



Rules & Calendar Committee

Monday, April 25, 2011
4:00 p.m.
404 House Office Building

MEETING PACKET

Dean Cannon
Speaker

Gary Aubuchon
Chair

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

Rules & Calendar Committee

Start Date and Time: Monday, April 25, 2011 04:00 pm
End Date and Time: Monday, April 25, 2011 05:00 pm
Location: 404 HOB
Duration: 1.00 hrs

Actionable Items

Set Special Order Calendar(s)
Consideration of Procedures for Expedited Local Bill Calendar
Consideration of Penalty regarding the Ethics Commission Final Order and Public Record regarding Rep. Tobia

Consideration of the following bill(s):

CS/CS/HB 121 Pub. Rec./Donor Information/Performing Arts Centers/Legislative Research Center and Museum at the Historic Capitol by State Affairs Committee, Government Operations Subcommittee, Thurston

NOTICE FINALIZED on 04/22/2011 15:56 by Hunter.Robert

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 121 Pub. Rec./Donors to Performing Arts Centers or DSO of Florida Historic Capitol & Legislative Research Center & Museum

SPONSOR(S): State Affairs Committee, Government Operations Subcommittee, and Thurston

TIED BILLS: IDEN./SIM. BILLS: CS/SB 106

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	12 Y, 0 N, As CS	Williamson	Williamson
2) State Affairs Committee	15 Y, 0 N, As CS	Williamson	Hamby
3) Rules & Calendar Committee		Hassell	Birtman

SUMMARY ANALYSIS

Current law provides several public record exemptions for the identity of a donor or prospective donor to an organization who wishes to remain anonymous. Examples include the Cultural Endowment Program, the direct support organization for the Florida Agricultural Museum, and the direct support organization for the John and Mable Ringling Museum of Art.

The bill creates a public record exemption for the identity of a donor or prospective donor to a publicly owned performing arts center who desires to remain anonymous. It also creates a public record exemption for the identity of a donor or prospective donor to the direct-support organization of the Legislative Research Center and Museum at the Historic Capitol who desires to remain anonymous.

The bill provides for repeal of the exemptions on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill creates new public record exemptions; thus, it requires a two-thirds vote for final passage.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Public Records Law

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.¹

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act² provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

Public Record Exemptions, Donor Information

Current law provides several public record exemptions for the identity of a donor or prospective donor to an organization who wishes to remain anonymous. Examples include the Cultural Endowment Program,³ the direct support organization for the Florida Agricultural Museum,⁴ and the direct support organization for the John and Mable Ringling Museum of Art.⁵

Performing Arts Centers

Background

Spending on arts and cultural events in Florida generated nearly \$250 million in state and local tax revenues in 2008. The overall return on investment by governments on art and cultural spending is five to one.⁶ Florida has many performing arts centers in every region of the state. Their ownership, management, and financing vary.⁷

Effect of Bill

The bill creates a public record exemption for the identity of a donor or prospective donor of a donation made for the benefit of a publicly owned performing arts center who desires to remain anonymous.

¹ Section 24(c), Art. I of the State Constitution.

² Section 119.15, F.S.

³ Section 265.605(2), F.S.

⁴ Section 570.903(6), F.S.

⁵ Section 1004.45(2)(h), F.S.

⁶ Senate Bill Analysis and Fiscal Impact Statement for SB 106 (March 9, 2011), at 7. SB 106 is the companion bill to HB 107.

⁷ See <http://funandsun.com/1tocf/artf/perfs.html> for an unofficial list.

Information that would identify the name, address, or telephone number of the donor or prospective donor is confidential and exempt⁸ from public records requirements.

The bill defines “publicly owned performing arts center” to mean

[A] facility consisting of at least 200 seats, owned and operated by a county or municipality, which is used and occupied to promote development of any or all of the performing, visual, or fine arts or any or all matters relating thereto and to encourage and cultivate public and professional knowledge and appreciation of the arts.

The bill provides for repeal of the exemption on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.⁹

Direct-Support Organization, Legislative Research Center and Museum

Background

In 2009, the Legislature authorized the Legislative Research Center and Museum, at the Historic Capitol, and the Capitol Curator¹⁰ to establish a direct-support organization (DSO) in order to provide assistance and promotional support through fundraising for the Florida Historic Capitol and the Legislative Research Center and Museum.¹¹ The DSO must be a not for profit, Florida corporation that is incorporated under chapter 617, F.S.,¹² and approved by the Department of State.¹³

The DSO is governed by a nine-member board of directors who must have a demonstrated capacity for supporting the mission of the Historic Capitol. Initial appointments to the board are made by the President of the Senate and the Speaker of the House of Representatives and, thereafter, by the board.¹⁴

If the DSO is no longer authorized or fails to comply with the statutory requirements, fails to maintain its tax-exempt status, or ceases to exist, then all funds obtained through grants, gifts, and donations in the DSO’s account revert to the state and are deposited into an account designated by the Legislature.¹⁵

The DSO received its not-for-profit designation in October 2010, and has been receiving contributions.

Effect of Bill

The bill creates a public record exemption for the identity of a donor or prospective donor to the DSO who desires to remain anonymous. The personal identifying information is confidential and exempt

⁸ There is a difference between records the Legislature designates as exempt from public record requirements and those the Legislature deems confidential and exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances. (See *WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48, 53 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 1994); *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption. (See Attorney General Opinion 85-62, August 1, 1985).

⁹ Section 24(c), Art. I of the State Constitution.

¹⁰ The Florida Historic Capitol Curator is appointed by and serves at the pleasure of the President of the Senate and the Speaker of the House of Representatives. The curator is responsible for: promoting and encouraging state knowledge and appreciation of the Florida Historic Capitol; collecting, researching, exhibiting, interpreting, preserving and protecting the history, artifacts, objects, furnishings and other materials related to the Florida Historic Capitol, other than archaeological materials; and developing, directing, supervising, and maintaining the interior design and furnishings within the Florida Historic Capitol. In conjunction with the Legislative Research Center and Museum at the Historic Capitol, the curator also may assist the Florida Historic Capitol in the performance of certain monetary duties. See s. 272.135, F.S.

¹¹ Section 3, chapter 2009-179, L.O.F.; codified as s. 272.136, F.S.

¹² Chapter 617, F.S., relates to not for profit corporations.

¹³ Section 272.136(2), F.S.

¹⁴ Section 272.136(1), F.S.

¹⁵ Section 272.136(6), F.S.

from public records requirements. The anonymity of a donor or prospective donor must be maintained in the auditor's report for annual financial audits.

The bill provides for repeal of the exemption on October 2, 2016, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.¹⁶

B. SECTION DIRECTORY:

Section 1 creates an unnumbered section law to create a public record exemption for publicly owned performing arts centers.

Section 2 amends s. 272.136, F.S., to create a public record exemption for the direct-support organization for the Legislative Research Center and Museum at the Historic Capitol.

Section 3 provides a public necessity statement.

Section 4 provides an effective date of October 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax

¹⁶ Section 24(c), Art. I of the State Constitution.

shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill creates new public record exemptions; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates new public record exemptions; thus, it includes a public necessity statement.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Government Operations Subcommittee

On March 29, 2011, the Government Operations Subcommittee adopted two amendments and reported the bill favorably with committee substitute.

The committee substitute provides that the public record exemption applies to a performing arts center that is owned or operated by a special district. In addition, it removes the public record exemption for donors to the direct-support organization for the Florida Historic Capitol.

State Affairs Committee

On April 7, 2011, the State Affairs Committee adopted a strike-all amendment and reported the bill favorably with committee substitute.

The committee substitute removes the provision, amended in the Government Operations Subcommittee, that provides that the public record exemption applies to a performing arts center that is owned or operated by a special district. It also reinstates the public record exemption for donors to the direct-support organization for the Florida Historic Capitol, which was removed in the Government Operations Subcommittee.

1 A bill to be entitled
 2 An act relating to public records; defining the term
 3 "publicly owned performing arts center"; creating an
 4 exemption from public records requirements for information
 5 that identifies a donor or prospective donor of a donation
 6 made for the benefit of a publicly owned performing arts
 7 center if the donor desires to remain anonymous; providing
 8 for future legislative review and repeal of the exemption
 9 under the Open Government Sunset Review Act; amending s.
 10 272.136, F.S.; creating an exemption from public records
 11 requirements for information identifying a donor or
 12 prospective donor to the direct-support organization of
 13 the Legislative Research Center and Museum at the Historic
 14 Capitol; providing for future legislative review and
 15 repeal of the exemption under the Open Government Sunset
 16 Review Act; providing a statement of public necessity;
 17 providing an effective date.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Confidentiality of certain donor information
 22 related to a publicly owned performing arts center.-

23 (1) As used in this section, the term "publicly owned
 24 performing arts center" means a facility consisting of at least
 25 200 seats, owned and operated by a county or municipality, which
 26 is used and occupied to promote development of any or all of the
 27 performing, visual, or fine arts or any or all matters relating
 28 thereto and to encourage and cultivate public and professional

29 knowledge and appreciation of the arts.

30 (2) If a donor or prospective donor of a donation made for
 31 the benefit of a publicly owned performing arts center desires
 32 to remain anonymous, information that would identify the name,
 33 address, or telephone number of that donor or prospective donor
 34 is confidential and exempt from s. 119.07(1), Florida Statutes,
 35 and s. 24(a), Article I of the State Constitution.

36 (3) This section is subject to the Open Government Sunset
 37 Review Act in accordance with s. 119.15, Florida Statutes, and
 38 shall stand repealed on October 2, 2016, unless reviewed and
 39 saved from repeal through reenactment by the Legislature.

40 Section 2. Subsection (7) is added to section 272.136,
 41 Florida Statutes, to read:

42 272.136 Direct-support organization.—The Legislative
 43 Research Center and Museum at the Historic Capitol and the
 44 Capitol Curator may establish a direct-support organization to
 45 provide assistance and promotional support through fundraising
 46 for the Florida Historic Capitol and the Legislative Research
 47 Center and Museum, including, but not limited to, their
 48 educational programs and initiatives.

49 (7) (a) The identity of a donor or prospective donor to the
 50 direct-support organization who desires to remain anonymous and
 51 all information identifying such donor or prospective donor is
 52 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
 53 of the State Constitution. Such anonymity shall be maintained in
 54 any auditor's report created pursuant to the annual financial
 55 audits required under subsection (5).

