1. Comments, Chairman John E. Thrasher

2. Comments, President D’Alemberte

3. Approval of Minutes of Meeting held September 24, 2001

4. Comments
   - Faculty Senate, Dr. Karen Laughlin
   - Student Government Association, Mr. Delmar Johnson III
   - Athletic Board, Dr. Chuck Ehrhardt

5. Report – Ad Hoc Committees

6. Meeting Dates

7. Powers, Responsibilities, and Tasks of the BOT

8. State Laws
   - Sunshine
   - Open Records
   - Conflict of Interest

9. Ethics Policy

10. Overview of Florida State University

11. Accountability Process

12. Update on Legislative Budget Request/Fixed Capital Outlay

13. Audit Process and Response

14. Enrollment Management and One Florida

15. New Business

16. Closing Remarks
Action Minutes
Florida State University Board Of Trustees
Conference Call
September 24, 2001
Room 201, Westcott Building
FSU Campus, Tallahassee

Members Present: Duda, Ford, Garcia, Hinkle, Johnson III, Knowles, Marshall,
McGee, Sundberg, Thrasher, Uhlfelder

Members Excused: Bloch, Furlow

President Talbot D'Alemberte convened the first meeting of The Florida State University Board of Trustees appointed by Governor Jeb Bush under legislation passed in the 2001 regular session of the Legislature at 4 p.m., September 24, 2001. The President apologized for the delay in and format of the meeting. Due to the horrendous events of September 11, 2001, the two-day meeting scheduled for September 12-13 was cancelled and a conference call was planned to bring the Board together. He noted the Board would use materials and the numbered agenda items previously mailed to the trustees for the September 12-13, 2001 meeting.

The President recognized Mr. Phil Handy, Chair of the Florida Board of Education for briefs remarks. Mr. Handy recounted the strong ongoing support of President D'Alemberte and President of the Faculty Senate, Dr. Karen Laughlin, for the work of the Task Force on Educational Governance and the new Florida Board of Education. He urged the Board to help insure that the task of educational reform be completed. In that vein, he suggested that the Trustees approach their efforts with an attitude that they would “ask for forgiveness, not permission” from the Florida Board of Education.

Following Mr. Handy’s remarks, the President noted that the current Board was not the first for Florida State University. Boards of Trustees also governed the predecessors to Florida State University, Florida Seminary West of the Suwannee and the Florida State College. This fact, he noted, was brought home by the realization that one of his relatives had actually been a trustee of the institution.

The President initiated consideration of the first action agenda item: election of a Chair of the Board (Item 2.0). He recognized Mr. Knowles who nominated Mr. Thrasher. Mr. Thrasher, he stated, had the vision, knowledge and love for the university needed to serve as Chair. Mr. Uhlfelder seconded the nomination. After a brief discussion, Ms. Hinkle moved that the vote for Chair be made unanimous. Mr. Johnson III seconded the motion, which passed by acclamation. Mr. Thrasher became the first Chair of the Board of Trustees.

Mr. Thrasher assumed the Chair and called for action regarding election of the Vice Chair. He recognized Dr. McGee who nominated Ms. Hinkle. Ms. Duda seconded the
nomination and after brief consideration Dr. Marshall moved the nomination be made unanimous. Mr. Uhlfelder seconded the motion and it was passed unanimously. Ms. Hinkle became the first Vice Chair of the Board of Trustees. Later in the meeting, Mr. McFarlain explained in response to a question from Dr. McGee that the vice chair did serve a two year term.

The Chair took up the agenda item: **Affirming the Appointment of the President (Item 3.1).** Chair Thrasher recognized Mr. Richard McFarlain, university General Counsel, to provide background on the issue and frame the Board’s action. After discussion, Mr. Uhlfelder moved the resolution affirming the appointment of the President in his position. Dr. McGee seconded the motion. In discussion, Dr. McGee asked about the term of the president’s appointment, noting the contractual nature of many president’s tenure. The Chair asked Mr. McFarlain to investigate the issue and report to the board at its next meeting on his findings. On call for the vote by the Chair, the resolution passed unanimously.

Chair Thrasher recognized Mr. McFarlain to introduce the next item on the agenda: **Proposed organizing Resolution (Item 3.2).** Mr. McFarlain noted the need to affirm and delegate the authority of the President on a variety of matters under the legislative reforms. On a motion from Ms. Hinkle with a second by Mr. Garcia the Board adopted the proposed resolution unanimously.

The Chair initiated discussion of the action agenda item: **Proposed Organizing Resolutions (Item 3.3)** by calling upon Mr. McFarlain. The General Counsel requested the Board direct a staff review and report to the President of existing delegations and presidential authority to determine if changes should be made to current practices. At a motion by Dr. McGee and a second by Ms. Duda, the motion passed unanimously.

At the direction of the Chair, the Board considered **Appointment of a Committee to Review and Recommend Permanent Procedural Guidelines in a Report to the Board at the Next Meeting (Item 15.1).** Mr. McFarlain noted that such guidelines had already been drafted and indicated that the draft would be sent to the Trustees. Mr. Thrasher proposed that Ms. Hinkle chair a small committee composed of her, Mr. Uhlfelder and Mr. Garcia to conduct the review and report recommendations. He indicated that participation by all members was welcome. On a motion by Dr. Marshall with a second by Mr. Knowles, the committee structure, membership and reporting was approved unanimously.

Mr. Thrasher recognized President D’Alemberte to introduce the agenda item, **Future Meeting Dates (Item 15.2).** The President reviewed suggested meeting dates, adding the possibility of meeting on October 29th to the dates of November 15-16, February 14-15, May 9-10 and July 18-19. Following his overview, the Chair recognized Ms. Hinkle who suggested monthly conference calls lasting one hour each be added to the list of suggested meetings in order to accommodate education of the Board and timely response to state actions in this transition period. Dr. McGee and Mr. Sundberg reinforced Ms. Hinkle’s position. Summarizing the discussion, the Chair indicated the proposed
conference calls would be held on Mondays at 4:00 p.m. beginning October 15th. Mr. Sundberg suggested that such informational meetings should not be counted in against the attendance requirements in state statute since they would not be regular meetings unless noticed as such. Ms. McGee accepted this clarification and moved the list recommended by the President as modified by Ms. Hinkle and the Chair. Mr. Garcia seconded the motion. Unanimously, the Board agreed to regular meetings on: October 29, 2001; November 15-16, 2001, February 14-15, 2002; May 9-10, 2002; and July 18-19, 2002. They also agreed to informational meetings via conference calls on: October 15, 2001; November 26, 2001; and December 10, 2001.

Mr. Thrasher initiated deliberation of the agenda item Authorizing the Chair to Appoint Committees and Have Them Report at the Next Meeting. (Item 15.3) He recognized the President to provide background on the item. The President indicated there were issues such as legislative development and the joint engineering school on which some committee action might be necessary relatively soon. He proposed allowing the Chair to appoint ad hoc committees and have them report at the next meeting. In response to a question from Mr. Sundberg, the Chair indicated he did envision standing committees as part of the recommendations of the Guidelines Committee. Mr. Sundberg moved the recommendation of the President. His motion was seconded by Ms. Duda and passed unanimously. The Chair indicated he had an interest in forming committees on engineering and legislation. He suggested he would discuss this at the October 15th conference call.

The Chair recognized the President. The President briefly discussed the honorary degrees awarded by the university in recognition of outstanding services or contributions (Item 16). He reported his interest in awarding an honorary degree to Charlotte McGuire. The Chair reinforced the President’s view and without objection obtained the Board’s endorsement of the President’s proposed action.

In continuing remarks, the President explained his strong support for the process of educational reform. Contrary to some published reports, he had not wavered in his belief in the direction of reform. He urged trustees to support legislation and rule making that would grant the universities’ greater autonomy. Such autonomy was necessary, he indicated, if the university were to continue its progress. He pointed to the success of the university’s enrollment efforts and had the Provost, Dr. Abele, outline the process briefly.

The Chair, as part of closing remarks, recognize Mr. Ulfseld who commented on the need for the university to make its students feel welcome and comfortable in difficult times. He stressed the importance of tolerance to the university’s mission. Following these remarks, Mr. Johnson III briefly reported on student activities in the wake of the September 11th attack. He provided the Board with an overview of student efforts to maintain tolerance and foster understanding.

The Chair noted the important role of both student government and the faculty senate in shaping the university. He recognized Dr. Laughlin, President of the Faculty Senate, who indicated that the faculty looked forward to working with the Board. Mr. Thrasher said
that he would like to meet with the Senate and intended to have a representative from the
Senate on the agenda of every meeting.

The Chair, on motion from Mr. Uhlfelder, adjourned the meeting at 5:00 p.m.
ITEM: 4A

BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Faculty Senate

PROPOSED BOARD ACTION

No action required. Dr. Karen Laughlin, President of the Faculty Senate, will provide an overview of the Faculty Senate.

BACKGROUND INFORMATION

The Faculty Senate is an elected, representative body of faculty that establishes academic policy regarding admission and graduation of students, curricula, and academic standards, and advises and recommends about all matters affecting the academic program of the university.

The President of Faculty Senate is elected by the members of the Senate and serves as the liaison between the President of the University and the Senate.

Supporting Documentation Included: Memorandum
                                  Bylaws of the Faculty Senate

Contact: Karen Laughlin          Phone: 644-3530
TO: Members of the Board of Trustees
FROM: Karen Laughlin, Faculty Senate President
RE: FSU Faculty Senate Bylaws

August 31, 2001

The attached Bylaws of the Florida State University Faculty Senate should give you a good idea of the scope and structure of the Senate's work. The Faculty Senate includes elected representatives of the faculty from all Colleges and Schools as well as one elected representative from the library staff. Its exact composition is established in the FSU Constitution as follows:

"Each college or school shall be entitled to representation in the Faculty Senate according to the following formula:

\[
\text{number of representatives} = \frac{\text{number of eligible faculty members in college or school}}{100}\text{ total number of eligible faculty members in the University}
\]

Also according to the Constitution, the President of the University, the Vice Presidents, the Dean of the Faculties, the Dean of Graduate Studies, the Dean of Undergraduate Studies, the dean of each college or school, the University Registrar, the Director of Libraries, and the President of the Student Body serve as ex-officio members. Ex-officio members have the privilege of the floor but may not vote.

The Constitution also outlines the Senate's jurisdiction. Briefly, the Senate is charged with the following:

1. Formulating measures to maintain a comprehensive educational policy and make the best possible use of the University's intellectual resources.

2. Determining and defining University-wide policies on academic matters, including Liberal Studies policy, admission, grading standards, and degree requirements.

3. Adopting resolutions on any other subject of interest to the University.

4. Designating individuals to be available to serve on committees established for consultation in the selection of a University President.

The Senate By-laws, and especially the listing of Standing Committees in Section F, will give you an idea of the kinds of work faculty members do
THE BYLAWS OF THE FACULTY SENATE

Section A. Meetings

1. The Faculty Senate shall meet in regular session each month during the academic year and may meet in special session during the summer. The regular meetings shall be scheduled on Wednesdays. At the April meeting of the Senate, the Steering Committee shall present for confirmation by the Senate the dates for regular meetings of the Senate during the following academic year.

2. Special meetings may be held at any time at the call of the President of the University, the Steering Committee, or at the written request of ten voting members of the Senate, representing at least four colleges or schools.

3. All meetings of the Faculty Senate shall be open provided, however, that by a majority vote the Senate may go into closed session with only General Faculty members present.

4. The presiding officer of the Senate shall be elected by the Senate from its membership and shall serve as the Chairperson of the Steering Committee. In the absence of the presiding officer, the Vice Chairperson of the Steering Committee or a person designated by him or her shall preside.

5. Any member of the General Faculty may be recognized to speak, but the time of a non-member may be limited at the discretion of the presiding officer subject to the authority of the Senate to extend or curtail a non-member's time by a majority vote.

Section B. Quorum

A majority of the voting members of the Senate shall constitute a quorum at any regular or special meeting.

Section C. Order of Business

1. Minutes
2. Report of the Steering Committee
3. Special orders
4. Reports of special committees
5. Reports of standing committees
6. Unfinished business
7. Response of the President of the University to previous Senate action
8. New business
9. University welfare
10. Announcements of Deans and other administrative officers
11. Announcements of the President of the University
Section D. Procedure

1. All meetings of the Senate shall be conducted in accordance with the third (1988) edition of Sturgis Standard Code of Parliamentary Procedure, except as otherwise provided in the Florida State University Constitution or in these Bylaws.

2. Minutes shall be kept by the Secretary to the Faculty and shall be distributed to all members of the General Faculty, to all administrative officers, and to all members of the Professional Staff.

3. A roll call vote for recording in the minutes may be taken on request of fifteen (15) members.

4. The Steering Committee shall appoint annually a parliamentarian from among the General Faculty.

Section E. Steering Committee and Senate President

1. Election
   a. As soon as the elected membership of the Senate has been certified by the Secretary to the Faculty, a nominating ballot listing all voting members of the Senate shall be circulated to the Senate membership with a two-weeks return requirement. Each member may nominate as many candidates from this list as there are positions on the Steering Committee to be filled.
   b. The March meeting of the Faculty Senate shall be the last regular meeting of that Senate for the academic year. Members of that Senate shall hold office until the first meeting of the new Senate. The new Senate shall be seated at the April meeting date, with the previous Senate President presiding until the new Senate shall elect its President from its ranks. A majority shall be required for election. The new Senate may receive reports and conduct business during elections for both the Senate President and the Steering Committee.
   c. As soon as the Senate President has been elected, the new Senate shall proceed to elect its seven-member Steering Committee. The Elections Committee shall prepare and circulate to the Senate membership two weeks in advance of the meeting a slate of nominees. The slate shall consist of twice the number to be elected, including any members tied for last position on the ballot. Additional nominations may be taken from the floor of the Senate with four (4) seconds. Nomination and election ballots shall remind Senators that at least one person from each of four colleges or schools shall be represented on the Steering Committee. College or school shall list names of Senators. Four members shall be elected for two-year terms in even years and three members for two-year terms in odd years.
   d. Each member of the new Senate may vote for as many nominees as there are positions to be filled. On the first
two ballots a majority shall be required for election. On the third ballot a plurality vote shall suffice. The Senate President shall withhold his/her ballot to break any possible ties on this third ballot. All voting shall be by secret ballot.

