

March 14, 2023

VIA CERTIFIED MAIL

Mr. Glenton Gilzean, Jr.  
Chair, The Florida Commission on Ethics  
P. O. Drawer 15709  
Tallahassee, Florida 32317-5709

**Re: Conduct Violations by Governor DeSantis.**

Dear Mr. Gilzean:

There is strong evidence that Governor Ron DeSantis has engaged in illegal conduct pursuant to:

- (1) Section 112.313(2) of the Florida Statutes (prohibition on solicitation and acceptance of gifts);
- (2) Article II, Section 8(h)(2) of the Florida Constitution with his wrongful intent evidenced by his violations of the Federal Campaign Finance Act of 1971, Section 112.31485 of the Florida Statutes (prohibition on gifts from political committees), and Section 112.3215 of the Florida Statutes (prohibition on accepting illegal lobbying payments);
- (3) Section 112.313(6) of the Florida Statutes (prohibition on misuse of public position); and
- (4) Section 112.313(7) of the Florida Statutes (prohibition on conflicting employment or contractual relationships).

This letter provides ample evidence to support a finding of probable cause<sup>1</sup> by the Florida Commission on Ethics (the "Commission") that Governor DeSantis, in concert with certain associated political committees, political consultants, and a 501(c)(4) organization, has solicited and received millions of dollars' worth of illegal gifts in violation of Florida State ethics laws and the Florida Constitution. Absent immediate action by the Commission, Governor DeSantis will continue violating the law by accepting additional gifts that are clearly intended by self-interested organizations to influence his official judgment to submit an irrevocable resignation letter as required by Section 99.012(4)(a) of the Florida Statutes.

**INTRODUCTION**

Certain activities related to Governor DeSantis's ascension to the national stage, insofar as they are funded by a vast network of political committees, non-profit organizations, and prominent political operatives, are unlawful because they serve his personal political objectives, are in furtherance of his personal financial gain at the expense of Florida taxpayers, and are intended to influence his official decision to resign from office. It is no secret that Governor DeSantis aspires to national prominence. In fact, and as detailed herein, Governor DeSantis is already a *de facto* candidate for President of the United States under federal election laws. Governor DeSantis's failure to declare his candidacy is no mere oversight; it is a coordinated effort specifically designed for him to accept, as unethical gifts, illegal campaign contributions and certain personal benefits that are necessarily intended to influence

---

<sup>1</sup> See § 112.311(3), Fla. Stat. (2020).

his official decision to resign from office under Florida’s resign to run law.<sup>2</sup> Governor DeSantis’s ham-handed maneuverings have rendered him irreparably conflicted and have left the statehouse vacant.<sup>3</sup>

Part II of Chapter 112 of the Florida Statutes contains standards of ethical conduct applicable to Governor DeSantis. Specifically, the state legislature enacted the ethics laws to ensure that public officials “hold their positions for the benefit of the public . . . regardless of personal considerations [and that] [s]uch officers are bound to observe, in their official acts, the highest standards of ethics . . . regardless of personal considerations.”<sup>4</sup> Upon finding that Governor DeSantis has violated Florida ethics laws and the State Constitution, the Commission should impose on him (and certain political committees) the most severe penalties permitted by Section 112.317 and Section 112.31485 of the Florida Statutes. This includes, without limitation, one or more of the following: (a) impeachment; (b) removal from office; (c) public censure; (d) ballot disqualification; and (e) payment of fines, in certain cases, equaling three times the value of the illegal gift.<sup>5</sup>

#### I. Governor DeSantis is Focused on his Shadow Presidential Campaign.

Like all Florida officials, Governor DeSantis is an “agent[] of the people” who must “hold [his] position[] for the benefit of the people.”<sup>6</sup> Unlike other Florida officials, Governor DeSantis is leveraging his elected office and breaching his associated duties in a coordinated effort to develop his national profile, enrich himself and his political allies, and influence the national electorate. A non-comprehensive list of Governor DeSantis’s recent activities clearly indicates that he has abused his office and abdicated his official duties in favor of pursuing his national political interests.

- Governor DeSantis has met with influential figures in early primary states;<sup>7</sup>
- Governor DeSantis’s team is vetting operatives in early primary states;<sup>8</sup>
- Governor DeSantis appeared on television and radio advertisements calling for a convention to amend the United States Constitution;<sup>9</sup>
- People allied with Governor DeSantis launched a 501(c)(4) organization to support his presidential candidacy by sponsoring his events in New York, Philadelphia, and Chicago;<sup>10</sup>

<sup>2</sup> Virginia Chamlee, *Florida Might Change a State Law So Ron DeSantis Can Run for President and Be Governor at the Same Time*, PEOPLE (Nov. 23, 2022, 2:13 PM), <https://people.com/politics/florida-may-change-state-law-for-ron-desantis-presidential-run/>.

<sup>3</sup> Claire Hansen, *DeSantis Embarks on National Tour as Speculation Swirls About His Future*, U.S. NEWS (Feb. 28, 2023, 5:16 PM), <https://www.usnews.com/news/national-news/articles/2023-02-28/desantis-embarks-on-national-tour-as-speculation-swirls-about-his-future>.

<sup>4</sup> See § 112.311(6), Fla. Stat. (2020).

<sup>5</sup> See § 112.317, Fla. Stat. (2020); § 112.31485(3), Fla. Stat. (2013).

<sup>6</sup> See § 112.331(6), Fla. Stat. (2020).

<sup>7</sup> Alex Roarty, *DeSantis meets with Iowa influencer ahead of book release as 2024 hopefuls make moves*, MIAMI HERALD (Feb. 24, 2023, 12:00 PM), <https://www.aol.com/news/desantis-meets-iowa-influencer-ahead-170059810.html>.

<sup>8</sup> Nancy Cook, *DeSantis Preps 2024 Bid Behind Scenes While Waiting to Declare*, BLOOMBERG (Feb. 10, 2023, 5:33 PM), <https://www.bloomberg.com/news/articles/2023-02-10/desantis-preps-2024-bid-behind-scenes-while-waiting-to-declare?srnd=premium#xj4y7vzkg&leadSource=uverify%20wall&leadSource=uverify%20wall>.

<sup>9</sup> Kirby Wilson, *Ron DeSantis, appearing in Idaho ads, calls for a constitutional convention*, TAMPA BAY TIMES (Feb. 23, 2023), <https://www.tampabay.com/news/florida-politics/2023/01/24/ron-desantis-appearing-idaho-ads-calls-constitutional-convention/>.

<sup>10</sup> Alex Isenstadt, *A new nonprofit group is helping DeSantis go national*, POLITICO (Feb. 20, 2023, 9:06 PM), <https://www.politico.com/news/2023/02/20/nonprofit-desantis-florida-00083692>.