56 (b) This subsection is subject to the Open Government

57 | Sunset Review Act in accordance with s. 119.15 and shall stand
 58 | repealed on October 2, 2016, unless reviewed and saved from
 59 | repeal through reenactment by the Legislature.

60 | Section 3. The Legislature finds that it is a public
 61 | necessity that information that would identify the name,
 62 | address, or telephone number of a donor or prospective donor of
 63 | a donation made for the benefit of a publicly owned performing
 64 | arts center be made confidential and exempt from public records
 65 | requirements if such donor or prospective donor desires to
 66 | remain anonymous. The Legislature further finds that it is a
 67 | public necessity that information identifying a donor or
 68 | prospective donor to the direct-support organization for the
 69 | Florida Historic Capitol and the Legislative Research Center and
 70 | Museum be made confidential and exempt from public records
 71 | requirements if such donor or prospective donor desires to
 72 | remain anonymous. In order to encourage private support for
 73 | publicly owned performing arts centers and the direct-support
 74 | organization, it is a public necessity to promote the giving of
 75 | gifts to, and the raising of private funds for, the acquisition,
 76 | renovation, rehabilitation, and operation of publicly owned
 77 | performing arts centers and the programming and preservation of
 78 | the Florida Historic Capitol and the Legislative Research Center
 79 | and Museum. An essential element of an effective plan for
 80 | promoting the giving of private gifts and the raising of private
 81 | funds is the need to protect the identity of prospective and
 82 | actual donors who desire to remain anonymous. If the identity of
 83 | prospective and actual donors who desire to remain anonymous is
 84 | subject to disclosure, there is a chilling effect on donations

CS/CS/HB 121

2011

85 because donors are concerned about disclosure of personal
86 information leading to theft and, in particular, identity theft,
87 including personal safety and security. Therefore, the
88 Legislature finds that it is a public necessity to make
89 confidential and exempt from public records requirements
90 information that would identify a donor or prospective donor of
91 a donation made for the benefit of a publicly owned performing
92 arts center or a donor or prospective donor to the direct-
93 support organization for the Florida Historic Capitol and the
94 Legislative Research Center and Museum if such donor or
95 prospective donor wishes to remain anonymous.

96 Section 4. This act shall take effect October 1, 2011.



The Florida House of Representatives
Office of the Speaker

Dean Cannon
Speaker

April 20, 2011

The Honorable Gary Aubuchon, Chair
House Rules & Calendar Committee
Room 422, The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

RE: Final Order and Public Report from the Florida Commission on Ethics regarding
Representative John Tobia

Dear Chair Aubuchon:

I am in receipt of the Final Order and Public Report from the Florida Ethics Commission regarding Representative John Tobia, dated April 6, 2011, which found that Representative Tobia violated Article II, section 8(a) and (f) of the Florida Constitution. The Florida Ethics Commission has completed their investigation. Representative Tobia has admitted to the allegations as part of a joint stipulation and has corrected the deficiencies. I am referring this matter to the Rules & Calendar Committee for a recommendation as to the appropriate penalty to be considered by the House.

Sincerely,

A handwritten signature in black ink, appearing to read "DC", is written over a horizontal line.

Dean Cannon
Speaker

cc: Representative John Tobia

Enc: Complaint 10-143, August 9, 2010, Commission on Ethics
Report of Investigation, Nov. 1, 2010, Commission on Ethics
Final Order and Public Report, April 6, 2011, Commission on Ethics
Joint Stipulation of Fact, Law, and Recommended Order, Feb. 23, 2011, Commission on Ethics
Order Finding Probable Cause, Feb. 9, 2011, Commission on Ethics
Advocate's Recommendation, Jan. 3, 2011, Commission on Ethics
Determination of Investigative Jurisdiction and Order to Investigate, Aug. 26, 2010, Commission on Ethics

Roy Rogers
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 I. Martin Ford
 Jean M. Larsen
 Susan Horovitz Maurer
 Edwin Scales III



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

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

Philip Claypool
Executive Director

Virindia Doss
Deputy Executive Director

(850) 488-7864 Phone
 (850) 488-3077 (FAX)
 www.ethics.state.fl.us

April 6, 2011

The Honorable Dean Cannon
 Speaker of the House
 420 The Capitol
 404 North Monroe St.
 Tallahassee, FL 32399-1300

Re: Complaint No. 10-134, In re JOHN TOBIA

Dear Speaker Cannon:

The State of Florida Commission on Ethics has completed a full and final investigation of a complaint filed against Representative John Tobia. Pursuant to Section 112.324(4), Florida Statutes, we are reporting our findings to you in this case.

Therefore, we are enclosing a copy of our file and the Final Order and Public Report in this matter, finding that Representative Tobia violated Article II, Section 8(a) and (i), Florida Constitution, in the manner described in the order.

If we may be of any assistance to you in your deliberations, please do not hesitate to contact us. We would appreciate your informing us of the manner in which you dispose of this matter.

Sincerely,

Philip C. Claypool
 Executive Director

PCC/vad

Enclosures

cc: Mr. Richard E. Coates, Counsel for Respondent
 Ms. Melody A. Hadley, Commission Advocate
 Mr. William Johnson, Complainant

RECEIVED
 OFFICE OF THE SPEAKER
 11 APR -6 PM 3:16

DATE FILED

'APR 06 2011'

COMMISSION ON ETHICS

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re JOHN TOBIA,)
)
 Respondent.)
_____)

Complaint No. 10-134
Final Order No. COE 11-036

FINAL ORDER AND PUBLIC REPORT

The State of Florida Commission on Ethics, meeting in public session on Friday, April 1, 2011, adopted the Joint Stipulation of Fact, Law and Recommended Order entered into between the Advocate for the Commission and the Respondent in this matter. In accordance with the Stipulation, which is attached hereto and incorporated by reference, the Commission finds that the Respondent, as a member of the Florida House of Representatives, violated Article II, Section 8(a) and (i), Florida Constitution, by filing an incomplete CE Form 6, Full and Public Disclosure of Financial Interests for the years 2007, 2008, and 2009.

ORDERED by the State of Florida Commission on Ethics this 1st day of April, 2011.

April 6, 2011
Date Rendered

Roy Rogers
Roy Rogers
Chair

cc: Mr. Richard E. Coates, Counsel for Respondent
Ms. Melody A. Hadley, Commission Advocate
Mr. William Johnson, Complainant

COMMISSION ON ETHICS
DATE RECEIVED
FEB 25 2011

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

In re: John Tobia,

Respondent.

Complaint No. 10-134

JOINT STIPULATION OF FACT, LAW, AND RECOMMENDED ORDER

Respondent, John Tobia and the Advocate for the Florida Commission on Ethics enter into this Joint Stipulation of Fact, Law, and Recommended Order with respect to the above-styled Complaint. Subject to acceptance by the Commission on Ethics, the parties agree that they enter into this stipulated settlement in lieu of further hearings in this cause. The parties stipulate as follows:

STIPULATED FINDINGS OF FACT

1. At all times material to this Complaint, Respondent served as a member of the Florida House of Representatives, District 31, or was a candidate for said seat, and as such was subject to the provisions of the Code of Ethics for Public Officers and Employees, Part III, Chapter 112, Florida Statutes.
2. On August 16, 2010, a sworn Complaint was filed with the Commission on Ethics alleging that Respondent had violated the Code of Ethics.
3. Pursuant to Section 112.322, Florida Statutes, the Executive Director of the Commission on Ethics found that the Complaint was legally sufficient and ordered a preliminary investigation of the Complaint for a probable cause determination of whether Respondent had violated the Code of Ethics. The Report of Investigation was released on November 1, 2010.

4. On February 9, 2011 the Commission on Ethics found probable cause to believe Respondent had violated Article II, Section 8(a) and (i) of the Florida Constitution. The allegations are:

Respondent violated Article II, Section 8(a) and (i) of the Florida Constitution, by filing an incomplete CE Form 6, "Full and Public Disclosure of Financial Interests" in 2007, 2008 and/or 2009.

5. Respondent admits the facts as set forth in the Report of Investigation, which is specifically incorporated by reference in this Joint Stipulation.

6. On September 17, 2010, Respondent filed CE Form 6X, "Amendment to Full and Public Disclosure of Financial Interests," for 2007, 2008, and 2009 respectively. These forms provided the missing information and corrected the miscalculations.

STIPULATED CONCLUSIONS OF LAW

7. Respondent is subject to the provisions of Part III, Chapter 112, Florida Statutes, the Code of Ethics for Public Officers and Employees.

8. The Commission on Ethics has jurisdiction over the Complaint as filed in this proceeding and over Respondent.

9. Respondent violated Article II, Section 8(a) and (i) of the Florida Constitution, by filing an incomplete CE Form 6, "Full and Public Disclosure of Financial Interests," for the years 2007, 2008, and/or 2009.

10. Respondent admits the allegation as set forth in paragraph four (4) of the Stipulated Findings of Fact, above.

STIPULATED RECOMMENDED ORDER

11. The Advocate accepts Respondent's stipulation in this proceeding.

12. The Advocate and Respondent have entered into this Joint Stipulation and urge the Commission on Ethics to approve it in lieu of further hearings before the Commission in this cause.

13. Therefore, the Advocate recommends that:

(a) The Commission on Ethics approve this Joint Stipulation, embodying the stipulations, admissions, and recommendations of the parties; and

(b) The Commission on Ethics enter a Final Order and Public Report consistent with this Stipulation.

FURTHER STIPULATIONS

14. Respondent and the Advocate stipulate and covenant that they have freely and voluntarily entered into this Joint Stipulation of Fact, Law, and Recommended Order with full knowledge and understanding of its contents. Respondent and the Advocate further stipulate and covenant that this Joint Stipulation constitutes the full agreement of the parties and that there are no oral or written understandings between the parties other than those contained in this Stipulation of Fact, Law, and Recommended Order.

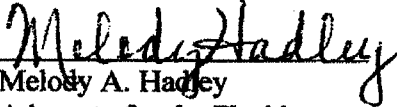
15. Respondent and the Advocate stipulate and covenant that, in consideration of the provisions of this Joint Stipulation of Fact, Law, and Recommended Order, Respondent and the Advocate accept and will comply with the above-referenced Final Order and Public Report of the Commission on Ethics.

16. Respondent and the Advocate stipulate that this Joint Stipulation of Fact, Law, and Recommended Order is submitted to the Commission on Ethics for its consideration and ratification. In the event that it is not approved by the Commission on Ethics as written, this


document shall be of no purpose and effect and shall not be deemed an admission by Respondent.