2. Organization and Jurisdiction of Steering Committee
   a. Immediately following their election at the April meeting of the Senate, members of the Steering Committee shall convene and elect their Vice Chairperson and Secretary, each for a one-year term.
   b. The Committee shall meet regularly, at least once a month, and on special call of the Chairperson. A majority of the Committee shall constitute a quorum. The Secretary shall keep the minutes of all meetings.
   c. The Committee shall consider and advise regarding all matters, which are within the jurisdiction of the Senate. In consultation with the President of the University, the Committee shall prepare the agenda for each Senate meeting and distribute it to the membership of the entire faculty at least two days before the Senate meets. Items may be added to the agenda at any meeting of the Senate under new business by unanimous consent or by majority vote. On request of the President of the University, the Committee shall advise and consult with him or her on any matter, which he or she may call to its attention.
   d. The Committee may request information from any member of the faculty or any administrative officer and may invite any such person to sit with it for consultation or advice on matters within its jurisdiction.
   e. The Steering Committee may establish special committees to facilitate its work.

3. President of the Senate
   a. The President of the Senate shall be elected at the first meeting of the new Senate in April of each year. The Secretary to the Faculty shall provide notice of this election to all members of the new Senate at least two weeks prior to the meeting. A list of the members of the new Senate and their college or school affiliation shall accompany the notice.
   b. The President of the Senate shall serve as liaison between the President of the University and the Senate and shall communicate to the President of the University the recommendations of the Steering Committee. The Vice Chairperson of the Steering Committee shall serve as liaison between the Senate and the Steering Committee, shall present the agenda at Senate meetings, and report the opinions and actions of the Steering Committee to the Senate membership.
   c. If the President/presiding officer of the Senate is unable to complete the elected term of office, the Vice Chairperson of the Steering Committee shall become President of the Senate for the remainder of that term.
The candidate with the next highest number of votes in the most recent election to the Steering Committee shall become a member of the Steering Committee for the period that the Vice Chairperson fulfills that term of office as President. The Steering Committee shall then elect a new Vice Chairperson.

4. Nominations or recommendations by the Steering Committee for committee members and other positions subject to election or consent by the Faculty Senate shall be distributed to the Senate two weeks prior to the meeting at which a decision is to be made.

Section F. Standing Committees

1. Undergraduate Policy Committee
   The Undergraduate Policy Committee shall consider University-wide policies on undergraduate academic affairs. Members of this Committee shall be appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. Each college or school shall have one representative; the Colleges of Education, Business, and Social Sciences shall have one additional representative; and the College of Arts and Sciences shall have four additional representatives. The Vice President for Academic Affairs, or his or her designee, and the Dean of Undergraduate Studies, or his or her designee, shall be ex-officio members. The President of Student Government shall appoint an undergraduate student member annually.

   The Committee shall elect its chairperson annually from the faculty representatives. The Committee will make its recommendations to the Steering Committee, which will transmit the recommendations to the Senate for action.

2. Graduate Policy Committee
   The Graduate Policy Committee shall consider University-wide policies relating to graduate education. Members of this Committee shall be appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. Each college or school shall have one representative; the Colleges of Education, Business, and Social Sciences shall have one additional representative; and the College of Arts and Sciences shall have four additional representatives. The Vice President for Academic Affairs, or his or her designee, and the Dean of Graduate Studies, or his or her designee, shall be an ex-officio member; and membership shall include two graduate student representatives from different colleges or schools appointed for a one-year term by the President of Student Government.

   The Committee shall annually elect its chairperson from the faculty representatives. The Committee will make its recommendations to the Steering Committee, which will transmit the recommendations to the Senate for action.
3. Curriculum Committee
The Curriculum Committee shall consider curricular policies and procedures at both the undergraduate and graduate levels. The Committee shall consist of nine faculty members appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. The Dean of the Faculties, or his or her designee, shall be an ex-officio member.

The Committee shall annually elect its chairperson from the faculty representatives.

4. Elections Committee
The Elections Committee shall conduct Senate and University elections involving faculty. The Committee shall consist of three Senators appointed annually by the Steering Committee, with the advice and consent of the Senate; each appointee shall come from a different college or school.

The chairperson shall be appointed by the Steering Committee.

5. Student Academic Relations Committee
The Committee on Student Academic Relations shall hear appeals from students who think that decisions about their academic work have been made improperly or unprofessionally in colleges or schools. The Committee shall consist of five persons appointed annually by the Steering Committee, with the advice and consent of the Senate, for staggered two-year terms; an undergraduate student member and a graduate student member shall be appointed annually by the President of the University.

The Committee shall elect its chairperson annually from the faculty representatives. The Committee shall report its findings and recommendations to the Vice President for Academic Affairs. It shall also report each term to the Faculty Senate.

6. Budget Advisory Committee
The Budget Advisory Committee shall consider University budget policies, procedures and practices, with special emphasis on the academic budget. The Committee shall consist of the President of the Faculty Senate, a member appointed annually by the Steering Committee and who shall serve as chair, and the four faculty members appointed by the President of the University to the University Budget Committee. It shall consult regularly with the President of the University and the Vice President for Academic Affairs; it shall report on its deliberations at least each term to the Faculty Senate.

7. Honors Program Policy Committee
The Honors Program Policy Committee shall consider policies and procedures relating to the University's Honors and
Scholars Program. The Committee shall consist of seven faculty members appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. No college or school shall have more than three faculty representatives. The Vice President for Academic Affairs, or his or her designee, and the Director of the Honors and Scholars Program shall be ex-officio members. The President of Student Government from among present or past participants in a Florida State University honors curriculum shall appoint two undergraduate student members annually.

The chairperson shall be appointed by the Steering Committee from the faculty representatives. The Committee will make its recommendations to the Steering Committee, which will transmit the recommendations to the Senate for action.

8. Library Committee

The Library Committee shall consider University-wide policies on general library operations. Members of this Committee shall be appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. Each college or school shall have one representative; the Colleges of Education, Business, and Social Sciences shall each have one additional representative; and the College of Arts and Sciences shall each have four additional representatives. The Vice President for Academic Affairs, or his or her designee, the Dean of the Faculties, or his or her designee, and the Director of University Libraries shall be ex-officio members; and membership shall include a graduate student and an undergraduate student from different colleges or schools appointed for a one-year term by the President of Student Government.

The Committee shall annually elect its chairperson from the faculty representatives. The Committee will make its recommendations to the Steering Committee, which will transmit the recommendations to the Senate for action.

9. Computing and Information Resources Committee

The Computing and Information Resources Committee shall consider University-wide policies relating to the acquisition and use of computing and communicating resources for instruction, research, and service. This shall include policy for academic computing, administrative information systems, telecommunications and their interrelations. Members of this committee shall be appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. Each college or school shall have one representative; the Colleges of Education, Business, and Social Sciences shall each have one additional representative; and the College of Arts and Sciences shall have four additional representatives. The Vice President for Academic Affairs, or his or her designee, the Vice President for Research and Graduate Studies, or his or her designee, the Dean of the Faculties, the Associate Vice President for Computer and Information Resources, and the
Associate Vice President for the Supercomputer Computations Research Institute shall be ex-officio members. The membership shall include two students, one graduate and one undergraduate, from different colleges or schools appointed for one-year terms by the President of Student Government.

The Committee shall annually elect its chairperson from the faculty representatives. The Committee will make its recommendations to the Steering Committee, which will transmit the recommendations to the Senate for action.

10. Committee on Memorials and Courtesies

The Committee on Memorials and Courtesies shall represent the Faculty Senate and General Faculty on appropriate occasions. The Committee shall consist of three faculty members appointed annually by the Steering Committee, with the advice and consent of the Senate.

11. Professional Relations and Welfare Committee

A Committee on Professional Relations and Welfare shall consider all matters involving University policy concerned with professional relations, professional ethics, academic freedom, conditions of employment, and the general welfare of the faculty. The Committee shall make recommendations to the Faculty Senate or to the appropriate administrative officer. This Committee is to concern itself with policy; particular grievances are the province of the Grievance Committee.

The Chairperson of the Elections Committee shall, through the Secretary to the Faculty, notify each college or school scheduled to nominate candidates for this Committee. The faculty of that unit shall, through procedures it shall determine, nominate from its ranks at least twice the number of faculty members to be elected. Additional nominations shall be taken from the floor of the Senate. Election shall be by the General Faculty for three-year staggered terms to begin July 1. Each college or school shall have one representative; the Colleges of Education, Business, and Social Sciences shall have an additional representative; and the College of Arts and Sciences shall have four additional representatives.

The Steering Committee shall appoint the chairperson.

12. Grievance Committee

The Grievance Committee shall have jurisdiction, through its hearing panels, to hear grievances, as defined by University rules, brought to its attention by any faculty member in relation to the University practice in professional relations, professional ethics, academic freedom, conditions of employment (including the termination or suspension of tenured and non-tenured faculty), and general faculty welfare.

The Committee is empowered to create hearing panels for the consideration of individual cases. The Grievance Committee will report each term to the Faculty Senate. Action by a Grievance Committee hearing panel in no way precludes a faculty member from seeking redress through other official means; however, no other University committee shall serve as
an appeals committee for cases initially heard by the Grievance Committee.

The Chairperson of the Elections Committee shall, through the Secretary to the Faculty, notify each college or school scheduled to nominate candidates for this Committee. The faculty of that unit shall, through procedures it shall determine, nominate from its ranks at least twice the number of faculty members to be elected. Additional nominations shall be taken from the floor of the Senate. Election shall be by the General Faculty for three-year staggered terms to begin July 1. Each college or school shall have one representative; the Colleges of Education, Business, and Social Sciences shall have an additional representative; and the College of Arts and Sciences shall have four additional representatives.

The Steering Committee shall appoint the chairperson.

13. Distance Learning Committee

The Distance Learning Committee shall provide policy development, oversight, and academic advice specific to the design and implementation of Distance Learning courses and degree programs. In particular, the committee will have the following responsibilities:

(1) To propose to the Senate procedures and standards for authorization to offer courses and programs by delivery methods other than standard classroom delivery, and for ensuring quality control of such course and program offerings.

(2) To monitor the effectiveness with which the procedures and standards adopted are being implemented.

(3) To propose to the Senate modifications to existing standards and procedures as appropriate. This committee will supplement, not supplant, the functions of other existing policy committees.

The Committee shall consist of the following members: the Chairs of the Undergraduate Policy, Graduate Policy and Curriculum Committees; three additional faculty members appointed by the Steering Committee, with the advice and consent of the Senate, for staggered three-year terms. The Dean of the Faculties, or his or her designee, shall be an ex-officio member. The Director of the Office of Distributed and Distance Learning and the Vice President for Academic Affairs or his/her designee shall be ex-officio members. The Faculty Senate Steering Committee shall appoint its chairperson annually from the faculty representatives. The Committee will make its recommendations to the Steering Committee, which will transmit the recommendations to the Senate for action.

14. Elections

The Elections Committee shall prepare the ballots for the Professional Relations and Welfare Committee and the Grievance Committee and circulate them to all members of the
General Faculty, allowing two weeks for the return of ballots. A majority vote shall be required for election.

15. Standing committees and special committees shall arrange with the Chairperson of the Steering Committee to have their reports placed on the Senate agenda.

16. A committee report, which is on the agenda, should be distributed to the Senate membership at least two days before the Senate meets. Except by unanimous consent of the Senate, a committee report, which is not on the agenda, shall not be considered for action.

17. Vacancies in Standing Committees
   Vacancies in standing committees shall be filled by the Steering Committee with the advice and consent of the Senate. In case of elected committees the Steering Committee shall consider first those from the affected college or school who fell just short of election on the most recent usable ballot.

Section G. Amendments
   The Bylaws may be amended by a majority vote at any meeting of the Senate provided that the amendment has been introduced at a prior meeting.
BOARD OF TRUSTEES
October 29, 2001

SUBJECT:  Student Government Association

PROPOSED BOARD ACTION

No action required.  Trustee Delmar W. Johnson, III, President of the Student Government Association, will provide introductory remarks and an overview of the Student Government Association.

BACKGROUNDD INFORMATION

The Student Government Association is the students' voice at The Florida State University.  Its budget allocates approximately $5 million of activity and service fees to support the activities of the Student Senate and the executive branch, student government agencies, and numerous student organizations and university units.
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Athletics Board

PROPOSED BOARD ACTION

Mr. Chuck Ehrhardt, the chairman of the Athletics Board, will provide an overview.

BACKGROUND INFORMATION

Florida State is a member of the NCAA and the ACC and is governed by the rules of both those organizations. The NCAA provides that a "member institution’s chief executive officer has the ultimate responsibility and final authority for the conduct of the intercollegiate athletics program and the actions of any board in control of that program." In addition, it provides that a "board in control of athletics or an athletics advisory board, which has responsibility for advising or establishing athletics policies and making policy decisions...[shall be composed of a majority of] administration and/or staff members...irrespective of the chief executive officer’s responsibility and authority..."

The Florida State Athletic Board, which has been appointed pursuant to this NCAA provision, is composed of eight faculty members, appointed by the President, as well as the Chair of the Faculty Senate. The student-body president, a student/athlete, two representatives of Seminole Boosters, the President of the Alumni Association and a citizen at large are also members. There are also persons who serve in an ex officio, non-voting capacity.

The Board, which meets regularly, has three significant committees; Academic, chaired by Dr. Leo Sandon, Budget and Finance, chaired by Dr. Fred Standley, and Title IX, chaired by Dr. Dianne Harrison.

The Atlantic Coast Conference governing provisions provide that "the institution’s chief executive officer is ultimately responsible for the administration of all aspects of the athletics program, including approval of the budget and audit of all expenditures." Each year the chair of the Governing Board of Conference Member Institutions must certify that among other matters the "responsibility for the administration of the athletics program has been delegated to the Chief Executive Officer of the institution." A copy of that certification is attached.

Supporting Documentation Included: ACC Certification
Contact: Chuck Ehrhardt Phone: (706) 542-1675
Atlantic Coast Conference
Governing Board Certification Form
2001-02

As Chairman of the Governing Board at THE FLORIDA STATE UNIVERSITY (name of institution), I attest that:

(1) Responsibility for the administration of the athletics program has been delegated to the Chief Executive Officer of the institution.

(2) The Chief Executive Officer has the mandate and support of the board to operate a program of integrity in full compliance with NCAA, ACC and all other relevant rules and regulations.

(3) The Chief Executive Officer, in consultation with the Faculty Representative and the Director of Athletics, determines how the institutional vote shall be cast on issues of athletic policy presented to the NCAA and the ACC.

