



Honesty - Integrity - Character

**Palm Beach County
Commission on Ethics**

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News Release

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Palm Beach County Commission on Ethics Opposes Senate Bill 7014 with Senator Burgess' Amendment and House Bill 1597 Being Amended to Include the Language from Senator Burgess' Amendment

*Bills may undermine the ability to investigate and prevent ethical
misconduct in public services.*

The Palm Beach County Commission on Ethics (COE) **opposes** Senate Bill 7014 with the amendment from Senator Danny Burgess (R-Zephyrhills), which prohibits local ethics agencies from investigating potential ethics violations. Local ethics agencies will be prohibited from investigating any matters based on anonymous or informal information or tips or from local media reports. Senator Burgess' amendment to this bill, passed yesterday (Feb. 1, 2024), will significantly impede the work of the COE and other local ethics agencies throughout the state. The COE also **opposes** House Bill 1597 being amended to include the language from Senator Burgess' amendment.

COE Chair Michael Kugler said, "This amendment handcuffs our commission and prevents the commission from doing things that would foster integrity and trust in public service. It would diminish our commission's overall mission and ultimately harm the citizens of Palm Beach County. State laws are generally supposed to have a beneficial effect." Chairman Kugler continued, "We have a duty to enhance, represent and bring the community's voice to the table about ethics in public service. This bill will thwart our ability to represent our community's interests and to prevent ethical misconduct."

Since the COE's inception in 2010, 224 complaints have been filed. Over 40% of the complaints (90 complaints) have been self-initiated. Of those 90 complaints,

- 46% were issued Letters of Instruction (41)

- 11% were issued Letters of Reprimand (10)
- 4% went to a final hearing (4)
 - 25% were issued Letter of Reprimand at final hearing (1)
 - 75% were dismissed at final hearing (3)
- 6% were dismissed after finding that the public interest would not be served by proceeding further (5)
- 4% were administratively dismissed (4)
- 29% were dismissed with a finding of no probable cause (26)

Efforts to reduce the role of the COE are contrary to the wishes of the voters in Palm Beach County who voted to approve the local ethics referendum countywide. Not allowing the COE to self-initiate complaints will be a disservice to the citizens of Palm Beach County, as it will hinder the ability to continue restoring and increasing the public's trust in local government.

Local government officials and employees have special fiduciary obligations to their citizens, and local ethics agencies work to ensure they fulfill these special obligations. The COE is an independent watchdog agency tasked with safeguarding these high ethical standards.

The COE was created to provide additional and more stringent ethics standards than those specified under Florida law, as authorized by Florida Statutes, §112.326. The COE serves the community by fostering integrity and trust in public service and, by doing so, prevents conflicts between private interests and public duties. One of the ways the COE does this is by conducting objective investigations into alleged ethics violations, whether from the public or violations discovered while the COE is investigating another matter.

By requiring only sworn complaints from members of the general public, this bill will have a chilling effect on those who wish to report a potential ethics violation but are afraid of the threat of retaliation from public officials or public employees. Further, this bill would also affect the ability to file complaints on any additional violations discovered while investigating a sworn complaint. Additionally, local law enforcement agencies sometimes refer cases to the COE when they believe criminal prosecution is unwarranted, notwithstanding sufficient evidence to prosecute. These borderline cases can receive an alternative civil sanction through the COE if appropriate. This bill may also prohibit the COE's ability to investigate these cases as well.

The COE stands that since Senator Burgess' amendment to SB 7014 will prohibit the COE from providing the type of oversight it was created for, then successful ethics reform efforts in Palm Beach County will unravel. As a result, Palm Beach County may once again reclaim its previous title of "Corruption Capital."

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