17. Effective upon approval of this Joint Stipulation of Fact, Law, and Recommended Order by the Commission on Ethics, Respondent waives all time, notice, and hearing rights, requirements, and entitlements, as to all subsequent hearings in this proceeding.

Signed, dated and entered into this 22nd day of February, 2011.


 Melody A. Hadley
 Advocate for the Florida
 Commission on Ethics
 Florida Bar No. 0636045
 Office of the Attorney General
 The Capitol, PL-01
 Tallahassee, Florida 32399-1050


 John Tobia
 Respondent


 Richard E. Coates, Esq.
 Emmett Mitchell, IV, Esq.
 Coates Law Firm
 115 East Park Ave.
 Suite 1
 Tallahassee, FL 32301

ORDERED by the State of Florida Commission on Ethics meeting in executive session on
February 4, 2011.

February 9, 2011
Date

Roy Rogers
Roy Rogers
Chair, Florida Commission on Ethics

cc: Mr. Richard E. Coates, Counsel for Respondent
Ms. Melody A. Hadley, Commission Advocate
Mr. William Johnson, Complainant

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

COMMISSION ON ETHICS
STATE OF FLORIDA
JAN 0 8 2011

CONFIDENTIAL

In re: John Tobia

Respondent.

Complaint No. 10-134

ADVOCATE'S RECOMMENDATION

The undersigned Advocate, after reviewing the Complaint and Report of Investigation filed in this matter, submits this Recommendation in accordance with Rule 34-5.006(3), F.A.C.

PARTIES

Respondent, John Tobia, serves as a member of the Florida House of Representatives. The Complainant is William Johnson of Melbourne, Florida.

JURISDICTION

The Executive Director of the Commission on Ethics determined that the Complaint was legally sufficient and ordered a preliminary investigation for a probable cause determination as to whether Respondent violated Article II, Section 8, of the Florida Constitution. The Commission on Ethics has jurisdiction over this matter pursuant to Section 112.322, Florida Statutes.

The Report of Investigation was released on November 1, 2010.

ALLEGATION

Respondent is alleged to have violated Article II, Section 8 of the Florida Constitution, by filing an incomplete CE Form 6 "Full and Public Disclosure of Financial Interests" for the year(s) 2007, 2008, and/or 2009.

APPLICABLE LAW

Article II, Section 8 of the Florida Constitution provides:

(a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.

*

*

*

(i) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

a. A copy of the person's most recent federal income tax return; or
 b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (i)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics.

Section 112.3144(1), Florida Statutes, provides as follows

(1) An officer who is required by s. 8, Art. II of the State Constitution to file a full and public disclosure of his or her financial interests for any calendar or fiscal year shall file that disclosure with the Florida Commission on Ethics.

ANALYSIS

Respondent was elected to the Florida House of Representatives, District 31, in 2008. (ROI 10) As a candidate and an elected official, Respondent was required to file CE Form 6, "Full and Public Disclosure of Financial Interests." Complainant alleges that Respondent did not accurately complete the form in 2007, 2008, and/or 2009. (ROI 2)

In Part B – Assets, Respondent did not properly describe¹ his retirement savings account, checking account or property (condo) for 2007, 2008, or 2009 as required by the instructions in the form.² (ROI 13, Complaint 4-9) Also for 2009, Respondent failed to properly describe a second property (condo). (ROI 13, Complaint 4)

In addition, Respondent acknowledged that he failed to include a vehicle as an asset on his 2007 and 2008 forms even though he had an "auto loan" listed each year. (ROI 2, 18, Complaint 6, 8) Respondent advised that he included the aforementioned vehicle as an asset on his 2009 form and listed another vehicle purchased in early 2010 under assets as "cars (2)." (ROI 18, Complaint 4) He further advised that the liability relative to these two vehicle loans was recorded as one liability valued at \$35,000 with Space Coast Credit Union. (ROI 18)

In Part A – Net Worth, Respondent acknowledged that he miscalculated his net worth for his 2007 and 2008 forms due to his failure to accurately value his property (condo)³ and include the value of his vehicle as an asset. (ROI 11) Respondent advised that the information on the 2007 and 2008 forms is wrong because he neglected to read the instructions prior to completing the forms. (ROI 11) Respondent advised that the net worth listed on his 2009 form is properly reported. (ROI 11)

¹ Real property is identified by providing a description of the property and its location. Intangible property is identified by the type of property and the business entity or person to which or whom it relates.

² under the section "assets individually valued at over \$1000"

³ Respondent listed his home equity as the value of the asset instead of using the total value of the property (condo). (ROI 11)

On September 17, 2010, Respondent filed CE Form 6X, "Amendment to Full and Public Disclosure of Financial Interests," for 2007, 2008, and 2009 respectively. (ROI 12, Exhibit A) These forms provided the missing information and corrected the miscalculations. (ROI 13) However, as noted in Section 112.3144(7), Florida Statutes, the public was deprived of access to information to which it was entitled.


Therefore, based upon the evidence before the Commission, I recommend that the Commission find probable cause to believe that Respondent violated Article II, Section 8 of the Florida Constitution.

RECOMMENDATION

It is my recommendation that:

There is probable cause to believe that Respondent violated Article II, Section 8 of the Florida Constitution, by filing an incomplete CE Form 6 "Full and Public Disclosure of Financial Interests" for the year(s) 2007, 2008, and/or 2009.

Respectfully submitted this 3rd day of January, 2011.


MELODY A. HADLEY
Advocate for the Florida Commission
on Ethics
Florida Bar No. 0636045
Office of the Attorney General
The Capitol, PL-01
Tallahassee, Florida 32399-1050
(850) 414-3300, Ext. 4704

DATE FILED

AUG 26 2010

BEFORE THE
STATE OF FLORIDA
COMMISSION ON ETHICS

COMMISSION ON ETHICS

CONFIDENTIAL

In re JOHN TOBIA,)
)
 Respondent.)
_____)

Complaint No. 10-134

DETERMINATION OF INVESTIGATIVE JURISDICTION
AND ORDER TO INVESTIGATE

UPON REVIEW of this complaint, I find as follows:

1. This complaint was filed by William Johnson of Melbourne, Florida.
2. The Respondent, John Tobia, allegedly serves as a member of the Florida House of Representatives.
3. The complaint alleges that the Respondent's net worth, as reported on his CE Form 6, Full and Public Disclosure of Financial Interests, inexplicably increased by \$165,000 between May 2009 and May 2010.
4. The complaint further alleges that the Respondent failed to report his court-ordered child support payments.
5. Finally, the complaint alleges that the Respondent reported two vehicles as assets on his 2009 Form 6, with no accompanying report of a car loan as a liability, and that he reported no vehicles on his 2007 or 2008 CE Form 6, although he did report an "auto loan" on each of those forms.
6. Article II, Section 8(a) and (i), Florida Constitution, state:
 - (a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers,

candidates, and employees shall file full and public disclosure of their financial interests.

(i) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the custodian of state records by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000

7. The allegations regarding the Respondent's net worth and reporting of vehicles and their attendant financing indicate possible violations of Article II, Section 8.

8. With respect to the allegation regarding child support, there is in the first instance some question as to whether child support which is not in arrears is a "liability" which is required to be reported. Pursuant to Section 112.312, Florida Statutes, "liability" means:

any monetary debt or obligation owed by the reporting person to another person, entity, or governmental entity, except for 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, or accrued income taxes on net unrealized appreciation.

9. Although support of one's minor child may be characterized as a "monetary obligation," *all* parents have such an obligation, whether or not it is ordered by a court, and the Commission has never said that this responsibility was required to be reported as a liability. Moreover, even assuming that child support *is* a liability required to be reported, the Respondent's child support payments are alleged to be \$925 per month—less than the \$1,000 reporting threshold. Therefore, the allegation is legally insufficient to state a violation of Article II, Section 8, Florida Constitution.

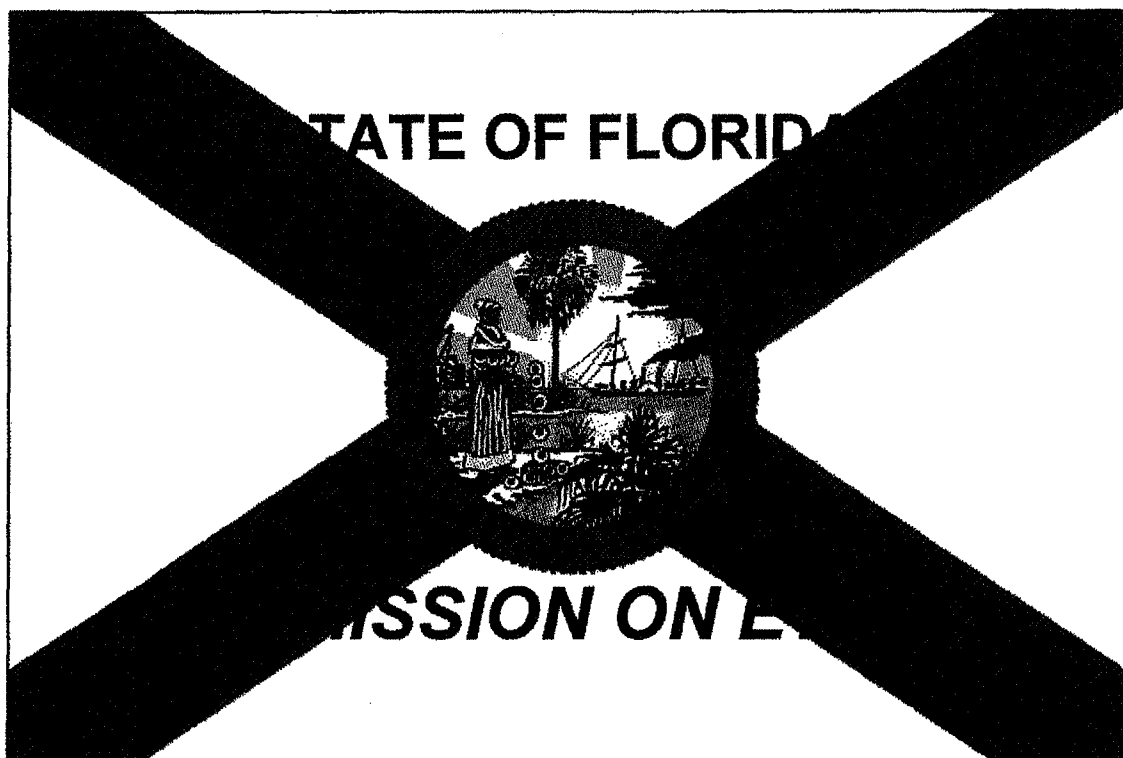
WHEREFORE, staff of the Commission on Ethics shall conduct a preliminary investigation of this complaint for a probable cause determination of whether the Respondent has violated Article II, Section 8, Florida Constitution, as set forth in paragraphs 3, 5, and 7, above.