Date Presented to the Governing Board:

Signed:

(Chair of the Governing Board)
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Report - Ad Hoc Committees

PROPOSED BOARD ACTION

Trustee Hinkle will provide a status report of the work of the Procedural Committee and an update of special session activities.

Approve procedural guidelines for the operation of the Board of Trustees.

BACKGROUND INFORMATION

The Board of Trustees established a Procedural Guidelines Committee at the September 24, 2001, meeting. Subsequently, draft procedural guidelines were sent to the trustees from Richard McFarlain, the university's general counsel. On October 18, 2001, the Procedural Guidelines Committee met and suggested modifications. The final draft approved by the Procedural Guidelines Committee was sent electronically to the trustees on October 19, 2001, and is also attached.

In addition, the Board of Trustees established a Legislative Committee at the October 15, 2001, meeting.

Vice Chairman Hinkle serves as chairman of both of these ad hoc committees.

Supporting Documentation Included:
Contact: Richard McFarlain/Mike Cramer Phone: 644-3300
Introduction

The laws of the State of Florida establish The Florida State University Board of Trustees (hereinafter Board).

Article I – Membership

Section 101 – Governing Law

The membership of the Board shall be determined in accordance with State of Florida law.

Section 102 – Board Officers and Executive Officer/Corporate Secretary

(a) The Board shall have a Chair and a Vice Chair.

(b) The Chair of the Board shall preside at meetings of the Board, call special and emergency meetings, sign and execute all documents and instruments on behalf of the Board, and perform such other duties as may be required by law or directed by the Board. The Chair may delegate the authority to sign and execute documents and instruments on behalf of the Board to the Corporate Secretary.

(c) The Vice Chair of the Board shall have the powers and perform such duties as may be delegated to that individual by the Board and in the event of the death, absence or inability of the Chair to act, perform such duties and exercise the powers of the chair.

(d) The University President is the Executive Officer and Corporate Secretary of the Board, and shall be responsible for keeping the minutes of all regular meetings of the Board. The Secretary shall attest to the signature of other officers of the Board when required or necessary and shall affix the seal of the Board when necessary. The Secretary shall perform the duties customarily performed by the secretary to a public body corporate as well as such other duties as may be prescribed by the Board. As Executive Officer, the University President shall serve as the principal liaison and official contact between the Board and the faculty, staff and students of the university. The President shall exercise such powers as are appropriate to that position in promoting, supporting and protecting the interests of the University and in managing and directing its affairs. The President shall be responsible for all
management functions of the University consistent with the policies established by the Board and shall exercise such other powers, duties and responsibilities as are delegated or assigned by the Board and Florida statutes.

Article II -- Meetings

Section 201 -- Scheduling of Meetings

(a) There shall be an organizational meeting of the Board upon its initial appointment by the Governor and every two (2) years thereafter for the election of the Chair, Vice Chair, and such other additional officers as the Board may decide are necessary and appropriate. If the organizational meeting of the Board is not held as stated above, the election of officers may be held at any meeting called pursuant to these internal practices and procedures. Normally, to be eligible for election as Chair or Vice Chair, a member of the Board shall have at least two years remaining on his or her term of appointment, provided that this requirement may be waived by a majority vote of the Board.

(b) Meetings of the Board shall be held as needed.

(c) Special and emergency meetings of the Board shall be held when directed by the Chair or any seven (7) members of the Board.

(d) Meetings of the Board may be held for the purpose of acting on emergency matters affecting the university or public health, safety, or welfare. Notice of the time, date, place and purpose of an emergency meeting will be published in the Tallahassee Democrat newspaper or other major newspaper of general circulation in the area where the meeting will take place. The media may also be notified through a press release issued by the Media Relations Office, The Florida State University. Following an emergency meeting, the Board shall publish in the Tallahassee Democrat newspaper reasonable notice of the time, date, and place of the meeting, a statement setting forth the reasons for an emergency meeting, and a statement setting forth the action taken at the meeting.

(e) Meetings of the Board may be held at The Florida State University or other locations as deemed necessary and appropriate by the Board.

(f) Meetings may be conducted through conference call or teleconference.

Section 202 -- Notice of Meeting

(a) Reasonable notice of all meetings shall be made in accordance with Chapter 286 and 120 Florida Statutes by publication in the Tallahassee Democrat newspaper or such other major publication of wide circulation in the area
where the meeting will be held. Notice may also be published on The Florida State University web page.

(b) Such notice shall state the date, time and place of the meeting, a brief description of the purpose and the address where interested persons can write to obtain a copy of the agenda.

Section 203 -- Agendas

(a) The University President shall be responsible for setting the agenda for meetings of the Board in consultation with the Chair.

(b) At least seven (7) days prior to each regular meeting of the Board of Trustees, a copy of the agenda, including (insofar as is practicable) copies of all reports and other written materials to be presented to the meeting, shall be sent to each member of the Board by the Secretary. Supplemental material should be sent to members not later than three (3) days prior to the meeting.

(c) The Secretary or designee shall prepare the agenda for meetings of the Board.

(d) The agenda shall list the items in the order they are to be considered. Items may be considered out of their stated order at the discretion of the Chair.

(e) The following form should be utilized in preparing the agendas of the Board meetings:

THE FLORIDA STATE UNIVERSITY
BOARD OF TRUSTEES

Time, Date & Place of Meeting
THIS MEETING IS OPEN TO THE PUBLIC

1. Call to Order and Roll Call
2. Review and Approval of Previous Meeting Minutes
3. Chair's Remarks
4. Committee Reports
5. President
   a. Remarks
   b. Reports
   c. Consent Items
   d. Action Items
   e. Information Items
6. New Business
7. Executive Session
8. Public Comments
9. Adjournment
Article III – Conduct of Business

Section 301 – Call to Order and Roll Call

At the hour appointed for the meeting, the Chair shall call the Board to order and the Chair or the Secretary shall call the roll.

Section 302 -- Quorum

A quorum of the Board shall consist of a majority of the members of the Board. No action shall be taken by the Board without the affirmative vote of at least seven (7) members.

Section 303 – Presiding Officer

The Chair shall preside over all regular and special meetings of the Board. In the absence of the Chair, the Vice Chair shall preside. In the absence of both the Chair and the Vice Chair, the Secretary shall determine whether a quorum is present and, in that event, shall call for the election of a temporary presiding officer, who shall be elected by and from the membership of the Board upon a majority vote. Upon arrival of the Chair or Vice Chair, the temporary Chair shall relinquish the chair after concluding the business then before the Board.

Section 304 -- Member Voting

(a) All members of the Board shall vote on all matters coming before the Board for consideration in accordance with s. 286.012, Florida Statutes. No member may vote by proxy. Each member having the right and entitled to vote at a meeting of the Board shall be entitled, at each meeting and upon each proposal presented at such meeting, to one vote.

(b) A member is authorized, but not required, to abstain from voting because of a conflict of interest under Chapter 112, Part III, Florida Statutes. See Article VI. Should a member elect to abstain, the member may be counted for purposes of computing a quorum for a vote on that question.

Section 305 – Procedures

(a) The business of the Board shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

(b) The vote upon any resolution, motion or other matter may be by voice vote, but the Chair or any Board member may require a roll call vote.
Section 306 -- Minutes

(a) The Secretary shall ensure minutes are kept of all regular meetings of the Board of Trustees; shall file and preserve all minutes, rules, orders, papers, and documents pertaining to the business and proceedings of the Board; shall be custodian of all records of the Board; and, when required, shall attest the execution of all legal documents and instruments of The Florida State University.

(b) The Secretary shall develop minutes of the meeting to be sent to the members of the Board with the next meeting agenda.

(c) Records of the meetings of the Board, including any tape recording or video recording, are subject to Chapter 119, Florida Statutes.

Section 308 – Communications

All communications from the Board or any of its committees addressed to any employee or student of the University shall be transmitted through the President. This section does not preclude individual members of the Board from contacting any member of the university community.

Section 309 – Applicability of Robert’s Rules of Order

Robert’s Rules of Order Newly Revised (10th Edition) shall be used to conduct meetings of the Board, except where these internal operating procedures specifically provide otherwise.

Article IV – Powers and Duties

Section 401 - General Powers and Duties

(a) The Board is vested with the authority to govern and set policy for The Florida State University as necessary to provide proper governance and improvement of the University in accordance with law and rules of the Florida Board of Education.

(b) The Board may adopt rules and policies consistent with the University’s mission, with law, and with rule of the Florida Board of Education

Section 402 - Other Powers and Duties

The Board shall have such other powers and duties, not inconsistent with applicable provisions of State law, as presently or as shall be defined and delegated by the Florida Board of Education.
Section 403 – Duties of the President

(a) The President is responsible for the operation and administration of the University.

(b) The President shall exercise powers and assume responsibilities in accordance with State law.

Article V – Committees

Section 501 – Committees

(a) The Chair of the Board shall have the power to establish committees and appoint members, subject to the approval of the Board. Standing committees are charged specifically with the immediate care and supervision of the subject matters assigned to them.

(b) Ex Officio Members: The Chair of the Board of Trustees, or in the Chair’s absence the Vice Chair of the Board, shall be ex officio members of all standing committees and subcommittees.

Section 502 – Notice and Records

The Secretary of the Board shall notice meetings of standing, special, and ad hoc Committees in the same manner as for meetings of the Board of Trustees. The Secretary shall not maintain minutes of these meetings, but will ensure that the meeting is audiotaped and kept publicly available.

Article VI – Conflict of Interest

Section 601 – Disclosure of Potential Conflict of Interest by Members of the Board of Trustees:

Members of the Board shall disclose and resolve potential conflicts of interest and ethical concerns in accordance with Chapter 112, Part III, Florida Statutes.

Article VII – Adoption, Amendment and Rescission of Internal Operating Practices and Procedures

Following initial adoption, the Internal Operating Procedures may be amended or rescinded at any regular meeting of the Board by a two-thirds vote of the total voting membership of the Board, provided that written notice containing the wording of each procedure to be adopted, amended, or rescinded shall have been presented at the preceding regular meeting of the Board.
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Meeting Dates

PROPOSED BOARD ACTION

Amend, as appropriate, meeting schedule for December 2001 to meet as needed and add weekly-conference calls for legislative updates during the 2002 Legislative Session which begins on January 22, 2002.

BACKGROUND INFORMATION

The Board of Trustees agreed to have regular meetings on the following dates: October 29, 2001; November 15-16, 2001; February 14-15, 2002; May 9-10, 2002; and July 18-19, 2002. In addition, the Board agreed to conference calls on October 15, 2001; November 26, 2001; December 10, 2001; and December 24, 2001.

The December 10 meeting conflicts with Hanukkah and the December 24 date conflicts with Christmas Eve.

Supporting Documentation Included:
Contact: Phone:
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Roles and Responsibilities of Trustees

PROPOSED BOARD ACTION

No action required. Richard McFarlain, the university’s general counsel, will review the roles and responsibilities of the university trustees.

BACKGROUND INFORMATION

SB 1162, the education reorganization bill, was signed into law on June 6, 2001. This legislation creates the university boards of trustees and specifies the duties and responsibilities of the trustees.

Supporting Documentation Included:
Contact: Richard McFarlain/Mike Cramer

Phone: 644-3300
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: State Laws

PROPOSED BOARD ACTION

Review relevant state laws, including those relating to financial disclosure, open meetings, public records, notice requirements, ethics and conflict of interest, and financial disclosure.

BACKGROUND INFORMATION

Richard McFarlain, the university’s general counsel, and Trustee Lee Hinkle will discuss state laws relevant to the Florida State University Board of Trustees.

Supporting Documentation Included: Publications and Forms Provided by the Ethics Commission

Contact: Richard McFarlain/Mike Cramer

Phone: 644-3300
FACTS ABOUT THE FLORIDA COMMISSION ON ETHICS

Composition

Nine members appointed for two-year terms. Five members appointed by the Governor, no more than three of whom are from the same political party. One member appointed by the Governor shall be a former city or county official. Two members are appointed by the President of the Senate, and two members by the Speaker of the House of Representatives. Neither the Speaker of the House nor the President of the Senate may appoint more than one member from the same political party. No member may hold any public employment. No member may serve more than two full terms in succession. (Section 112.321, Fla. Stat.)

Mission and Authority

Part III, Chapter 112, Florida Statutes, and Article II, Section 8, Florida Constitution, provide that the Commission on Ethics shall:

- Serve as guardian of the standards of conduct for officers and employees of the state and its political subdivisions.

- Conduct investigations and make public reports on all complaints concerning the breach of public trust by public officers and employees other than judges.

- Issue legally binding advisory opinions interpreting the ethics laws upon request of any public officer or employee.

- Compile a list of persons required to file financial disclosure, receive and maintain disclosure forms, and enforce the timely filing of financial disclosure forms.
Functions and Responsibilities

The Commission

The nine-member Commission, by majority vote, interprets the ethics laws by taking action on the disposition of complaints, the recommendation of penalties, and the issuance of legal opinions. Additionally, the Commission hires the Executive Director, recommends changes in the ethics laws to the Legislature, and adopts rules of procedure and an operating budget.

RONALD S. SPENCER, JR., Chair
Tallahassee

PATRICK K. NEAL, Vice Chair
Bradenton

PETER ANTONACCI
Tallahassee

JOHN P. LINSTROTH
West Palm Beach

DEÁN C. COLSON
Coral Gables

HOWARD S. MARKS
Winter Park

JOEL K. GUSTAFSON
Fort Lauderdale

RICHARD L. SPEARS
Orlando

CAROL LICKO
Miami

Commission Staff

* Legal Section *

Drafts legal opinions, orders, rules, and proposed legislation for consideration by the Commission. Responds to inquiries about the ethics laws and represents the Commission in litigation.

* Public Information Section *

Provides information regarding Commission practices and procedures to other states, the press, and the public. Responds to inquiries about the Commission and the ethics laws.

* Investigative Section *

Investigates complaints of violations of the ethics laws and writes narrative investigative reports.

* Financial Disclosure Section *

Handles and supervises the disclosure notification process. Receives and maintains disclosure forms. Enforces the timely filing of disclosure forms. Responds to inquiries about financial disclosure laws.

* Administrative Section *

Provides administrative and clerical support to Commissioners and staff.

Revised 9/01
OVERVIEW OF “GIFTS LAW” (SECTION 112.3148, FLA. STAT.)

NOTE: Two other provisions of the Code of Ethics prohibit solicitation and acceptance of gifts in certain situations. As these laws [Section 112.313(2) and (4), Fla. Stat.] apply to all public officers and employees, it is suggested that you read them as well.