- People close to Governor DeSantis are interviewing staff for a presidential campaign;<sup>11</sup>
- Allies of Governor DeSantis have formed and are raising soliciting dollar donations for a federal draft PAC named Run, Ron, Run!;<sup>12</sup>
- Prominent Republican consultants are recruiting staffers for a DeSantis aligned federal PAC;<sup>13</sup>
- Governor DeSantis met with individuals who are likely to play key roles in his presidential campaign;<sup>14</sup>
- Governor DeSantis's Florida political committee, Friends of Ron DeSantis, continues to fundraise (despite him being term limited in the State of Florida)<sup>15</sup> and has made, in violation of state and federal campaign finance laws, inappropriate expenditures aimed at a national audience;<sup>16</sup> and
- Governor DeSantis has launched a personally lucrative book tour.<sup>17</sup>

II. Governor DeSantis Solicited and/or Received Millions of Dollars of Benefits in Connection with his Shadow Presidential Campaign.

Governor DeSantis has solicited and accepted millions of dollars in benefits, each of which are properly classified as gifts under Section 112.313(2) of the Florida Statutes. The gifts outlined in Sections A and B below (referred to hereinafter as, the “Gifts List”) are made by organizations and individuals that (a) are funded by donations from Governor DeSantis's political supporters and, therefore, (b) have a direct financial interest in his official decision to resign from office and run for president. The gifts outlined in Section C below relate to his book tour, which he is using as cover for his shadow presidential campaign. Furthermore, pursuant to Article II, Section 8 of the Florida Constitution and Section 112.3144 of the Florida Statutes, Governor DeSantis must publicly report each of the items contained in the Gifts List by July 1, 2023.

A. *Gifts from Political Committees.*

- Friends of Ron DeSantis, Governor DeSantis's Florida political committee, has raised approximately \$12,000,000 and made expenditures in excess of \$1,600,000 since January 1, 2023, to promote his presidential candidacy;<sup>18</sup>

<sup>11</sup> Cook, *supra* note 8.

<sup>12</sup> Paid Political Advertisement Paid for by Run, Ron, Run!, WINRED, [https://secure.winred.com/never-back-down-inc/20230308-launch-tag/?utm\\_medium=social&utm\\_source=tag&utm\\_term=nbd-us-pac&utm\\_campaign=20230308-launch&utm\\_content=20230308-launch-tag-1](https://secure.winred.com/never-back-down-inc/20230308-launch-tag/?utm_medium=social&utm_source=tag&utm_term=nbd-us-pac&utm_campaign=20230308-launch&utm_content=20230308-launch-tag-1) (last visited Mar. 10, 2023).

<sup>13</sup> Brett Samuels, *How outside groups are boosting DeSantis before a possible 2024 bid*, THE HILL (Feb. 10, 2023, 6:00 AM), <https://thehill.com/homenews/campaign/3851814-how-outside-groups-are-boosting-desantis-before-a-possible-2024-bid/>.

<sup>14</sup> Aaron Navarro, *DeSantis gathers donors, GOP politicians at event as he considers 2024 presidential run*, CBS News (Feb. 27, 2023, 11:32 AM), <https://www.cbsnews.com/news/desantis-donors-gop-retreat-considers-2024-presidential-run/>.

<sup>15</sup> Paid Political Advertisement Paid for by Friends of Ron DeSantis, WINRED, <https://secure.winred.com/ron-desantis/the-freedom-blueprint-newsletter-feb-11> (last visited Mar. 10, 2023).

<sup>16</sup> @WC\_Elections, TWITTER (Feb. 26, 2023, 7:30 PM), [https://twitter.com/WC\\_Elections/status/1630002415868194816](https://twitter.com/WC_Elections/status/1630002415868194816).

<sup>17</sup> Zachary Basu, *DeSantis readies de facto presidential campaign*, AXIOS (Feb. 27, 2023), <https://www.axios.com/2023/02/28/desantis-campaign-launch-book-tour>.

<sup>18</sup> Friends of Ron DeSantis Contributions, FRIENDS OF RON DESANTIS, <https://friendsofrondesantis.com/wp-content/uploads/2023/02/fordcont-022423.pdf> (last visited Mar. 10, 2023).

- According to the most recent data, Federal political committees, including Ready for Ron, Ron to the Rescue, and Courageous Conservatives PAC, are actively raising money and making expenditures advocating Ron DeSantis's election as president;
  - Ready for Ron made \$281,405.21 in disbursements,<sup>19</sup>
  - Ron to the Rescue made \$1,273.00 in disbursements,<sup>20</sup> and
  - Courageous Conservatives PAC made \$277,617.23 in disbursements,<sup>21</sup>
- The founder of Ron to the Rescue, a Federal Super PAC, says "he has 10 staffers and about \$20 million in commitments to support a DeSantis presidential campaign."<sup>22</sup>
- The Republican State Leadership Committee, a federal political committee, has thrown its financial support behind Governor DeSantis and has its own fundraising activities in support of Governor DeSantis's presidential run and has promoted his book;<sup>23</sup>
- Courageous Conservatives PAC has placed paid digital advertisements promoting Governor DeSantis's presidential run;<sup>24</sup>
- Federal political committees are reportedly making consulting payments for potential presidential campaign staff;<sup>25</sup>
- Ron to the Rescue, a Federal Super PAC, had "a booth at the New Hampshire GOP meeting, manned by staff from the super PAC and volunteers who are from New Hampshire, including former state officials who are supporting the Florida governor[.]"<sup>26</sup> and
- Attendees to the Lincoln Reagan Dinner 2023, sponsored by the Harris County Republican Party, are reportedly paying \$500 or more per ticket to receive a copy of Governor DeSantis's book.<sup>27</sup>

B. *Gifts from Issue-Advocacy Organizations.*

- A 501(c)(4) organization, formed on January 30, 2023, named And to the Republic (a) has hosted three events featuring Governor DeSantis in New York, Philadelphia, and Chicago,<sup>28</sup>

<sup>19</sup> Ready for Ron FEC Filings, FEDERAL ELECTION COMMISSION, <https://docquery.fec.gov/cgi-bin/forms/C00815928/1686534/> (last visited Mar. 10, 2023).

<sup>20</sup> Ron to the Rescue FEC Filings, FEDERAL ELECTION COMMISSION, <https://docquery.fec.gov/cgi-bin/forms/C00828400/1679914/> (last visited Mar. 10, 2023).

<sup>21</sup> Courageous Conservatives PAC FEC Filings, FEDERAL ELECTION COMMISSION, <https://docquery.fec.gov/cgi-bin/forms/C00587022/1674639/> (last visited Mar. 10, 2023).

<sup>22</sup> Forrest Saunders, *Gov. Ron DeSantis launches new book, ratcheting up 2024 speculation*, WPTV (Feb. 28, 2023, 7:15 PM), <https://www.wptv.com/news/political/gov-ron-desantis-launches-new-book-ratcheting-up-2024-speculation>.