August 26, 2010
Date

Philip C. Claypool
Philip C. Claypool
Executive Director
Florida Commission on Ethics

PCC/vad

REPORT OF INVESTIGATION



Complaint Number 10-134

NOTICE CONCERNING CONFIDENTIALITY


This report of investigation concerns an alleged violation of Chapter 112, Part III, Florida Statutes, or other breach of public trust under provisions of Article II, Section 8, Florida Constitution. The Report and any exhibits may be confidential (exempt from the public records law) pursuant to Section 112.324, Florida Statutes, and Chapter 34-5, F.A.C., the rules of the Commission on Ethics. Unless the Respondent has waived the confidentiality in writing, this report will remain confidential until one of the following occurs: (1) the complaint is dismissed by the Commission; (2) the Commission finds sufficient evidence to order a public hearing; or (3) the Commission orders a public report as a final disposition of the matter.

STATE OF FLORIDA
COMMISSION ON ETHICS
Post Office Drawer 15709
Tallahassee, Florida 32317-5709


REPORT OF INVESTIGATION


TITLE: JOHN TOBIA
State Representative
District 31
Brevard County, Florida

COMPLAINT NO.: 10-134
Exhibit A

INVESTIGATED BY: 
Ronald D. Moalli

Distribution: Commission on Ethics
Respondent
Advocate
File

Releasing Authority: 
Executive Director


Date

**REPORT OF INVESTIGATION
COMPLAINT NO. 10-134**

(1) The Complaint in this matter was filed by William Johnson of Melbourne, who alleges that John Tobia, while serving as a member of the State House of Representatives, violated the Code of Ethics for Public Officers and Employees.

(2) Mr. Johnson alleges that Representative Tobia's 2007 through 2009 Financial Disclosure Statements, CE Forms 6, Full and Public Disclosure of Financial Interest, had several inconsistencies. Mr. Johnson reported that Representative Tobia's "2010 net worth (\$5,000) *vastly* exceeds his 2010 income (\$115,736) minus his 2009 negative net worth (\$160,000)." He also reported that on his 2009 CE Form 6, Representative Tobia "reported owning 2 vehicles and none in 2007 and 2008; he does not show the expense of said vehicles."

(3) The Executive Director of the Commission on Ethics noted that, based upon the information provided in the complaint, the allegations were sufficient to warrant a preliminary investigation to determine if the Respondent's actions violated Article II, Section 8, Florida Constitution (Full and Public Disclosure of Financial Interest).

(4) Mr. Johnson included as pages four through nine of the complaint, the Respondent's 2007, 2008, and 2009 CE Forms 6.

Allegation Concerning Net Worth Disclosure

(5) As reflected in the Respondent's CE Form 6's, in the first part of "Part B – Assets," Representative Tobia reported in that in 2007, 2008, and 2009, his "Household Goods and Personal Effects" were valued at \$5,000, \$10,000, and \$10,000 respectively.

(6) The second section of "Part B – Assets" requires that the person disclose individual assets that are valued over \$1,000 that are not included in the Household Goods and Personal Effects section. On his 2007 CE Form 6, Representative Tobia listed three assets he valued at over \$1,000. He listed a \$50,000 retirement savings account, \$60,000 in "home equity" [no property was disclosed], and \$10,000 in a checking account. On his 2008 CE Form 6, he listed a \$30,000 retirement account, \$20,000 in "home equity" [again, no property was disclosed], and \$10,000 in a checking account. On his 2009 form he listed the following assets: condo in Melbourne Florida valued at \$250,000, a condo in Celebration Florida valued at \$130,000, two cars valued at a total of \$60,000, a \$30,000 retirement account, and a \$10,000 checking/savings account.

(7) As reflected above, Representative Tobia's disclosed assets in 2007 were valued at \$125,000, in 2008 he valued his assets at a total of \$70,000, and on his 2009 CE Form 6 he listed his total assets of \$490,000.

(8) Concerning liabilities, in "Part C – Liabilities" of the CE Form 6, the instructions direct the reporter to disclose the name and address of each creditor to whom he is indebted in

an amount that exceeds \$1,000 and list the amount of the liability. On his 2007 CE Form 6, Representative Tobia listed liabilities totaling \$225,000. On his 2008 CE Form 6 he listed liabilities of \$230,000, and he disclosed on his 2009 CE Form 6 total liabilities of \$485,000.

(9) Representative Tobia's CE Forms 6 reflect that he disclosed on his 2007 CE Form 6 that as of June 2, 2008 his net worth was valued at -\$100,000; in 2008, as of May 14, 2009, he valued his net worth at -\$160,000; and on his 2009 CE Form 6, he disclosed that as of May 10, 2010, his net worth was \$5,000. According to the aforementioned disclosures, the Respondent's net worth increased by \$165,000 between May 2009 and May 2010.

(10) Representative Tobia, who was interviewed in the presence of his attorney, Emmett Mitchell, IV, related that he was elected to the State House of Representatives, District 31, in 2008, adding that he also is employed as a tenured instructor at Valencia Community College.

(11) Representative Tobia reported that he completed the forms himself and that the method by which he calculated his 2007 and 2008 net worth was wrong, noting that on his 2009 CE Form 6 his net worth is properly reported. Representative Tobia stated that because in 2007 and 2008 he listed his home equity as an asset instead of listing the total value of the home, and because he neglected to list the value of his vehicle, his net worth calculations were low. Representative Tobia explained that the information on his 2007 and 2008 disclosure forms is wrong because he neglected to read the instructions prior to completing the forms.

(12) On September 17, 2010, Representative Tobia filed a CE Form 6X, "Amendment to Full and Public Disclosure of Financial Interests," for each of the years 2007, 2008, and 2009, which are appended to the Report of Investigation as composite Exhibit A. Representative Tobia's 2007 CE Form 6X reflects that he removed the \$60,000 home equity asset, which was incorrectly listed on the form, and replaced it with the actual value of his condominium, \$240,000. He also added his automobile as an asset, listing its value at \$20,000, and he changed his net worth from the original -\$100,000 to \$100,000. On the same date, Representative Tobia submitted a 2008 CE Form 6X to the Commission on Ethics which reflects that he removed the \$20,000 home equity asset and added his condominium as an asset valued at \$180,000, and added his automobile valued at \$20,000. The form also reflects that he changed his net worth from the original -\$160,000 to \$20,000. As previously reported, Representative Tobia stated that he correctly reported his assets and his net worth on his 2009 CE Form 6.

(13) On his 2007 and 2008 CE Forms 6, Representative Tobia did not properly identify each asset as directed by the form's instructions, simply listing a retirement savings account and a checking account. According to the instructions, real property (land and buildings) should be identified by providing a description of the property and its location. On his 2007 and 2008 CE Form 6X, Representative Tobia edited and properly reported each asset by listing his "Condo" at the address "606 Market St. #330, Celebration, FL, 34747," a checking account at "Space Coast Credit Union, Melbourne, FL," and a "Retirement Savings Acct." with "TIAA-CREF, NY, NY." Representative Tobia also submitted to the Commission on Ethics a 2009 CE Form 6X, in which he listed the same aforementioned assets correctly, and

also properly identified another condominium which he had not identified on his original 2009 CE Form 6. According to Representative Tobia, this condominium was purchased in September 2009 and is located at 1437 Pineapple Ave. #401, Melbourne, Fl. 32925.

(14) Representative Tobia addressed why he listed the value of his retirement savings account at \$50,000 on his 2007 CE Form 6, and for the same account in 2008 he reported its value being \$30,000. He stated that as an instructor at Valencia Community College, he has been a member of the College's affiliated retirement fund, which is managed by TIAA-CREF. When he was elected to office in 2008, he said he decided to also become involved in the State's retirement system. He explained that having been employed at Valencia Community College and a State employee since 2001, he had to pay \$19,341 in order to become vested and get credit for his seven years of service in the State. He stated that he conferred with a representative from the Department of Management Services (DMS), Division of Retirement, concerning the \$19,341 that he paid into the system, inquiring if he had any assets to disclose as a member in the State retirement system. Representative Tobia related that he was informed that although he is a member of the system, there is no aggregate value to his being in the system and therefore he has nothing to disclose as an asset.

(15) DMS, Division of Retirement, Bureau of Retirement Calculations Bureau Chief, Doug Cherry, and Senior Benefits Analyst, Jeannie Dema, confirmed by telephone that Representative Tobia entered the Florida Retirement System in 2008 and that he paid approximately \$19,000 into the system in order to "make him whole." Mr. Cherry explained that the funds Representative Tobia paid into the system allowed him to buy the years of service in which he had been employed by the Community College but was not a member in the State retirement system. As to whether Representative Tobia has a reportable asset by his being a member in the Florida Retirement System, Mr. Cherry related that Representative Tobia does not have funds available to him. He explained that if Representative Tobia were to quit and leave the State system, although he is vested in the system, he would receive no benefits because he is too young. Mr. Cherry added that he also would receive no refund of his contributions.

(16) Representative Tobia addressed why he listed a "checking/saving acc." on his 2009 CE Form 6 and only listed a checking account on his 2007 and 2008 CE Form 6, by explaining that he listed the savings account in the abundance of caution even though he only has five dollars in the account. He stated that the account was opened as a requirement from the Space Coast Credit Union in order to obtain his auto loans. Also addressing the \$10,000 that he listed as being in his checking account in 2007, 2008, and 2009, and why it did not fluctuate between years, he explained that this was the amount that was in his account at the time he completed the forms. He noted that this is an average amount that is in the account at any given point in the month and that the amount fluctuates depending on his bill paying cycle.