GIFT SOLICITATION PROHIBITIONS

Each person required to file annual financial disclosure Form 1 or Form 6, including candidates for office, and each State procurement employee is prohibited from soliciting any gift from a political committee, committee of continuous existence, or lobbyist* or from a partner, firm, employer, or principal of a lobbyist*.

GIFT ACCEPTANCE PROHIBITIONS

Each person required to file annual financial disclosure Form 1 or Form 6, including candidates for office, and each State procurement employee is prohibited from directly or indirectly accepting a gift worth over $100 from a lobbyist*, from a partner, firm, employer, or principal of the lobbyist*, or from a political committee or committee of continuous existence. (However, a gift may be accepted by a person on behalf of a governmental entity or charitable organization, provided the gift is promptly transferred to the intended entity or organization.)

GIFT GIVING PROHIBITIONS

Political committees and committees of continuous existence are prohibited from giving gifts valued at over $100 to any person required to file Form 1 or Form 6 financial disclosure and to any State procurement employee or to others on behalf of the above. Lobbyists*, as well as their partners, firms, employers, and principals, similarly are prohibited from giving a gift valued at over $100 to a person required to file Form 1 or Form 6 and to a State procurement employee, or to others on their behalf, if the lobbyist* lobbies the agency of the procurement officer or person who files disclosure.

GIFTS OVER $25 AND NOT EXCEEDING $100

Persons required to file financial disclosure Form 1 or Form 6, including candidates for office, and State procurement employees may accept a gift valued at over $25 but not exceeding $100 from a lobbyist*, a political committee, or a committee of continuous existence. However, a lobbyist*, political committee, or committee of continuous existence which gives a gift valued at over $25 but not exceeding $100 to a reporting individual or State procurement employee must report the gift on Commission on Ethics Form 30 by the last day of the calendar quarter for gifts given in the preceding quarter. Additionally, the donor must notify the recipient at the time a reportable gift is made that the gift will be disclosed as required above.
GIFTS FROM GOVERNMENT AGENCIES AND DIRECT-SUPPORT ORGANIZATIONS

State government entities, water management districts created pursuant to Section 373.069, Florida Statutes, the Tri-County Commuter Rail Authority, the Technological Research and Development Authority, counties, municipalities, school boards, and airport authorities which lobby governmental entities may give a gift worth over $100 to a person required to file financial disclosure and to a State procurement employee 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. The governmental entity or direct-support organization giving such gift must provide the recipient with a statement describing the gift, the date it was given, and its value no later than March 1 of the following year. The reporting individual/recipient then must disclose this information on Commission on Ethics Form 10, which is to be filed by July 1 with his or her annual financial disclosure.

DEFINITION OF "GIFT"

"Gift" means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit, and for which equal or greater consideration is not given within 90 days of the receipt of the gift. "Gift" includes real property or the use thereof; tangible or intangible personal property or the use thereof; a preferential rate or terms on a transaction not available to others similarly situated; forgiveness of a debt; transportation (unless provided by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; dues, fees, and tickets; plants and flowers; personal services for which a fee is normally charged by the provider; and any other thing or service having an attributable value. "Gift" does not include salary, benefits, services, fees, gifts, commissions, or expenses associated primarily with one's employment, business, or service as an officer or director of a corporation or organization; campaign contributions or expenditures pursuant to the election laws; an honorarium or honorarium expense; an award, plaque, certificate, etc., given in recognition of public, civic, charitable, or professional service; honorary membership in a service or fraternal organization; the use of a public facility or public property made available by a governmental agency for a public purpose; and transportation provided by an agency in relation to officially approved governmental business. Also exempted are some gifts from organizations which promote the exchange of ideas between, or the professional development of, governmental officials and employees and whose membership is primarily composed of elected or appointed public officials or staff, if the gift is to a member of the organization.

QUARTERLY GIFT DISCLOSURE BY REPORTING INDIVIDUALS

Persons required to file financial disclosure and State procurement employees must file a Form 9, Quarterly Gift Disclosure, with the Commission on Ethics on the last day of a calendar quarter for the previous calendar quarter during which a gift worth over $100 was received. Gifts from relatives, gifts prohibited from being accepted, and gifts otherwise required to be disclosed elsewhere are not reported on Form 9. All other gifts worth over $100 must be reported. The form need not be filed if no such gift was received during the calendar quarter.

"Lobbyist" means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency. [Section 112.3148 (2)(b)1., Fla. Stat.]
COMPLAINT PROCEDURES

When a sworn complaint is received in the Commission office, the Executive Director determines whether it is legally sufficient, that is, whether the allegations, if proven to be true, would violate any law over which the Commission has jurisdiction. If found to be legally sufficient, the complaint is assigned to a staff investigator, who undertakes a preliminary investigation. If found legally insufficient, it is agendaded for consideration by the full Commission which, if it agrees with the Executive Director’s analysis, will issue a final report dismissing the complaint without investigation.

A complaint received in the Commission office, as well as all proceedings and records relating to it, are confidential and exempt from the public records law either until the alleged violator (Respondent) makes a written request to the Commission that such records be made public or until the complaint reaches a stage in the Commission’s proceedings where it becomes public. As long as a complaint remains in a confidential stage, neither Commission members nor staff are free to comment on it to members of the public or the press.

After completion of the preliminary investigation, copies of the Investigative Report and the complaint are forwarded to the Commission Advocate, an Assistant Attorney General. The Advocate reviews these documents and prepares his or her recommendation, which is forwarded to the Commission. At a closed meeting (executive session), the Commission determines whether there is probable cause to believe there has been a violation of the ethics laws. The Respondent, Complainant (person who filed the complaint), and their attorneys are allowed to attend this meeting at which the Commission Advocate and the Respondent make presentations and may be questioned by Commission members. The Commission makes its decision by a majority vote of those members present and voting. In cases where the Commission may not make a decision, such as when further investigation is ordered, the complaint is continued and maintains its confidential status.
Once the Commission makes a probable cause determination, the case becomes a matter of public record when the written order is filed a few days following the meeting. A no probable cause determination results in the issuance of a public report noting the finding and dismissing the complaint, at which time it becomes public.

If the Commission finds there is probable cause to believe there has been a violation of the ethics laws, it must decide whether the law actually was violated and, if so, whether a penalty should be recommended. Either the Respondent can request or the Commission may order a public hearing (trial) at which evidence will be presented. These hearings usually are held in or near the area where the alleged violation occurred and usually are conducted by a Division of Administrative Hearings (DOAH) administrative law judge. In lieu of a hearing, the Respondent may resolve a complaint proceeding through a stipulated settlement or consent order entered into with the Commission Advocate and approved by the Commission.

After the public hearing has been held, the DOAH administrative law judge transmits his or her Recommended Public Report to the Commission, which then meets to consider that recommendation for final action. In the case of a public officer, violations of the Code of Ethics or the Sunshine Amendment may be punished by impeachment, removal or suspension from office, public censure and reprimand, and/or a civil penalty not to exceed $10,000 per allegation. A public employee can be dismissed, suspended, demoted, censured, and/or fined in an amount up to $10,000 per charge.

Since the Commission has no power to impose its recommended penalties, it reports its findings and recommendations to the appropriate body, as follows: the President of the Senate or Speaker of the house, whichever is applicable, if a complaint is against a member or employee of the Legislature; the President of the Senate and the Speaker of the House of Representatives where the complaint is against the Public Counsel, the Auditor General, an employee of a joint committee, or a member or employee of the Public Service Commission, Public Service Commission Nominating Council, Legislative Committee on Intergovernmental Relations, or Advisory Council on Environmental Education; the Speaker of the House where the Complaint is against an impeachable officer and may constitute grounds for impeachment; the Attorney General if the complaint is against the Governor; and the Supreme Court if the complaint is against an employee of the Judicial Branch. All other recommended penalties against any other public officer, employee, or candidate, including those involving impeachable officers (other than impeachment), are forwarded to the Governor.

Revised 9/01
HONORARIA LAW

The following is an overview of the provisions relating to the honoraria statute contained in Section 112.3149, Florida Statutes (1991), prepared by staff of the Commission on Ethics. The provisions have been simplified and paraphrased. It therefore is suggested that the actual text of the law be reviewed.

DEFINITION OF "HONORARIUM"

"Honorarium" means a payment of money or anything of value, directly or indirectly, as consideration for a speech or other oral presentation or for any writing other than a book which has been published or is intended to be published. "Honorarium" does not include any ordinary payment or salary related to one's public duties; a campaign contribution reported under Chapter 106; or the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to an honorarium event, including any event or meeting registration fee.

HONORARIA SOLICITATION PROHIBITED

A person required to file financial disclosure (Form 1 or Form 6) or a procurement employee for the State is prohibited from soliciting an honorarium which is related to his public office or duties.

HONORARIA ACCEPTANCE PROHIBITIONS

A person required to file financial disclosure (Form 1 or Form 6) or a procurement employee for the State is prohibited from knowingly accepting an honorarium from a political committee, committee of continuous existence, or lobbyist* who has lobbied his agency within the past 12 months, or from a partner, firm, employer, or principal of such a lobbyist.

Reporting individuals and State procurement employees may accept the payment of actual and reasonable transportation, lodging, food and beverage expenses, and registration fees related to an honorarium event from such persons or entities, provided that the expenses are disclosed.
HONORARIUM GIVING PROHIBITIONS

Political committees and committees of continuous existence are prohibited from giving an honorarium to any person required to file Form 1 or Form 6 financial disclosure and to any State procurement employee. Lobbyists*, as well as their partners, firms, employers, and principals, similarly are prohibited from giving an honorarium to a person required to file Form 1 or Form 6 financial disclosure and to a State procurement employee, if the lobbyist lobbies the agency of the procurement officer or person who files disclosure.

DISCLOSURE OF HONORARIUM RELATED EXPENSES

A person required to file Form 1 or Form 6 financial disclosure, or a State procurement employee, who receives payment of expenses related to an honorarium event from someone who is prohibited from giving him an honorarium must disclose annually on Commission on Ethics Form 10 (Annual Disclosure of Gifts from Governmental Entities and Honorarium Event Related Expenses) the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, and the total value of the expenses. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event. This statement should be attached to the Form 10.

The disclosure of expenses received during the previous calendar year must be filed by July 1 along with the officer's or employee's Form 1 or Form 6. State procurement employees file their statements with the Commission on Ethics.

*Lobbyist* means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency. [Section 112.3149 (1)(d)]. Fla. Stat.]
DISCLOSURES REQUIRED BY GIFTS LAW

Disclosure Dates for Reporting Individuals and State Procurement Employees

Gifts having a value in excess of $100 are reportable quarterly, with limited exceptions. The exceptions are for gifts that are otherwise prohibited, those from relatives, or those associated primarily with any private employment, business, or service as an officer or director of a corporation or organization; gifts from certain governmental entities; gifts from certain organizations whose membership is primarily composed of public officials or staff; contributions or expenditures by a political party; honorarium-related expenses; or the use of a public facility or public property made available by a governmental agency for a public purpose. The quarterly reports (Form 9 - Quarterly Gift Disclosure), which must be notarized, are required to be filed only if a reportable gift was received. They are filed with the Commission on Ethics no later than the end of the quarter following the quarter in which one received the gift. [Section 112.3148(8)(a), Fla. Stat.]

Gifts worth over $100 received from certain governmental entities which lobby the agencies of reporting individuals or State procurement employees as well as gifts from direct support organizations are reportable annually by July 1 for the preceding year. A public purpose must be shown for gifts from governmental entities. Gifts from direct support organizations may be given only to officers or employees of the governmental entity the direct support organization is authorized to support. This disclosure (Form 10 - Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses) is to be filed with the annual financial disclosure statement. The Form 10 need not be filed unless a reportable gift was received. [Section 112.3148(6)(d), Fla. Stat.]

Honorarium expense reports, for the reporting of such expenses received during the preceding calendar year, also are filed on Form 10 as part of the annual financial disclosure statement. They do not need to be filed unless honorarium event related expenses were received. [Section 112.3149(6), Fla. Stat.]
Disclosure Dates for Donors

Lobbyists*, political action committees, and committees of continuous existence must report gifts valued between $25 and $100 given to reporting individuals and State procurement employees no later than the last day of each calendar quarter following the quarter in which the gift was given. These reports (Form 30 - Donor's Quarterly Gift Disclosure) are filed with the Commission on Ethics, except that disclosures of gifts given to reporting individuals in the legislative branch must be filed with the Legislature’s Office of Legislative Services. [Section 112.3148(5)(b), Fla. Stat.]

Lobbyists*, PAC's, and CCE's additionally must notify the intended recipient at the time a reportable gift is made that the gift will be disclosed as required above. [Section 112.3148(5)(b), Fla. Stat.]

Governmental entities and direct support organizations must provide gift recipients a statement describing each gift having a value in excess of $100 and the date on which it was given, as well as the value of the total gifts given to the reporting individual or procurement employee, by March 1 of each year for the preceding calendar year. [Section 112.3148(6)(c), Fla. Stat.]

Lobbyists*, PAC's, and CCE's who pay official expenses related to an honorarium event must provide to the reporting individual a report of the expenses within 60 days after the honorarium event. The statement shall contain the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the honorarium event. [Section 112.3149(5), Fla. Stat.]

*“Lobbyist” means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decision-making of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency. [Section 112.3148 (2)(b)1., Fla. Stat.]