<sup>23</sup> Republican State Leadership Committee, FACEBOOK (Feb. 24, 2023, 3:07 PM), <https://www.facebook.com/RepublicanFutureLeaders/videos/612622557368916/>. *See* Fla. CEO No. 17-5 (Jun. 14, 2017) (holding that Section 112.313(2) prohibits a city commissioner from soliciting or accepting any advertising revenue based on an understanding that the revenue contribution will influence their official action).

<sup>24</sup> @CourageousCPAC, TWITTER (Feb. 28, 2023, 9:24 AM), <https://twitter.com/CourageousCPAC/status/1630574591138512896>.

<sup>25</sup> Cook, *supra* note 8.

<sup>26</sup> Brett Samuels, *Pro-DeSantis group to launch 'opening salvo' in New Hampshire at GOP meeting*, MSN (Jan. 27, 2023), <https://www.msn.com/en-us/news/politics/pro-desantis-group-to-launch-opening-salvo-in-new-hampshire-at-gop-meeting/ar-AA16NFfs>.

<sup>27</sup> Harris County Republican Party's Lincoln Raegan Dinner 2023, Harris County GOP, [https://www.harriscountygop.com/wp-content/uploads/2023/02/LRD2023\\_2.21.pdf](https://www.harriscountygop.com/wp-content/uploads/2023/02/LRD2023_2.21.pdf) (last visited Mar. 10, 2023).

<sup>28</sup> Isenstadt, *supra* note 10.

(b) reportedly intends to host future events featuring Governor DeSantis that will no doubt involve the solicitation even more contributions in furtherance of his presidential run,<sup>29</sup> and (c) has paid for Facebook advertisements in Iowa and Nevada to promote Governor DeSantis's upcoming travel to these states;<sup>30</sup> and

- Governor DeSantis has solicited and received other gifts associated with And to the Republic's activities, which likely include (a) the use of real property necessary for the book tour and speaking events such as a speaking venue and hotel rooms, (b) air and ground transportation necessary for the book tour, (c) services needed for the events, such as staffing requirements, (d) products needed while attending the speaking events, such as food and beverage.

C. *Gifts Related to His Book Tour.*

- In the run-up to his presidential campaign, Governor DeSantis "has agreed to a lucrative book deal with HarperCollins";<sup>31</sup>
- Royalties, which have been increased by book sales and promotion by political committees, as described above; and
- Governor DeSantis has solicited and received other gifts associated with the book tour, which likely include (a) the use of real property necessary for the book tour and speaking events such as a speaking venue and hotel rooms, (b) air and ground transportation necessary for the book tour, (c) services needed for the events, such as staffing requirements, and (d) products needed while on the book tour, such as food and beverage.

Despite millions of dollars in gifts that Governor DeSantis has directly and indirectly solicited and received, he has improperly used state-funded resources to ensure that the gifts remain in the accounts of the organizations that support his presidential aspirations. As reported by News 6 Orlando, Governor DeSantis's security detail has traveled with him in connection with certain out-of-state events in furtherance of his presidential campaign.<sup>32</sup>

### STANDARD OF REVIEW

The Commission shall undertake a preliminary investigation over any legally sufficient complaint.<sup>33</sup> Upon conducting a preliminary investigation, the Commission needs to find that there is probable

<sup>29</sup> *Id.* See also Fla. CEO No. 19-1 (Jan. 30, 2019) (holding that Section 112.313(2) prohibits a School Board member is prohibited from soliciting contributions to a non-profit organization based on an understanding that such contribution will influence an official act); Fla. CEO No. 19-13 (Sep. 13, 2019) (holding that a police chief may solicit contributions for a non-profit unless those donations are used to purchase equipment for the police department, in which case the donations would be an indirect gift to the police chief).

<sup>30</sup> @FWIWnews, Twitter (Mar. 5, 2023), [https://twitter.com/fwiwnews/status/1632380447878414341?s=46&t=oagstSWB0qDew9p\\_Ww6-Ew](https://twitter.com/fwiwnews/status/1632380447878414341?s=46&t=oagstSWB0qDew9p_Ww6-Ew).

<sup>31</sup> Rachael Bade, *Politico Playbook: Operation 'Stop Greitens' Goes Awry*, POLITICO (Feb. 17, 2022, 6:27 AM), <https://www.politico.com/newsletters/playbook/2022/02/17/operation-stop-greitens-goes-awry-00009720>.

<sup>32</sup> Erik Sandoval, *Florida Gov. DeSantis travel expenses jump 50% as he prepares to begin next term*, NEWS 6 ORLANDO (Nov. 18, 2022, 5:00 PM), <https://www.clickorlando.com/news/investigators/2022/11/18/florida-gov-desantis-travel-expenses-jump-50-as-he-prepares-to-begin-next-term/>. Governor DeSantis' use of state resources for these expenditures is in potential violation of Section 106.15 of the Florida Statutes. See § 106.15, Fla. Stat. (2002).

<sup>33</sup> § 112.324(3), Fla. Stat. (2018).

cause that a violation of law occurred.<sup>34</sup>

## ARGUMENT

Governor DeSantis’s national political activities breach the public trust because they are designed (a) to enrich himself and certain organizations that support his presidential candidacy through an illegal gifting scheme while (b) skirting federal campaign finance laws and (c) influencing his decision to resign from office pursuant to Florida’s resign to run law. The Commission has an obligation to investigate whether Governor DeSantis’s national political activities constitute an impermissible conflict between his public duty and his private interests and/or a breach of public trust.

### I. Governor DeSantis Violated Section 112.313(2).

Section 112.313(2) of the Florida Statutes prohibits Governor DeSantis from soliciting or accepting “anything of value . . . including a gift, loan, reward, promise of future employment, favor, or service, based upon any understanding that the vote, official action, or judgment of [Governor DeSantis] would be influenced thereby.”<sup>35</sup>

As will be described below, a Florida Governor’s decision to run for President of the United States necessarily requires the exercise of his official duties. Therefore, anything of value solicited by or provided to him with the understanding that he will run for president and resign as Governor of Florida, pursuant to Section 99.012(4)(a) of the Florida Statutes, is illegal and must be investigated.

#### A. *Governor DeSantis Solicited and Received Illegal Gifts.*

The definition of a “gift,” which is a subcategory of “anything of value,” broadly includes, without limitation, services, transportation, food and beverage, the use of real property, tangible or intangible personal property, and any service or thing having an attributable value.<sup>36</sup> A gift may be received directly by the donee or indirectly by a third party. Governor DeSantis’s book tour and concurrent speaking engagements, whether sponsored by a 501(c)(4) organization, political committees, or other non-profit organizations, each undoubtedly include gifts solicited by him or his agents, directly, indirectly, or implicitly<sup>37</sup> or provided to him, directly or indirectly, by individuals seeking to influence his official actions.<sup>38</sup> These gifts are outlined in the Gifts List.