(17) Representative Tobia also explained why he reported a mortgage in 2007 and 2008 from AmTrust Bank in the amount of \$160,000 and then reported the same mortgage liability being \$90,000 on his 2009 CE Form 6. He stated that a portion of his mortgage, which actually was a line of credit, was bought by Wells Fargo in 2009, which he listed on his 2009

CE Form 6 under "Mortgage, Wells Fargo, 420 Montgomery St. San Fran., CA 94163," in the amount of \$60,000. The two mortgages that he disclosed on his 2009 CE Form 6 totaled \$150,000. Representative Tobia reported that between May 2009 and May 2010 he paid \$10,000 towards the loan, explaining the \$10,000 difference between the loan amounts.

Allegation Concerning Disclosure of Automobiles

(18) Addressing his failure to list his automobile as an asset in 2007 and 2008, even though he listed the auto loan as a liability, Representative Tobia explained that he simply neglected to list his automobile. In 2007 he listed his \$25,000 auto loan from Space Coast Credit Union, and in 2008 he listed his auto loan liability amount as being \$20,000. Representative Tobia rectified his exclusion of the automobile as an asset by including the automobile on his 2007 and 2008 CE Form 6X that he submitted to the Commission on Ethics on September 17, 2010. Representative Tobia noted that he included the automobile in question as an asset in his 2009 CE Form 6, further noting that he had purchased another automobile in January or February 2010, and documented that automobile as an asset as on his 2009 CE Form 6 as "cars (2)." He added that the liability relative to the two vehicle loans was recorded as one liability valued at \$35,000 from the Space Coast Credit Union.

END OF REPORT OF PRELIMINARY INVESTIGATION

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person—see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E — INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
DO I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

PART F — EXPLANATION OF CHANGES

USED CORRECT ACCOUNTING METHOD
ADD ADDRESS AND LOCATION OF ASSET.

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

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 on this form and any attachments hereto is true, accurate, and complete.

[Signature]

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

SHANE A. HUSBANDS
 MY COMMISSION # DD 72137
 EXPIRES October 02, 2011
 FloridaNotaryService.com
 (407) 386-0183

STATE OF FLORIDA
 COUNTY OF Osceola
 Sworn to (or affirmed) and subscribed before me this 15 day of September, 2010 by John Tobias
[Signature]
 (Signature of Notary Public—State of Florida)
Shane Husband
 (Print, Type, or Stamp Commissioned Name of Notary Public)
 Personally Known _____ OR Produced Identification _____
 Type of Identification Produced FL DL: T100-47078-0000

INSTRUCTIONS FOR COMPLETING and FILING FORM 6 X:

INTRODUCTORY INFORMATION (At Top of Form):
 NAME, DISCLOSURE PERIOD, NAME OF POSITION, and NAME OF AGENCY: Use the same information as on the original Form 6 you are seeking to amend.
MAILING ADDRESS: Use your current mailing address.
PARTS A through E:
 Use these sections of the form to report the new information you believe should have been reported on your original Form 6, continuing on a separate sheet if necessary. Additional instructions are found on pages 3-5, attached.
PART F:
 Use this section of the form to explain the changes in your original Form 6

OATH:
 All information on this form should be submitted under oath.
WHERE TO FILE:
 If you are amending a Form 6 you filed as a candidate, file the Form 6X at the office where you filed your qualifying papers. All other persons should file Form 6X with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709.
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 6X

AMENDMENT TO FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

LAST NAME - FIRST NAME - MIDDLE NAME (same as on original Form 6):

Tobia John Joseph

MAILING ADDRESS:

519 Temple St

DATE RECEIVED

SEP 17 2010

CITY:

SATELLITE BEACH

ZIP:

32937

COUNTY:

BREVARD

◆ THIS FORM 6X AMENDS THE FORM 6 (Full and Public Disclosure of Financial Interests) I FILED FOR THE YEAR: 2008

◆ DURING THAT YEAR, I HELD, OR WAS A CANDIDATE FOR, THE POSITION OF: STATE REPRESENTATIVE

◆ WITH THIS GOVERNMENTAL AGENCY: FLORIDA

HOUSE

PART A -- NET WORTH

If your reported net worth will change because of this amendment, please enter the corrected value of your net worth as of the date chosen for the original Form 6 you are seeking to amend, together with that date:

My net worth as of MAY 14, 19 or 2009 was \$ 20,000

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

If you are amending the value originally reported for household goods and personal effects, please enter the amended value below:

The aggregate value of my household goods and personal effects as of the above date was \$ _____

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET	VALUE OF ASSET
<u>CONDO (DELETE HOME EQUITY) (600 MARKET ST #333 (FLORIDA) FL 32797)</u>	<u>180,000</u>
<u>CAR</u>	<u>20,000</u>
<u>CHECKING ACCOUNT (ADD: SPACE COAST CREDIT UNION MELBOURNE FL)</u>	
<u>RETIREMENT SAVINGS ACCT (ADD PART C - LIABILITIES TIAA CREF NY, NY)</u>	

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

If you are filing an amended copy of your federal income tax return, including all attachments, please check here:

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT

SECONDARY SOURCES OF INCOME (Major customers, clients, etc., of businesses owned by reporting person--see instructions):

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E — INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
DO I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

PART F — EXPLANATION OF CHANGES

USED CORRECT ACCOUNTING METHOD
ADD ADDRESS AND LOCATION OF ASSET

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

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 on this form and any attachments hereto is true, accurate, and complete.

[Handwritten Signature]

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

SHANE A. HUSBANDS
 MY COMMISSION # DD 72137
 EXPIRES October 02, 2011
 FloridaNotaryService.com
 (407) 398-0153

STATE OF FLORIDA
 COUNTY OF OSCEOLA

Sworn to (or affirmed) and subscribed before me this 15 day of

September, 2010, by John Tobia
[Handwritten Signature]
 (Signature of Notary Public—State of Florida)

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

Personally Known _____ OR Produced Identification

Type of Identification Produced FL DL: T100-470-78-00-0

INSTRUCTIONS FOR COMPLETING and FILING FORM 6 X:

INTRODUCTORY INFORMATION (At Top of Form):
 NAME, DISCLOSURE PERIOD, NAME OF POSITION, and NAME OF AGENCY: Use the same information as on the original Form 6 you are seeking to amend.

MAILING ADDRESS: Use your current mailing address.

PARTS A through E:
 Use these sections of the form to report the new information you believe should have been reported on your original Form 6, continuing on a separate sheet if necessary. Additional instructions are found on pages 3-5, attached.

PART F:
 Use this section of the form to explain the changes in your original Form 6.

OATH:
 All information on this form should be submitted under oath.

WHERE TO FILE:
 If you are amending a Form 6 you filed as a candidate, file the Form 6X at the office where you filed your qualifying papers. All other persons should file Form 6X with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709.

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).

Ay

COMMISSION ON ETHICS

DATE RECEIVED

FORM 6X

SEP 17 2010

AMENDMENT TO FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS

LAST NAME - FIRST NAME - MIDDLE NAME (same as on original Form 6):

Tobia, John Joseph

MAILING ADDRESS:

1937 PINEAPPLE AVE #401

CITY: ZIP: COUNTY:

MELBOURNE 32935 BREVARD

◆ THIS FORM 6X AMENDS THE FORM 6 (Full and Public Disclosure of Financial Interests) I FILED FOR THE YEAR: 2009

◆ DURING THAT YEAR, I HELD, OR WAS A CANDIDATE FOR, THE POSITION OF: STATE REPRESENTATIVE

◆ WITH THIS GOVERNMENTAL AGENCY: FLORIDA House

PART A -- NET WORTH

If your reported net worth will change because of this amendment, please enter the corrected value of your net worth as of the date chosen for the original Form 6 you are seeking to amend, together with that date:

My net worth as of _____, 19__ or 20__ was \$ _____.

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

If you are amending the value originally reported for household goods and personal effects, please enter the amended value below:

The aggregate value of my household goods and personal effects as of the above date was \$ _____

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET	VALUE OF ASSET
CONDO (ADD 1937 PINEAPPLE AVE #401 MELBOURNE FL 32935)	
CONDO (ADD 606 MARLBOROUGH ST #330 GAITHERSBURG FL 34747)	
RETIREMENT ACCOUNT (ADD: TIAA-CREF NEW YORK NEW YORK)	

CHECKING/SAVINGS ACCT. (ADD PART C -- LIABILITIES SPACE COAST CREDIT UNION MELBOURNE FL)

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

PART D -- INCOME

If you are filing an amended copy of your federal income tax return, including all attachments, please check here:

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT

AS

RY SOURCES OF INCOME (Major customers, clients, etc., of businesses owned by reporting person--see instructions):

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E — INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
ENTITY OF ENTITY BUSINESS			
HOLD TY			
RE THAN A 5% IN THE BUSINESS			
MY IP INTEREST			

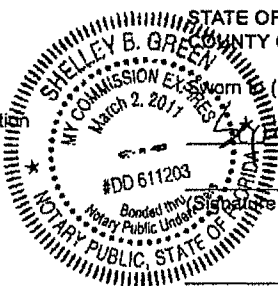
PART F — EXPLANATION OF CHANGES

ADDRESSES AND LOCATIONS OF ASSETS

ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

OATH

whose name appears at the
 this form, do depose on oath or affirmation
 the information disclosed on this form
 chments hereto is true, accurate,
 9.



STATE OF FLORIDA
 COUNTY OF Leon
 I, Shelley B. Green, Notary Public, State of Florida, do hereby certify that John Joseph Iobida
 sworn to (or affirmed) and subscribed before me this 17th day of September, 2010.
 Signature of Notary Public--State of Florida
Shelley B. Green
 (Print, Type, or Stamp Commissioned Name of Notary Public)
 Personally Known OR Produced Identification
 Type of Identification Produced DL 1100-470-78-006-0

jokl.
 OF REPORTING OFFICIAL OR CANDIDATE

INSTRUCTIONS FOR COMPLETING and FILING FORM 6 X:

NOTARY INFORMATION (At Top of Form):
 CLOSURE PERIOD, NAME OF POSITION, and NAME OF
 Use the same information as on the original Form 6 you are
 amend.
ADDRESS: Use your current mailing address.
through E:
 sections of the form to report the new information you believe
 e been reported on your original Form 6, continuing on a sepa-
 if necessary. Additional instructions are found on pages 3-5.
 ction of the form to explain the changes in your original Form

OATH:
 All information on this form should be submitted under oath.
WHERE TO FILE:
 If you are amending a Form 6 you filed as a candidate, file the Form 6X
 at the office where you filed your qualifying papers. All other persons
 should file Form 6X with the Commission on Ethics, P.O. Drawer 15709,
 Tallahassee, FL 32317-5709.
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).