Revised 9/01
FORM 1
STATEMENT OF FINANCIAL INTERESTS

LAST NAME — FIRST NAME — MIDDLE NAME: 

MAILING ADDRESS: 

NAME OF REPORTING PERSON'S AGENCY: 

CHECK ONE OF THE FOLLOWING (see "Who Must File" on page 3):
- [ ] LOCAL OFFICER
- [ ] STATE OFFICER
- [ ] CANDIDATE
- [ ] SPECIFIED STATE EMPLOYEE

CITY: 

ZIP: 

COUNTY: 

LIST OFFICE OR POSITION HELD OR SOUGHT: 

DISCLOSURE PERIOD:
THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (check one):
- [ ] DECEMBER 31, 2000
- [ ] SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: 

MANNER OF CALCULATING REPORTABLE INTERESTS:
PRIOR TO 2001, THE_THRESHOLDS FOR REPORTING FINANCIAL INTERESTS WERE COMPARATIVE, USUALLY BASED ON PERCENTAGE VALUES. BEGINNING IN 2001, THE LEGISLATURE HAS ALLOWED FILERS THE OPTION OF USING REPORTING_THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS (see instructions for further details). PLEASE STATE BELOW WHETHER THIS STATEMENT REFLECTS EITHER (check one):
- [ ] COMPARATIVE (PERCENTAGE) THRESHOLDS (old method)
- [ ] DOLLAR VALUE THRESHOLDS (new method)

PART A — PRIMARY SOURCES OF INCOME

<table>
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<tr>
<th>NAME OF SOURCE OF INCOME</th>
<th>SOURCE’S ADDRESS</th>
<th>DESCRIPTION OF THE SOURCE’S PRINCIPAL BUSINESS ACTIVITY</th>
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PART B — SECONDARY SOURCES OF INCOME

<table>
<thead>
<tr>
<th>NAME OF BUSINESS ENTITY</th>
<th>NAME OF MAJOR SOURCES OF BUSINESS'S INCOME</th>
<th>ADDRESS OF SOURCE</th>
<th>PRINCIPAL BUSINESS ACTIVITY OF SOURCE</th>
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PART C — REAL PROPERTY

<table>
<thead>
<tr>
<th>NAME OF PROPERTY</th>
<th>DESCRIPTION OF PROPERTY</th>
<th>LOCATION OF PROPERTY</th>
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FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3 of this packet.

OTHER FORMS you may need to file are described on page 6.
### PART D — INTANGIBLE PERSONAL PROPERTY

<table>
<thead>
<tr>
<th>TYPE OF INTANGIBLE</th>
<th>BUSINESS ENTITY TO WHICH THE PROPERTY RELATES</th>
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### PART E — LIABILITIES

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<th>NAME OF CREDITOR</th>
<th>ADDRESS OF CREDITOR</th>
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### PART F — INTERESTS IN SPECIFIED BUSINESSES

<table>
<thead>
<tr>
<th>NAME OF BUSINESS ENTITY</th>
<th>BUSINESS ENTITY # 1</th>
<th>BUSINESS ENTITY # 2</th>
<th>BUSINESS ENTITY # 3</th>
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**IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE**

**SIGNATURE:**

**DATE SIGNED:**

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**FILING INSTRUCTIONS:**

**WHAT TO FILE:**

After completing all parts of this form, including signing and dating it, send back only the first sheet (pages 1 and 2) for filing.

**NOTE: MULTIPLE FILING UNNECESSARY:**

Generally, a person who has filed Form 1 for a calendar or fiscal year is not required to file a second Form 1 for the same year. However, a candidate who previously filed Form 1 because of another public position must at least file a copy of his or her original Form 1 when qualifying.

**WHERE TO FILE:**

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

*Local officers* file with the Supervisor of Elections of the county in which you permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

*State officers or specified state employees* file with the Commission on Ethics, P.O. Drawer 15703, Tallahassee, FL 32317-5703.

*Candidates* file this form together with your qualifying papers.

To determine what category your position falls under, see the "Who Must File" instructions on page 3.

**WHEN TO FILE:**

*Initially,* each local officer, state officer, and specified state employee must file within 30 days of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

*Candidates* for publicly-elected local office must file at the same time they file their qualifying papers.

*Thereafter,* local officers, state officers, and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

*Finally,* at the end of office or employment each local officer, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment.
WHO MUST FILE FORM 1, Statement of Financial Interests:

All persons who fall within the categories of "state officers," "local officers," "specified state employees," as well as candidates for elective local office, are required to file Form 1. Positions within these categories are listed below. Persons required to file full financial disclosure (Form 6) and officers of the judicial branch do not file Form 1 (see Form 6 for a list of persons who must file that form).

STATE OFFICERS include the following positions for state officials:

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.
3. Members of the Board of Regents, the Chancellor and Vice Chancellors of the state university system, and Presidents of state universities.

LOCAL OFFICERS include the following positions for officers and employees of local government:

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 political subdivision: the governing body of the subdivision; an expressway authority or transportation authority established by general law; 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 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; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or 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 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; district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding $15,000 for the local governmental unit.

SPECIFIED STATE EMPLOYEES include the following positions for state employees:

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, 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, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.
5. The Superintendent or Director of a state mental health institute established for training and research on 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 $15,000.
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.

INSTRUCTIONS FOR COMPLETING FORM 1:

INTRODUCTORY INFORMATION (At Top of Form):

NAME OF AGENCY: This should be the name of the governmental unit which you serve or served, by which you are or were employed, or for which you are a candidate. For example, "City of Tallahassee," "Leon County," or "Department of Transportation."

LOCAL OFFICER, STATE OFFICER, SPECIFIED STATE EMPLOYEE, AND CANDIDATE DESIGNATION: The positions for each of these categories are listed above, under "Who Must File." Please check the box for the position you hold, held during the disclosure period, or are seeking.

OFFICE OR POSITION HELD OR SOUGHT: Use the title of the office or position you hold, are seeking, or held during the disclosure period (in some cases you may not hold that position now, but you still would be required to file to disclose your interests during the last year you held that position). For example, "City Council Member," "County Administrator," "Purchasing Agent," or "Bureau Chief."

MAILING ADDRESS: If your home address appears on the form but you prefer another address be shown, mark through the address provided and insert your office or other current address. The following persons should not use their home addresses: active or former law enforcement personnel, including correctional and correctional probation officers; personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities; personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect; personnel of the Department of Revenue or local governments responsible for revenue collection and enforcement or child support enforcement; firefighters; current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors; spouses and children of the above; and county and municipal code inspectors and code enforcement officers.

DISCLOSURE PERIOD: The tax year for most individuals is the calendar year (January 1 through December 31). If that is the case for you, then your financial interests should be reported for the calendar year 2020; just check the box and you do not need to add any information in this part of the form. However, if you file your IRS tax return based on a tax year that is not the calendar year, you should specify the dates of your tax year in this portion of the form and check the appropriate box. This is the time frame or "disclosure period" for your report.

MANNER OF CALCULATING REPORTABLE INTERESTS: As noted in this portion of the form, beginning in 2001 the Legislature has given filers the option of reporting based on either thresholds that are comparable (usually, based on percentage values) or thresholds that are based on absolute dollar values. The instructions on the following pages specifically describe the different thresholds. Simply check the box that reflects the choice you have made. You must use the type of threshold you have chosen for each part of the form. In other words, if you choose to report based on absolute dollar value thresholds, you cannot use a percentage threshold on any part of the form.

(CONTINUED on page 4)
PART A — PRIMARY SOURCES OF INCOME
[Required by Sec. 112.3145(3)(a) or (b)1, Fla. Stat.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose the total amount of income received. The sources should be listed in descending order, with the largest source first. Please list in this part of the form the name, address, and principal business activity of each source of your income which (depending on whether you have chosen to report based on percentage thresholds or on dollar value thresholds) either:

- exceeded five percent (5%) of your gross income received by you in your own name or by any other person for your benefit or use during the disclosure period, or
- exceeded $2,500.00 (of gross income received during the disclosure period by you in your own name or by any other person for your use or benefit).

You need not list your public salary resulting from public employment, but this amount should be included when calculating your gross income for the disclosure period. The income of your spouse need not be disclosed. However, if you are reporting based on percentage thresholds and if there is joint income to you and your spouse from property held by the entities (such as interest or dividends from a bank account or stocks held by the entities), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the 5% threshold.

“Gross income” means the same as it does for income tax purposes, including all income from whatever source derived, such as compensation for services, gross income from business, gains from property dealings, interest, rents, dividends, pensions, distributive share of partnership gross income, and alimony, but not child support.

Examples:
- If you were employed by a company that manufactures computers and received more than 5% of your gross income (salary, commissions, etc.) from the company (or, alternatively, $2,500), then you should list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded 5% of your gross income (or, alternatively, $2,500), then you should list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded 5% of your total gross income (or, alternatively, $2,500), then you should list the name of the business, its address, and its principal business activity (retail gift sales).
- If you received income from investments in stocks and bonds, you are required to list only each individual company from which you derived more than 5% of your gross income (or, alternatively, $2,500), rather than aggregating all of your investment income.
- If more than 5% of your gross income (or, alternatively, $2,500) was gain from the sale of property (not just the selling price), then you should list as a source of income the name of the purchaser, the purchaser’s address, and the purchaser’s principal business activity. If the purchaser’s identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as “sale of (name of company) stock,” for example.
- If more than 5% of your gross income (or, alternatively, $2,500) was in the form of interest from one particular financial institution (aggregating interest from all CD’s, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

PART B — SECONDARY SOURCES OF INCOME
[Required by Sec. 112.3145(3)(a)2 or (b)2, Fla. Stat.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. You will not have anything to report unless:

(a) If you are reporting based on percentage thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and
(2) You received more than ten percent (10%) of your gross income during the disclosure period from that business entity;
(3) You received more than $1,500 in gross income from that business entity during the period.

(b) If you are reporting based on dollar value thresholds:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than five percent (5%) of the total assets or capital stock of a business entity (a corporation, partnership, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); and
(2) You received more than $5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded the appropriate thresholds listed above, then for that business entity you must list every source of income to the business entity which exceeded ten percent (10%) of the business entity’s gross income (computed on the basis of the business entity’s most recently completed fiscal year), the source’s address, and the source’s principal business activity.

Examples:
- You own the sole proprietor of a dry cleaning business from which you received more than 10% of your gross income (an amount that was more than $1,500) (or, alternatively, more than $5,000, if you are using dollar value thresholds). If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).
- You are a 20% owner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership’s gross income, the tenant’s address and principal business activity.
- You own an orange grove and sell all your oranges to one marketing cooperative. You should list the cooperative, its address, and its principal business activity if your income met the thresholds.

PART C — REAL PROPERTY
[Required by Sec. 112.3145(3)(a)3 or (b)3, Fla. Stat.]

In this part, please list the location or description of all real property (land and buildings) in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of five percent (5%) of the property’s value. This threshold is the same, whether you are using percentage thresholds or dollar thresholds. You are not required to list your residences and vacation homes; nor are you required to state the value of the property on the form.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you are more than a 5% partner in a partnership or stockholder in a corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more current appraisal.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. Although a legal description of the property will do, such a lengthy description is not required. Using simpler descriptions, such as “duplex, 115 Terrace Avenue, Tallahassee” or 40 acres located at the intersection of Hwy 60 and I-95, Lake County” is sufficient. In some cases, the property tax identification number of the property will help in identifying it: “120 acre ranch on Hwy. 902, Hendry County, Tax ID # 131-45363.”

(CONTINUED on page 5)
Examples:
- You own 1/3 of a partnership or small corporation that owns both a vacant lot and a 12% interest in an office building. You should disclose the lot, but not required to disclose the office building (because your 1/3 of the 12% interest—which equals 4%—does not exceed the 5% threshold).
- If you are a beneficiary of a trust that owns real property and your interest depends on the duration of an individual’s life, the value of your interest should be determined by applying the appropriate actuarial table to the value of the property itself, regardless of the actual yield of the property.

PART D — INTANGIBLE PERSONAL PROPERTY
[Required by Sec. 112.3145(3)(a) or (b), Fla. Stat.]
Provide a general description of any intangible personal property that was worth more than:

1. ten percent (10%) of your total assets at the end of the disclosure period (if you are using percentage thresholds), or
2. $10,000 (if you are using dollar value thresholds),

and state the business entity to which the property related. Intangible personal property includes such things as money, stocks, bonds, certificates of deposit, interests in partnerships, beneficial interests in a trust, promissory notes owed to you, accounts receivable by you, IRA’s, and bank accounts. Such things as automobiles, houses, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity should be aggregated; for example, two certificates of deposit and a savings account with the same bank. Where property is owned by husband and wife as tenants by the entirety (which usually will be the case), the property should be valued at 100%.

Calculations: In order to decide whether the intangible property exceeds 10% of your total assets, you will need to total the value of all of your assets (including real property, intangible property, and tangible personal property such as automobiles, jewelry, furniture, etc.). When making this calculation, do not subtract any liabilities (debts) that may relate to the property—add only the fair market value of the property. Multiply the total figure by 10% to arrive at the disclosure threshold. List only the intangibles that exceed this threshold amount. Jointly owned property should be valued according to the percentage of your joint ownership, with the exception of property owned by husband and wife as tenants by the entirety, which should be valued at 100%. None of your calculations or the value of the property to be disclosed on the form. If you are using dollar value thresholds, you do not need to make any of these calculations.

Examples for persons using comparative (percentage) thresholds:
- You own 50% of the stock of a small corporation that is worth $100,000, according to generally accepted methods of valuing such small businesses. The estimated fair market value of your home and other property (bank accounts, automobile, furniture, etc.) is $200,000. As your total assets are worth $250,000, you must disclose intangibles worth over $25,000. Since the value of the stock exceeds this threshold, you should list “stock” and the name of the corporation. If your accounts with a particular bank exceed $25,000, you should list “bank accounts” and bank’s name.
- When you retired, your professional firm bought out your partnership interest by giving you a promissory note, the present value of which is $100,000. You also have a certificate of deposit from a bank worth $75,000, and an investment portfolio worth $300,000, consisting of $100,000 of IBM bonds and a variety of other investments worth between $5,000 and $50,000 each. The fair market value of your remaining assets (condominium, automobile, and other personal property) is $225,000. Since your total assets are worth $700,000, you must list each intangible worth more than $70,000. Therefore, you would list “promissory note” and the name of your former partner, “certificate of deposit” and the name of the bank, “bonds” and “IBM,” but none of the rest of your investments.

PART E — LIABILITIES
[Required by Sec. 112.3145(3)(a)(4) or (b)(4), Fla. Stat.]
In this part of the form, list the name and address of each private or governmental creditor to whom you were indebted at any time during the disclosure period in an amount which exceeded:

1. your net worth (if you are using percentage thresholds), or
2. $10,000 (if you are using dollar value thresholds).

You are not required to list the amount of any indebtedness or your net worth.
You do not have to disclose any of the following: credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, contingent liabilities, and accrued income taxes on net unrealized appreciation (an accounting concept). A "contingent liability" is one that becomes an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability. If you are using the $10,000 threshold and the total amount of the debt (not just the percentage of your liability) exceeds $10,000 such debts should be reported.