<sup>34</sup>

*Id.*

<sup>35</sup>

§ 112.313(2), Fla. Stat. (2019).

<sup>36</sup>

§ 112.312(12)(a), Fla. Stat. (2020).

<sup>37</sup>

*See* § 496.404(24)(c) defining “Solicitation” as “a request, directly or indirectly for money . . . or any other thing of value . . . [including by] [d]istributing, circulating, posting, or publishing any . . . written advertisement, or other publication that directly or by implication seeks to obtain any contribution[.]” *See, e.g.,* @clinkit\_drinkit, TWITTER (Mar. 1, 2023, 2:49 PM), [https://twitter.com/clinkit\\_drinkit/status/1627025044579794948](https://twitter.com/clinkit_drinkit/status/1627025044579794948) (showing that “Team DeSantis” distributed invitations to an event reportedly sponsored by And to the Republic, a 501(c)(4) organization. *See supra* note 12 (showing Governor DeSantis’s likeness being used in draft PAC ads).

<sup>38</sup>

The Commission’s determinations in analogous circumstances counsel in favor of an investigation into Governor DeSantis’s recent activities. *See* Fla. CEO No. 19-13 (Sep. 13, 2019) (holding that a police chief may solicit contributions for a non-profit unless those donations are used to purchase equipment for the police department, in which case the donations would be an indirect gift to the police chief); CEO No. 19-17 (Oct. 30, 2019) (noting that a city official may not solicit contributions on behalf of a non-profit organization if the donation is based upon the understanding that it will influence the city official’s official actions); Fla. CEO No. 13-2 (Mar. 13, 2013) (noting that that a charitable contribution could be used or offered as a quid pro quo for

The primary purpose of this scheme is to benefit, directly and indirectly, Governor DeSantis by elevating his national prominence and enriching organizations that support his federal candidacy.<sup>39</sup> Not surprisingly, Governor DeSantis has not made substantial efforts to denounce these political committees' unauthorized use of his name, image, and likeness in their fundraising campaigns; presumably, because these activities and expenditures finance his shadow campaign for president. Governor DeSantis, through both his direct participation and inaction, has directly, indirectly, and implicitly solicited<sup>40</sup> and accepted millions of dollars of direct and indirect gifts.<sup>41</sup>

Abusing his office to solicit and receive illegal gifts is a critical component of Governor DeSantis's shadow presidential campaign. These events financially enrich, both directly and indirectly, Governor DeSantis and the political committees that support his candidacy for president.<sup>42</sup> As reported by CNN:

The seven-figure checks arrived ahead of what has amounted to a late-February soft launch of DeSantis' highly anticipated run for president. On Monday, DeSantis held campaign-style rallies with police officers in New York, Philadelphia, and Chicago, where he regaled the crowds with stories of the culture wars. . . . And his memoir, "The Courage to Be Free," drops next Tuesday, with plans for a national book tour and events scheduled with GOP activists in Texas, California, and Alabama.<sup>43</sup>

Not only has Governor DeSantis personally solicited and accepted valuable gifts in connection with his shadow presidential campaign, but he has also enriched himself through a lucrative book advance<sup>44</sup> and associated royalties. The Commission must investigate.

*B. The Gifts are Intended to Influence Mr. DeSantis's Official Judgment.*

The law and circumstances surrounding Governor DeSantis's shadow presidential campaign show that he is receiving gifts with the understanding that they will influence his official judgment. Under Florida law, a sitting Governor's decision to run for President of the United States is not primarily personal; rather, it involves the exercise of an official act. Section 99.012(4)(a) of the Florida Statutes requires that Governor DeSantis must submit a resignation letter in advance of his qualification for

---

official action); Fla. CEO No. 15-13 (Dec. 16, 2015) (noting that an opportunity to participate in a charitable endeavor could be used or offered as a *quid pro quo* for official action).

<sup>39</sup> See Fla. CEO No. 19-13 (Sep. 13, 2019) (holding that a police chief may solicit contributions for a non-profit unless those donations are used to purchase equipment for the police department, in which case the donations would be an indirect gift to the police chief).

<sup>40</sup> See *supra* note 37.

<sup>41</sup> See Fla. CEO No. 91-37 (Jul. 19, 1991).

<sup>42</sup> Fla. CEO No. 19-17 (Oct. 30, 2019) (noting that a city official may not solicit contributions on behalf of a non-profit organization if the donation is based upon the understanding that it will influence the city official's official actions); Fla. CEO No. 13-2 (Mar. 13, 2013) (noting that that a charitable contribution could be used or offered as a *quid pro quo* for official action).

<sup>43</sup> Steve Contorno, *DeSantis gets 7-figure checks from top GOP donors as he soft launches presidential campaign*, CNN (Feb. 22, 2023, 7:48 AM), <https://www.cnn.com/2023/02/22/politics/ron-desantis-donors/index.html>.

<sup>44</sup> Rachael Bade, *Politico Playbook: Operation 'Stop Greitens' Goes Awry*, POLITICO (Feb. 17, 2022, 6:27 AM), <https://www.politico.com/newsletters/playbook/2022/02/17/operation-stop-greitens-goes-awry-00009720>.

candidacy.<sup>45</sup> Even those close to Governor DeSantis have acknowledged that he is required to submit a resignation letter prior to qualification for federal candidacy.<sup>46</sup> Put plainly, only a sitting governor can decide to resign his office and, because of the serious consequences associated with that decision,<sup>47</sup> it necessarily involves the exercise of his official judgment. Governor DeSantis's decision to resign from office and run for president is a decision he can only make in his official capacity.

Florida law provides that an individual's state of mind, such as their intent or understanding at a particular time, can be established by circumstantial evidence.<sup>48</sup> Based on the circumstances, Governor DeSantis knew that the political committees and other organizations providing him with millions of dollars of direct and indirect benefits are existentially motivated to ensure that he qualifies as a candidate for federal office and exercise his official judgment to resign from office. Most importantly, Run, Ron, Run!, which was formed on March 8, 2023,<sup>49</sup> exists for the sole intent of enticing Governor DeSantis to run for president and exercise his official judgment to submit an irrevocable resignation pursuant to Florida's resign to run law. The fundraising disclaimer contained on Run, Ron, Run!'s contributions page makes its intent crystal clear: "Your contribution will be forwarded to Ron DeSantis' Presidential campaign committee in the event he publicly declares a campaign for U.S. President in the 2024 election cycle no later than November 5, 2023."<sup>50</sup> Presidential politics is big business. According to Open Secrets, a non-partisan, independent, non-profit research group that tracks money in United States politics, the 2020 presidential election involved expenditures of approximately \$5.7 billion.<sup>51</sup> The organizations giving gifts to Governor DeSantis, or receiving them on his behalf, have a tremendous financial incentive to ensure that he run for president and resigns. Neither Governor DeSantis nor the organizations that support him are blind to these realities.<sup>52</sup>

The gifts described in the Gifts List, whether provided to Governor DeSantis by a book publisher, a federal or state political committee, an issue-advocacy organization, or another not-for-profit organization, rest on the understanding that Governor DeSantis will choose to run for president and resign from office under Section 99.012(4)(a) of the Florida Statutes. Because there is sufficient circumstantial evidence that Governor DeSantis has solicited and received gifts as a *quid pro quo* for his resignation, the Commission must conduct an immediate investigation. If the Commission finds a

<sup>45</sup> Both the Florida ethics laws and the resign to run laws were enacted to ensure that Florida government officials devote themselves to the good-faith performance of the duties delegated to them by the citizens of the State of Florida.