A6

STATE OF FLORIDA
COMMISSION ON ETHICS
P. O. DRAWER 15709, TALLAHASSEE, FLORIDA 32317-5709

COMMISSION ON ETHICS
DATE RECEIVED
AUG 16 2010

COMPLAINT
10-134

1. PERSON BRINGING COMPLAINT:

Name: William Johnson Telephone Number: 3212154878
Address: 2133 Cherrywood Drive
City: Melbourne County: Brevard Zip Code: 32935

2. PERSON AGAINST WHOM COMPLAINT IS BROUGHT:

Current or former public officer, public employee, candidate, or lobbyist - please use one complaint form for each person you wish to complain against:

Name: John Tobia Telephone Number: 3219844848
Address: 1437 Pineapple Avenue #401
City: Melbourne County: Brevard Zip Code: 32935

Title of office or position held or sought: State Representative

3. STATEMENT OF FACTS:

Please explain your complaint fully, either on the reverse side of this form or on additional sheets, providing a detailed description of the facts and the actions of the person named above. Include relevant dates and the names and addresses of persons whom you believe may be witnesses. If you believe that a particular provision of Article II, Section 8, Florida Constitution (the Sunshine Amendment) or of Part III, Chapter 112, Florida Statutes (the Code of Ethics for Public Officers and Employees) has been violated, please state the specific section(s). Please do not attach copies of lengthy documents; if they are relevant, your description of them will suffice. Also, please do not submit video tapes or audio tapes.

4. OATH

I, the person bringing this complaint, do depose on oath or affirmation and say that the facts set forth in the foregoing complaint and attachments thereto are true and correct to the best of my knowledge and belief.

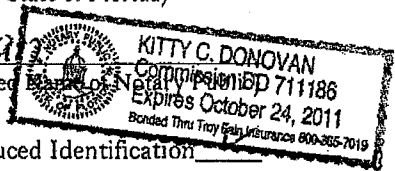
[Signature]
SIGNATURE OF COMPLAINANT

STATE OF FLORIDA
COUNTY OF Brevard

Sworn to (or affirmed) and subscribed before me
this 9th day of August
20 10, by William Johnson
(name of person making statement)

Kitty C. Donovan
(Signature of Notary Public - State of Florida)

Kitty C. Donovan
(Print, Type, or Stamp Commissioned Notary Public)



Personally Known OR Produced Identification

Type of Identification Produced:
Florida Driver's License

Jurisdiction of the Commission: The Commission on Ethics has the authority to review and investigate complaints concerning possible breaches of the public trust (violations of the State's ethics laws) by public officers, public employees, and similar persons involved with state and local government in Florida, including Executive Branch lobbyists. Complaints about the actions of Judges should be brought to the Judicial Qualifications Commission, and complaints against attorneys in private practice should be made to The Florida Bar.

Procedures followed by the Commission: The Commission follows a three-stage process when it considers complaints.

The first stage is a determination of whether the allegations of the complaint are legally sufficient, that is, whether the complaint indicates a possible violation of any law over which the Commission has jurisdiction. If the complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation and all records relating to the complaint will become public at that time.

If the complaint is found to be legally sufficient, the investigative staff of the Commission will begin an investigation. The second stage of the Commission's proceedings involves this investigation of the complaint and a decision by the Commission of whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds that there is no probable cause to believe that there has been a violation of the ethics laws, the complaint will be dismissed and will become public at that time.

If the Commission finds that there is probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and enters the third stage of proceedings. The third stage requires that the Commission decide whether the law actually was violated and, if so, what penalty should be recommended. This stage requires a public hearing (trial) at which evidence would be presented.

Attorney's Fees: If the complaint is dismissed, the person against whom the complaint is filed can file a petition to have the complainant pay his or her attorney's fees, which will be awarded after a hearing if the Commission finds that the complaint was made with a malicious intent to injure the official's reputation, the complainant knew that the statements made about the official were false or made the statements about the official with reckless disregard for the truth, and the statements were material.

Confidentiality: The Commission cannot accept anonymous complaints and cannot keep the identity of the complainant or any witness confidential. A complaint, as well as all of the Commission's proceedings and records relating to the complaint, is confidential and exempt from the public records law either until the person against whom the complaint is made waives confidentiality, or until the complaint reaches a stage in the Commission's proceedings where it becomes public. The Commission's procedures on confidentiality do not govern the actions of the complainant or the person against whom the complaint is made.

Legal Counsel: Both the complainant and the person complained against can be represented by legal counsel during the Commission's proceedings.

Other Information: More information about the ethics laws and the Commission's responsibilities is available at the Commission's website, www.ethics.state.fl.us, which contains publications, rules, and other information.

COMMISSION ON ETHICS
DATE RECEIVED
AUG 16 2010

August 9, 2010

Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709

To Whom It May Concern:

After careful review of Representative John Tobia's recent Financial Disclosure Statements, I have noticed several inconsistencies which include the following:

1. Rep. Tobia's 2010 net worth (\$5,000) *vastly* exceeds his 2010 income (\$115,736) minus his 2009 negative net worth (\$160,000).
2. he has failed to report his court ordered monthly child support expense of \$925.00.
3. In 2009 he reported owning 2 vehicles and none in 2007 and 2008; he does not show the expense of said vehicles.

As a concerned citizen of House District 31 I feel it is my obligation to bring forth these discrepancies to the Florida Commission on Ethics for further scrutiny.

I look forward to hearing back from the Commission regarding these possible violations.

Most Sincerely,


William Johnson

FORM 6 FULL AND PUBLIC DISCLOSURE OF		2009	
Please print or type your name, mailing address, agency name, and position below:		FILED	
LAST NAME -- FIRST NAME -- MIDDLE NAME: TOBIA JOHN JOSEPH		FOR OFFICE USE ONLY: 10 JUN -8 PM 12: 01 DIVISION OF ELECTIONS SECRETARY OF STATE ID No. _____ Conf. Code _____ P. Req. Code _____	
MAILING ADDRESS: 1437 PINEAPPLE AVE #401			
CITY:	ZIP:		COUNTY:
MELBOURNE	32935		BREVARD
NAME OF AGENCY:			
NAME OF OFFICE OR POSITION HELD OR SOUGHT: FLORIDA HOUSE OF REP. DIST 31			
CHECK IF THIS IS A FILING BY A CANDIDATE <input checked="" type="checkbox"/>			

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2009, or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets. so please see the instructions on page 3.]

My net worth as of May, 20 10 was \$ 5,000

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 10,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
CONDO (MELBOURNE, FLORIDA)	250,000
CONDO (CELEBRATION, FLORIDA)	130,000
CARS (2)	60,000
RETIREMENT	30,000
CHECKING / SAVING ACC.	10,000

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
LOAN, JOHN TOBIA 519 TEMPLE ST., JTT Bldg 32937	250,000
MORTGAGE AMTRUST 1801 9th St., CLEVELAND OH 44114	90,000
MORTGAGE, WELLS FARGO, 420 MONTGOMERY ST., SAN FRAN. CA 94163	60,000
STUDENT LOAN, US DEPT OF ED, 400 MARYLAND AVE, WASH DC 20202	25,000
JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:	
NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
LOAN, SPACE COAST CREDIT UNION, 8095 N. WICKHAM RD., MELBOURNE 32940	35,000
CREDIT CARD, BANK OF AMERICA, 100 N. TROAN ST., CHARLOTTE NC 28255	25,000

4

PART D -- INCOME

You may **EITHER** (1) file a complete copy of your 2009 federal income tax return, including all attachments, **OR** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my 2009 federal income tax return. [If you check this box and attach a copy of your 2009 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
VALENCIA COMMUNITY COLLEGE	1800 DEAN JOHN LN. KISSIMEE FL	75,200
STATE OF FLORIDA	111 W MADISON ST. TALL. FL 32809	39,336.
RENTAL PROPERTY	606 MARKET ST. GIBERATION FL	10,200

SECONDARY SOURCES OF INCOME (Major customers, clients, etc., of businesses owned by reporting person--see instructions):

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E -- INTERESTS IN SPECIFIED BUSINESSES

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
DO I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

OATH

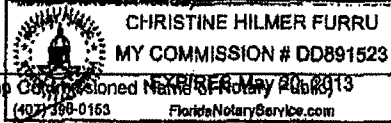
I, the person whose name appears at the beginning of this form, do depose on oath or affirmation and say that the information disclosed on this form and any attachments hereto is true, accurate, and complete.

STATE OF FLORIDA
COUNTY OF BREVARD

Sworn to (or affirmed) and subscribed before me this 17th day of

May, 20 10 by CHRISTINE HILMER FURRU

Christine Hilmer Furru
(Signature of Notary Public, State of Florida)



John
SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

(Print, Type, or Stamp Commissioned Notary Public)

Personally Known OR Produced Identification

Type of Identification Produced

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3. INSTRUCTIONS on who must file this form and how to fill it out begin on page 3. OTHER FORMS you may need to file are described on page 6.

5

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS 2008

*****AUTO**MIXED AADC 323 77 P1 E3
 Hon John Tobia
 State Representative District 31
 House Of Representatives
 Elected Constitutional Officer
 519 Temple St
 Satellite Beach, FL 32937-3324



PROCESSED

FOR OFFICE USE ONLY:

COMMISSION DATE: JUN 08 2009



ID No 220225

Conf. Code

P. Req. Code

Tobia, John

CHECK IF THIS IS A FILING BY A CANDIDATE

PART A - NET WORTH

Please enter the value of your net worth as of December 31, 2008, or a more current date. [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3.]