Calculations for persons using comparative (percentage) thresholds: In order to decide whether the debt exceeds your net worth, you will need to total all of your liabilities (including promissory notes, mortgages, credit card debts, lines of credit, judgments against you, etc.). Subtract this amount from the value of all your assets as calculated above for Part D. This is your "net worth." You must list on the form each creditor to whom your debt exceeded this amount unless it is one of the types of indebtedness listed in the paragraph above (credit card and retail installment accounts, etc.). Joint liabilities with others for which you are "jointly and severally liable," meaning that you may be liable for either your part or the whole of the obligation, should be included in your calculations based upon your percentage of liability, with the following exceptions: joint and several liability with your spouse for a debt which relates to property owned by both of you as "tenants by the entirety" (usually the case) should be included in your calculations by valuing the asset at 100% of its value and the liability at 100% of the amount owed.

Examples for persons using comparative (percentage) thresholds:
- You owe $15,000 to a bank for student loans, $5,000 for credit card debts, and $60,000 (with your spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth $80,000 and your other property is worth $20,000. Since your net worth is $220,000 ($100,000 minus $80,000), you must report only the name and address of the savings and loan.
- You and your 50% business partner have a $100,000 business loan from a bank, for which you both are jointly and severally liable. The value of the business, taking into account the loan as a liability of the business, is $50,000. Your other assets are worth $25,000, and you owe $5,000 on a credit card. Your total assets will be $50,000 (half of a business worth $50,000 plus $25,000 of other assets). Your liabilities, for purposes of calculating your net worth, will be only $5,000, because the full amount of the business loan already was included in valuing the business. Therefore, your net worth is $45,000. Since your 50% share of the $100,000 business loan exceeds this net worth figure, you must list the bank.

PART F — INTERESTS IN SPECIFIED BUSINESSES
[Required by Sec. 112.3145(5), Fla. Stat.]
You are required to disclose in this part of the form the fact that you owned during the disclosure period an interest in, or held any of certain positions with, particular types of businesses. You are required to make this disclosure if you own or own or controlled (either directly or indirectly) this form of an interest or beneficial interest at any time during the disclosure period more than five percent (5%) of the total assets or capital stock of one of the types of businesses entities granted a privilege to operate in Florida that are listed below. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

(continued on page 6)
The types of businesses covered in this disclosure are only: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies (including insurance agencies); mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

If you have or held such a position or ownership interest in one of these types of businesses, list (vertically for each business): the name of the business, its address and principal business activity, and the position held with the business (if any). Also, if you own(ed) more than a 5% interest in the business, as described above, you must indicate that fact and describe the nature of your interest.

(End of instructions.)

PENALTIES

A failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding $10,000. [Sec. 112.317, Florida Statutes]

In addition, effective 2001, a $25 fine for each day late will be imposed, up to a maximum penalty of $1,500, for failing to timely file Form 1 on an annual basis. [Sec. 112.3145, Florida Statutes]

OTHER FORMS YOU MAY NEED TO FILE IN ORDER TO COMPLY WITH THE ETHICS LAWS

In addition to filing Form 1, you may be required to file one or more of the special purpose forms listed below, depending on your particular position, business activities, or interests. As it is your duty to obtain and file any of the special purpose forms which may be applicable to you, you should carefully read the brief description of each form to determine whether it applies.

Form 1F — Final Statement of Financial Interests: Required of local officers, state officers, and specified state employees within 60 days after leaving office or employment. This form is used to report financial interests between January 1st of the last year of office or employment and the last day of office or employment. [Sec. 112.3145(2)(b), Fla. Stat.]

Form 1X — Amended Final Statement of Financial Interests: To be used by local officers, state officers, and specified state employees to correct mistakes on previously filed Form 1’s. [Sec. 112.3145(8), Fla. Stat.]

Form 2 — Quarterly Client Disclosure: Required of local officers, state officers, and specified state employees to disclose the names of clients represented for compensation by themselves or a partner or associate before agencies at the same level of government as they serve. The form must be filed by the end of the calendar quarter (March 31, June 30, Sept. 30, Dec. 31) following the calendar quarter in which a reportable representation was made. [Sec. 112.3145(4), Fla. Stat.]

Form 3A — Statement of Interest in Competitive Bid for Public Business: Required of public officers and public employees prior to or at the time of submission of a bid for public business which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12)(b), Fla. Stat.]

Form 4A — Disclosure of Business Transaction, Relationship, or Interest: Required of public officers and employees to disclose certain business transactions, relationships, or interests which otherwise would violate Sec. 112.313(3) or 112.313(7), Fla. Stat. [Sec. 112.313(12) and (12)(c), Fla. Stat.]

Form 8A — Memorandum of Voting Conflict for State Officers: Required to be filed by a state officer within 15 days after having voted on a measure which inured to his or her special private gain (or loss) or to the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed state officer who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

Form 8B — Memorandum of Voting Conflict for County, Municipal, and Other Local Public Officers: Required to be filed (within 15 days of abstention) by each local officer who must abstain from voting on a measure which would inure to his or her special private gain (or loss) or the special gain (or loss) of a relative, business associate, or one by whom he or she is retained or employed. Each appointed local official who seeks to influence the decision on such a measure prior to the meeting must file the form before undertaking that action. [Sec. 112.3143, Fla. Stat.]

Form 9 — Quarterly Gift Disclosure: Required of local officers, state officers, specified state employees, and state procurement employees to report gifts over $100 in value. The form should be filed by the end of the calendar quarter (March 31, June 30, September 30, or December 31) following the calendar quarter in which the gift was received. [Sec. 112.3148, Fla. Stat.]

Form 10 — Annual Disclosure of Gifts from Governmental Entities and Direct Support Organizations and Honorarium Event Related Expenses: Required of local officers, state officers, specified state employees, and state procurement employees to report gifts over $100 in value received from certain agencies and direct support organizations; also to be utilized by these persons to report honorarium event-related expenses paid by certain persons and entities. The form should be filed by July 1 following the calendar year in which the gift or honorarium event-related expense was received. [Sec. 112.3148 and 112.3149, Fla. Stat.]

AVAILABILITY OF FORMS; FOR MORE INFORMATION

Copies of these forms are available from the Supervisor of Elections in your county; from the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864 (Suncom 278-7864); and at the Commission’s web site: www.ethics.state.fl.us.

Questions about any of these forms or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864 (Suncom 278-7864).
### QUARTERLY GIFT DISCLOSURE
(GIFTS OVER $100)

**LAST NAME — FIRST NAME — MIDDLE NAME:**

**NAME OF AGENCY:**

**MAILING ADDRESS:**

**OFFICE OR POSITION HELD:**

**CITY:**

**ZIP:**

**COUNTY:**

**FOR QUARTER ENDING (Check One):**

- MARCH
- JUNE
- SEPTEMBER
- DECEMBER

**YEAR:**

**PART A — STATEMENT OF GIFTS**

Please list below each gift, the value of which you believe to exceed $100, accepted by you during the calendar quarter for which this statement is being filed. You are required to describe the gift and state the monetary value of the gift, the name and address of the person making the gift, and the date(s) the gift was received. If any of these facts, other than the gift description, are unknown or not applicable, you should so state on the form. As explained more fully in the instructions on the reverse side of the form, you are not required to disclose gifts from relatives or certain other gifts. You are not required to file this statement for any calendar quarter during which you did not receive a reportable gift.

<table>
<thead>
<tr>
<th>DATE RECEIVED</th>
<th>DESCRIPTION OF GIFT</th>
<th>MONETARY VALUE</th>
<th>NAME OF PERSON MAKING THE GIFT</th>
<th>ADDRESS OF PERSON MAKING THE GIFT</th>
</tr>
</thead>
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</tbody>
</table>

CHECK HERE IF CONTINUED ON SEPARATE SHEET

**PART B — RECEIPT PROVIDED BY PERSON MAKING THE GIFT**

If any receipt for a gift listed above was provided to you by the person making the gift, you are required to attach a copy of that receipt to this form. You may attach an explanation of any differences between the information disclosed on this form and the information on the receipt.

CHECK HERE IF A RECEIPT IS ATTACHED TO THIS FORM

**PART C — OATH**

I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed herein and on any attachments made by me constitutes a true, accurate, and total listing of all gifts required to be reported by Section 112.3148, Florida Statutes.

[Signature of Notary Public-Florida]

STATE OF FLORIDA
COUNTY OF __________________________

Sworn to (or affirmed) and subscribed before me this __________________________ day of __________________________ , 20 __________________________

by __________________________

(Signature of Notary Public-Florida)

**SIGNATURE OF REPORTING OFFICIAL**

(Print, Type, or Stamp Commissioned Name of Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced

**PART D — FILING INSTRUCTIONS**

This form, when duly signed and notarized, must be filed with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709. The form must be filed no later than the last day of the calendar quarter that follows the calendar quarter for which this form is filed. (For example, if a gift is received in March, it should be disclosed by June 30.)

(See reverse side for instructions)
PART E — INSTRUCTIONS

WHO MUST FILE THIS FORM?

- Any individual, including a candidate upon qualifying, who is required by law to file full and public disclosure of his financial interests on Commission on Ethics Form 6, except Judges. (See Form 6 for a list of persons required to file that form.)

- Any individual, including a candidate upon qualifying, who is required by law to file a statement of financial interests on Commission on Ethics Form 1. (See Form 1 for a list of persons required to file that form.)

- Any procurement employee of the executive branch or judicial branch of state government. This includes any employee who participates through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any advisory capacity in the procurement of contractual services or commodities as defined in Section 287.012, Florida Statutes, if the cost of such services or commodities exceeds $1,000 in any year.

WHAT GIFTS ARE REPORTABLE?

- Any gift (as defined below) you receive which you believe to be in excess of $100 in value, EXCEPT:
  1) Gifts from the following RELATIVES: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step great grandchild, a person who is engaged to be married to you or who otherwise holds himself or herself out as or is generally known as the person whom you intend to marry or with whom you intend to form a household, or any other person having the same legal residence as you.
  2) Gifts which you are prohibited from accepting by Sections 112.313(4) and 112.314(4), Florida Statutes. These include any gift which you know or, with the exercise of reasonable care, should know was given to influence a vote or other action in which you are expected to participate in your official capacity; it also includes a gift worth over $100 from a political committee or committee of continuous existence under the elections law, from a lobbyist who lobbies your agency or who lobbies your agency within the past 12 months, or from a partner, director, principal, or principal of such a lobbyist.
  3) Gifts worth over $100 for which there is a public purpose, given to you by an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.065, Tri-County Commuter Rail Authority, the Technological Research and Development Authority, a county, a municipality, an airport authority, or a school board; or a gift worth over $100 given to you by a direct-support organization specifically authorized by law to support the governmental agency of which you are an officer or employee. These gifts must be disclosed on other forms.

- A "gift" is defined to mean that which is accepted by you or another in your behalf, or which is paid or given to another for or on behalf of you, directly, indirectly, or in trust for your benefit or by any other means, for which equal or greater consideration is not given within 90 days after receipt of the gift. A "gift" includes real property, the use of real property, tangible or intangible personal property, the use of tangible or intangible personal property in a preferential rate or terms on a debt, loan, goods, or services, which is below the customary rate and is not either a government rate available to all other similarly situated government employees or officials or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin; forgiveness of an indebtedness; transportation (unless provided to you by an agency in relation to officially approved governmental business), lodging, or parking; food or beverage; membership dues; entrance fees, admission fees or tickets to events, performances, or facilities; plants, flowers, or floral arrangements; services provided by persons pursuant to a professional license or certificate; other personal services for which a fee is normally charged by the person providing the services; and any other similar service or thing having an attributable value and not otherwise reported.

- The following are NOT reportable as gifts on this form: salary, benefits, services, fees, commissions, gifts, or expenses associated primarily with your employment, business, or service as an officer or director of a corporation or organization; contributions or expenditures pursuant to the election laws, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party, an honorarium or an expense related to an honorarium event paid to you or your spouse; an award, plaque, certificate, or similar personalized item given in recognition of your public, civic, charitable, or professional service; an honorary membership in a service or fraternal organization presented merely as a courtesy by such organization; the use of a governmental agency's public facility or public property for a public purpose. Also exempted are some gifts from state, regional, and national organizations that promote the exchange of ideas between, or the professional development of, governmental officials or employees.

HOW DO I DETERMINE THE VALUE OF A GIFT?

- The value of a gift provided to you is determined using the actual cost to the donor, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided. Taxes and gratuities are not included in valuing a gift. If additional expenses are required as a condition precedent to the donor's eligibility to purchase or provide a gift and the expenses are primarily for the benefit of the donor or are of a charitable nature, the expenses are not included in determining the value of the gift.

- Compensation provided by you to the donor shall be deducted from the value of the gift in determining the value of the gift.

- If the actual gift value attributable to individual participants at an event cannot be determined, the total costs should be prorated among all invited persons. A gift given to several persons may be attributed among all of them on a pro rata basis. Food, beverages, entertainment, etc., provided at a function for more than ten people should be valued by dividing the total costs by the number of persons invited, unless the items are purchased on a per-person basis, in which case the per-person cost should be used.

- Transportation should be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses should be considered a single gift. Transportation provided in a private conveyance should be given the same value as transportation provided in a comparable commercial conveyance.

- Lodging provided on consecutive days should be considered a single gift. Lodging in a private residence should be valued at the per diem rate provided in Sec. 112.061(6)(A), Fla. Stat., less the meal allowance rate provided in Sec. 112.061(6)(B), Fla. Stat.

- Food and beverages consumed at a single sitting or event are a single gift valued for that sitting or meal. Other food and beverages provided on a calendar day are considered a single gift, with the total value of all food and beverages provided on that date being the value of the gift.

- Membership dues paid to the same organization during any 12-month period are considered a single gift.

- Entrance fees, admission fees, or tickets are valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater. If an admission ticket is given by a charitable organization, its value does not include the portion of the cost that represents a contribution to that charity.

- Except as otherwise provided, a gift should be valued on a per occurrence basis.

FOR MORE INFORMATION

The gift disclosures made on this form are required by Sec. 112.3148, Florida Statutes. Questions may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709 or by calling (850) 488-7864 or Suncom 278-7864.
**FORM 10**

**ANNUAL DISCLOSURE OF GIFTS FROM GOVERNMENTAL ENTITIES AND DIRECT SUPPORT ORGANIZATIONS AND HONORARIUM EVENT RELATED EXPENSES**

| LAST NAME — FIRST NAME — MIDDLE NAME: | THIS STATEMENT REFLECTS GIFTS AND HONORARIUM EVENT RELATED EXPENSES RECEIVED DURING 2000. YOU NEED NOT FILE THIS FORM IF YOU HAVE NOTHING TO REPORT ON IT. |
| Mailing Address: | Name of Agency: |
| City: | Zip: |
| County: | Office or position held: |

**NOTICE:** Under provisions of Sec. 112.317, Fla. Stat., a failure to make any required disclosure constitutes grounds for and may be punished by one of more of the following: impeachment, removal or suspension from office or employment, demotion, reduction in salary, reprimand, or a fine up to $10,000.