<sup>46</sup> Virginia Chamlee, *Florida Might Change a State Law So Ron DeSantis Can Run for President and Be Governor at the Same Time*, PEOPLE (Nov. 23, 2022, 2:13 PM), <https://people.com/politics/florida-may-change-state-law-for-ron-desantis-presidential-run/>.

<sup>47</sup> The decision to resign would not give the people of Florida a say in their next governor; instead, it would result in the Lieutenant Governor taking over. Even if Governor DeSantis were able to remain governor during his presidential candidacy, it would effectively turn him into a lame-duck politician.

<sup>48</sup> *See Knight v. State*, 107 So. 3d 449, 464 (Fla. 5th Dist. Ct. App. 2013).

<sup>49</sup> Run, Ron, Run! FEC Filings, FEDERAL ELECTION COMMISSION, <https://docquery.fec.gov/pdf/813/202303089578977813/202303089578977813.pdf> (last visited Mar. 10, 2023).

<sup>50</sup> Paid Political Advertisement Paid for by Run, Ron, Run!, WINRED, [https://secure.winred.com/never-back-down-inc/20230308-launch-tag/?utm\\_medium=social&utm\\_source=tag&utm\\_term=nb-d-us-pac&utm\\_campaign=20230308-launch&utm\\_content=20230308-launch-tag-1](https://secure.winred.com/never-back-down-inc/20230308-launch-tag/?utm_medium=social&utm_source=tag&utm_term=nb-d-us-pac&utm_campaign=20230308-launch&utm_content=20230308-launch-tag-1) (last visited Mar. 10, 2023).

<sup>51</sup> Karl Evers-Hillstrom, *Most Expensive Ever: 2020 election cost \$14.4 billion*, OPEN SECRETS (Feb. 11, 2021, 1:14 PM) <https://www.opensecrets.org/news/2021/02/2020-cycle-cost-14p4-billion-doubling-16/>.

<sup>52</sup> *See* discussion *supra* Introduction.



violation of law has occurred, the facts warrant penalties, up to and including removal from office and ballot disqualification.<sup>53</sup>

## II. Governor DeSantis Violated Article II, Section 8(h)(2) of the Florida Constitution.

Article II, Section 8(h)(2) of the Florida Constitution prohibits Governor DeSantis from abusing his “public position in order to obtain a disproportionate benefit for himself.” The Commission defined the term “disproportionate benefit” as “a benefit, privilege, exemption or result arising from an act or omission by a public officer or public employee inconsistent with the proper performance of his or her public duties.”<sup>54</sup> The rule also specifies that the requisite intent necessary for finding a violation of the disproportionate benefit prohibition is “that the public officer or public employee acted, or refrained from acting, with a wrongful intent for the purpose of obtaining any benefit . . . which is inconsistent with the proper performance of his or her public duties.”<sup>55</sup>

### A. *Governor DeSantis has Received a Disproportionate Benefit.*

As more fully described in the Gifts List, Governor DeSantis has directly and indirectly received a multitude of benefits in connection with his shadow presidential campaign and purported book tour. Moreover, each of these benefits rests upon an understanding that he will submit his resignation. Rule 34-18.001(3) sets forth a six-factor test for determining whether a benefit is disproportionate.

- The number of persons, besides the public officer . . . who will experience the benefit, privilege, exemption, or result;
- The nature of the interests involved;
- The degree to which the interests of all those who will experience the benefit, privilege, exemption, or result are affected;
- The degree to which the public officer . . . receives a greater or more advantageous benefit, privilege, exemption, or result when compared to others who will receive a benefit, privilege, exemption, or result;
- The degree to which there is uncertainty at the time of the abuse of public position as to whether there would be any benefit, privilege, exemption, or result, and, if so, the nature or degree of the benefit, privilege, exemption, or result must also be considered; and
- The degree to which the benefit, privilege, exemption, or result is not available to similarly situated persons. . . .

Taking each factor in turn, it is clear that Governor DeSantis received a disproportionate benefit that was intended to influence his decision to run for president and resign from office. First, the only individuals and entities who benefit from Governor DeSantis’s illegal gift scheme are Governor DeSantis and the organizations that gave gifts in furtherance of his shadow presidential campaign. Second, the interests are significant: Governor DeSantis’s political organizations are reportedly raising millions of dollars in support of his resignation as Governor and candidacy for president.<sup>56</sup> Third, Governor DeSantis’s and supporting political organizations’ interests in the benefit are wholly

<sup>53</sup> See § 112.317, Fla. Stat. (2020).

<sup>54</sup> Fla. Admin. Code R. 34-18.001(2)(a).

<sup>55</sup> *Id.*

<sup>56</sup> Contorno, *supra* note 43.

dependent upon Governor DeSantis’s continued abuse of office, his federal candidacy, and required resignation. Without a DeSantis presidential campaign, those organizations will be unable to finance their operations or pay their vendors and employees. Fourth, there is no comparison to be made, as only Governor DeSantis and his supporting organizations stand to benefit from his continued abuse of office. These benefits are not available to, and at the expense of, the citizens of Florida. Fifth, there was never uncertainty as to the existence of a benefit. With a DeSantis presidential campaign and his resignation, the financial benefits are virtually unquantifiable, as the 2020 presidential election involved billions of dollars.<sup>57</sup> Moreover, and as noted above,<sup>58</sup> there is ample circumstantial evidence that Governor DeSantis knew these gifts were intended to induce him into running for president and resigning from office prior to ballot qualification. The sixth factor is inapplicable under these circumstances because there are no other individuals similarly situated to Governor DeSantis. However, this lack of comparison should not provide Governor DeSantis with a free pass to abuse his office in furtherance of an illegal gifting scheme that benefits his shadow presidential campaign (and the organizations that support it) to the detriment of Florida citizens.

