

Ethics Training for Specified Constitutional Officers

- (1) As used in this section, the term "constitutional officers" includes the Governor, the Lieutenant Governor, the Attorney General, the Chief Financial Officer, the Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, **supervisors of elections**, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.

- (2)(a) All constitutional officers must complete 4 hours of ethics training annually that addresses, at a minimum, s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees, and the public records and public meetings laws of this state. This requirement may be satisfied by completion of a continuing legal education class or other continuing professional education class, seminar, or presentation if the required subjects are covered.

- (b) The commission shall adopt rules establishing minimum course content for the portion of an ethics training class that addresses. 8, Art. II of the State Constitution and the Code of Ethics for Public Officers and Employees.
- (3) Each house of the Legislature shall provide for ethics training pursuant to its rules.

COMMISSION ON ETHICS

OPINION 13-15

- **QUESTION 1:**
- May the County Attorney's Office, other local government attorney, or any person with knowledge of the required subjects provide the training?
- Your question is answered in the affirmative. Any knowledgeable person or entity may provide the training.

- **QUESTION 2:**
- a) Could the training requirement be satisfied through attendance of a pre-recorded program or webinar?
- This question is answered in the affirmative.

- Nothing in the law requires attendance at any specified class or training program, or specifies that the program be presented "live," i.e., with a teacher and learner physically present in the same room.
- b) Could the training requirement be satisfied through a review of written materials by the official?

- To the extent that such review is part of a formalized study program, the requirement could be satisfied through a review of written materials. For example, the training linked to our website (and for which our staff prepared the content) largely consists of review by the learner of written materials, followed by questions for the learner to answer, and would meet the requirements of the new law.

- However, the requirement could not be satisfied by a self-directed learning program consisting of the official's review of materials he-or-she selects independently. By using the term "training" the statute contemplates education which is provided by persons proficient in the subject matter, rather than self-study.

- **QUESTION 3:**
- Is the hourly requirement minute-for-minute?
- This question is answered in the negative.

- Continuing legal education courses offered by The Florida Bar are provided in credit "hours" that actually last only 50 minutes. As courses offered by the Bar appear to be specifically contemplated by the legislation, the credit hour measurement of such courses was presumably contemplated also.
- A 50-minute "hour" would satisfy one hour of the training requirement, whether it is a Bar Continuing Legal Education for attorneys or is other training for attorney or non-attorney Constitutional officers.

- **QUESTION 4:**
- Is the annual requirement measured by calendar year?
- This question is answered in the affirmative.
- The new law requires four hours training "annually," but does not define that term. "Annually," as used in Section 112.3142, means occurring between January 1 and December 31 of each and every year, beginning with the year 2013.