### PART A — GIFTS (HAVING A PUBLIC PURPOSE) FROM GOVERNMENTAL ENTITIES

<table>
<thead>
<tr>
<th>Name of Person Providing Gift(s) in 2000</th>
<th>Total Value of Gifts from That Person</th>
<th>Description of Individual Gifts</th>
<th>Date Each Gift Received</th>
</tr>
</thead>
</table>

### PART B — GIFTS FROM DIRECT SUPPORT ORGANIZATIONS

<table>
<thead>
<tr>
<th>Name of Person Providing Gift(s) in 2000</th>
<th>Total Value of Gifts from That Person</th>
<th>Description of Individual Gifts</th>
<th>Date Each Gift Received</th>
</tr>
</thead>
</table>

### PART C — HONORARIUM EVENT RELATED EXPENSES

<table>
<thead>
<tr>
<th>Name of Person</th>
<th>Address of Person</th>
<th>Affiliation of Person</th>
<th>Amount of Honorarium Expenses</th>
<th>Date(s) of the Event</th>
<th>Description of Expenses Paid on Each Day</th>
<th>Total Value of Expenses for the Event</th>
</tr>
</thead>
</table>

**INSTRUCTIONS** on who must file this form and how to fill it out are on the reverse side.

**FILING INSTRUCTIONS** for when and where to file this form are located on the reverse side.

(Continued on reverse side)
INSTRUCTIONS FOR COMPLETING AND FILING FORM 10:

WHEN AND WHERE TO FILE: By July 1, 2001, Persons who file Form 1 or Form 6 should file this form with their Form 1 or Form 6. State procurement employees (see definition below) file this form with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709. This form need not be filed unless a reportable gift or expense was received during the time you held public office or employment.

WHO MUST FILE FORM 10: All persons who are required to file Form 1, Statement of Financial Interests, and all persons who file Form 6, Full and Public Disclosure of Financial Interests, including candidates (comprehensive lists are part of each of these forms) except judges. In addition, state procurement employees are required to file Form 10. You are a "procurement employee" if you:

(1) Are an employee of an office, department, board, commission, or council of the executive or judicial branches of state government; and

(2) Participate in the procurement of contractual services or commodities costing more than $1,000 in any year, through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or any other advisory capacity.

INTRODUCTORY INFORMATION (At the top of the form):

NAME OF AGENCY: This should be the name of the governmental unit which you serve or served, sought election to, or by which you are or were employed. For example, "City of Tallahassee," "Florida Senate," or "Department of Transportation.

OFFICE OR POSITION HELD: Use the title of the office or position you held, sought, or held during 2000 (in some cases you may not hold that position now, but you still would be required to file to disclose any expenses in your interests during the last year you held that position). For example, "City Council Member," "Member," "Purchasing Agent," or "Bureau Chief."

ADDRESS OF REPORTING INDIVIDUALS: The following persons should not use their home addresses: active or former law enforcement personnel, including correctional and correctional probation officers; current or former state attorneys, assistant state attorneys, statewide prosecutors, assistant statewide prosecutors; firefighters; personnel of D.C.F.S. whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities; personnel of the Dept. of Health whose duties support the investigation of child abuse or neglect; Dept. of Revenue or local government personnel responsible for revenue collection and enforcement or child support enforcement; spouses and children of the above; and county and municipal code inspectors and code enforcement officers.

PART A — GIFTS FROM GOVERNMENTAL ENTITIES [Required by Sec. 112.3148, Fla. Stat.]

Entities of the legislative or judicial branches, departments and commissions of the executive branch, counties, municipalities, airport authorities, school boards, water management districts created by 373.069, F.S., the Technological Research and Development Authority, and the Tri-County Commuter Rail Authority may give, either directly or indirectly, a gift worth over $100 to persons who file Form 1 or Form 6 or to state procurement employees if the public purpose can be shown for the gift. Part A should be used to list such gifts. Under the law, these governmental entities are required to provide you with a statement concerning these gifts by March 1; attach this statement to Form 10.

PART B — GIFTS FROM DIRECT SUPPORT ORGANIZATIONS [Sec. 112.3148, Fla. Stat.]

Direct support organizations specifically authorized by law to support a governmental entity may give a gift worth over $100 to a person who files Form 1 or Form 6 or to a state procurement employee if the person or employee is an officer or employee of that governmental entity. Part B should be used to list such gifts. Under the law, these direct support organizations are required to provide you with a statement concerning these gifts by March 1; attach this statement to Form 10.

PART C — HONORARIAL EVENT RELATED EXPENSES [Required by Sec. 112.3149, Fla. Stat.]

Reporting individuals who file Form 1 and Form 6 and state procurement employees are prohibited from accepting an honorarium (a payment in exchange for a speech, oral presentation, writing, and the like) from a political committee or committee of continuous existence, from a lobbyist who lobbies them or their public agency (or has done so within the previous 12 months), and from the employer, principal, partner, or firm of such a lobbyist. However, these persons and entities may pay or provide a reporting individual or procurement employee and his or her spouse for actual and reasonable transportation, lodging, event or meeting registration fee, and food and beverage expenses related to an event at which a speech, presentation, or writing will be made by the public officer or employee. Part C should be used to describe these honorarium event related expenses. Under the law, the persons or entities paying for or providing such expenses are required to provide you with a statement concerning them within 60 days of the honorarium event; attach this statement to Form 10.

FOR MORE INFORMATION

Questions about this form or the ethics laws may be addressed to the Commission on Ethics, Post Office Drawer 15709, Tallahassee, Florida 32317-5709; telephone (850) 488-7864 (SunCom 278-7864).
## FORM 3A  INTEREST IN COMPETITIVE BID FOR PUBLIC BUSINESS

<table>
<thead>
<tr>
<th>LAST NAME — FIRST NAME — MIDDLE INITIAL</th>
<th>OFFICE / POSITION HELD</th>
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<th>COUNTY</th>
<th>ADDRESS OF AGENCY</th>
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### WHO MUST FILE THIS STATEMENT

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, their spouses, and their children. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, provides certain limited exemptions to the above-referenced prohibitions, including one where the business is awarded under a system of sealed, competitive bidding; the public official has exerted no influence on bid negotiations or specifications; AND where disclosure is made, prior to or at the time of the submission of the bid, of the official's or his spouse's or child's interest and the nature of the intended business. This form has been promulgated by the Commission on Ethics for such disclosure, if and when applicable to a public officer or employee.

### INTEREST IN COMPETITIVE BID FOR PUBLIC BUSINESS (Required by § 112.313(12)(b), Fla. Stat.)

1. The competitive bid to which this statement applies has been / will be [strike one] submitted to the following government agency:

2. The person submitting the bid is: NAME ▼  POSITION ▼

3. The business entity with which the person submitting the bid is associated is:

4. My relationship to the person or business entity submitting the bid is as follows:

5. The nature of the business intended to be transacted in the event that this bid is awarded is as follows:

   a. The realty, goods, and / or services to be supplied specifically include:

   b. The realty, goods, and / or services will be supplied for the following period of time:

   c. Will the contract be subject to renewal without further competitive bidding? □ Yes  □ No. If so, how often?

6. Additional comments:

7. SIGNATURE  DATE SIGNED  DATE FILED

### FILING INSTRUCTIONS

If you are a state officer or employee required to disclose the information above, please file this form with the Department of State at Room 1802, The Capitol, Tallahassee, Florida 32399-0250. If you are an officer or employee of a political subdivision of this state and are subject to this disclosure, please file the statement with the Supervisor of Elections of the county in which the agency in which you are serving has its principal office.

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

(Rev. 1-95)

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(Rev. 1-95)
FORM 8A  MEMORANDUM OF VOTING CONFLICT
FOR STATE OFFICERS

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<tr>
<th>LAST NAME—FIRST NAME—MIDDLE NAME</th>
<th>NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE</th>
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<tbody>
<tr>
<td>MAILING ADDRESS</td>
<td>NAME OF STATE AGENCY</td>
</tr>
<tr>
<td>CITY</td>
<td>COUNTY</td>
</tr>
<tr>
<td>DATE ON WHICH VOTE OCCURRED</td>
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</table>

WHO MUST FILE FORM 8A

This form is for use by any person serving at the State level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

ELECTED OFFICERS:

As a person holding elective state office, you may vote on a measure which inures to your special private gain or loss; to the special gain or loss of a principal by whom you are retained (including the parent organization or subsidiary of a corporate principal by which you are retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. However, if you vote on such a measure you must complete this form and file the form within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

APPOINTED OFFICERS:

As a person holding appointive state office, you may vote on a measure which inures to your special private gain or loss; to the special gain or loss of a principal by whom you are retained (including the parent organization or subsidiary of a corporate principal by which you are retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. However, you must disclose the nature of the conflict before voting or before making any attempt to influence the decision by oral or written communication, whether made by you or at your direction.

For purposes of this law, a "relative" includes only your father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with you as a partner, joint venturer, co-owner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes.
- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION OR VOTE AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.
DISCLOSURE OF STATE OFFICER'S INTEREST

I, ____________________________, hereby disclose that on ____________________________, 20 ___:

(a) A measure came or will come before my agency which (check one)
   ___ inured to my special private gain or loss;
   ___ inured to the special gain or loss of my business associate, ____________________________;
   ___ inured to the special gain or loss of my relative, ____________________________;
   ___ inured to the special gain or loss of ____________________________, by whom I am retained; or
   ___ inured to the special gain or loss of ____________________________, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

____________________________________________________________________________________

Date Filed _____________________________________________  Signature ____________________________

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Ethics Policy

PROPOSED BOARD ACTION

Discuss and act, as appropriate.

BACKGROUND INFORMATION

Trustee Sundberg will present proposed ethics policy.

Supporting Documentation Included: Draft Ethics Policy
Contact: Richard McFarlain/Mike Cramer Phone: 644-3300
Preamble

The Florida State University Board of Trustees is the governing board for The Florida State University; as such it is obligated to serve the public trust. As a member of the Board, each Trustee agrees to keep the welfare of the University at all times paramount, putting aside any and all personal, parochial, and business conflicts of interests thereby assuring that a Trustee's independence of judgment is not compromised, that the public's and the University's confidence and respect in the integrity of the Board are preserved, and that The Florida State University's public mission is protected and well served.

Trustees shall be governed by the requirements of the Florida Code of Ethics in Sections 112.311-112.326, Florida Statutes. Particular adherence is required to the requirements in Section 112.313, Florida Statutes, as it relates to: solicitation or acceptance of gifts; doing business with one's agency; unauthorized compensation; salary and expense; misuse of public position; conflicting employment or contractual relationship; and disclosure or use of certain information. It is the purpose of this policy to supplement and implement these statutory requirements. Hence, if there is a conflict between any provision of this policy and the Code, the Code shall control.

Ethics Policy

Conflicting Interest

Trustees shall use proper channels when dealing with conflicts of interest, use of official authority, hiring of employees, in handling grievances/complaints of students, staff, faculty or citizens, and handling special interest groups. Trustees have the legal authority to give direction to only one employee – the President of The Florida State University. Unless specifically referred by the President, Trustees should not intervene in relations with other administrators, faculty, staff or students. Complaints made to any Trustee should be referred directly to the President.

A Trustee has a conflict of interest whenever the Trustee, a Trustee’s family member or a business associated with a Trustee or a Trustee’s family member has an existing or potential financial/personal interest in a matter pending before the Board of Trustees or the University. Any potential conflicts of interest or uncertainty regarding a conflict shall be brought to the immediate attention of the Chairman of the Board of Trustees.

(1) Family Member includes: spouse, parents, siblings, aunts/uncles, children, domestic partner, and any person residing in a Trustee’s household.
(2) Business Associated with a Trustee means an organization, corporation, partnership, joint venture, proprietorship or other entity or associate(s) with respect to which either the Trustee or a member of the Trustee's family:

(a) Receives compensation or has any contractual right to future income (excluding compensation from the University), or any governmental source, investment or savings income, retirement or insurance benefits, rents or alimony, or non-financial consideration and benefits;

(b) Serves as an officer, director, partner, or employee; or

(c) Holds a foreseeable financial interest, which may result from a Trustee's official authority as a member of the Board of Trustees.

Other Issues

(1) A Trustee shall not use the authority, title, influence, or prestige of his or her position to solicit business for others or otherwise obtain a private financial, social, or political benefit, which in any manner would be inconsistent with the interest and mission of the University, nor shall a Trustee disclose confidential information gained by reason of the Trustee's position for personal gain, benefit or to secure special privileges or exemption for him or herself or others.

(2) Except for the hiring of the President, no Trustee shall attempt to influence the hiring decision of other University employees.

(3) Complaints and issues received directly from students, staff, faculty, or citizens should be referred directly to the President.

(4) A Trustee's first and foremost obligation when confronted with issues supported by special groups (including but not limited to unions, economic groups, geographical areas, racial groups and political parties) is to represent and act only in the best interests of the University.

Revised 8/28/2001
BOARD OF TRUSTEES  
October 29, 2001  

SUBJECT: Overview of Florida State University  

PROPOSED BOARD ACTION  

No action required. President D’Alemberte will provide an overview of the university, including institutional characteristics, financial resources, and the mission, and will present major challenges.  

BACKGROUND INFORMATION  

Florida State University is one of the largest and oldest public higher education institutions in the state. Founded in 1851, the university’s enrollment now totals 34,477 from all 50 states and over 131 countries. The university has 17 colleges and schools with course offerings in 25 major disciplines. The total number of faculty, student assistants, staff, and administrators is 11,515. The Carnegie Foundation classifies Florida State University as an “extensive doctoral/research university.”  

Supporting Documentation Included: Available at meeting  
Contact: President D’Alemberte  
Phone: 644-0803
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Accountability Process

PROPOSED BOARD ACTION

No action required. Provost Abele will describe the accountability process implemented at Florida State University.

BACKGROUND INFORMATION

At the university, performance and accountability occurs at three levels, including at the university, departmental, and individual levels, and is coordinated with budgeting and strategic planning. In addition, the state requires an annual submission of an accountability report by the Florida Board of Education (s. 240.214, Florida Statutes). Performance measures are also included in the General Appropriations Act adopted annually by the Legislature.