B. *Governor DeSantis Acted with Wrongful Intent by Knowingly Violating Federal Campaign Finance Laws.*

Governor DeSantis’s shadow presidential campaign, illegal gifting scheme, and the disproportionate benefits derived therefrom, are in clear violation of federal campaign finance laws. An individual becomes a “candidate” for purposes of the Federal Election Campaign Act of 1971 (as amended, “FECA”) upon receiving contributions or making expenditures in excess of \$5,000 to influence their election for federal office, either directly or through third parties.<sup>59</sup> Such individuals must file a Statement of Candidacy within fifteen days of meeting this threshold.<sup>60</sup>

The Federal Election Commission (the “FEC”) has determined that once an individual “moved beyond the deliberative process of deciding to become a candidate, and into the process of planning and scheduling public activities designed to heighten his political appeal to the electorate, then . . . the activity would cease to be within the exemption, and candidacy would arise.”<sup>61</sup> Thus, even a candidate who carefully crafts his public comments to avoid referring to himself as a candidate can trigger candidacy by making expenditures to further his candidacy once a private decision has been made.

It is clear from Governor DeSantis’s activities that he has decided to run for president. As The New York Times reported, Governor DeSantis is hitting the “traditional early primary states as he discusses his new book.”<sup>62</sup> Moreover, “[t]he people briefed on Mr. DeSantis’s schedule distinguished it from a book tour,”<sup>63</sup> as “Mr. DeSantis’s plans are said to include a collection of speaking engagements with some connection to what he lays out in his book as a blueprint that his Florida record offers the

<sup>57</sup> Amisa Ratliff, *12 numbers to know about the money in the 2020 presidential election*, ISSUE ONE (Dec. 14, 2020), <https://issueone.org/articles/12-numbers-to-know-about-the-money-in-the-2020-presidential-election/>.

<sup>58</sup> See *supra* note 48 and accompanying text.

<sup>59</sup> See 52 U.S.C. § 30101(2); 11 C.F.R. § 100.3.

<sup>60</sup> 52 U.S.C. § 30102(e)(1); 11 C.F.R. § 101.1(a).

<sup>61</sup> Fed. Elec. Comm. Advisory Op. 1981-32; see also, Isenstadt, *supra* note 10; Maggie Haberman, *DeSantis Hits the Trail. Just Don't Call it a Campaign.*, NY TIMES (Feb. 28, 2023), <https://www.nytimes.com/2023/02/28/us/politics/desantis-primary-states.html>.

<sup>62</sup> Haberman, *supra* note 59.

<sup>63</sup> *Id.*

country.”<sup>64</sup> Michael C. Bender of The New York Times accurately referred to DeSantis as “on the campaign trail” before crossing out “campaign trail” and replacing it with “book tour.”<sup>65</sup> Axios recently reported that DeSantis is “aggressively testing the limits of running an unofficial presidential campaign, ramping up national engagements that leave little doubt about his plans for 2024.”<sup>66</sup> Governor DeSantis intends to use the book tour as an opportunity to meet with political donors and solicit contributions to various political committees, as evidenced by his traveling to Iowa, New Hampshire, Nevada, and South Carolina, the first four states to vote in the primary election.<sup>67</sup> These activities are for the purpose of heightening Governor DeSantis’s appeal to the national electorate.

Moreover, Governor DeSantis’s own words indicate he has made a private decision to run for president. As reported by The Washington Post, “in recent conversations, DeSantis has described his presidential plans without any caveats that would suggest he’s still deciding . . . .”<sup>68</sup> When the hosts of Fox & Friends questioned him about his intent to run, Governor DeSantis responded, “Wouldn’t you guys like to have that announcement on Fox and Friends?”<sup>69</sup> While only publicly teasing his private decision to run for president, Friends of Ron DeSantis, Governor DeSantis’s Florida political committee, has made Governor DeSantis’s intentions clear with a new advertising campaign ostensibly promoting his book, stating, “that’s just the price you have to pay to be able to save this country.”<sup>70</sup>

Despite Governor DeSantis’ non-committal answers to public questions concerning his candidacy, his donors know exactly what he meant: Friends of Ron DeSantis raised \$11,969,560.83 since January 1, 2023.<sup>71</sup> According to The Washington Post, “[t]he Governor’s advisors have been studying ways to use that money to power a presidential campaign, since it was raised under different rules than ones governing federal campaigns [and] transferring the money to a pro-DeSantis super PAC is seen as the likeliest option . . . .”<sup>72</sup>

Governor DeSantis has violated FECA and FEC regulations by making expenditures in excess of \$5,000 for the purpose of advancing his own presidential campaign without publicly filing a statement of candidacy with the FEC. Specifically, Governor DeSantis has been using Friends of Ron DeSantis,

<sup>64</sup> *Id.*

<sup>65</sup> @MichaelCBender, TWITTER (Mar. 1, 2023, 2:49 PM), <https://twitter.com/MichaelCBender/status/1631018933414232064?cxt=HHwWgIC8wYLFxaItAAAA>

<sup>66</sup> Basu, *supra* note 17.

<sup>67</sup> Ryan King, *DeSantis to barnstorm early primary states amid 2024 chatter*, WASHINGTON EXAMINER, Feb. 28, 2023, 3:45 PM), <https://www.washingtonexaminer.com/news/campaigns/desantis-barnstorm-battleground-states-2024-chatter>.

<sup>68</sup> Hannah Knowles, *DeSantis indicates privately he intends to run in 2024 as allies prepare*, WASHINGTON POST (Mar. 10, 2023), <https://www.washingtonpost.com/politics/2023/03/09/ron-desantis-2024-president-iowa-nevada/>.

<sup>69</sup> Gary Fineout, *The shadow DeSantis-Trump primary keeps getting closer*, POLITICO (Feb. 21, 2023, 7:03 AM), <https://www.politico.com/newsletters/florida-playbook/2023/02/21/the-shadow-desantis-trump-primary-keeps-getting-closer-00083723>.

<sup>70</sup> @RonDeSantisFL., Twitter (Mar. 3, 2023), <https://twitter.com/rondesantisfl/status/1631808459732578305?s=46&t=S3JdacLk4oyuyB9vkOu9DA>.

<sup>71</sup> Friends of Ron DeSantis Contributions, FRIENDS OF RON DESANTIS, <https://friendsofrondesantis.com/wp-content/uploads/2023/02/fordcont-022423.pdf> (last visited Mar. 10, 2023). According to Section 106.025 of the Florida Statutes, because Governor DeSantis is not a declared candidate for public office, this fundraising may be illegal under Florida law.

