.]

Online registration and filing is available at [www.floridalobbyist.gov](http://www.floridalobbyist.gov). Additional information about the executive branch lobbyist registration system may be obtained by contacting the Lobbyist Registrar at the following address:

Executive Branch Lobbyist Registration  
Room G-68, Claude Pepper Building  
111 W. Madison Street  
Tallahassee, FL 32399-1425  
Phone: 850/922-4987

## **IX. WHISTLE-BLOWER'S ACT**

In 1986, the Legislature enacted a "Whistle-blower's Act" to protect employees of agencies and government contractors from adverse personnel actions in retaliation for disclosing information in a sworn complaint alleging certain types of improper activities. Since then, the Legislature has revised this law to afford greater protection to these employees.

While this language is contained within the Code of Ethics, the Commission has no jurisdiction or authority to proceed against persons who violate this Act. Therefore, a person who has disclosed information alleging improper conduct governed by this law and who may suffer adverse consequences as a result should contact one or more of the following: the Office of the Chief Inspector General in the Executive Office of the Governor; the Department of Legal Affairs; the Florida Commission on Human Relations; or a private attorney. [Sec. 112.3187 - 112.31895, Fla. Stat.]

## **X. ADDITIONAL INFORMATION**

As mentioned above, we suggest that you review the language used in each law for a more detailed understanding of Florida's ethics laws. The "Sunshine Amendment" is Article II, Section 8, of the Florida Constitution. The Code of Ethics for Public Officers and Employees is contained in Part III of Chapter 112, Florida Statutes.

Additional information about the Commission's functions and interpretations of these laws may be found in Chapter 34 of the Florida Administrative Code, where the Commission's rules are published, and in The Florida Administrative Law Reports, which until 2005 published many of the Commission's final orders. The Commission's rules, orders, and opinions also are available at [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

If you are a public officer or employee concerned about your obligations under these laws, the staff of the Commission will be happy to respond to oral and written inquiries by providing information about the law, the Commission's interpretations of the law, and the Commission's procedures.

## **XI. TRAINING**

Constitutional officers, elected municipal officers, and commissioners of community redevelopment agencies (CRAs) are required to receive a total of four hours training, per calendar year, in the area of ethics, public records, and open meetings. The Commission on Ethics does not



track compliance or certify providers. Officials indicate their compliance with the training requirement when they file their annual Form 1 or Form 6.

Visit the training page on the Commission's website for up-to-date rules, opinions, audio/video training, and opportunities for live training conducted by Commission staff.



**Gainesville Regional Utilities Authority  
Agenda Item Report**

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**File Number: 2023-1074**

**Agenda Date:** November 1, 2023

**Department:** Gainesville Regional Utilities

**Title: 2023-1074 Items for Gainesville Regional Utilities Authority Board to Consider for Future Meeting Agendas (NB)**

**Department:** GRU/General Manager

**Description:** Staff has compiled a list of topics for the Authority Board to consider in preparation for upcoming board meetings.

- AMI
- Government Services Contribution (GSC)
- Utility Rates
- SLAs and MOUs
- Others as suggested

**Fiscal Note:** None

**Explanation:** Some board members have requested certain topics to be added as agenda items for future meetings. Additionally, staff has items that will need to be considered for future agendas. Members of the Authority should determine which items they would like to discuss and when each item should be discussed.

**Recommendation:** Staff recommends that the Authority determine which items they would like to discuss and when each item should be discussed.