My net worth as of MAY 17, 2009 was \$ (160,000)

PART B - ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 10,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
RETIREMENT SAVINGS ACCOUNT	\$ 30,000
HOME EQUITY	20,000
CHECKING ACCOUNT	10,000

PART C - LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
MORTGAGE, AMTRUST BANK, 1801 E 9 TH ST., GAYLAND OH	\$ 160,000
STUDENT LOAN, BANK OF AMERICA, CHARLOTTE NC	30,000
AUTO LOAN, SPACE COAST CREDIT UNION, 8045 N WILKINSON	10,000
CREDIT CARD, BANK OF AMERICA, CHARLOTTE NC	20,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

6

PART D - INCOME

You may **EITHER** (1) file a complete copy of your 2008 federal income tax return, including all attachments, **OR** (2) file a sworn statement identifying each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my 2008 federal income tax return. [If you check this box and attach a copy of your 2008 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

NAME OF SOURCE OF INCOME EXCEEDING \$1,000	ADDRESS OF SOURCE OF INCOME	AMOUNT
VALERITA COMMUNITY COLLEGE	1800 DEWITT JONES LANE, FT. LAUDERDALE, FL 33305	\$75,000
STATE OF FLORIDA	111 W MADISON TALLAHASSEE, FL	30,000

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person—see instructions]:

NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART E - INTERESTS IN SPECIFIED BUSINESSES

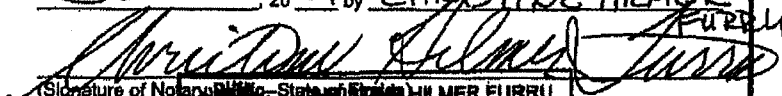
	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY			
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

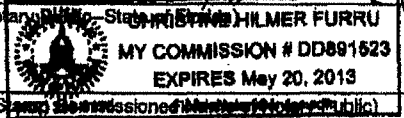
IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

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 on this form and any attachments hereto is true, accurate, and complete.

STATE OF FLORIDA BREVARD
 COUNTY OF BREVARD
 Sworn to (or affirmed) and subscribed before me this 3rd day of

JUNE, 2009 by CHRISTINE HILMER FURRU




jo/pl
 SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

(Print, Type, or Stamp Commissioned Notary Public)
 Personally Known OR Produced Identification

Type of Identification Produced _____

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3.
 INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.
 OTHER FORMS you may need to file are described on page 6.

7

FORM 6 FULL AND PUBLIC DISCLOSURE OF FINANCIAL INTERESTS 2007

LAST NAME — FIRST NAME — MIDDLE NAME
TOBIA JOHN JOSEPH

MAILING ADDRESS
519 TEMPLE STREET

SATELLITE BEACH 32937 BREVARD

CITY: ZIP: COUNTY:

NAME OF AGENCY
FLORIDA HOUSE DISTRICT #31

NAME OF OFFICE OR POSITION HELD OR SOUGHT

CHECK IF THIS IS A FILING BY A CANDIDATE

COMMISSION ON ETHICS
 DATE RECEIVED
JUN 04 2008

FOR OFFICE USE ONLY:

ID Code

ID No **220225**

Conf Code

P. Req. Code

PRELIMINARY

PART A -- NET WORTH

Please enter the value of your net worth as of December 31, 2007, or a more current date [Note: Net worth is not calculated by subtracting your reported liabilities from your reported assets, so please see the instructions on page 3]

My net worth as of JUNE 2, 20 08 was \$ (150,000)

PART B -- ASSETS

HOUSEHOLD GOODS AND PERSONAL EFFECTS:
 Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following if not held for investment purposes: jewelry, collections of stamps, guns, and numismatic items, art objects, household equipment and furnishings, clothing, other household items, and vehicles for personal use.

The aggregate value of my household goods and personal effects (described above) is \$ 5,000

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

DESCRIPTION OF ASSET (specific description is required - see instructions p.4)	VALUE OF ASSET
RETIREMENT SAVINGS ACCOUNT	\$50,000
HOME EQUITY	160,000
CHECKING ACCOUNT	10,000

PART C -- LIABILITIES

LIABILITIES IN EXCESS OF \$1,000:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY
MORTGAGE, AMTRUST BANK, 1801 E. 9TH STREET CLEVELAND OHIO	\$160,000
STUDENT LOAN, BANK OF AMERICA, CHARLOTTE NORTH CAROLINA	30,000
AUTO LOAN, SPACE COAST CREDIT UNION, 8095 N. WILKHAM MERBORNE	25,000
CREDIT CARD BANK OF AMERICA, CHARLOTTE NORTH CAROLINA	10,000

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

NAME AND ADDRESS OF CREDITOR	AMOUNT OF LIABILITY

[Handwritten signature]

COMMISSION ON ETHICS

DATE RECEIVED

PART D - INCOME

JUN 04 2008

You may EITHER (1) file a complete copy of your 2007 federal income tax return, including all attachments, OR (2) file a sworn statement detailing each separate source and amount of income which exceeds \$1,000, including secondary sources of income, by completing the remainder of Part D, below.

I elect to file a copy of my 2007 federal income tax return. [If you check this box and attach a copy of your 2007 tax return, you need not complete the remainder of Part D.]

PRIMARY SOURCES OF INCOME:

Table with 3 columns: NAME OF SOURCE OF INCOME EXCEEDING \$1,000, ADDRESS OF SOURCE OF INCOME, AMOUNT. Row 1: VALENCIA COMMUNITY COLLEGE, 1800 DENN JOHN LN, KISSIMMEE FL, 179,500.

SECONDARY SOURCES OF INCOME [Major customers, clients, etc., of businesses owned by reporting person--see instructions]

Table with 4 columns: NAME OF BUSINESS ENTITY, NAME OF MAJOR SOURCES OF BUSINESS INCOME, ADDRESS OF SOURCE, PRINCIPAL BUSINESS ACTIVITY OF SOURCE.

PART E - INTERESTS IN SPECIFIED BUSINESSES

Table with 4 columns: BUSINESS ENTITY #1, BUSINESS ENTITY #2, BUSINESS ENTITY #3. Rows include: NAME OF BUSINESS ENTITY, ADDRESS OF BUSINESS ENTITY, PRINCIPAL BUSINESS ACTIVITY, POSITION HELD WITH ENTITY, I OWN MORE THAN A 5% INTEREST IN THE BUSINESS, NATURE OF MY OWNERSHIP INTEREST.

IF ANY OF PARTS A THROUGH E ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

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 on this form and any attachments hereto is true, accurate, and complete

STATE OF FLORIDA COUNTY OF Osceola

Sworn to (or affirmed) and subscribed before me this 2nd day of

June 2008 by

(Signature of Notary Public - State of Florida)



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

SIGNATURE OF REPORTING OFFICIAL OR CANDIDATE

Personally Known OR Produced Identification

Type of Identification Produced FL DL: T100-470-78-006-0

FILING INSTRUCTIONS for when and where to file this form are located at the top of page 3. INSTRUCTIONS on who must file this form and how to fill it out begin on page 3. OTHER FORMS you may need to file are described on page 6.

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA
FAMILY LAW DIVISION

IN RE: THE MATTER OF:

Case No: DR 04-18806

Division: 41

HEATHER N. LUPO,

Petitioner/Natural Mother

and

JOHN J. TOBIA,

Respondent/Natural Father

MOTHER'S PETITION TO DETERMINE PATERNITY AND RELATED RELIEF

The Petitioner/Natural Mother, HEATHER N. LUPO, files this Petition to Determine Paternity and Related Relief and states as follows:

1. This is an action for paternity under Chapter 742, *Florida Statutes*.
2. There is one (1) minor child subject to these proceedings, to wit: TAYLOR LUPO, date of birth March 27, 2002.
3. The Petitioner/Mother, HEATHER LUPO (hereinafter Mother) currently resides at 1320 Osprey Cove Court, Orlando, FL, 32837 and the Respondent/Father, JOHN J. TOBIA (hereinafter Father) currently resides at 4201 Summit Creek Blvd., #8205, Orlando, FL, 32837.
4. Both parties are over the age of 18 and neither is, nor has been within a 30-day period immediately prior to this date a person in the military service of the United States as defined by the Amended Sailors' and Soldiers' Civil Relief Act of 1940.
5. Neither the Mother nor Respondent is mentally incapacitated.

6. A completed UCCJA, Notice of Social Security Number, and Financial Affidavit are being filed with this Petition.

7. The Mother and Father engaged in sexual intercourse with each on or about July, 2001 in Orlando, Florida. As a result of the sexual intercourse, the Mother conceived and gave birth to the minor child named in Paragraph 2. The Father is the natural father of the minor child and has acknowledged paternity. The Mother was not married at the time of the conception or birth of the minor child named in Paragraph 2.

CHILD CUSTODY, PARENTAL RESPONSIBILITY, AND VISITATION

8. The minor child currently resides with the Mother.

9. It is in the best interest of the child that parental responsibility be shared by both Father and Mother with the Mother being designated the primary residential parent.

10. A reasonable contact schedule for the Father should be set. Currently, the Father is picking up and dropping off the minor child whenever he chooses. There is no consistency and it is disruptive to the minor child.

11. The minor child should retain her present name.

CHILD SUPPORT

12. The Mother requests the Court award child support, as well as retroactive child support, as determined by Florida's Child Support Guidelines, Section 61.30, *Florida Statutes*. A completed Child Support Guidelines Worksheet will be filed. Retroactive child support should be ordered retroactive to the date the parties no longer resided together.

13. The Mother will need help with the medical, dental, optical and orthodontic expenses for the child and the Father is well able to provide for the medical, dental, optical and orthodontic expenses for the child.

//

14. The Mother requests this Court order the Father to obtain life insurance in the amount of \$200,000 to secure his child support obligation.

15. The Mother has retained the law offices of Fisher, Rushmer, Werrenrath, Dickson, Talley & Dunlap, P.A. to represent her in this action and has agreed to pay them reasonable attorneys fees and costs for their services. The Father is able to pay said fees and costs and Mother is in need of Father paying said fees and costs. The Mother requests an Order from the Court requiring the Father to to pay said fees and costs as a result of the bringing of this action.

WHEREFORE, the Mother requests this Court enter an Order, as follows:

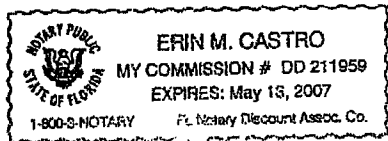
- A. Establishing paternity of the minor child and ordering proper scientific testing if necessary;
- B. Ordering shared parental responsibility with the Mother being designated the primary residential parent.
- C. Ordering a set contact schedule for the Father;
- D. Awarding child support and retroactive child support, retroactive to the date the parties no longer resided together.;
- E. Ordering Father to contribute to the medical, dental, optical and orthodontic expenses for the child.
- F. Requiring the Father to obtain life insurance in the amount of \$200,000 to secure his child support obligation.
- G. Ordering the Father to pay Mother's attorney's fees and costs associated with the bringing of this action.

Date: _____

Heather Nupo
Heather N. Lupo

STATE OF FLORIDA
COUNTY OF ORANGE

Sworn to and subscribed before me this 26th day of October, 2004, by Heather N. Lupo.