Supporting Documentation Included: Accountability Report
Contact: Provost Lawrence G. Abele
Phone: 644-1765
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Legislative Budget Request/Fixed Capital Outlay

PROPOSED BOARD ACTION

No action required. John Carnaghi, Vice President for Finance and Administration, and Provost Abele will explain the current status of the FY 2002-03 Legislative Budget Request (LBR), including the fixed capital outlay submission and the proposed budget reductions. In addition, Mr. Carnaghi will explain the process used by the university to prepare a budget request and a suggested process and timeline for the submission of the FY 2003-04 LBR.

BACKGROUND INFORMATION

State law requires that state agencies submit both a legislative budget request for operations and also for fixed capital outlay (chapter 216, Florida Statutes). The Florida Board of Education voted on August 22, 2001, to recommend the state’s education budget for kindergarten through graduate school. The board was required to submit the budget request to the Governor by August 31 for consideration by the 2002 Legislature for FY 2002-03.

Supporting Documentation Included: Fixed Capital Outlay Request
Contact: Provost Abele/John Carnaghi Phone: 644-4444
Public Educational Capital Outlay (PECO) funds are the primary source for financing new buildings and other major facilities, major renovation and improvement projects, and land acquisition.

Fixed Capital Outlay (FCO) is an appropriation category that authorizes State agencies to spend PECO and other funds on capital projects.
The need for a new building or major renovation of existing building is identified by faculty/staff, or by the Educational Plant Survey, which occurs every 5 years.

The request for new facilities or major renovation is submitted to the Provost or the appropriate Vice President, who, upon approval, forwards it to the Fixed Capital Outlay (FCO) subcommittee of the Campus Development & Space Committee. The FCO subcommittee assimilates the request as it updates the 5 Year Capital Improvement Plan and Legislative Budget Request.

The updated 5 Year CIP & Legislative Budget Request draft is reviewed by the Campus Development & Space Committee. After approval, the document is forwarded to the President as a recommendation.

The President considers the recommendations of the Campus Development & Space Committee. The draft is finalized and, upon approval of the President, is sent to the Chancellor of the Division of Colleges & Universities (DCU).

The Chancellor and his staff confer with the university presidents and update the DCU’s 3 Year PECO Priority List. This list is a distillation of the FCO needs of all the universities in the State University System balanced against the anticipated PECO bond proceeds that will be made available to the SUS.

The 3 Year PECO Priority List is integrated into the Florida Board Of Education K-20 Legislative Budget Request, and submitted to the Legislature.
The Florida Board Of Education K-20 Legislative Budget Request is developed and includes a 3 Year PECO Priority List that summarizes the Fixed Capital Outlay (FCO) needs of the State University System.

The 3 Year PECO Priority List is considered by the Legislature in drafting the FCO category of the appropriations bill. It may also be consulted by the Governor during the veto/approval process.

The Governor’s Budget Office and the Legislative Budget Commission process the FCO appropriations to release spending authority to the State agencies.

Upon receipt of the releases, spending authority is transmitted through the Florida Board of Education and the Division of Colleges & Universities to FSU. FSU posts the spending authority to its accounting system.
Public Educational Capital Outlay (PECO) funds are generated by the Gross Receipts Tax on utility and telecommunications bills.

This tax produces a revenue stream that is used to repay bond issues.

There are usually 2 to 3 bond issues a year depending upon the number of projects approved by the Legislature and the cash requirements for funding the projects.

The proceeds of the bond issues are deposited with the State Comptroller. The amount available varies depending on prevailing interest rates and other factors.

As projects progress, disbursement documentation is submitted to the State Comptroller.

Based on funding authority and the disbursement documentation (pay requests, invoices, etc.), the Comptroller disburses funds to vendors, design professionals, and contractors.
### 3 Year PECO List

#### DIVISION OF COLlegES AND UNIVERSITIES


**by University and Project**

<table>
<thead>
<tr>
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### DIVISION OF COLLEGES AND UNIVERSITIES

by University and Project

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<td>1,000,000</td>
<td>7,000,000</td>
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<td>Fieldhouse Renovation &amp; Expansion (C,E)</td>
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<td>General Purpose Classroom Bldg (P)</td>
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<td>11,000,000</td>
<td>12,500,000</td>
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<td><strong>TOTAL</strong></td>
<td><strong>9,100,000</strong></td>
<td><strong>4,500,000</strong></td>
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<td>Library Addition/Renovation/Remodeling (C,E)</td>
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<td><strong>TOTAL</strong></td>
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<td>Library Expansion (C) (C)</td>
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<td>Fine Arts (P)</td>
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<td><strong>2,469,380</strong></td>
<td><strong>1,263,000</strong></td>
<td><strong>13,738,724</strong></td>
<td><strong>4%</strong></td>
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## DIVISION OF COLLEGES AND UNIVERSITIES

### 2002-2003/2004-2005 Three Year PECO Project List

by University and Project

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<td>2,048,241</td>
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<td>4,058,229</td>
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*Estimated Revenue Limits are based on September 11, 2001 PECO Estimates*
# Florida State University

## Five Year Capital Improvement Plan (CIP) and Legislative Budget Request

### Table: Five Year CIP Plan

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<td>Florida State University</td>
<td>Aug 1, 2021</td>
<td>$1,000,000,000</td>
<td>State Budget</td>
</tr>
<tr>
<td>Research &amp; Development</td>
<td>Jan 1, 2022</td>
<td>$2,000,000,000</td>
<td>Federal Grant</td>
</tr>
<tr>
<td>Campus Facilities Improvement</td>
<td>Apr 1, 2023</td>
<td>$1,500,000,000</td>
<td>Private Funding</td>
</tr>
<tr>
<td>Student Housing</td>
<td>Jul 1, 2024</td>
<td>$1,000,000,000</td>
<td>Bond Issue</td>
</tr>
<tr>
<td>Advanced Technology Center</td>
<td>Oct 1, 2025</td>
<td>$500,000,000</td>
<td>Private Donation</td>
</tr>
</tbody>
</table>

### Notes:
- The total capital improvement budget is estimated at $1,000,000,000
- Funding sources include state budget, federal grants, private funding, bond issues, and private donations.

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## 5 Year PECO List

### Table: 5 Year PECO List

<table>
<thead>
<tr>
<th>PECO</th>
<th>Description</th>
<th>Phases</th>
<th>Total Cost</th>
<th>Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>PECO 1</td>
<td>Energy Efficiency</td>
<td>Phase 1, Phase 2</td>
<td>$100,000,000</td>
<td>State Energy Rebate</td>
</tr>
<tr>
<td>PECO 2</td>
<td>Solar Panel Installation</td>
<td>Phase 3</td>
<td>$250,000,000</td>
<td>Private Investment</td>
</tr>
<tr>
<td>PECO 3</td>
<td>Lighting Upgrade</td>
<td>Phase 4</td>
<td>$50,000,000</td>
<td>Local Utility Rebate</td>
</tr>
<tr>
<td>PECO 4</td>
<td>Water Conservation</td>
<td>Phase 5</td>
<td>$75,000,000</td>
<td>Federal Water Conservation Grant</td>
</tr>
</tbody>
</table>

### Notes:
- PECO 1 focuses on energy efficiency improvements to reduce utility costs.
- PECO 2 involves installing solar panels to generate renewable energy.
- PECO 3 aims to upgrade lighting to more energy-efficient options.
- PECO 4 is about implementing water conservation strategies.

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## Other Information

- The PECO list is reviewed annually and updated as necessary to reflect changes in energy needs and available funding sources.
- The university encourages collaboration with local utility providers and government agencies to maximize the effectiveness and sustainability of the projects.

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## Contact Information

For more information, please contact the University’s Capital Projects Office at 555-1234 or email capitalprojects@fsu.edu.
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Audit Process and Response

PROPOSED BOARD ACTION

For information only

BACKGROUND INFORMATION

The University continuously undergoes both internal and external audits. The University’s Office of Inspector General conducts the internal audits and the State’s Legislative audit agency, the Office of the Auditor General, which also includes the Office of Program Policy Analysis and Government Accountability, conducts most of the external audits. The University’s Inspector General will discuss both the internal and external audit processes on campus.

Supporting Documentation Included: None
Other Support Documents Available: None

Contact: David Coury, Inspector General
Phone: (850) 644-6031
BOARD OF TRUSTEES
October 29, 2001

SUBJECT: Enrollment Management and One Florida

PROPOSED BOARD ACTION

No action required. Dr. Pat Hayward, Associate Vice President for Academic Support, will discuss enrollment management process developed and implemented at the university and the One Florida policy.

BACKGROUND INFORMATION

The management enrollment process is designed to ensure the recruitment and retention of undergraduates meets objectives established by university leadership. The process is managed by a campus wide team chaired by Dr. Pat Hayward. The team oversees all elements of the process, monitors progress and implements immediate changes based on established diagnostic indicators.

Supporting Documentation Included:
Contact: Dr. Pat Hayward                Phone: 644-1711
Florida in the Sunshine - Open Meetings & Public Records: Compliance under the New Governance Model

Mike Cramer
FSU Deputy General Counsel
FSU BOT Meeting
October 29, 2001

Introduction

- As of July 1, 2001 FSU is governed by a University Board of Trustees. This means the Board and FSU have new compliance obligations under the Open Meetings Public Records and Ethics Laws.
- This presentation will address the requirements of the Open Meetings Law and the Public Records Law for FSU and its Board of Trustees.

The Laws

- Florida Statutes, Chapter 286, the "Open Meetings Law," often referred to as the "Sunshine Law" protects the public from "closed door" decision making and provides a right of access to governmental meetings.
- Florida Statutes, Chapter 119, the "Public Records Law," creates a right of access to records made or received in connection with official business of a public body.

The Laws (continued)

- Florida Statutes, Chapter 112 (Part III), the "Code of Ethics for Public Officers and Employees" and the "Sunshine Amendment", Florida Constitution Art. II, Section 8, establish that a public officer is a public trust and seek to secure that trust against abuse.

Sunshine Law

- Florida Statute Chapter 286 applies to all meetings of "any board or commission of any state agency or authority of any agency of the state, or of any county, municipal corporation, or political subdivision.
- It requires:
  - 1. All meetings of the board must be open meetings.
  - 2. Reasonable notice of meetings must be given.
  - 3. Minutes of meetings must be kept.

Application to FSU

- Pre-Education Reorganization: Little impact as Sunshine Law does not apply to official action taken by the President
- Post-Education Reorganization: Applies to all meetings of the University Board of Trustees
Sunshine Law Requirements

- Meetings
  - must be open to the public; no right to public participation
  - include any discussions or deliberations, formal or casual, between two or more Board members about a matter on which the Board might foreseeably take action
  - include workshops, telephone conversations, e-mail communications, social and sports events, seeing each other at the grocery store

- Specific to the Board and FSD
  - All meetings of the University Board of Trustees are open
  - Committee meetings at the University are generally not open because they find facts for and are advisory to a single person, the President
  - If Board or President delegates decision or policy making authority to a committee, its meetings are open, e.g. search and selection committees

Sunshine Law Requirements

- Reasonable Notice of Meetings
  - Reasonable notice is ample notice given to the public and press which reasonably and timely conveys all information necessary to enable them to choose to attend
  - "Reasonable" depends upon situation's circumstances
  - Meeting may not be held at facility/location inaccessible to public or which discriminates

- Minutes must be recorded and open to public inspection
- Minutes are not verbatim—but brief summary of meeting's events
- Board determines who takes minutes
- Sound recordings may be used in addition to written minutes

Sunshine Law Requirements

- Votes must be publicly taken
- No secret ballots
- Roll call vote not required
- All members must vote (unless they have a conflict of interest) and the minutes must so reflect by recording of the vote or counting a vote for each member

- Sunshine Law broadly construed—exemptions narrowly construed
- No use of evasive devices
  - Circulation of written reports
  - Single staff member reporting to each member what the other members think re: an issue, including e.g., President, Vice President or other administrative staff
Sunshine Law Penalties for Noncompliance

- Second degree misdemeanor for knowingly violate Sunshine Law
- Removal from position
- Fine of $500 or less
- Reasonable attorneys' fees
- Declaratory and injunctive relief
- Action taken by Board at illegal meeting invalid

Public Records Law

Florida Statutes Chapter 119 defines Public Records as

- all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material
- regardless of physical form or means of transmission
- made or received pursuant to law in connection with transaction of official business by the agency

Public Records Law Application

- Public records law applies to FSU records and those of the University Board of Trustees
- Applies to all types of records including letters, notes and e-mails
- Includes written communications of any type to and from individual Trustees
- To be broadly construed, exemptions narrowly construed

Public Records Exemptions

- Board of Trustees/FSU records which are exempt from public disclosure include:
  - Social Security numbers
  - Medical information
  - Personal information prior to 7/1/95
  - Academic evaluation of faculty job performance
  - Disciplinary records while discipline is in process
  - Student records under FERPA

Public Records Generally

- Requests can be:
  - Verbal or written
  - Made by any person
- The Board of Trustees/FSU have a "reasonable" time to respond
- The Board of Trustees/FSU can charge the cost of retrieving records to the requestor if the amount requested is voluminous

Public Records – What is not Required

- The public records law doesn't require the retention of records – the State's records retention policy governs
- Does not require the creation of records or provision of records in the format requested
Sunshine Amendment/Ethics law Issues

- Main issues are Voting conflicts and gift solicitation, acceptance, and reporting.
- Sec. 112.3143 subd. (4) "No appointed public officer shall participate in any matter which would inure to the officer's special private gain or loss or that of any principal by whom retained, or the corporate parent or subsidiary of the principal, or of a relative or business associate "without first disclosing the nature of the interest

Sunshine Amendment/Ethics law Issues

- Disclosure indicating the conflict must be made in writing and filed with the person responsible for recording minutes before the meeting, becomes a public record upon filing, shall be read publicly at the next meeting.
- If not made prior to meeting, must be disclosed orally at meeting and filed in writing within 15 days after the oral disclosure.

For more information call

- At FSU, the Office of the General Counsel, (850) 644-4440
- The Florida Attorney General's Office (850) 488-9853
- Florida's First Amendment Foundation, Inc. 1-800-337-3518
- Florida Ethics Commission (850) 488-7864

Summary

- The Sunshine Law applies to all meetings of the University Board of Trustees and some meetings at the University.
- The Public Records Law applies to the records maintained by both the Board of Trustees and the University.
- All members of the Board of Trustees and University personnel need to know the basics of these two laws to ensure our compliance.
- Ethics laws are complex with voting conflict rules of special importance to the Board of Trustees.