<sup>72</sup> Knowles, *supra* note 68.

ostensibly independent federal PACs, and a 501(c)(4) organization to spend money throughout the country in excess of statutory limits, all of which is outlined in the Gifts List. By way of example, Friends of Ron DeSantis, his Florida political committee, has made \$1,657,503.83 in expenditures through February 21, 2023.<sup>73</sup> Likewise, the founder of Ron to the Rescue, a federal Super PAC, says “he has 10 staffers and about \$20 million in commitments [and that his] team had launched DeSantis ads in key states and hoped to keep growing”.<sup>74</sup> As described above, Governor DeSantis has also attended, and plans to attend additional, public events in early primary states.<sup>75</sup>

Governor DeSantis triggered the requirement to file a Statement of Candidacy with the FEC. Yet rather than complying with law, he is using his book tour, various state and federal PACs, and a 501(c)(4) organization to raise and spend exorbitant amounts to influence his own election, and to enrich himself and his allied organizations, in knowing violation of FECA’s contribution limits.

*C. Governor DeSantis Acted with Wrongful Intent by Knowingly Violating Laws Against Illegal Gifts from Political Committees and Against Illegal Lobbying.*

Section 112.31485(2)(a) of the Florida Statutes prohibits Governor DeSantis from “soliciting or knowingly accepting, directly or indirectly, any gift from a political committee.” Likewise, Section 112.31485(2)(b) prohibits a political committee from “giving, directly or indirectly, any gift to [Governor DeSantis].” For the purposes of Section 112.31485, the term “gift” means “any purchase, payment, distribution . . . advance, transfer of funds, or disbursement of money or anything of value.”<sup>76</sup>

Governor DeSantis has solicited and received millions of dollars’ worth of gifts, as detailed in the Gifts List, from political committees in violation of Section 112.31485(2)(a) of the Florida Statutes. Section 112.31485(1)(a) provides a safe harbor if the gift from a political committee is “primarily related to contributions, expenditures, or other political activities authorized pursuant to chapter 106.” This safe harbor, however, does not apply under the current facts. As described herein, the gifts provided by political committees are not primarily related to political activities; rather, they primarily relate to purposes that are not permitted by Chapter 106: (a) the gifts are for the personal financial benefit of Governor DeSantis through the promotion of his book;<sup>77</sup> and (b) the gifts constitute illegal lobbying “Expenditures” under Section 112.3215 of the Florida Statutes.

First, and as detailed in the Gifts List, the promotion of Governor DeSantis’s book by political committees personally enriches Governor DeSantis, directly and indirectly, through a book advance and payment of royalties. Other gifts from political committees, such as paid media, direct promotion of his message, travel, accommodations, food and beverage, event staging, and other indirect benefits, constitute illegal, excessive contributions to benefit his presidential campaign. Moreover, as noted

<sup>73</sup> Friends of Ron DeSantis Expenditures, FRIENDS OF RON DESANTIS, <https://friendsofrondesantis.com/wp-content/uploads/2023/02/fordexp-022423.pdf> (last visited Mar. 10, 2023).

<sup>74</sup> Forrest Saunders, *Gov. Ron DeSantis launches new book, ratcheting up 2024 speculation*, WPTV (Feb. 28, 2023, 7:15 PM), <https://www.wptv.com/news/political/gov-ron-desantis-launches-new-book-ratcheting-up-2024-speculation>.

<sup>75</sup> See *supra* notes 62-67 and accompanying text.

<sup>76</sup> § 112.31485(1)(a), Fla. Stat. (2013).

<sup>77</sup> As described in the Gifts List, the promotion of Governor DeSantis’s book by political committees personally enriches Governor DeSantis, directly and indirectly through the payment of royalties on book sales.

above, continued spending by Friends of Ron DeSantis in furtherance of his shadow presidential campaign violates state and federal campaign finance laws.

Second, Section 112.3215(6)(a) strictly prohibits Friends of Ron DeSantis, Ready for Ron, Ron to the Rescue, Courageous Conservatives PAC, the Republican State Leadership Committee, And to the Republic, Run, Ron, Run!, and any other issue-advocacy organization or political committee from making, directly or indirectly, and Governor DeSantis from receiving, directly or indirectly, any “Expenditure” by a lobbyist. Although Section 112.3215 provides a safe harbor similar to 112.31485(1)(a), the gifting scheme described herein does not qualify for the safe harbor for the following reasons: (a) the aforementioned political committees are not registered lobbyists in accordance with Florida law; (b) the aforementioned political committees have made “Expenditures” in violation of campaign finance laws; and (c) the “Expenditures” are intended to “Lobby” Governor DeSantis and were knowingly<sup>78</sup> accepted by him.

A review of the Florida Lobbyist Registration database returns no registration information for any of the aforementioned political committees.<sup>79</sup> Because these entities are not registered lobbyists, they are prohibited from making any lobbying expenditures. Section 112.3215(1)(d) defines “Expenditure” as “a payment, distribution . . . advance, reimbursement, deposit, or anything of value made by a lobbyist or principal for the purpose of lobbying.”<sup>80</sup> Section 112.3215(1)(f) defines “Lobbies” as “seeking, on behalf of another person, to influence [Governor DeSantis<sup>81</sup>] with respect to a decision . . . in the area of policy . . . or an attempt to obtain the goodwill of an agency official or employee.”

For so long as Governor DeSantis remains both an undeclared candidate under FECA and a sitting Governor subject to Florida’s resign to run law, any expenditures made by political committees in an effort to influence Governor DeSantis’s decision to run for president constitute illegal gifts by political committees and illegal lobbying payments. As described herein, the gifts provided to Governor DeSantis are worth millions of dollars. Moreover, and as detailed specifically above, the gifts constitute illegal, excessive contributions to his shadow presidential campaign and were made for the primary purpose of seeking, on behalf of their donors, consultants, and other like-minded individuals, Governor DeSantis’s goodwill in an effort to influence his policy decision to resign from office.

Governor DeSantis knows, or should know, that his shadow presidential campaign is illegal under federal election law, Florida ethics laws prohibiting illegal gifts from political committees, and Florida ethics laws prohibiting illegal lobbying payments. Given the foregoing, it is highly likely that Governor DeSantis has violated Article II, Section 8(h)(2) of the Florida Constitution by failing to file a statement of candidacy with the FEC for the specific purpose of continuing to solicit and accept illegal gifts from political committees and unregistered lobbyists in furtherance of his shadow presidential campaign. Thus, an investigation by the Commission is required<sup>82</sup> and, if a violation is found,

<sup>78</sup> See CEO No. 91-37, *supra* note 41.

<sup>79</sup> Lobbyist Search, FLORIDA LOBBYIST, <https://floridalobbyist.gov/LobbyistInformation/LobbyistSearch> (last visited Mar. 10, 2023).

<sup>80</sup> § 112.3215(1)(d), Fla. Stat.(2014) contains an exception for political activities authorized under Chapter 106 of the Florida Laws. This exception does not apply because the primary purpose of the gift is to obtain Governor DeSantis’s goodwill and to influence his official decision to resign from office and pursue a presidential campaign.

