

RESOLUTION 2007- 361

**A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AMENDING COUNTY RESOLUTION 80-09, IN ORDER TO ADD A NEW PROVISION, WHICH WILL REQUIRE MEMBERS OF THE ST. JOHNS COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY TO FILE A STATE OF FLORIDA FINANCIAL DISCLOSURE FORM, IN ACCORDANCE WITH SECTION 112.3145, FLORIDA STATUTES**

**WHEREAS**, the Board of County Commissioners of St. Johns County, Florida, by and through County Resolution 80-9, established a St. Johns County Industrial Development Authority; and

**WHEREAS**, from time-to-time, there have been questions posed from the public as to whether individual members of the St. Johns County Industrial Development Authority are required to file a Florida Financial Disclosure Form, in accordance with Section 112.3145, Florida Statutes; and

**WHEREAS**, the State of Florida Commission on Ethics has opined in Commission Ethics Opinion (CEO) 03-5, that members of a dependent special district are not "*local officers*" for purposes of financial disclosure because Section 112.3145(1)(a)(2), Florida Statutes, lists only "*independent special districts, and not dependent special districts*"; and

**WHEREAS**, Phillip C. Claypool, Executive Director of the State of Florida, Commission on Ethics, advised the County Administrator, by letter dated October 18, 2007 (a copy of which is attached, and incorporated to this Resolution), that the St. Johns County Industrial Development Authority is considered a "*dependent special district*", and therefore not subject to the financial disclosure provisions of Section 112.3145, Florida Statutes; and

**WHEREAS**, at no time since the establishment of the St. Johns County Industrial Development Authority, has the Board of County Commissioners of St. Johns County, Florida, required that individual members of the St. Johns County Industrial Development Authority file a Florida Financial Disclosure Form, in accordance with Section 112.3145, Florida Statutes; and

**WHEREAS**, nevertheless, over the course of the last several years, individual members of the St. Johns County Industrial Development Authority have filed a Florida Financial Disclosure Form, in accordance with Section 112.3145, Florida Statutes; and

**WHEREAS**, in order to maintain what has been an annual, but not required practice of the St. Johns County Industrial Development Authority, it is now time for the Board of County Commissioners of St. Johns County, Florida, to memorialize and require such practice by means of a Resolution; and

**WHEREAS**, requiring individual members of the St. Johns Industrial Development Authority to file a Florida Financial Disclosure Form is permitted under Section 112.3145, Florida Statutes; and

**WHEREAS**, requiring individual members of the St. Johns Industrial Development Authority to file a Florida Financial Disclosure Form promotes the overall interests of the County, in that such disclosure promotes open government.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of St. Johns County, Florida that:

**Section 1.** The above recitals are incorporated by reference into the body of this Resolution, and such recitals are adopted as Findings of Fact.

**Section 2.** Consistent with authority granted under Section 112.3145(1)(a)(2)(g), Florida Statutes, the definition of "*local officer*" includes any member of the St. Johns County Industrial Development Authority.

**Section 3.** St. Johns County, Florida Resolution 80-09 is amended, in order to add a new provision, which will be considered Section 7, and will contain the following language:

Section 7. For purposes of Section 112.3145(1)(a)(2)(g), Florida Statutes, each member of the St. Johns County Industrial Development Authority shall be considered a "*local officer*". As such, each member of the St. Johns Industrial Development Authority shall file a Florida Financial Disclosure Form, in the format noted, and frequency mandated, under applicable Florida law, specifically including Section 112.3145, Florida Statutes.

**Section 4.** It is the intent of the Board, and it is hereby provided, that if any phrase, clause, sentence, subsection, section, or provision of this Resolution is held be invalid, or unconstitutional by a court of competent jurisdiction, such invalidation or unconstitutionality shall be construed as to render invalid or unconstitutional the remaining phrases, clauses, sentences, subsections, or provisions of this Resolution.


**Section 5.** Subsequent to adoption of this Resolution, the Clerk shall be instructed to deliver a copy of this Resolution to the Executive Director of the State of Florida Commission on Ethics, no later than December 1, 2007.

**PASSED AND ADOPTED** by the Board of County Commissioners of St. Johns County, Florida, this 13<sup>th</sup> day of \_\_\_\_\_ November, 2007.

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

By:   
Board Chair

**ATTEST: Cheryl Strickland, Clerk  
of the Courts**

By:   
Deputy Clerk

**RENDITION DATE** 11/15/07

Albert P. Massey, III  
*Chair*  
Charles Lydecker  
*Vice Chair*  
Michael W. Brown  
Cheryl Forchilli  
Latour "LT" Lafferty  
Roy Rogers  
Thomas P. Scarritt, Jr.



State of Florida  
COMMISSION ON ETHICS  
P.O. Drawer 15709  
Tallahassee, FL 32317-5709

Philip Claypool  
*Executive Director*

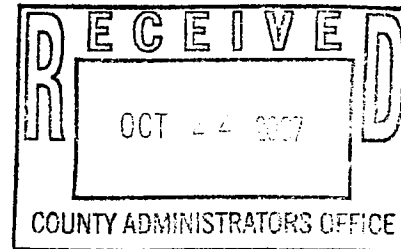
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*Deputy Executive Director*

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3600 Maclay Blvd., South, Suite 201  
Tallahassee, FL 32312

October 18, 2007

Mr. Wally Kropacek  
St. Johns County Administrator  
4020 Lewis Speedway  
St Augustine, FL 32084-



Re: St. Johns County Industrial Development Authority— Financial Disclosure – "Local Option"

Dear Mr. Kropacek:

The statutory definition of who is a "local officer" for purposes of financial disclosure has been amended in recent years, and in the process of developing the annual list of filers, our staff has determined that there are boards on the list who should no longer be on it. We have identified the St. Johns County Industrial Development Authority as one such board.

In CEO 03-5, the Commission opined that members of a dependent special district were not "local officers" for purposes of financial disclosure because Section 112.3145(1)(a)2, Florida Statutes, lists only "independent" special districts and *not* "dependent" special districts. Therefore, members of the dependent special district in CEO 03-5—a health facilities authority—were not required to file the annual statement of financial interests (CE Form 1). Our staff believes that the rationale of CEO 03-5 is applicable to the St. Johns County Industrial Development Authority with the same result: its members are not required to file financial disclosure.

However, as referenced in CEO 03-5, Section 112.3145(1)(a)2.g, Florida Statutes, contains a "local option" that the appointing authority can exercise to require members of the St. Johns County Industrial Development Authority to file financial disclosure. Essentially, it expands the definition to "local officer" to include:

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.

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The St. Johns County Commission may choose to utilize this provision to require the appointed members of the St. Johns County Industrial Development Authority to file an annual statement of financial interests.

However, unless the St. Johns County Commission exercises this option before December 31, 2007 and provides us with a copy of its ordinance or resolution to that effect, we intend to remove the members of the St. Johns County Industrial Development Authority from the list of local officers who are required to file financial disclosure for the year 2007.

If you have any questions, please do not hesitate to contact our office at 850/488-7864. Either Shirley Taylor, Financial Disclosure Coordinator, or Julie Costas, legal advisor to the Financial Disclosure Section, will be able to assist you.

Sincerely,

A handwritten signature in black ink, appearing to read "Philip C. Claypool". The signature is written in a cursive style with a large initial "P".

PHILIP C. CLAYPOOL  
Executive Director

cc: Patrick McCormack  
County Attorney  
4020 Lewis Speedway  
St Augustine, FL 32084-