Erin M. Castro
Notary Public

Erin M. Castro
Printed Name of Notary Public

Personally known _____ OR Produced Identification _____

Type of Identification Produced FL Driver's License

[Signature]
KHERSTEN HESKIN MARTINEZ
Florida Bar No: 77021
Fisher, Rushmer, Werrenrath,
Dickson, Talley & Dunlap, P.A.
20 North Orange Avenue, Suite 1500
Post Office Box 712
Orlando, FL 32802-0712
(407) 843-2111

KHM/EC
L:\KHM\lupo\PLEADING\Petition.wpd

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA
FAMILY LAW DIVISION

IN RE: THE MATTER OF:

Case No: 48-2004-DR-018806

Division: 41

HEATHER N. LUPO,

Natural Mother,

and

JOHN J. TOBIA,

Natural Father.

_____/

**FINAL JUDGMENT ON PETITION TO DETERMINE PATERNITY
AND RELATED RELIEF**

THIS MATTER having come before the Court this _____ day of June, 2005, upon the Petitioner/Mother's, HEATHER N. LUPO, Petition to Determine Paternity and Related Relief, the Court considered the testimony of the parties and their various stipulations with regard to the Amended Joint Stipulation entered into by and between them on June 28, 2005, the Court having reviewed the Court file, and being otherwise advised in the premises it is thereupon

FOUND, ORDERED, and ADJUDGED as follows:

1. The Court finds that it has jurisdiction of the subject matter hereof, of the parties hereto, and of the parties' minor child, TAYLOR LUPO, born March 27, 2004.
2. The Amended Joint Stipulation entered into by the parties dated the 28th day of June, 2005, is hereby approved and incorporated into this Final Judgment on Paternity and Related Relief by reference, and the parties are ordered to comply with it.

3. JOHN J. TOBIA is the Natural Father of the minor child, TAYLOR LUPO, born March 27, 2004.

4. The Natural Mother and Natural Father shall have shared parental responsibility and the Natural Mother shall have primary residential responsibility of the minor child. The Court specifically incorporates the custody provisions and shared parenting provisions as set forth in the Amended Joint Stipulation entered into between the parties on June 28, 2005 and filed with the Court, concerning child contact. The Mother shall notify the Father should she intend to relocate outside the central Florida area.

5. Beginning March 1, 2005, the Father's child support obligation shall be \$925.00 per month and shall be paid on the first day of every month until the minor child reaches the age of eighteen (18), dies, or otherwise becomes emancipated. If at the age of eighteen (18) the minor child is in high school with a reasonable expectation of graduation before the age of nineteen (19), then child support shall terminate when the minor child graduates from high school or when she turns nineteen (19) years of age, whichever first occurs.

6. Said support shall be paid through the Florida State Disbursement Unit by an Income Deduction Order. Until the Court enters the Income Deduction Order, support shall be paid by the Father directly from his income.

7. The Father shall be entitled to claim the minor child on his income taxes for the tax year 2004. He shall give the Mother fifty (50%) percent of any refund he is due on his 2004 income taxes within ten (10) days of the date he receives said refund.

8. The Father shall pay the Mother the amount of \$1,000.00 for any retroactive support he owes prior to March 1, 2005 no later than May 1, 2005.

15

9. The parties shall share and be responsible for all uncovered medical, dental, orthodontic, and optical expenses for the child. The Father shall be responsible for 85% of said uncovered expenses, and the Mother shall be responsible for 15% of said uncovered expenses. Mother shall pay uncovered expenses directly to the provider and shall provide Father with a receipt of payment within 15 days. Father shall have 15 days from the date of the receipt to reimburse Mother for his shares of said uncovered expenses.

10. The Court retains jurisdiction of the parties hereto and the subject matter hereof for the purposes of enforcement of this Final Judgment, as well as any obligations between the parties.

11. The Court further retains jurisdiction of this matter.

DONE AND ORDERED in Orlando, Orange County, Florida, this ____ day of _____,
2005.

Honorable Alice Blackwell White
Circuit Judge

Copies to: Keersten Heskin Martinez, Esquire
John P. Quinones, IV, Esquire

KHM/EC

L:\KHM\upo\PLEADING\Final Judgment.wpd

16

5/23/2005	Notice of Filing	NOTICE OF FILING JOINT STIPULATION W/ATT	LUPO HEATHER N
6/28/2005	Notice of Filing	NOTICE OF FILING AMENDED JOINT STIPULATION W/ATT	LUPO HEATHER N
7/14/2005	Joint Stipulation	COPY OF AMENDED JOINT STIPULATION	
8/5/2005	Final Judgment	FINAL JUDGMENT PATERNITY RECORDED	
8/5/2005	Disposed by Judge	DISPOSED BY JUDGE	
8/5/2005	Order for Income Deduction	ORDER FOR INCOME DEDUCTION	
8/5/2005	Letter	LETTER TO JUDGE FROM ATTY HESKIN MARTINEZ W/ATT	
8/10/2005	Certified Notice of Delinquent Support	CERTIFIED NOTICE DELINQUENT SUPPORT	
8/25/2005	Certificate of Delinquency Recorded	CERTIFICATE OF DELINQUENCY RECORDED	
1/1/2007	Case Reassigned to Division	CASE REASSIGNED TO JUDGE 31	
10/4/2007	Notice of Change of Address	NOTICE CHANGE OF ADDRESS	LUPO HEATHER N
7/21/2008	Notice of Change of Address	NOTICE CHANGE OF ADDRESS	TOBIA JOHN J
7/21/2008	Letter	LETTER FILED RE: JUDGMENT/CERTIFICATE OF DELINQUENCY	
7/21/2008	Satisfaction of Judgment	SATISFACTION OF JUDGMENT/CERTIFICATE OF DELINQUENCY RECORDED	
8/4/2008	Notice of Change of Address	NOTICE CHANGE OF ADDRESS OF PAYEE	LUPO HEATHER N
4/28/2009	Letter	to Judge from attorney Rubin	TOBIA JOHN J

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Case Documents

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Case Financials

[View All Case Financial Details](#)

Defendant	Assessment	Payment
HEATHER N LUPO	\$255.00	\$255.00

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
IN AND FOR ORANGE COUNTY, FLORIDA
FAMILY LAW DIVISION

IN RE: THE MATTER OF:

Case No: 48-2004-DR-018806

Division: 41

HEATHER N. LUPO,

Natural Mother,

and

JOHN J. TOBIA,

Natural Father.

INCOME DEDUCTION ORDER

TO: Any Current or Subsequent Employer or Any
Other Person or Agency ("PAYOR") Providing
or Administering Income to JOHN J. TOBIA

THIS COURT entered an order on June _____, 2005, establishing, enforcing, or modifying a support obligation owed by **JOHN J. TOBIA**, (hereinafter referred to as "OBLIGOR"), whose Social Security Number is 576-78-7112, in favor of **HEATHER N. LUPO**, (hereinafter referred to as "OBLIGEE"), whose Social Security Number is 425-61-8698. In compliance with section 61.1301, Florida Statutes,

IT IS ORDERED AS FOLLOWS:

1. **Obligation to Deduct.** If you are presently providing to the Obligor income (i.e. money payments of any kind), you will deduct from all income due and payable to the Obligor the sums set forth in this Order and pay them directly to:

State of Florida Disbursement Unit

P. O. Box 8500

Tallahassee, Florida 32314-8500

2. **Reporting/Changing Pay Frequency.** The first payment sent under this Order shall be accompanied by a written statement informing the State of Florida Disbursement Unit how frequently the Obligor is paid (weekly; bi-weekly; twice a month or monthly).

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If the Obligor's pay frequency with your company changes, you are also required to immediately report this information, in writing, to the State of Florida Disbursement Unit. The State of Florida Disbursement Unit is authorized to automatically adjust the child support/alimony payment account(s) in this matter to accurately reflect any change in the pay frequency of the paying party provided that said change is reported, in writing, by the paying party's current employer to the State of Florida Disbursement Unit.

3. **Sums Deducted.** The sums to be deducted and paid by you to the State of Florida Disbursement Unit are:

(a) **Periodic child support:**

\$213.46 per week; OR

\$426.92 bi-weekly (if paid every other week); OR

\$462.50 twice a month (if paid 15th and 30th of month); OR

\$925.00 per month

(b) **Past Due Support/Arrearages:**

\$0.00 per week; OR

\$0.00 bi-weekly (if paid every other week); OR

\$0.00 twice a month (if paid 15th and 30th of month); OR

\$0.00 per month

(c) **PLUS clerk's fee for each payment (4% of each payment not to exceed \$5.25 per payment nor be less than \$1.25 per payment):**

\$5.25 per week; OR

\$5.25 bi-weekly (if paid every other week); OR

\$5.25 twice a month (if paid 15th and 30th of month); OR

\$5.25 per month

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IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT
 IN AND FOR ORANGE COUNTY, FLORIDA
 CASE NO.: DR04-18806

R
 IN RE: THE MATTER OF:
 HEATHER N. LUPO,
 Natural Mother

And

JOHN J. TOBIA,
 Natural Father

ANSWER TO MOTHER'S PETITION TO DETERMINE
 PATERNITY AND RELATED RELIEF

COMES NOW, JOHN J. TOBIA, by and through his undersigned attorney files this his Answer as follows:

1. Paragraphs 1, 2, 3, 4, 5, 6, 7, and 8 are admitted
2. As to paragraph 9 and 10, Father requests substantial contact with the minor child and a reasonable and liberal visitation schedule that reflects substantial contact.
3. As to paragraph 11, the same is denied. Natural Father request a change of name.
4. As to paragraph 12, child support should be established. Natural Father has contributed to child support and there is no retroactive child support owed or if there is it is minimal. Father requests alternating the tax deduction on the minor child so long as he is current on his child support obligation.
5. As to paragraph 13, both parties should equally divide all uncovered medical, dental, and health related expenses of the minor child.
6. As to paragraph 14, both parties should obtain life insurance if the same is reasonably available to them.
7. As to paragraph 15, both parties should pay for their own attorney's fees and court costs associated with this action.

[Signature]
 JOHN P. QUINONES, IV, ESQ

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: Keerstein Heskin Martinez, Esquire, 20 North Orange Avenue, Suite 1500, Post Office Box 712, Orlando, Florida 32802-0712, this 26th day of November, 2004.

[Signature]
 JOHN P. QUINONES, IV, ESQ
 1012 Bryan Street
 Kissimmee, Florida 34741
 (407) 870-8857
 Fla Bar No.: 0939234

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