<sup>81</sup> See § 112.3215(1)(a), Fla. Stat. (2014).

<sup>82</sup> See § 112.317, Fla. Stat. (2020). Additionally, Section 112.3215(8)(a) provides that “the [C]ommission **shall** investigate every sworn complaint that is filed with it alleging that a person covered by this section has failed to

imposition of penalties up to and including ballot disqualification and treble damages are warranted.<sup>83</sup>

### III. Governor DeSantis Violated Section 112.313(6).

Section 112.313(6) of the Florida Statutes prohibits Governor DeSantis from “corruptly us[ing] or attempting to use his official position or any property or resource which may be within his . . . trust, or perform his . . . official duties, to secure a special privilege, benefit, or exemption for himself . . . or others.” Section 112.312(9) of the Florida Statutes defines “corruptly” as “done with a wrongful intent and for the purpose of obtaining . . . any benefit resulting from some act or omission of a public servant which is inconsistent with the proper performance of his or her public duties.”

The language of Section 112.313(6) differs from Article II, Section 8(h)(2) of the Florida Constitution in that the statute is triggered not only when a “disproportionate benefit” results from misconduct by a public officer or public employee, but when a “special privilege, benefit, or exemption” of “*any degree*” results.<sup>84</sup> Moreover, the language of the statute applies no matter who receives the “special privilege, benefit, or exemption,” while the Constitutional amendment applies only when a “disproportionate benefit” is received by the public officer.<sup>85</sup>

As detailed in the Gifts List, Governor DeSantis has directly and indirectly solicited and accepted a multitude of gifts premised on the understanding that he will run for president and, as required by law, ultimately submit his resignation as Governor of the State of Florida. Each of those gifts undoubtedly constitutes a “special privilege” or “benefit,” as those terms are used in Section 112.313(6) of the Florida Statutes. Moreover, it is clear that Governor DeSantis is leveraging his office, or as he calls himself, “America’s Governor,”<sup>86</sup> to benefit himself through book sales and solicit gifts to enrich organizations that will ultimately support his presidential campaign.

Troublingly, despite the millions of dollars being illegally gifted to Governor DeSantis and political groups who support his candidacy for President, Governor DeSantis is corruptly availing himself of Florida resources to ensure that those millions stay in his account and the accounts of those who support his national ambitions. Over the last eighteen months, Governor DeSantis made approximately fifteen out-of-state campaign trips accompanied by his official security detail.<sup>87</sup>

Because the benefits and savings arising from the illegal gifting scheme inure both to Governor DeSantis and to the organizations that support his shadow presidential campaign, and the costs were

---

register, has failed to submit a compensation report, has made a prohibited expenditure, or has knowingly submitted false information in any report or registration required in this section.” (emphasis added). In light of the foregoing allegations, the Commission must thoroughly investigate the aforementioned political committees and Governor DeSantis.

<sup>83</sup> The Florida Legislature proscribed harsh punishment for violators of Section 112.31485. Section 112.31485(3) provides for treble damages and personal liability for any entity or person (and their agents) that accept or make a gift in violation of Section 112.31485. Given the strong public interest in ensuring that elected officials do not receive gifts from political committees, the Commission should immediately investigate Governor DeSantis and the aforementioned political committees.

<sup>84</sup> See Fla. CEO No. 19-23 (Oct. 30, 2019) (emphasis added).

<sup>85</sup> *Id.*

<sup>86</sup> See discussion *supra* Argument Section 1, Part B.

<sup>87</sup> Sandoval, *supra* note 32.

apparently not reimbursed by the event sponsors,<sup>88</sup> the Commission must investigate Governor DeSantis's corrupt misuse of official resources.<sup>89</sup> Should the Commission find that a violation has occurred, it should impose penalties that include removing Governor DeSantis from office and disqualifying him from any future ballot in the State of Florida.<sup>90</sup>

#### IV. Governor DeSantis Violated Section 112.313(7).

Section 112.313(7) of the Florida Statutes prohibits Governor DeSantis from having “any . . . contractual relationship that will create a continuing or frequently recurring conflict between his . . . private interests and the performance of his . . . public duties or that would impede the full and faithful discharge of his . . . public duties.”

Governor DeSantis's book tour is conflicting with the exercise of his official duties. Governor DeSantis will be on his book tour for much of Florida's legislative session. With Governor DeSantis absent from Florida due to his book tour and shadow presidential campaign, the Commission must immediately investigate the terms of his contract with his publisher to ensure that such contractual relationship will not further conflict with the full and faithful discharge of his public duties.<sup>91</sup> If appropriate, the Commission should void his contract with the publisher.<sup>92</sup>

### CONCLUSION

An investigation by the Commission is mandated as soon as possible. This letter provides ample evidence that Governor DeSantis's and various political committees have engaged in conduct that violates Florida Ethics laws. No person is above the law, not even the Governor.

Sincerely,

Taylor Budowich  
*Prepared with the Assistance of Counsel*

<sup>88</sup> See Fla. CEO No. 08-26 (Oct. 22, 2008) (implying that taxpayer expenses associated with a government officer's travel for non-official purposes are not impermissible gifts only if the government is reimbursed) (citing Fla. CEO No. 92-12 (Mar. 6, 1992)).

<sup>89</sup> *Id.*

<sup>90</sup> See § 112.317, Fla. Stat. (2020).

<sup>91</sup> Ryan King, *DeSantis to barnstorm early primary states amid 2024 chatter*, WASHINGTON EXAMINER, Feb. 28, 2023, 3:45 PM, <https://www.washingtonexaminer.com/news/campaigns/desantis-barnstorm-battleground-states-2024-chatter>; Governor Ron DeSantis is Coming to Alabama, Alabama GOP, <https://algop.org/2023-algop-winter-dinner/> (last visited Mar. 10, 2023); Brianne Pfannenstiel, *Ron DeSantis makes his Iowa caucuses debut with stops March 10 in Des Moines, Davenport*, Des Moines Register (Mar. 10, 2023, 10:23 AM), <https://www.desmoinesregister.com/story/news/elections/presidential/caucus/2023/03/02/ron-desantis-announces-first-iowa-trip-for-2024-presidential-caucuses/69959827007/>; The Florida Blueprint, ft. special guest Gov. Ron DeSantis in Las Vegas, NV, Eventbrite, <https://www.eventbrite.com/e/the-florida-blueprint-ft-special-guest-gov-ron-desantis-in-las-vegas-nv-tickets-570854149127> (last visited Mar. 10, 2023); Speakers: Ron DeSantis, Pennsylvania Leadership Conference, <https://www.paleadershipconference.org/speakers-bios> (last visited Mar. 5, 2023).

<sup>92</sup> See § 112.31175(1)(b)(1), Fla. Stat. (2020).